

**UNIVERSITY OF NAIROBI**  
**FACULTY OF ARTS**  
**DEPARTMENT OF SOCIOLOGY**

**THE IMPACT OF PRISON REFORMS ON THE INMATE REHABILITATION  
PROGRAMS IN KENYA: A CASE STUDY OF KAMITI AND LANGATA  
PRISONS.**

**PRESENTED BY:**

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REQUIREMENTS FOR THE AWARD OF DEGREE OF MASTER OF ARTS IN  
CRIMINOLOGY AND SOCIAL ORDER.**

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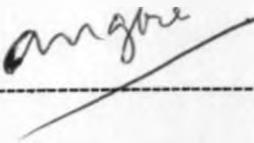


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## DECLARATION BY CANDIDATE

This research is my own original work and has not been presented for a degree qualification in this or any other University or institution of learning.

Signed



Date

19.11.2009

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## DECLARATION BY THE SUPERVISOR

This Research has been submitted for examination with my approval as the University supervisor

Signed



Date

24/11/2009

Dr. M. CHEPKONGA

**DEDICATION**

I dedicate this work to my loving wife Ann, my children Silvia, Martin, Charles, Mandela, Kaiser, Simon and John.

## **ABBREVIATIONS AND ACRONYMS**

<b>AI</b>	Amnesty International
<b>CAP 90</b>	Prisons Service Parliamentary Act
<b>CP</b>	The Commissioner of Prisons
<b>CSO</b>	Community Service Order
<b>GJLOS</b>	Government, Justice, Law and Order Sector
<b>GOK</b>	Government of Kenya
<b>KPSSO</b>	Kenya Prisons Standing Orders
<b>KPS</b>	Kenya Prisons Service
<b>KPSP</b>	Kenya Prisons Strategic Plan
<b>PRI</b>	Penal Reform International
<b>KNCHR</b>	Kenya National Commission for Human Rights
<b>LRF</b>	Legal Resource Foundation
<b>STM RTP</b>	Standard Minimum Rules for the Treatment of Prisoners

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## ABSTRACT

This study set to find out the impact of prison reforms on the inmate rehabilitation programs in Kenya. It took a case study of Langata and Kamiti prisons.

Kenya prisons service is reported to have undertaken reforms since the year 2001. However, no study has been undertaken to ascertain the impact of the reforms on the rehabilitation programs. The objectives of this study were to determine the existing rehabilitation programs in Kenya Prisons Service, to establish the reforms which have taken place, the impact of the reforms and suggested reforms.

The literature review covered the inmate rehabilitation programs, prison reforms, their impact on programs and suggested reforms. The review covered cases from the global level, Africa and Kenya. The research applied Differential Opportunity theory, the psychological theories and the Structural Functionalist theory to guide the study.

The research sites were Langata Women and Kamiti Main Prisons. A total of 104 respondents were interviewed including 53 prison officers who were employed before the year 2001 and 51 inmates who have continuously or variously served sentences of imprisonment since the year 2001.

The study applied both qualitative and quantitative research methods through use of questionnaire, interviews and observations. Data analysis applied the statistical package for social scientists (SPSS) most specifically descriptive statistics.

Some of the key findings include the following; there are rehabilitation programs existing within the prison service; reforms which have taken place, though appreciated by stakeholders, they are minimal and the department needs to put more efforts to realize a good spirit which has been noted.

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## **CHAPTER ONE: INTRODUCTION**

### **1.1 Background to the Study**

Imprisonment as a form of punishment evolved from the middle of the eighteenth century. Hitherto, prisons were used primarily as places where people were held awaiting trial, execution, deportation or payment of debts. However, during the “enlightenment” period, high value was placed on freedom that its denial was viewed as very painful. Moreover, it came to be realized that the brutality meted out to criminals as punishment never deterred them from committing crime (Mushanga 1985).

According to Barbara Hudson (in Maguire, Morgan and Reiner 2001), the 200 years from the middle of the eighteenth century is seen as a distinct period of penal modernism, a period characterized by two linked phenomena- the emergence of imprisonment as the main form of punishment for routine crimes and a penal goal of bringing about change in the offender, and the use of the emergent human/social sciences to that end. Thus imprisonment was to be used as a custodial, rehabilitation and reformation measure.

Imprisonment was introduced in Africa by Europeans during colonialism as a tool to muzzle natives to submission for easy governance and exploitation. In Kenya the prisons system was introduced by the British East Africa Protectorate with the enactment of East Africa Prisons Regulations No. 12/1902 of April, 1902.

Hitherto, local communities in Kenya relied on traditional forms of penal punishment. For instance, payment of fines, compensation and reconciliation was regularly applied for offenses committed among the kikuyu and Gusii communities (Kenyatta, 1990; Kaiser, 2003).

The colonial Prison system was oppressive, punitive and racial based on pure law and order. For instance during the fight for independence, the colonial Government declared a state of emergency in 1952 which saw the deterioration of the treatment of

prisoners. In 1954, 622 prisoners were executed, 605 of them being freedom fighters. In 1955 there were 230 executions out of which 221 were freedom fighters and in 1956, a total of 99 freedom fighters were executed (Elkins 2005; Abreo 1972).

This harsh treatment of prisoners resulted in 8 serious violent incidences in penal institutions in 1957 leaving several staff casualties behind. The climax of ill-treatment came in 1959 with the "Hola Tragedy" in which 11 Mau Mau emergency detainees died as a result of ill-treatment at the hands of Prison Administration (KNCHR, 2005).

Upon attaining independence, the Government took keen interest on prisoners' conditions while in prison. The management of prisons took a somewhat different dimension with unfulfilled intentions of reforming the prison conditions. For instance the enactment of Chapter 90 and 92 to establish the Kenya Prisons and the Borstal Institutions respectively aimed at transforming prisons from places of punishment to places where offenders could be reformed. The laws are based on upholding the human dignity and influencing the offenders to refrain from their criminal acts (Chapter 90 and 92 Laws of Kenya). But even with these laws enacted nothing much was realized in terms of reforming prisons in Kenya. Prisons continued operating as closed institutions with opaque operational procedures and virtually no access to human rights watchdogs and media bodies (Howard League for Penal Reform, 2006).

This situation attracted public attention from human rights watchdogs like the Penal Reform International, non-governmental organizations and other stakeholders who consistently accused the Kenya government of for failing to protect the lives of Kenyans in its custody; for torturing inmates to death; allowing scores to die as a result of ill treatment as well as cruel and inhumane degrading conditions of prisons (PRI & KPS, 2002).

Kenya Prisons is currently a Government department in the Office of the Vice President and Ministry of Home Affairs, administered by the Commissioner of Prisons answerable to the Permanent Secretary in the Ministry, assisted by Provincial Prisons Commanders who co-ordinate activities at the Provincial level and the officers-in-charge who administer the roles of the institutions at the District level.

The staffs are uniformed under a command system of administration. While prison officers career progression is in ranks beginning from the lowest warder/wardress rank and the highest being the Commissioner of Prisons, the inmates progress in a stage assigned with specific privileges starting from stage two, three, four and the trustee which is the highest. The career progression system is intended to influence good behaviour within the prison.

There are 93 penal institutions in Kenya categorized depended on the danger posed by the inmates kept therein. Thus prisons in Kenya are categorized to Maximum, Medium and Open Air Security Prisons (KPSSO 1976; Adler & Fred 1995).

Kenyan prisons hold both convicted and unconvicted prisoners. The former include prisoners serving a jail term passed by a lawful court or court martial while the latter include parsons on remand or awaiting trial and civil debtors (Chapter 90 laws of Kenya, 1977 Rev.). There is an average population of 50,000 inmates contained in 93 institutions spread throughout the Country (KPS, 2008). The study will focus on convicted prisoners who according to Chapter 90 of the Laws of Kenya, are required to be placed under rehabilitation programs.

The main purpose of imprisonment is to keep prisoners under lawful custody for purposes of rehabilitating and reforming them. In fact the Kenya Prisons Mission statement reads; "To contain offenders in humane and safe conditions in order to facilitate responsive administration of justice, rehabilitation, social reintegration and communitary protection". Once this is achieved then the service will have attained its vision which is to be "A correctional service of excellence in Africa and beyond". (KPSSP, 2005-2009).

In the year 2001, the Kenya prisons service introduced an 'open door policy' which allowed oversight bodies to check on what was happening in prisons with the intention of pushing for reforms to improve prison conditions in Kenya. This was followed by the Kenya Prison Department organizing for a round table conference from 14<sup>th</sup> to 16<sup>th</sup> October, 2001 at the Mountain Lodge Nyeri to chart the way forward in reforming prisons in Kenya (KPS & PRI, 2001). Among the key recommendations of the conference were decongesting prisons; improving conditions in prisons in terms

of improved diet, bedding, clothing health facilities recreational facilities and sanitation (KPS & PRI, 2001).

However, there is debate as to whether indeed these reforms have taken place since according to reports by the Amnesty International (AI) (2005) and the Kenya National Commission on Human Rights (KNCHR) (2004), conditions in Kenyan prison are still wanting. Yet on the other hand, there is debate that prison reforms have impacted both negatively and positively on rehabilitation programs in general and vocational training in particular.

It is against this background that this study sought to find out the existing rehabilitation programs, the nature of reforms undertaken, how the reforms have impacted on rehabilitation programs and suggested improvements.

### **1.2 Statement of the Problem.**

World over, prisons are meant to be places where criminals are reformed to become law abiding. This requires prisoners to be kept in humane living conditions so as to participate in rehabilitation programs which ought to be developed by prison authorities. However, prisons are said to fail in their core function of rehabilitating criminals due to the overcrowding, cruelty and conditions of captivity that exist therein (Alper 1974; Abreo 1972; Rutere 2003; Davies, 1974).

