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It is therefore recommended that the following classification be embodied in the Ordinance:-

commendation I.

(a) Preventive (- English Industrial) Schools for unconvicted boys under 14 living under such circumstances as would ordinarily conduce to crime, where they may be kept till the age of 16. This category would also include boys under 14 charged with, but not convicted of, penal offences.

(b) Reformatory Schools for boys under 14 who have been convicted of penal offences punishable with imprisonment, where they may be kept till the age of 16.

(c) Training Schools (run on the general lines of the Borstal Schools) for young persons convicted of penal offences, between the ages of 14 and 19, where they may be kept until 21.

If this Recommendation is accepted, it will involve an amendment of the definition of the term "young person" in the draft bill.

The conditions in Burma, according to Mr. Paterson's report appear to be somewhat similar to those that exist in Kenya today; and the young Burman described in those pages, seems to resemble the Kenya native in character and temperament.

67. In England the institution of reformatories for offenders over 21 is now under consideration ; and though the adoption of a similar step in Kenya is at present ruled out for financial reasons, there seems to be urgent need for the reformation of young persons over the age of 16 and under the age of 19, as this course would undoubtedly conduce in the long run to substantial economy. The extension of the age limit of boys liable to sentences of detention in a Reformatory from 16 to 19 is therefore strongly recommended.

68. Application of English Reformatory Methods

It is difficult, and could be foolish, to lay down that such and such a particular part of Borstal or other Reformatory training shall be applied and such avoided. The task of a Reformatory School is to train the character of the lads, to teach self-control, to instil healthy to take the place of unhealthy interests, to give him in fact a social conscience, and to add such training of brain and hand as will help to procure them a livelihood on discharge. An officer selected for his experience and success in Borstal institutions will, after some experience on the spot be able to judge what to do and what not do and detailed instructions in this regard are unnecessary.

69. Appended however are some draft regulations for procedure in regard to Reformatories which will be useful. They are a copy of the Regulations submitted in Mr. Patersons report, adapted to suit local conditions.

Rules under Juvenile Offenders Ordinance.

Transfer to a School.

I. On the committal of any young offender to a School, the Court shall forthwith inform, by telegram, the District Commissioner of such committal, and the name of the lock-up or jail, or in the case of those under 14 of the place of detention, when the offender is awaiting transfer.

The District Commissioner shall forthwith instruct the Superintendent of the lock-up, jail or place of detention as to the School to which the offender is to be sent, and it shall be the duty of the police of the district in which the jail or place of detention is situated, to provide an escort for the purpose without delay.

Classification.

II. The responsibility for deciding whether a boy or youth is committed to a Reformatory or Training School, and the period he shall spend there, rests in the first instance, with the Court.

III. Should the Head of the School consider that the interests of the School, or of any particular member of the School would best be served by his transfer to another School, he shall bring the matter to the notice of the Visiting Committee. In making recommendations for transfer each case must be considered on its merits, and adherence to exact age-limits, or to the technical status of boy or youth as a first or an habitual offender is not required if the advantage of all concerned can be served otherwise.

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II. The responsibility for deciding whether a boy or youth is committed to a Preventive, Reformatory or Training School, and the period he shall spend there, rests in the first instance, with the Court.

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Divisions of a  
School.

IV. Each School shall be divided into houses or terms or sections, and the Head of the School shall post each entrant to one or other of these divisions, which shall not be based on age or degree of delinquency. Every opportunity shall be given in work discipline and the other forms of training to encourage a healthy rivalry between these divisions. For this purpose, they should be fairly equal in the age of their members. The worst or more difficult members of the School should be put in one division.

The Grade  
System:

The boys in each School shall be divided into at least four grades. Newcomers will start in the ordinary grade, from which they may be promoted after a minimum period of six months to a special grade.

There shall also be a penal grade below the ordinary grade, to which they are reduced for idleness or misconduct for a period not exceeding one month. Finally there shall be in each division a certain number of leaders, chosen from the special grade, who shall as far as possible, be made to feel responsible for the good conduct of the other members of their division.

The privileges and responsibilities which shall mark these 4 grades shall be in accordance with a scheme which the Head of the School, in consultation with his staff, shall frame, and which shall not be put into operation until it has received the approval of the Visiting Committee, and the sanction of the District Commissioner. Similar measures shall be taken for any alteration of the scheme.

Promotion



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Promotion

Promotion from one grade to another shall only be gained by positive merit in work or any other branch of the training, and shall be made by the Head of the School, after consultation with the officers in charge of divisions. For these and other purposes the Head and the officers in charge of divisions, shall form themselves into a school board, which shall meet at least once a week. Reduction in grade can only be made by the Head of the School.

Employment.