In the year 2001, Kenyan prisons reportedly embarked on reforming prison conditions first through opening up the prisons to oversight bodies that have pushed for reforms. However, there is conflicting information where some Human Rights activist bodies (AI 2002; KNCHR, 2004) argue that little or no reforms have been realized versus members of the public who argue that prisons have reformed so much so that it has impacted negatively on rehabilitation programs within the prisons.

On the other hand, in April, 2008, prison warders staged countrywide protests in spite of the reported reforms in prisons in Kenya (Daily Nation, April 30<sup>th</sup> 2008). An investigative Report by a High Level Committee on the Prison Crisis (July, 2008) led by Hon. Maj. (Rtd) Marsden Madoka indicates a long list of ills including overcrowding, rotteness, omissions, commissions, indiscipline, diseases, squalor,

ineptitude, and modern slavery. It portrays prisons as a wild jungle in which prison staff in general and senior officers in particular, have literally run amok.

Yet at the same time, Prison officers are on record as stating that the reforms have fostered close working relations with other players leading to diversified and improved rehabilitation programs. There was need therefore to ascertain to what extent prisons in Kenya have reformed.

Another compelling reason for this research was that, since the inception of these reforms, there is little documented evidence on the impact being made other than the status survey done by KNCHR between 2003-2004.

This study therefore sought to establish the reforms undertaken by the Kenya prisons service since 2001 to 2008 and how they have impacted on the service in general and inmates' rehabilitation programs in particular.

This study was therefore guided by the following research questions:

### **1.3 Key Research questions**

1. Which inmate rehabilitation programs exist in Kenya Prisons Service?
1. Which reforms have been undertaken between 2001-2008?
2. What is the impact of the prison reforms on the inmates' rehabilitation programmes?
3. What are the suggested reforms to improve the inmates' rehabilitation programmes?

### **1.4 Objectives of the study**

The study aimed to meet the following objectives:

#### **Broad objective**

To establish the impact of prison reforms on the inmates' rehabilitation programs in Kenya.

## **Specific objectives**

1. To determine the existing inmate rehabilitation programs in Kenya.
2. To establish the reforms undertaken by the prisons service in Kenya between the years 2001 to 2008.
3. To establish the impact of reforms on the inmate rehabilitation programs.
4. To determine the suggested reforms to improve the inmate rehabilitation programs.

### **1.4 Justification of the Study**

The concept of reform is defined as 'the substitution of the will to do right for a will to do wrong'. This is said 'to come from something inside the man' which 'can be reached by the right personal influences'. The purpose of rehabilitation programs, training and treatment of inmates seeks to provide a background of conditions favourable to reform, to establish in them the will to lead a good and useful life on discharge ( Fox (1952; Cap 90 Laws of Kenya, 1967 Rev.). Therefore this study will contribute to reformed persons free of criminal attitudes hence contributing to a better public safety.

Reports indicate that the Kenya prisons service has undertaken reforms to improve imprisonment conditions (LRF, 2007). However, according to some oversight bodies (AI, 2005; KNCHR, 2004) those reforms in Kenyan prisons are still wanting. This leaves the whole issue speculative as no studies have been carried out to establish the impact of reforms, specifically as regards to rehabilitation programs. The outcome of this study will inform the policy on reforms, rehabilitation programs and inmate rehabilitation in general and a reduced recidivism.

According to Davies, 1974, penal institutions have not been keen at incorporating inmates in their reforms yet for the sustainability of such reforms, the inmates views ought to be considered since they are the ultimate consumers of these reforms. This study therefore sought to establish the inmates' feelings about the reforms and grant them an opportunity to participate in the reforms hence making the reforms relevant and sustainable.

After establishing to what extent reforms have been undertaken in the Kenya prisons and how they have impacted on the system in general and on rehabilitation programs in particular, findings of this study will assist in shaping the reforms to be undertaken by the prisons department which will eventually lead to the improvement of inmates' rehabilitation programs. Consequently this will improve the rehabilitation of inmates leading to reduced recidivism. This in the long run will reduce the number of criminals in the society hence making it a safe place to live.

Findings of this study have also contributed towards the expansion of existing academic knowledge on the impact of reforms on inmates' rehabilitation programs hence their actual reformation.

### **1.5 Scope and Limitations of the Study**

The study focused on the reforms made so far in the Kenyan prisons and the impact they have had on rehabilitation programs. The study was limited to inmate rehabilitation programs. The site of study was Kamiti and Langata Prisons in Nairobi. The study targeted a sample size of 104 comprising of 51 inmates and 53 members of staff.

The study focused on the impact of reforms in the inmate rehabilitation programs since it is the most important component in the rehabilitation process of inmates. Kamiti and Langata prisons were chosen for easy access. The sample comprised of inmates who were in prison before and during the reform period.

Due to the Geographical limitations, and the limited sample size, the findings may not be generalized to the entire prison service. However, given that prison reforms and rehabilitation programs are a Government policy, what is found in one prison is likely to be a replica of what is found in other prisons hence making generalization possible.

### **1.6 List of Key Terms and Concepts**

**Prison Reforms** – Refers to the attempt to improve Prison conditions aiming at a more effective penal system, (Wikipedia Encyclopaedia, 2007). It implies the changing of old practice and work processes to achieve dramatic improvement in

critical measures of performance. The voluntary, self initiated transformation of an individual, lacking in social or vocational skills, into a productive, normally functioning citizen (Adler, 1995).

**Open Door Policy** – Refers to opening up Prison operations to scrutiny by civil society organizations and the members of the public.

**Rehabilitation** – Has been broadly defined as the result of any social or psychological intervention intended to reduce the offenders further criminal activity (L. Sechrest, S.O. White, and E.D. Brown, eds. 1979).

**Accommodation** – This refers to either wards or houses where inmates or warders live.

**Warder** – refers to a Prison Officer who is charged with the responsibility of guarding and rehabilitating inmates.

**Prison Stakeholders** – These refers to members or civil society organizations that either work closely or in conjunction with the Prison Department. Some of these include; the Kenya Human Rights, the Probation Department, and the Legal Resource Foundation.

**Inmates** – Persons held in serving a sentence of imprisonment and undergoing treatment.

**Maximum Security Prison** – Prisons are designed to hold the most dangerous and aggressive inmates. They have high concrete walls or double-perimeter fences, gun towers with armed guards.

**Medium Security** – Prisons house inmates who are considered less dangerous or escape-prone than those in maximum security facilities. These less imposing structures typically have no outside wall, only a series of fences. Many medium security inmates are housed in dormitories referred as wards rather than cells.

**Open Air or Minimum Security** – Prisons hold inmates who are considered the lowest security risks. Very often these institutions operate with less armed guards and without perimeter walls or fences. The typical inmate in such institutions is proved to be trustworthy in the correctional setting, is non-violent, and/or is serving a short prison term (KPSSO, 1976; Alder, Fred 1995).

**Changes in prison conditions-** These include all alterations in the working and living conditions of both members of staff and inmates. They include accommodation, bedding, clothing sanitation and salaries (for staff).

## **CHAPTER 2: LITERATURE REVIEW**

### **2.0 Introduction**

This chapter reviewed literature on the existing inmate rehabilitation programs in penal institutions; the prison reforms; the impact of the reforms on the general prison conditions and specifically on the rehabilitation programs; suggested reforms; the theoretical and conceptual framework.

The review included literature on the developed world such as England, America and Australia, some developing countries of Africa such as Nigeria, Zambia, Zimbabwe Uganda and the Kenyan situation. The review identified knowledge gaps which formed the basis of this research.

### **2.1 Inmate Rehabilitation Programs.**

According to Sutherland (1970), a rehabilitation program is a scientific technique for the modification of attitudes. Its objective in corrections is to change inmates so that they will no longer be law breakers. It is to be induced through a friendly admonition and encouragement, by relieving emotional tension, stimulating the inmates' self respect and ambition, by establishing a professional relationship with them, by encouraging them to have insight into the basis of their maladjustment. It is however not known how these things are accomplished and, more significantly, how or whether, they work to rehabilitate criminals. Cressey (1961) further states that it has been difficult for treatment organisations to define and identify rehabilitation techniques and even more difficult to measure the effectiveness of such techniques.

Inmate rehabilitation programs are a major component of the inmate rehabilitation process. According to Secrest & Brown (1979), rehabilitation has been broadly defined as the result of any social or psychological intervention intended to reduce an offender's further criminal activity. By this standard, the true test of success is the non-involvement in crime following participation in an intervention program. Supporters of rehabilitation hope to see lower recidivism rates, while those who seek warehousing of inmates anticipate no such change.

Blom – Cooper (1974) says that the inmate rehabilitation programs, though not the legitimate objective of imprisonment, it is the current overall primary task and only justification of the prison system. It is here implied that the role of inmate rehabilitation programs is very fundamental to the rehabilitation of offenders.

Three types of inmate rehabilitation programs are typically in use in England, America and Africa. These are; Psychological (psychotherapy and behaviour therapy), educational (general diploma and adult education classes), and vocational (for example getting job skills in areas such as food preparation, art craft, beauty, farm and industrial training). Recreational programs though not directly linked to rehabilitation process, they tend to help inmates feel relaxed by reducing tensions related to imprisonment and therefore contributes to effective rehabilitation (Adler, 1995; Bohm & Haley, 1999; KNCHR, 2005).

### **2.1.1 Counselling and Therapy Programs.**

According to Bohm & Haley (1999), counselling and therapy services in American penal institutions are done by case workers, religious counsellors, social workers, psychologists, and psychiatrists.

The staff usually conducts group or individual counselling. Group counselling is popular in the institutional settings primarily because it is more economical and there are large numbers of inmates who share similar backgrounds and problems particularly those involving inmates who are defensive, manipulative and prone to denying their problems. Individual counselling involve one- on- one interaction between an inmate and a counsellor appropriate for inmates with deep-seated problems who will require long term help.

Other approaches are milieu therapy and crisis intervention. Milieu therapy is a variant of group therapy that encompasses the total living environment so that the environment continually encourages positive behavioural change. Crisis intervention involves a counsellor's effort to address some crisis in an inmate's life and to calm the inmate (Gibson, Mitchell, & Bastilles, 1993; Robert & Gibson, 2006).

As far back as 539 in England and America, Church members considered it an obligation to visit and conduct social and counselling for those in prison including giving consolation to inmates condemned to death a situation still going on (Wines, 1895; Kuether, 1951; Tappan, 1968).

The early prison chaplains worked under poor circumstances and were often thwarted in their efforts by prison administrators who considered them a hindrance to prison operations. Thus, early prisons usually failed to attract a high calibre of chaplain (Ira J. & Manuel, 1996).

In Zimbabwe, the public and NGOs are allowed to participate in counselling services which has contributed to a reduction in recidivism rates and overcrowding in Zimbabwe prisons (G.O.K. & PRI, 2005).

In Kenya there are no systematic counselling programs provided for the prisons service, due to lack of funding. Even though prisons chaplaincy and welfare services are supposed to play this role, inadequate personnel have limited the capacity for delivery of counselling services (KNCHR, 2005; KPSP 2005-2009).

### **2.1.2. Educational Programs**

Daniel N. Sifuna (1990), defined education as the 'whole process by which one generation transmits one culture to the succeeding generation' or better still as a process by which people are prepared to live effectively and efficiently in their environment'. Jacques Maritain expressed the same idea more romantically: 'The education of man is a human awakening - its aim is to guide man, in the evolving dynamism through which he shapes himself as a human person, armed with knowledge, strength of judgment and moral virtues.

The critical need for education programs in prison is evidenced by the fact that, depending on how literacy is defined, from 40% to 75% of the prison population is functionally illiterate compared with about 25% of the free adult population (Ryan, 1990; Tracey, 1993).

In the United States of America, the inmates' education is provided by the established National Literacy Act. Open systems enable one - to- one inmate peer- tutoring and volunteer tutoring which often supplement classroom work when funds are scarce, or to reach inmates who will not attend school (Wolford, 19870). Many local organizations, such as religious groups, also furnish tutors to assist inmates (Tracey, 1993).

Educational programs though were focused on passing the educational tests and certificate award, they were also broad based. According to Johnson, (1993), many uneducated inmates received GED (General Equivalence Diploma).

In England there are educational programs. What set the limits upon educational activity, however, is not a shortage of teachers but the competing demands of custody the numerous bureaucratic controls over the supplies of materials and books and of the allocation of accommodation (Terres & Pauline, 1963).

In Tanzania Prisons, the inmates participate in educational programs up to University level and are allowed to sit for exams in conjunction with the public institutions. (The Standard Newspapers 5<sup>th</sup> Nov. 2007).

In Kenya prison officers are expected to educate inmates by being role models so that they can enlist inmates' willing cooperation, maintain discipline and order with fairness but firmness in order to ensure a well ordered community life (CAP, 90 Laws of Kenya 1977 Rev.)

However, there exists little literature on the status of education in Kenyan Prisons prior to 2003 (KNCHR, 2005). Education for offenders has immensely benefited from the open door policy in the post 2003 period in Kenya. The Prisons are offering primary, secondary and post secondary education in conjunction with public universities and the civil society. The supply of materials and books depends on the donors and no government provisions are made in the budget (KNCHR, 2005; Daily Nation News Papers, Feb. 28<sup>th</sup>, 2007; Dec. 22<sup>nd</sup>, 2007; April, 10<sup>th</sup>, 2008).

### **2.1.3 Vocational Training**

According to Simms, Farley and Littlefield (1987), Correctional Vocational Educational Programs are thought to be the best vehicles for breaking the cycle of recidivism. These programs are aimed at providing inmates with up-to-date marketable skills relating to specific jobs on the outside. These courses can also serve as a refresher or as skill enhancement for inmates with existing skills in the area. In contrast to academic instructions, which can use a variety of facilities for instruction, vocational programs require shops that stimulate as much as possible, real work situations.

The types of vocational training provided by the Texas Correctional system in America illustrate the possibilities for varied inmate training those correctional systems can furnish. The basic training program areas included trades and industrial, office education, construction, farm shops, dry-cleaning, shoe repair, appliance repair, auto repair and bodywork, building trades and food service (Irwin, 1980). However these programs suffered from many problems and failed to prepare inmates adequately for a trade on release. Other training programs failed due to obsolete equipments, inadequate techniques and lack of skilled instructors with up-to-date knowledge (Texas Department of criminal justice, 1993; Irwin, 1980).

The vocational training programs available in women's prisons have long been a source of controversy and criticism because they fall short of those offered to men in terms of quality, variety, and availability. The most frequently offered programs were those that trained women for jobs that are normally considered "women's work" coincidentally, since these jobs tend to be low paying, they make it more difficult for the woman to be self sufficient upon release. However litigations aimed at achieving parity began to change some of these disparities (Wishest, 1985; Ross and Fabiano, 1986)).

Although private sector involvement in prison work programs has achieved productivity, cost- effective and meaningful work programs, the corrections poor

environment and overcrowded inmate population placed limitations on the achievement of these objectives (Auerbach et al., 1988).

In Kenya, prior to 2003, most prisons were unable to discharge the rehabilitation function owing to among other things, a chronic shortage of equipment and raw materials for industries and farms. After 2003, inmate rehabilitation through vocational training has improved courtesy of donations of industrial equipment and raw materials from well-wishers in most prisons. This can be attributed to the open door policy which has highlighted problems faced by prisoners. The open door policy has also opened prisons to external scrutiny against use of force to compel prisoners to work (KNCHR, 2005).

#### **2.1.4 Recreational and Social Welfare Programmes**

They occupy inmates with a vast array of interests. They keep them busy as the Prison inmates have large amounts of time. They keep institution running effectively and efficiently. However, some institutions argue that, recreation promotes insecurity to the institutional order because of the availed opportunity for inmates to associate and learn criminal attitudes amongst each other. Such claims borrow learning from differential association. (Sutherland, 1970).

In American penal institutions, the common organized activities include sports leagues, card games, board games and movies. (Botsan and Haley, 1999).

In Kenya, since 2003 recreation is one of the areas that has benefited significantly from the open door policy. The civil society has donated Radios, T.V sets, Sports items. Some institutions like Naivasha and Langata have held cultural and sporting activities, with Langata leading in beauty pageant contest and Naivasha holding inter stations ball games. The funding from the government provisions is backing and recreation suffer from competition of time with security roles and dissatisfaction from officers who claim that donors favour inmates only (KNHR, 2005).

## **2.2 PRISON REFORMS**

Prison reforms entail a variety of changes that are implemented to enhance the general management of prisons and improve its conditions in line with existing national and international human rights standards (International Centre for Prison Studies, 2004). The changes are expected to influence inmates to voluntarily initiate self-transformation by acquiring lacking social and vocational skills which will enable them become productive, and normally functioning citizens of society (Adler, F. 1995).

The interventions introduced in the world penal institutions including African countries are, in opening up prisons through open door policy; Enhanced provision of infrastructure, such as housing, clothing and beddings; reviewing of penal laws; Rehabilitation programs in social and spiritual counseling, formal education, vocational training, recreational activities and using alternative means to imprisonment to reduce prison overcrowding (KNCHR, 2005; PRI, 2001).

### **2.2.1 Open Door Policy**

The open prison, the so-called 'prison without bars', is a later development in the prison system-largely a creation of the last forty years. The reason for this is fairly clear. Prisons role of containing criminals and securely confining them is not succeeding hence an emergence of other aims for imprisonment, such as deterrence or rehabilitation. The open prison thus begins to appear like a contradiction. (Jones & Crones, 1977).

This is a paradigm shift from a securely confining and containing function of the prison to a transparent, accessible, all inclusive and participative imprisonment approach. The review of the prison analyses by Cressey (1961) has demonstrated that, prisons are organizations that change people. Except for Etzioni (1965) all their studies find that environmental-organizational exchange of utmost importance in the working of the prisons. The open door policy hinges significantly on viewing the prison as a system of activity in which internal action is related to action in the environment (Duffee, 1975; Katz & Robert. 1966).

Correctional administrators of closed systems have typically responded slowly both internal and external evidence that change in prison structure and prison operations are necessary. In most cases, the prison as it stands is changed bit by bit, begrudgingly and slowly (Brandley, 1969).

In America, inability to respond to changes in the environment led to riots from inmates. They had demanded for better food, medical facilities, and a training program for guards). In other words, in a variety of ways, the prison had not responded to major shifts in the demographic characteristics of the incarcerated population, or to the increased legal and social awareness of the inmates (Newsweek, September 27).

Sir Alexander Paterson (1922-1947), in Britain stated that man is sent to prison as a punishment and not for punishment. He tried to set limits to the role of retribution in prisons, and make room for what he called training. Nevertheless he seems always to have had some doubts about the possibility of achieving anything effective within the framework of the conventional closed prison. Hence his second famous aphorism: You cannot train a man for freedom under conditions of captivity, which led to the establishment of the 1<sup>st</sup> open British prison in 1933, New Hall Camp, as a satellite of Wakefield prison ( Fox, 1952).