VI. Each new arrival at a School shall be examined with a view to discovering his physical fitness, his mental efficiency, and his capacity and taste for different forms of employment. He shall then be allotted by the Head to the employment which after examination appears to be the most appropriate for him in the School, and this shall not be changed without the consent of the Head.

The amount of work done by each shall never, save in case of illness be less than eight hours on every working day. The Head shall decide how many holidays there shall be in each year. Work shall be the paramount feature of the training programme, and no other occupation, save the exercise of religious duties, shall interfere with it. While everything possible shall <sup>be done to</sup> make the members of each party take an intelligent interest in their work, the primary necessity is that each one should work steadily, whether the task be congenial or uncongenial.

Discipline.

VII. Minor offences shall be dealt with by the officer in charge of each division, who shall have

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have power to inflict minor punishments, such as the withdrawal of the lesser privileges and the imposition of extra fatigue duties. In such cases an appeal may be made to the Head, and if the offence appears to the officer to be of a more serious character, he shall report it to the Head, who shall hear the statement, and any other evidence, in the presence of the accused. The Head shall have power to deprive the accused, if found guilty, of any privileges he may have earned, to order his reduction in grade for such period as he thinks fit, or his detention in solitary confinement together with such punitive tasks as may be prescribed by the Local rules for a period not exceeding one month. He shall also have power, in the case of grave offences against good order and discipline, to order the offender to receive corporal punishment with a cane, the maximum penalty being 12 strokes for those under 16 years of age, and 24 strokes for those over 16. The Head and the Medical Officer shall both be present at the infliction of the punishment. A return of all punishments shall be submitted monthly to the Government, and shall be scrutinized at each meeting of the Visiting Committee.

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attend within 24 hours after learning that his presence is required. He will attend school if anyone is sufficiently ill to need his services. If an operation is necessary, arrangements will be made for the case to be transferred to the Civil Hospital, and on reaching a stage of convalescence the patient will return to the School; his period in Hospital counting as part of his sentence.

IX. The Head will arrange for classes to be held on every working day in such subjects as his staff can teach and as appear suitable to the mentality of the lads. The basis of the education will necessarily be a practical nature. Handicrafts will be encouraged together with a practical understanding of the everyday concerns of life, and a study of the geography and history of their own country.

X. A careful record shall be kept of each member of the School containing:

- (a) the facts known of his career before coming to the School.
- (b) the dates of his promotion to or reduction from the different grades.
- (c) a note of any punishments.
- (d) monthly reports of those under whom he has worked and by whom he has been taught.
- (e) all medical particulars.
- (f) the decisions of the School Board as to his fitness for discharge on licence.
- (g) Any other correspondence or papers relating

relating to him.

XI. The Visiting Committee shall consist of not less than twelve persons, and shall be appointed by the Governor for a period of three years. In the case of resignation, an interim appointment shall be made by the Governor till the end of the triennium. The Committee shall meet quarterly at the School and shall elect its Chairman and Vice-Chairman. The travelling expenses of the Committee shall be defrayed by the Government. ~~Five~~ members of the Committee shall form a sufficient quorum for the transaction of business.

XII. The duties of the Committee shall be:

(a) to visit the School at any time and satisfy themselves that the members of the School are being properly trained, are working hard and obeying orders; that they are properly fed and clothed, and cared for in body and mind; that the premises of the school are clean and healthy, and that the staff are performing their duties as they should.

(b) To report annually to the ~~Head~~ <sup>or the</sup> Provincial Commissioner / District Commissioner on the progress of the School, making such suggestions for the improvement of training as they think fit, and to report at any time on any matter which they think should receive the attention of the Provincial Commissioner or District Commissioner.

(c) to hear any application any member of the School may wish to make to them, discuss them with the Head of the School, and if they consider necessary, report them to the Provincial Commissioner or District Commissioner.

(d) to make recommendations to the Provincial

Provincial Commissioner as to the desirability  
District Commissioner

of transferring a boy to another School, or of discharging him on license.

(e) to scrutinize the punishments awarded since their last meeting.

The powers of the Committee shall be --

(a) to have access to any part of the School at any time.

(b) to see and talk to any member of the School.

(c) to see any papers relating to any member of the School.

III. The members of the school shall be allowed to receive visits or letters from their friends and families, and to write letters to them, in accordance with the scheme of privileges referred to in the <sup>paragraph</sup> fifth of these regulations.