In African penal institutions such as Uganda, Zimbabwe, and Nigeria, in the open door policy, stakeholder participation has been encouraged and indeed their works reflected in various sectors of prison work such as rehabilitation, improving prison conditions, Human rights, legal reforms, access to Medicare among others (PRI, 2003; KNCHR, 2005 ).

In Kenya due to deplorable conditions of prisons prior to 2001, slow legal process and administration of justice , a defective Community Service Order(CSO), inadequacies , rehabilitation programmes, overcrowding, inhibited classification of prisoners, the department embarked on a major reform programme which led to a shift from the closed system to the Open Door Policy to foster the emerging trends in global correctional developments. This policy shift embraced strategies that involved

participation of all stake holders in the management of prisons. (GJLOS, Issue No.1 / October 2005; McOdongo(2007).

### **2.2.2 The Prison Conditions.**

The prison conditions include the terms and working/living conditions for prison staff and inmates such as their salaries, training and other earnings, the stores as uniforms, blankets, soap and sanitary conditions, physical infrastructure such as staff housing prisoners' accommodation, congestion, transport, water and lighting, inmates overcrowding, Medicare, food provisions and handling practices among others.

McAthur (1976), Dufee (1975), and Seashore et al (1976) and Mushanga (1976), Odegi Awoundo (1993, 1994, 1996) and KNCHR (20005), blame the rise of crime and failure of rehabilitation of offenders by prison officers on the shortcomings in the officers work and living environment since the two are inseparable.

There are three categories of problems which affect the work environment of prison officers. There are problems which emanate from the other organisational components of criminal justice system that is the police, prosecution and the courts. These problems include delayed police investigations, loss of police files, denial of bonds to petty offenders where these should have been granted and prolonged or postponed court mentions. With such problems prisons are forced to take care of remandees for long periods at higher costs at the expense of the meagre prisons financial allocations and limited space in inmate wards which has the consequent problem of overcrowding (Ministry of Home Affairs, 1998).

The second category of problems affecting the effectiveness of prisons is inherent with the prison organisation itself. Prisons with limited infrastructural facilities, inmate training facilities and programs in the workshops and industries are bound to be ineffective. Government correctional systems should ensure that officers have enabling environments through provision of the necessary physical infrastructural facilities such as good staff housing, spacious inmate wards, machines, equipments and workshops to train prisoners in useful and relevant skills for use during their post release lives ( MOHA,1998;Huse, 1980; Bathman & Zeithaml, 1996).

Prisons which have limitations in their human resources component are bound to be ineffective. The problems of staff shortage, poorly or inadequately trained staff and poorly remunerated staff have negative implications on the performance of prisons. This is because prisoners and ex-prisoners will have limited access to prison rehabilitation services such as counselling and training, they will be equipped by officers with inadequate and/ or obsolete knowledge and skills while the prison officers may become frustrated, demotivated and/ or demoralised and engage in vices such as corruption and mistreatment of inmates. The problem of inadequate financial resources would generally lead to scrappy rehabilitation programmes far from being effective in reforming offenders. Performance management also deals with employee development, prison officers have to have the capacity and competency required to perform rehabilitation activities more effectively (Armstrong, 2001; Maquilies, 1972; Hill & Egan, 1967; Bateman & Zeithaml, 1996).

Most states have developed prisons with a humane environment as it has been established that the punitive role of corrections combined with inhumane treatment has increasingly become unsuccessful. In the realization of these fact, that prisons conditions are becoming lawful, safe, industrious, and provide inmates with reasonable care and personal dignity. A very important aspect of the humane environment of these prisons is that they enhance inmates' personal dignity (Conrad, 1978).

Bohm & Haley, (1999), state that in America, the reforms to prisons have been as a result of court interventions. Through the eighth amendment act, inmates enjoy right to access the courts. They raise claims which are addressed by the courts, they use jail-house lawyers, make Habeas Corpus applications on such matters like where prison officers have demonstrated deliberate indifference to serious medical problems, extreme staff brutality to inmates and some combinations of prison practices and conditions as crowding, lack of services and labour exploitation which make the prison unconstitutional. The crowding issue is however a challenge as alternatives to imprisonment such as community corrections, halfway houses, parole, pre-release programs and crime prevention suffers from inadequate government thus making the crowding even worse.

In America the enormous prison overcrowding over the last two decades contributed significantly to the increase in prisoners' rights litigation. By 1992 the populations of institutions in 29 states exceeded the institutions capacity. All jurisdictions were nearing their breaking points. The National Prison Project of American Civil Liberties Union reported that as at January 1, 1992, forty states, the District of Columbia, Puerto Rico, and the Virgin Islands were under some form of court order to reduce prison populations (National Prison Project, *Corrections Digest*, 1992).

According to Sechrest & Collins (1989), the traditional jail in America has been replaced by a new generation jail which features individual cells and self contained units due to court interventions. This has promoted a less stressful environment as inmates are able to freely interact with staff and inmates, a process called direct supervision.

In Uganda the prison overcrowded population has been reduced through the involvement of the judiciary and other stake holders in the National and the District Community Service committees. The reduction enabled the Governments cater for those serious offenders or hard core offenders who must be in prison (PRI, 2005).

According to the United Nations Standard Minimum Rules for the treatment of prisoners, all detention centres and prisons should be opened to allow access for civil society groups, medical doctors, human rights groups, family members and lawyers among others to receive and deal with prisoner's complaints. In Uganda, the application and awareness of Standard Minimum Rules are at three levels; the application by the administration of the prison; by the actual staff of the prison, and; Awareness of the prisoners themselves of treatment. The documents of governance such as the Prison Act, Rules and Standing Orders are particularly that affect prisoners are published in English and Kiswahili and explained orally to those who understand their vernacular only. They are almost a replica of the Standard Minimum Rules and other documents relating to the treatment of offenders (G.O.K. & PRI, 2003; United Nations, 2000).

Following the spirit of reform agenda by the government, by 2004, the government completed prison staff houses in some prisons. Others had been constructed by self help programs at station level. This had taken place in Kericho Annex, Nyeri Main, Narok and Lang'ata women prisons where staff had raised funds to either construct new houses or renovate existing dilapidated structures (KHRC, 2003).

In most of the prisons in Kenya, the housing situation is still wanting, warders still live in absolutely inhumane conditions while convicts live in far much better conditions. Such areas include Lodwar and Wajir, (Mugambi, 2008; KNCHR, 2005).

The government attempted to address the problem of overcrowding through the implementation of CSO as the sentencing policy for petty offenders and by periodically releasing prisoners through the presidential pardon. For instance, a total of 6,946 petty offenders were pardoned in 2004 (Daily Nation, 13<sup>th</sup> Dec 2004).

There was an increased development of pre-release programs to help releases successful transition from prison to 'the outside'. Fr. Grol project for instance provided fees for trade test exam registrations and equipments to inmates under vocational training programs and those released from prison from various institutions in the country. These efforts augmented the government efforts in the material and financial support, kept most inmates occupied and supported inmates to use them to be self employed while out of prison (KNHR, 2005).

New prisons were opened up in Makueni and Busia, while Nairobi Remand prison was expanded with a new annex to provide accommodation space (KNCHR, 2005). However, the impact of these interventions was negligible as the prison population swelled quickly. For instance, in 2003, the prisons held a total of 331,173 at varied times as opposed to 284,160 in 2002 (KHRC, 2003). The problem of congestion is most felt in prisons near major towns and cities. For instance, Nakuru, Kericho Main and Kamiti GK Prisons had registered populations double or triple the stated capacity. However, prisons in upcountry and distant areas such as Malindi and Garissa are not as congested (KNCHR, 2005).

Other reforms were the introduction of new striped uniforms to replace the white shorts and pink dress for women. The uniforms, famously called “kungurus”, were always in short supply, evidenced by the low replacement rate. Thus, the majority of inmates wore tattered clothing; beddings (i.e. mattresses and blankets) were in perennial inadequate supply. The reason for uniform replacement was to remove the stigma associated with white uniforms, ostensibly in line with clause 17 (1) of the Standard Minimum Rules for the Treatment of Prisoners (KNCHR, 2005).

The inmates are increasingly able to get justice from the courts of law particularly on issues of torture and basic human right abuses by the state and its agents. In Kenya, 2002 an inquest into the death of inmates that occurred in 2000 at Nyeri Maximum Prison during a budget-up escape revealed that all the deceased prisoners were bludgeoned to death by warders, contrary to the official report that they had died from injuries sustained after jumping from a prison wall. The officers were convicted of murder and sentenced to suffer death a deterrent gesture through the efforts of the independence of the Judiciary and civil society associations and human rights bodies (Daily Nation Newspapers, 19<sup>th</sup> Dec. 2008).

### **2.2.3 Reforms in Inmate Rehabilitation Programs.**

According to Sutherland (1970), a rehabilitation program is a scientific technique for the modification of attitudes. Its objective in corrections is to change probationers, prisoners and parolees so that they will no longer be law breakers. It is to be induced through a friendly admonition and encouragement, by relieving emotional tension, stimulating the probationers/prisoners or parolees self respect and ambition, by establishing a professional relationship with him, by encouraging him to have insight into the basis of his maladjustment. It is however not known how these things are accomplished and, more significantly, how or whether, they work to rehabilitate criminals. Cressey (1961) further states that it has been difficult for treatment organisations to define and identify rehabilitation techniques and even more difficult to measure the effectiveness of such techniques. This study intended to fill the gaps by determining rehabilitation programs in Kenya and the prison system in general, and establishing the impact of prison reforms in the inmate rehabilitation programs.

According to Bohm and Haley (1999), rehabilitation of inmates through inmate rehabilitation programs got its start at the 1870 meeting of the National Prison Association, in Cincinnati USA. It laid emphasis on academic and vocational training, classification of offenders, indeterminate sentences and the parole system for inmates who were conforming to institutional norms. The first reformatory institution for men was Elmira Reformatory opened in Elmira, New York in 1876.

Until the reformatory era, female women inmates received inferior treatment. The reform period feminised punishment and by 1830s, a number of women prisons with humane conditions were in place. Inmate rehabilitation programs were however stereotyped which were molding inmates to fulfil domestic roles, such as cleaning and cooking, after release (Rafter, 1989).

In pursuant to the reforms, the subsequent developments in correctional programs in America shows cycles in history. In 1920s and 1930s, the prisons were oriented towards custody and repression of inmates, after 1940s correctional institutions became dominant and treatment of offenders was based on the medical model in which a crime was seen as a symptomatic of personal illness in need of treatment. In 1960s, the inmates' rights movement led to a decline of the correctional prisons and was replaced by the contemporary violent prison. There emerged the power vacuum where inmates' gang violence was frequently experienced. In the latter 20<sup>th</sup> C. the prisons again turned to shock incarceration where offenders were placed in programs patterned under military conditions. The interesting question to reflect on is whether penological history representing progress or the coming back around of what went around before.

In England after realising that the punitive approach to inmates did not reduce recidivism, a law was passed in 1778 which authorised a penitentiary, which is an institution not for retribution but for producing penitence or penitentiary reformation. The innovations looked upon imprisonment as in itself a sufficient severe penalty, and insisted that a prisoner should be assisted in his effort to become rehabilitated. This set stage for rehabilitation programs in England and spread to America and Australia (Sutherland, 1970).

Imprisonment was introduced in Africa by Europeans during colonialism as a tool to muzzle natives to submission for easy governance and exploitation. Rehabilitation programs were non-existent. Prisons system was introduced in Kenya by the British East Africa Protectorate with the enactment of East Africa Prisons Regulations No. 12/1902 of April, 1902.

Hitherto, local communities in Africa relied on traditional forms of punishment. For instance, payment of fines, compensation and reconciliation was regularly applied for offenses committed among the kikuyu and Gusii communities (Kenyatta, 1990; Kaiser, 2003).

The colonial Prison system was oppressive, punitive and racial based on pure law and order. For instance during the fight for independence, the colonial Government declared a state of emergency in 1952 which saw the deterioration of the treatment of prisoners. In 1954, 622 prisoners were executed, 605 of them being freedom fighters. In 1955 there were 230 executions out of which 221 were freedom fighters and in 1956, 99 freedom fighters were executed (Elkins .2005; Abreo, 1972).

This harsh treatment of prisoners resulted in 8 serious violent incidences in penal institutions in 1957 leaving several staff casualties behind. The climax of ill-treatment came in 1959 with the "Hola Tragedy" in which 11 Mau Mau emergency detainees died as a result of ill-treatment at the hands of prison administration (KNCHR, 2005).

Upon attaining independence, the Government took keen interest on prisoners' conditions while in prison. The management of prisons took a somewhat different dimension with unfulfilled intentions of reforming the prison conditions. For instance the enactment of Chapter 90 and 92 to establish the Kenya Prisons and the Borstal Institutions respectively aimed at transforming prisons from places of punishment to places where offenders could be reformed. The laws are based on upholding the human dignity and influencing the offenders to refrain from their criminal acts (Chapter 90 and 92 laws of Kenya). But even with these laws enacted nothing much was realized in terms of reforming prisons in Kenya. Prisons continued operating as

closed institutions with opaque operational procedures and virtually no access to human rights watchdogs and media bodies (Howard League for Penal Reform, 2006).

This situation attracted public attention from human right watchdogs like the Penal Reform International, non-governmental organizations and other relevant stakeholders who consistently accused the government of Kenya for failing to reform Kenyans in its custody; for torturing inmates to death; allowing scores to die as a result of ill treatment as well as cruel and inhuman degrading conditions of prisons (PRI & KPS, 2002).

According to KPSP (2005-2009), the inmate rehabilitation programs intended to promote opportunities for reformation, make a successful reintegration to society and reduce re-offending were said to be inadequate and had embarked to develop and expand them during the reform period.

### **2.3 The Impact of prison Reforms on the Prison System**

This study reviewed literature on the outcome of reforms in the prison system in general and with specific reference to the inmate rehabilitation programs. Prison reforms entail a variety of changes that are implemented to enhance the general management of prisons and improve its conditions in line with existing national and international human rights standards (international centre for prison studies, 2004). The changes are expected to influence inmates to voluntarily initiate self-transformation by acquiring lacking social and vocational skills which will enable them become productive, and normally functioning citizens of society (Adler, F. 1995). This review will be focusing on this broad goal of the impact of the reforms on the inmate rehabilitation programs.

The reforms affect the following areas; rehabilitation programs, the open door policy, and the prison conditions.

### **2.3.1 The Impact of Reforms in Inmate Rehabilitation Programs**

Inmates programs serve a variety of institutional functions (Embert and Kalinich, 1988). Security and custody are enhanced when inmates are involved in programs, particularly when they are offered reasonable freedom of choice and provided incentives for participation. The adage "idleness is the devil's workshop" is quite applicable here. Additionally programs help inmates to deal with the pressures of "doing time" and contribute to order and stability, thus contributing to custody and security. Reforms in the inmate rehabilitation programs are meant to enhance the aforementioned objectives.

According to Secret & Brown (1979), rehabilitation has been broadly defined as the result of any social or psychological intervention intended to reduce an offender's further criminal activity. By this standard, the true test of success is the non-involvement in crime following participation in an intervention program. Supporters of rehabilitation hope to see lower recidivism rates, while those who seek warehousing of inmates anticipate no such change.

In 1960s, the inmates' rights movement led to a decline of the correctional prisons and was replaced by the contemporary violent prison. There emerged a power vacuum where inmates' gang violence was frequently experienced (Irwin, 1980).

Upon attaining independence, the Kenyan Government took keen interest on prisoners' rehabilitation programs while in prison. The management of prisons took a somewhat different dimension with unfulfilled intentions of reforming programs and inmate rehabilitation. For instance the enactment of Chapter 90 and 92 to establish the Kenya Prisons and the Borstal Institutions respectively transformed prisons from places of punishment to places where offenders could be reformed. However even with these laws enacted, Howard League for penal reform, finds that nothing much has been realized in terms of reforming prisons in Kenya. Prisons have continued operating as closed institutions with opaque operational procedures and virtually no access to human rights watchdogs and media bodies.

### **2.3.2. The impact of reforms in the Prison Conditions.**

Literature was reviewed on the impact of reforms that affected terms and working conditions for prison staff and inmates such as their salaries, training and other earnings, the stores as uniforms, blankets, soap and sanitary conditions, physical infrastructure such as staff housing prisoners accommodation, congestion, transport, water and lighting, inmates overcrowding, Medicare, food provisions and handling practices among others.

Prisons which have no limitations in their human resources component are bound to be effective. Adequate staff, well trained, remunerated have positive implications on the performance of prisons. This is because prisoners will have unlimited access to prison rehabilitation services such as counselling and training, they will be equipped by officers with adequate and/ or modern knowledge and skills while the prison officers will become motivated, such officers will not engage in vices such as corruption and mistreatment of inmates. (Armstrong, 2001; Maqulies, 1972; Hill & Egan, 1967; Bateman & Zeithaml, 1996)

Most states have developed prisons with a humane environment as it has been established that the punitive role of corrections combined with inhumane treatment has increasingly become unsuccessful. In the realization of these fact, that prisons conditions are becoming lawful, safe, industrious, and provide inmates with reasonable care and personal dignity. A very important aspect of the humane environment of these prisons is that they enhance inmates' personal dignity (Conrad, 1978).

According to Bohm & Haley, (1999), in America, the reforms to prisons have through the eighth amendment act, inmates enjoy right to access the courts. They raise claims which are addressed by the courts, they use jail-house lawyers, make Habeas Corpus applications on such matters like where prison officers have demonstrated deliberate indifference to serious medical problems, extreme staff brutality to inmates and some combinations of prison practices and conditions as crowding, lack of services and labour exploitation which make the prison unconstitutional, the outcome is a transparent and accountable prison management. The crowding issue is however a

challenge as alternatives to imprisonment such as community corrections, halfway houses, parole, pre-release programs and crime prevention suffers from inadequate government thus making the crowding even worse.

Sechrest & Collins (1989), state that the traditional jail in America has been replaced by a new generation jail which features individual cells and self contained units due to court interventions. This has promoted a less stressful environment as inmates are able to freely interact with staff and inmates, a process called direct supervision.

In most African countries, the prison overcrowded population has been reduced through the involvement of the judiciary and other stake holders in the National and the District Community Service committees. The reduction enabled the Governments cater for those serious offenders or hard core offenders who must be there (PRI, 2005).