XIV. When a member of the School has served for one continuous year in the Special Grade, the School Board shall be in to consider whether he is fit for discharge on license. They will try to form an opinion whether the good conduct and industry he has shown in the School is likely to be continued in the freedom of life outside the School or whether a further period of training is advisable. The Head will consult the other members of the Board, but his decision will always be final. If on the first decision it is decided not to recommend the case for license,



it will be reconsidered subsequently every three months. In the meantime, the Head will depute one of his staff to ascertain the prospects of the boy on release, and will endeavour to find some responsible person who will supervise him while on license. When the fitness of the boy is ascertained for discharge, and the details of his disposal are agreed, the case will be put before the visiting Committee at their next meeting, and their recommendation forwarded to the Local Government. If the Local Government orders discharge on license, the boy shall be provided with his clothes, a ticket for his journey, sufficient cash for his maintenance thereon, and a copy of his license (c.f. form below) with letter paper stamped envelope. If able to write, he should be encouraged to inform the School of his doings on discharge.

In exceptional cases a member of the School may be discharged on license, after completing a minimum period of six months.

XV. Should the Provincial Commissioner  
District Commissioner

on obtaining reliable information from any responsible source to the effect that a lad has broken any of the conditions of his license, decides to revoke the license, the boy may be arrested without a warrant or appearance in Court. The Provincial Commissioner will have regard to District Commissioner the merits of each case, in deciding whether he shall be sent to a jail for a term not greater than

the

the unexpired portion of his license, or to a school for such period as may afterwards be decided in accordance with the recommendations of the School authorities. If the latter course be chosen, he will first spend one month in the penal grade, and the question of relicensing him will be considered after he has completed 3 months at the School.

Form of License

..... day of ...

The Provincial Commissioner, in  
District Commissioner,

pursuance of the powers conferred upon him by the Juvenile Offenders Ordinance of 1932 does by this license allow .... who at the ... Court held on the ... of ..... 19.. was found guilty of ..... and sentenced to ..... in a ..... School, and is now detained at the ..... School, to be discharged from the said School, within thirty days from the date hereof, on condition that he places himself under the care, supervision and authority of ..... of ..... until the expiration of his license on the ..... day of 19 ..... unless in the meantime the Provincial Commissioner  
District Commissioner shall alter, amend or revoke his license.

..... Provincial Commissioner  
District Commissioner.

Conditions.

(To be printed in Swahili on the inverse side

of

of the license and explained to the holder thereof before discharge).

To .....

(1) You will go with new clothes, railway ticket and shillings ..... to ..... of ..... and tell him you have come from the School.

(2) You will live where he tells you to live, and do the work he tells you to do. You will treat him as a friend who is trying to help you.

(3) You will not commit any crime against the law, or have as your companions those who are breaking the law.

(4) If you break any of these rules you will be sent back to the School or to jail, and may be kept there till .....

(5) If you are unhappy or in any difficulty write to the Head of the School on this piece of paper.

.....  
Signature of holder of license.

Visiting Committee.

It will be noted that rules for the appointment of a strong visiting Committee are included. The present Committee of the Kabete Reformatory meets only once in 6 months and the need for strengthening its powers and increasing the number of its meetings seem urgent, if it is to perform its supervisory functions efficiently.

NOTE.

Medical

Medical Examination.

The importance of careful medical examination of juvenile delinquents need not be emphasized. To the ordinary Medical Examination a psycho analytic one by Dr. Gordon might usefully be added.

70.

After-care of young offenders.

The more difficult time for young offenders is when they emerge from a Prison or Reformatory and are compelled to stand for themselves. In a number of cases it is possible for them to return to their homes in the Reserve, where, however, they are often unwelcome, and whence they tend to drift back to the towns; but in many cases they are compelled, through inability to find work, exposure to temptation, and the absence of any organization to help them, to revert to a life of crime.

It is here that the Probation Officer, who is provided for under the Juvenile Offenders' Bill, will serve a useful purpose. Under the Borstal system Borstal Associates, who are usually Probation Officers also, perform this service, discharged boys being licensed to the Borstal Association.

It is therefore recommended:-

71.  
Recommendation.  
II.

That Section 9 of the Juvenile Offenders Bill be so amended as to include within the functions of a Probation Officer the after-care of boys licensed to his charge after release from Preventive, Reformatory or Training School.

45.

Some such clause as the following might be added:-  
 "Whenever anyone is discharged on license from any of the Schools mentioned in the foregoing parts of the Ordinance, the Magistrate or District Commissioner concerned shall arrange that he be discharged to the care either of a Probation Officer or of someone who will be interested in his future welfare".

The District Commissioner or Magistrate shall require such Probation Officer to submit a report on each person under his care not later than once in six months.

72. Financing of Industrial and Reformatory Schools.

It is suggested that Local Native Councils should be asked to contribute towards the cost of maintaining Industrial Schools, which would normally receive children who are not hardened criminals.

Reformatory and Training Schools would seem to be more properly a charge against State funds.

73. Officer required for the post of Reformatory Superintendent.

By visits to the Borstal Institutions and many conversations with leading officers have convinced me that an officer about 30 years of age, trained in one or other of the Borstal Institutions, would be ideally suited for the post of Superintendent of the Kenya Reformatory, or for the Training School, if one such were established, for juvenile offenders over the age of 16.