Detention centres and prisons have been opened to allow access for civil society groups, medical doctors, human rights groups, family members and lawyers among others to receive and deal with prisoner's complaints. They are under increased scrutiny. In Uganda, the chief Commissioner of prisons, then Mr. Joseph Etima while addressing a 3 day Workshop in Kenya on '*towards methods of improving Prison Policy in Kenya*'. confirms that human rights abuses has declined due to the application and awareness of standard Minimum Rules at three levels; The application by the administration of the prison; By the actual staff of the prison, and; Awareness of the prisoners themselves of treatment. The documents of governance such as the Prison Act, Rules and Standing Orders that affect prisoners are published in English and Kiswahili and explained orally to those who understand their vernacular only to increase awareness. They are almost a replica of the Standard Minimum Rules and other documents relating to the treatment of offenders. (G.O.K. & PRI, 2003; United Nations, 2000).

In Kenya, prison warders are paid like other government workers. This is responsible for the improved morale that pervaded the entire prison service. The housing situation for prison staff has also improved. Junior staffs are paid house allowance and new staff houses are under construction and others completed and already settled, for example, the government completed prison staff houses in Nairobi Remand and

Allocation (industrial area) prison. Other amenities such as electricity, tap water and proper sanitation and drainage facilities have been developed and are operational. The indifference with which prison staff treated inmates in jails has declined. However, in most of the prisons in Kenya, the housing situation is still wanting, warders still live in absolutely inhumane conditions while convicts live in far much better conditions. Places such as Wajir, Garissa, Lodwar, Kitale, Kisii, etc stand out in this regard. In Kisii prison, warders live in corrugated iron sheets, mud walled houses with thatch roofs (Mugambi, 2008). The same kind of scenario is replicated in Lodwar prison (KHRC, 2005). In Wajir, the warders live in dilapidated buildings which have long been condemned but are still being used for housing purposes due to lack of alternatives. Families stay in a space which would be inadequate for even a single occupant. Many families are separated from each other only by curtain walls and enjoy no privacy whatsoever. Sanitation conditions, especially in Wajir and Lodwar are absolutely deplorable (KHRC, 2005).

Congestion in prisons remains the most fundamental problem affecting the Kenya prison service. The government attempt to address the problem through the implementation of CSO as the sentencing policy for petty offenders and by periodically releasing prisoners through the presidential pardon has eased the problem. For instance, a total of 6,946 petty offenders were pardoned in 2004, and an average of 40,000 inmates is under CSO. These efforts augmented the government efforts in the material and financial support, kept most inmates occupied and supported inmates to use them to be self employed while out of prison (KNHR, 2005; Daily Nation, 13<sup>th</sup> Dec 2004).

New prisons were opened up in Makueni and Busia, while Nairobi Remand prison was expanded with a new annex which provided accommodation space (KNCHR, 2005). However, the impact of these interventions was negligible as the prison population swelled quickly. For instance, in 2003, the prisons held a total of 331,173 at varied times as opposed to 284,160 in 2002 (KHRC, 2003). The problem of congestion is most felt in prisons near major towns and cities (KNCHR, 2005).

Other reforms were the introduction of new stripped uniforms to replace the white shorts and pink dress for women. Inmates wear humane clothing; and beddings. The

replacement has removed the stigma associated with white uniforms, ostensibly in line with clause 17 (1) of the Standard Minimum Rules for the Treatment of Prisoners (SMRTP). (KNCHR, 2005).

The inmates are increasingly able to get justice from the courts of law particularly on issues of torture and basic human right abuses by the state and its agents. In Kenya, 2002 an inquest into the death of inmates that occurred in 2000 at Nyeri Maximum Prison during a budged-up escape revealed that all the deceased prisoners were bludgeoned to death by warders, contrary to the official report that they had died from injuries sustained after jumping from a prison wall. The officers were convicted of murder and sentenced to suffer death a deterrent gesture through the efforts of the independence of the Judiciary and civil society associations and human rights bodies (Daily Nation Newspapers, 19<sup>th</sup> Dec. 2008).

### **2.3.3. The Impact of the Open Door Policy**

The open prison begins to appear like a contradiction in terms of imprisonment; a denial of the essential nature of the institution of which it purports to be merely a variant. This is a paradigm shift from a securely confining and containing function of the prison to a transparent, accessible, all inclusive and participative imprisonment approach. More mundane therefore, the open systems, with the increasing nation's cultural complexity enables the prisons to cope with and respond rather rapidly to the fluctuations in criminal statutes, police practices, court procedure, state, and local politics, the job market, and any other variables that may affect the input or the output of the prison system (Jones & Crones, 1977; Duffee, 1975; Katz & Robert, 1966; GJLOS, journal No.1 / October 2005).

The open prisons allows frequent visits and interactions with members of the community which lessens the effects of prisonisation whereby inmates are exposed to opportunities that promote acceptable norms and morals, learn non criminal attitudes, suffer less social psychological problems associated with decarceration approaches (Jones & Crones, 1977).

Open systems recognized imprisonment as a punishment and set limits to the role of retribution in prisons, and make room for what he called training. The establishment of the 1<sup>st</sup> open British prison in 1933, New Hall Camp, as a satellite of Wakefield prison achieved something worth mentioning, that in the 1<sup>st</sup> fifteen years of its life only seven prisoners had absconded (Fox, 1952).

In African penal institutions such as Uganda, Zimbabwe, and Nigeria, under the open door policy stakeholder participation has been encouraged through augmenting government efforts in providing financial, capacity building and indeed their works reflected in various sectors of prison work such as rehabilitation, improving prison conditions, Human rights, legal reforms, access to Medicare among others. For example, a prisoner in Lang'ata prison in Kenya, in her book entitled *The Deadly Money Maker* states that the Prisons cruelty and unusual punishment had reduced with the introduction of the open door policy. She managed to Author the said book with access to the prison Library supported by the Catholic Church, while serving a sentence of imprisonment (PRI, 2003; KNCHR, 2005; McOdongo, 2007),

#### **2.4 Suggested Reforms to the Prison System.**

Reforms are not without challenges and hence new discourse that need attention and be addressed. This section reviewed literature on suggested reforms to even improve the prison system further.

The problem of reforming prisons is compounded by the lack of impetus for change due to society's limited understanding and scanty interest in the rights of inmates. Corruption, limited state funding, inept Prison Officers who are ill-motivated, and congestion are all factors that combine to impede progress in progressive prison management. While it is anticipated that more positive changes will occur in light of the prevailing political will, the problems highlighted are persistent and for which well thought out intervention mechanisms are required.

However, despite the introduction of prison reforms, overall prison conditions still remained harsh, mainly due to excessive overcrowding. Kenya's 93 prisons with a capacity of 19,000 are currently estimated to hold more than 50,000 inmates. The lack

of basic health, nutrition and sanitation provision amounts to cruel, inhuman and degrading treatment. Understaffed and poorly trained prison warders used excessive force to control inmates. Several people die in custody, allegedly as a result of ill-treatment. The deplorable situation needs to be further addressed (Amnesty International, 2005).

The recent spate of jail breaks and prison strikes compel one to ask whether the prison reforms undertaken have been effective ( Daily Nation News Papers, 25<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup>, 2008). The going has not been easy but a lot of commendable work has been done. However the Kenya Prisons Service ought to strengthen this by further appraising its reforms and systems. The department need to embrace, the early release of prisoners through presidential pardons, and the application of Community Service Order to ease the problem of congestion in prisons, improve transportation, open prison days, beauty pageants and other events that would give prisoners lives more meaning, and enhance their ability to be productive members of society. While we hail such reforms much more needs to be done by the anachronistic prisons department in order to meets its core objectives of containing and keeping convicted offenders in safe custody as well as reforming and rehabilitating them (KNCHR, 2005).

The problem is further compounded due to meager budgetary allocations .The prison department lacks the ability to expand to meet the growing number of inmates, or to sustain its present operations. Nakuru prison's attempted jail break showed for example, that some of the prison staff lack the basic appropriate uniform, not to mention specialized anti-riot gear (KNCHR, 2005).

Legal reforms in prison service are being pursued at two levels: Review of the Prisons Act, Prisons Rules and Constitutional Reforms .The Review of the Prisons Act and Rules is currently being undertaken within the framework of GJLOS program in collaboration with KNCHR and Kenya Law Reform Commission (KLRC). The review aims at entrenching the Open Door Policy in the legal framework, modernizing management of prisons, infusing human rights based rehabilitation and correctional programs for prisoners.

Two series of Workshops were held in 2004 after which revised Prisons Act and Rules were prepared for onward transmission to the Attorney General. The GJLOS has however come under severe criticism from civil society groups, over what is perceived to be dwindling commitment by the government to reforms in general. The slow base of GJLOS program, attributed to government bureaucracy, is likely to impact negatively on the progress of amending the Act. The process is also likely to be affected by the relatively slow process of legislation associated with parliament. For instance, the current 2002 to 2007 parliament had by 2005 passed only three bills into law. An enhanced reform agenda in the legal reforms need to be enhanced to legitimate and sustain the reforms that are being undertaken so that they can have the recognition of law (KNCHC, 2005).

The constitutional review was to do away with and to amend outdated practices and accommodate the U.N. Standard Minimum Rules (PRI & GOK, 2003). The Prisons Service also contributed to the National review process by recommending, the establishment of Kenya Correctional Services to replace the current Kenya Prisons Service, creation of the position of Director of Correctional Services as a constitutional office to ensure, safe custody of the country's prison population and the provision of humane living conditions, entrench supervision of offenders within the community who are serving non custodial sentences or who are on probation; and rehabilitate offenders in order to facilitate their return to useful lives within the society and insulate the prisons office from political pressures, subjecting the discretion of the President ( in appointing the office holder) to Parliamentary Scrutiny and veto, clearly stipulating the professional and academic standards required for the office holder among others.

The implementation of the above constitutional proposals has been however suspended given the defeat of the proposed constitution in the year 2005. This efforts need to be pursued when the review of the constitution resumes (KNCHR, 2005).

Additionally, the Kenya prisons strategic plan (2005-2009) clearly expresses the reformation and rehabilitation of prisoners as its main objective.

## **2.5 Theoretical Framework.**

The study focused on the impact of prison reforms in the inmate rehabilitation programs. The study aimed at establishing existing rehabilitation programs in Kenyan prisons, the reforms undertaken in the Kenya prison system between 2001 and 2008, the impact of those reforms as well as suggestions of reforms to improve the prison system and the programs in particular. The major reforms affect the prison conditions such as terms and conditions of work, infrastructural facilities, overcrowding, human rights; the paradigm shift from closed prison systems to open policy systems which allows all participative processes and management of penal institutions; and reforms affecting reformatory imprisonment which push for correctional policies and inmate rehabilitation programs.

In view of the foregoing and the multiplicity of the subject coverage, Sociological theories about work and organizations, and structural theories guided this study. Specifically the study was guided by the Motivational theory of Hertzberg two factor theory, The Functionalist theory, the differential opportunity theory.

### **2.5.1 Differential Opportunity theory**

This theory is advanced by Cloward and Ohlin (1960). They argue that that the structural positions of individuals must be viewed not only in terms of the strained or blocked legitimate opportunities but also in terms of illegitimate opportunities available to individuals in specific social settings. In other words there is differential opportunity to reach cultural goals by legitimate means and there is also differential opportunity to use illegitimate means to reach those goals. The two types of opportunities are differentially distributed (Conklin, 1995).

According to the theory, the discrepancies between aspiration and legitimate chances of achievement are very high in lower class structure. The lack of access to legitimate means to reach cultural goals produces intense frustrations among the lower class people. These frustrations drive them to search for illegitimate means to reach their cultural desires (goals). Crime is caused by reason of inadequate opportunities that encourage non criminal behavior and activities.

First there are differences in access to learning structures which are the appropriate environments for the acquisition of the values and skills associated with the performance of a certain role. The process by which these values and skills are learned through the interaction with others is the focus of differential association theory. Secondly there exist differences in access to what Cloward and Ohlin called performance structures, that is, the opportunity to join with others who share a similar problem of adjustment and the opportunity to gain peer approval for one's behavior. This means that delinquents must have two essentials. That is learning certain values and skills and also having support for the performance of delinquent behavior once they have learned those values and skills. According to the differential theory opportunity theory, social structure of the community determined the access that lower class youths would have to both learning and performance structures (Cloward & Ohlin, 1960).

Differential opportunity theory has been an important contribution to the study of crime causation and crime control. The vice is reduced by increasing the legitimate opportunities available to inmates most of whom belong to the lower classes in society. The crimes are as a result of lack of training, programs that can give opportunities to enable one to cope up and adapt to new situations. The criminogenic factors caused the inmate to commit crimes, then it is implied that opportunities to promote societal norms in the inmates can change one's attitudes and fit well in the society upon release

Vocational training programs and educational skills will make inmates pass exams feel good, reduce tension and pains related to imprisonment and enable one to have potential for employability and reduce re-offending. The saying that an idle mind is a devil's workshop is highly relevant here. However not a majority of inmates acquire these skills for only the long term inmates serving sentences of more than three years are trained. Majority of inmates in Kenya serve sentences of less than three years (Ministry of Home Affairs, 1979).

The open door policy encourages transparency, accountability and openness. Inmates are encouraged through open systems to interact with members of the public who

participate in the rehabilitation objectives, the legal resource foundation have sponsored paralegal personnel who help inmates to access justice and provide civic education to inmates, the church influence inmates to good morals through spiritual nourishment and counseling, the GJLOS interagency program has resulted to a close collaboration as well as enhanced mobilization of resources that has helped improve services to staff and inmates. The public interactions promote opportunities for good behavior, as the level of prisonisation is reduced through the frequent relationships with other players and stake holders (KNCHR, 2005).

Fox (1952) observes that inmates are sent to prison as a punishment and not for punishment. You cannot train an inmate for a free society in conditions of captivity. The reformed infrastructure decongested prison populations, trained, well motivated and remunerated staff demonstrates effective and efficient organizations. These environments are handy and display opportunities for inmates' attitude change.

The theory is however limited to opportunities that make change possible, it does not able to explain why prisoners commit crimes and come to prison after they have undergone program intervention. It cannot measure the impact of the said reforms nor account for the unending demands for further reforms from the inmates, staff and society in general, thus making this study to focus on the organizational and motivation theory of Hertz berg, Abraham Maslow, and Halleck; and the functionalist theories.

### **2.5.2 The psychological Theories.**

This study applied psychological theories to guide the study. These are the psychoanalytic theory advanced by Sigmund Freud, the humanistic psychological theories of the Hertz Berg Two Factor and Abraham Maslow of Needs and Seymour L. Halleck's theory of oppression.

The psychoanalytic and humanistic psychological theories are not applied to crime itself. In this study they are inferred from their works, what they would have said about crime causation and correctional implications. These strategies are implied in several sociological theories as well ( Bohm & Haley, 1999).

The psychoanalytic theory of crime is deduced from the works of Sigmund Freud and his followers (Woodworth & Sheehan, 1964). Like other disorders, crime is a symptom of a more deep seated and that if it has to be resolved, the symptom of crime will go away. Freud believes that Psychopaths, sociopaths or antisocial personalities are persons characterized by no sense of guilt, no subjective conscience and no sense of right and wrong. They have difficult in forming relationships with other people and cannot empathize with other people.

The correctional policy implication is to provide psychotherapy or psychoanalysis. It considers inmates as patients, are biologically or, especially, psychologically sick and in need of treatment and applies the medical model in the treatment programs in prisons. First the approach attempts to make inmates conscious or aware of the unconscious and deep-seated problems. Methods used include a variety of projective tests, dream interpretation, and free association and to provide them with legal outlets to sublimate or redirect their sexual and aggressive drives.

This theory accounts for the existence of counseling programs in the prisons and the impact of reforms in its application as an intervention in the rehabilitation of inmates. However, this theory does not explain why persons outside prisons who have similar or related psychological problems have not committed crimes or why not all inmates incarcerated in prisons are not having psychological problems. The theory assumes that the deep-seated problems in inmates are the cause of crimes which may be true or not, it ignores the environmental circumstances where the problematic behavior occurs.

The gaps noted in Freud can be explained by Hertz Berg, Abraham Maslow and Seymour Halleck who postulate on humanistic psychological theory which assumes that human beings are basically good but they are influenced by society to act badly thus committing crimes.

Hertz Berg two factor theory of motivation states that, rewards and job satisfiers such as recognition, responsibility and opportunities for advancement serve as a means of ensuring that people act or behave in desired ways. Job dissatisfies such as poor work

environments, unsanitary prison conditions, and crowded populations, among others demotivate people. Maslow maintains that human beings are motivated by a need hierarchy; comprising of five basic levels, psychological (food, water, and procreation sex), safety (security, stability; freedom from fear, anxiety, chaos etc), Belongingness and love (friendship, love, affection, acceptance), Esteem (Self-esteem and esteem of others), and finally self actualization (being true to ones nature, becoming everything that one is capable of becoming).

These theories explain the rehabilitation programs and the reforms in the prison conditions. Inmates choose crime because they are unable to satisfy their needs legally. The prison institutions then justify imprisonment by helping people to satisfy their basic needs in legitimate ways. The provision of adequate food and better handling practices, good prison accommodation for inmates, medical care or provide educational and correctional opportunities for those who are unable to get them tends to motivate inmates. For Halleck, (1967), crime is as a result of helplessness caused by oppression from the environmental factors. Such oppression may be subjective or objective. Any type of prison community oppression of social or interactive nature for example unfair restriction of inmates' leads to restlessness in prison institutions, disorder and even riots in prisons. Reforms attributed to humane treatment observing human rights for offenders as well as officers, elimination of any form of discrimination is applied to reduce helplessness and motivate inmates to effective performance.

The theories reviewed will explain reforms in the infrastructural issues that were reported to be in very poor status before the reform period. For example, staff houses are ugly, tiny, congested and have no privacy. Two families occupy a ten by ten feet cube meant for one family; the houses are unhygienic as they have no water, sanitary or electricity supply. These conditions expose prison officers to health hazards, lower self esteem and demoralize them at work. Further more prison officers are reported to be poorly remunerated, their promotions delayed, their scheme of service is by itself defaulted for being unable to attract, retain and motivate the prison staff and malpractices such as favoritism, nepotism, tribalism, and corruption by some senior prison officers in promoting junior officers characterize the work environment of prison officers. The frustrations of the officers find expression in the mistreatment of

inmates (Bohm & Haley, 199; Armstrong, 2001; Bateman & Zethaml, 1996; Daily Nation, August 1st, 2005, July 22<sup>nd</sup> 2005, December 12<sup>th</sup> 1998 and Sunday Nation 22<sup>nd</sup> 2003).

The theory therefore explains the rates and levels of satisfaction on the part of staff and the inmates. It is however limited to the satisfaction and perception of the staff and inmates on the changes following the reforms. It cannot explain why the needs are unsatisfied, why the society is unable or individuals cannot meet their needs legally, why people oppress others. This gap is filled by the explanation given by the functionalist theory which supports the open systems and processes that supports the open door policy.

### **2.5.3 The Structural Functionalist Theory**

This section reviewed Talcott Parsons latter structural- functional theorizing to explain the open door policy and suggestions for further reforms in the prison system to improve inmate rehabilitation programs. He argues that every action system has four functional imperatives which form his famous AGIL scheme. The action systems are composed of a complex of activities directed towards meeting a need or needs of a system. The imperatives are adaptation, goal attainment, integration and latency (Rocher, 1975).