The type of man needed is one, with academic qualifications if possible, though this is of minor importance and possessed of sympathy with and tact in handling boys. I have seen one or two such officers, graduates of Oxford and Cambridge, who would be eminently suitable. A Borstal Officer was sent to Burma to inaugurate the system there. It is recommended that the Secretary of State be asked to arrange with the Home Office for such an officer to be selected and appointed after approval by the Kenya Government.

Recommendation  
No. III.

74.  
Staff.

It is essential that the Superintendent of the Reformatory should have at least two junior assistants of similar status to himself and trained in Borstal methods, so as to be free from routine and thus able to devote himself to the organization of the welfare, social and moral, of the boys.

He would in addition have the usual staff of European instructors for the various branches of industrial work. The senior assistant would act in the Superintendent's absence and preserve continuity of policy.

It would be necessary for the new Superintendent and his assistant to obtain experience of the natives before taking up their duties at the Reformatory. Such experience would be most usefully acquired by serving as administrative officer under a district commissioner in a Native Reserve and during a tour or portion thereof. This will enable

them to obtain a good knowledge of Swahili, without which any attempt to train the native is doomed to failure. It would also give them time to gain some experience of native customs.

75. Failing this it is suggested that a junior administrative officer of proved capacity be seconded to the post of Superintendent of the Reformatory, and that he be sent as assistant house-master to one of the Borstal institutions in England for a period of six months to familiarize himself with the methods there pursued. The same procedure could be adopted for the two assistants, if their appointment is approved, and administrative officers could be spared for the purpose.

76

It is considered that the procedure advocated in paragraphs 75 and 76 above will produce the best results, because the officer who has joined a Borstal Reformatory as a vocation is more likely to be successful in tackling the Kenya problem than one however capable, who has been seconded for that purpose from the Administration.

The number of assistants is large but not excessive. They would correspond in status to a house-master in an English institution, who each have about 80 boys under their charge, and, though helped by an assistant House-master, have their hands full.

The salary should be such as would attract good men from England. The Governor of a Borstal Institution

there

there receives £446 which with bonus added is equivalent to £534. He is also entitled to quarters. It is recommended that the salary attached to the post of Superintendent in Kenya be fixed by increments of £20 to £900 and of Assistant Superintendents by annual increments to £328.

**Recommendation. IV.**

**77. Field Officers.**

In England the type of man selected for these posts in Borstal institutions is that of a professional sergeant. They correspond to the warden in the Kenya Refformatory. I was told that there is a big demand for the job, and that in most cases these officers are excellent. If found unsuitable they are ruthlessly discharged. The question of increasing the emoluments of the Kenya native warden is no doubt under consideration. It is probable that by this means a better stamp of man could be recruited than has been the experience in the past.

**78.**

**Institution and building of the Training School.**

If it is decided to institute a Training School for young criminals over 16 and under 21 years old, the following procedure is recommended.

It has been successfully tried at Lowdham Grange near Nottingham, and was recommended for trial in Burma. If the Government were to build a large Training School with unpaid labour, it would

commit



commit itself to a heavy initial expense, and would find it difficult to withdraw, were the experiment a failure i.e. if a large gang of convicts or Reformatory boys were taken out to camp life for the purpose. If, however, a beginning were made on a small scale and a few reformatory boys were taken to the building site, together with a sprinkling of artisans from the Native Industrial Training Dept and Alliance High School, the number being gradually increased by batches until the full complement required was reached, the project would have a certainty of success. In this way the work of construction would be taught in the field, and the boys given that experience of freedom and trust, which is so essential for the development of character. The initial gang would of course consist of selected boys working under the direct supervision of a senior European Officer and one or two chosen instructors.

79.

At Lowdham Grange, the procedure outlined has been and is being followed with remarkable success. 43 boys chosen from the various institutions, marched from Feltham to Lowdham a distance of 9 days, under charge of their officers and were installed in tents on the new site. They at once commenced building the new Institution, and during the 2 years some splendid buildings have been erected at a very low cost.

There

There is enough work left before the whole scheme is completed to keep the boys employed for about 10 years; meanwhile they are being trained under ideal conditions for the straightening, re-education and transformation from criminals into law-abiding citizens.

60.  
Conclusion.

The foregoing recommendations are an attempt to apply the splendid ideals as practiced in Reformatory Institutions in England to Kenya natives. Critics will say with some plausibility, that the African mentality is too low, his moral horizon too limited, for him to respond to improvement influences, if pitched on too high a plane. Our hope lies in the natural trust of the African boy or man in the European. His natural response will be stronger and better, and his sense of imitation and I believe our hope will not be disappointed. If we advance boldly, only tempering our boldness with the caution necessitated by a knowledge of African character and African conditions.