The adaptation refers to the coping of the system with external situational exigencies, that is adapt to its environment and adapt the environment to its needs. Goal achievement refers to the systems definition of goals and their achievement. Integration refers to the regulation of interrelationships of its component parts and manage the relationship among the other three functional imperatives and Latency (pattern maintenance) where the system furnishes, maintains and renews both the motivation of individuals and the cultural patterns that create and maintain that motivation.

The functionalist theory argues that society is made of parts which work complementally to each other. The systems have the property of order and interdependence of parts, they tend towards self maintaining order, or equilibrium,

may be static or involved in an ordered process of change, maintain boundaries with their environments, the nature of one part of the system has an impact on the form that the other parts can take, All parts make the whole to function and enable the parts to have a collective action, ownership and sustainability. The impact of reforms in the prison system particularly the open door policy provides an opportunity to this theory to explain for inter-agency collaboration and harnessing of available resources towards the improvement of rehabilitation programs for inmates (Ritzer & Woodman, 2003).

In this regard, the works of community participation, the stake holders such as the probation, the police, the courts, and the church are seen under this perspective. The regional criminal justice organizations concerns such as the CESCO are operating in this light. The theory however is limited to the functioning of parts in the society and criminal justice. It also explains the reason why there are unending demands for reforms and therefore the need to review suggested reforms (KNCHR, 2005).

## **2.6 The Conceptual Framework**

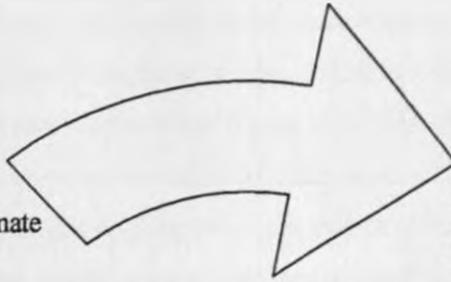
The research aimed at establishing the impact of reforms in Kenyan prisons on the entire prison system in general and on inmate rehabilitation programs in particular. Reforms include changes in inmate rehabilitation programs, the open door policy and changes in prison conditions. The conceptual framework therefore was an illustration of the relationship between reforms in prisons and the functioning of the prison system in general and rehabilitation programs in particular.

The Prison reforms are expected to improve prison conditions and inmates rehabilitation programmes as the changes are realised, inmates will still make further demands on the prisons provisions hence calling for more reforms to improve the programmes.

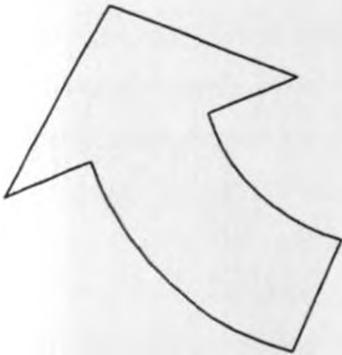
Reforms process is therefore unending and the prisons system has got to continuously review its performance and delivery of services to the prisons communes if programmes are to be efficient and effective.

## CONCEPTUAL MODEL

- Reforms in inmate rehabilitation programs
- the open door policy
- changes in prison conditions



Improved prison conditions and prisoners' rehabilitation programs



Demand for more reforms



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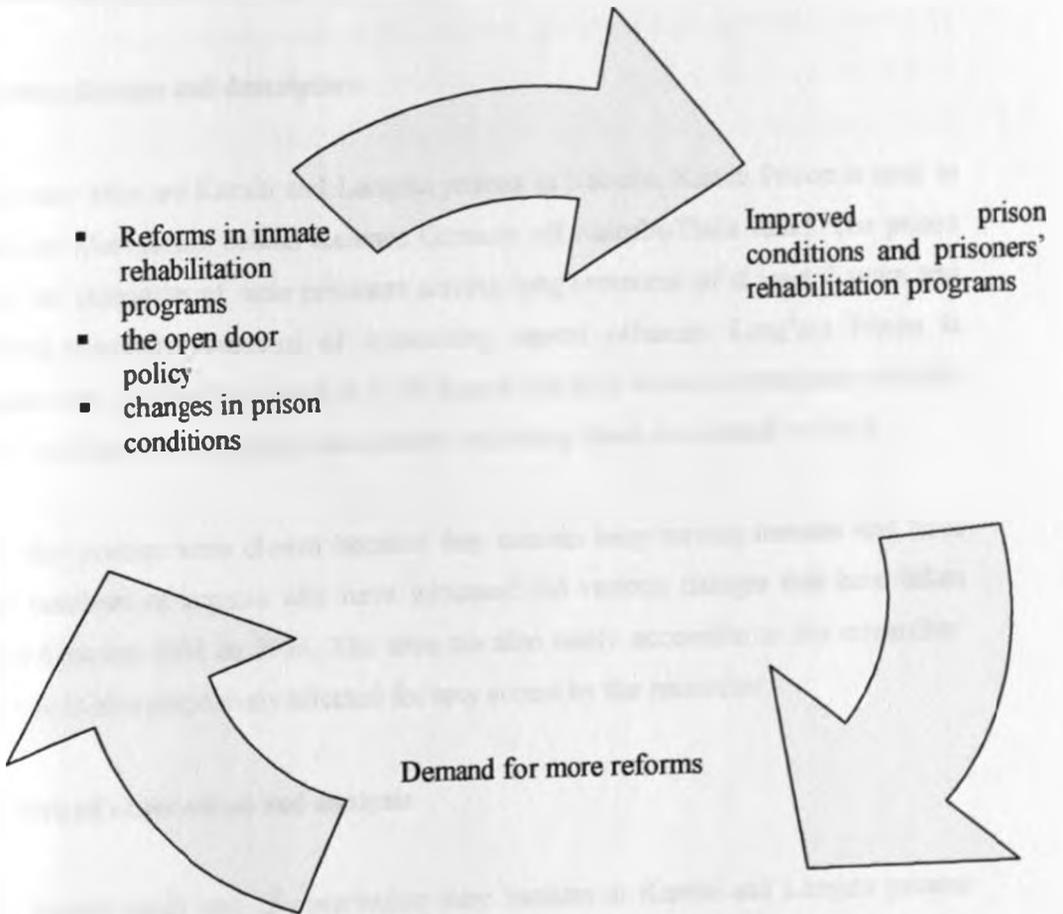
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Reforms process is therefore unending and the prisons system has got to continuously review its performance and delivery of services to the prisons inmates if programmes are to be efficient and effective.

## CONCEPTUAL MODEL



## **CHAPTER THREE: METHODOLOGY**

### **3.1 Introduction**

This chapter describes the present study site and justifies how and why the site of study was chosen. It further describes the units of analysis and observation, explaining the sampling procedure. The chapter also gives the sources of the study data, how they will be collected and analyzed. The chapter concludes by stating the ethical considerations to be taken during the study. The study will employ a qualitative approach (Mugenda and Mugenda, 2003; Hirschi and Selvin, 1967; Parker 1974).

### **3.2 Site selection and description**

The study sites are Kamiti and Langata prisons in Nairobi. Kamiti Prison is next to Kahawa West estate, behind Kahawa Garrison off Nairobi-Thika Road. The prison holds all categories of male prisoners serving long sentences of at least 7 years and remand prisoners suspected of committing capital offences. Lang'ata Prison is situated next to Lang'ata estate. It is the largest and only women's maximum security prison in Kenya holding hard core inmates including those condemned to death.

The two prisons were chosen because they contain long serving inmates and have high numbers of inmates who have witnessed the various changes that have taken place between 2001 to 2008. The sites are also easily accessible to the researcher. Nairobi is also purposively selected for easy access by the researcher.

### **3.3 Unit of observation and analysis**

The present study unit of observation were inmates at Kamiti and Langata prisons who have been in prison before 2001 to date and officers who have been in employment prior to 2001. The unit of analysis is the impact of prison reforms on rehabilitation programs.

### **3.4 Sampling procedure:**

The existing sample frames in Kamiti and Langata prisons indicated that there were a total of 43 and 11 inmates respectively who have been in prison before 2001 to date. Given their small number, all of them were purposively sampled.

A total of 10 key informants among the prison officers namely three Directors at the Prison Headquarters, the officer in charge Kamiti prison industries, the officer in charge Kamiti carpentry section, the officer in charge Kamiti tailoring section, the officer in charge Kamiti metal works section, Kamiti prison welfare officer, the officer in charge of Langata prison industries and the Langata prison welfare officer have been purposively sampled because of the vital information they have concerning the study. The directors at the headquarters develop policies and therefore they are in a position to tell better how the reforms have impacted on rehabilitation programs. The officers at Kamiti and Langata work in prisoner rehabilitation programs and so have experienced the changes taking place and therefore have vital information on the impact those changes have had on prisoners' rehabilitation program. The officers formed the gazetted category.

40 male junior officers were randomly sampled from a population of 120 at Kamiti maximum security prison while 10 junior female prison officers were randomly sampled from a population of 29. Out of 60 respondents on the part of officers, 7 defaulted and did not respond.

#### **3.3.1 Types of data**

This study used both primary and secondary data. The primary data collection was on the background characteristics of the sample and their perception of the impact prison reforms have had on rehabilitation programs. Primary data was collected from respondents who include inmates who have been in prison before 2001 to date and key informants (senior prison officers). Sources of secondary data included prison records and existing literature on the impact of reforms on rehabilitation programs.

### **3.3.2 Data collection methods**

The research administered a questionnaire to the respondents and conducted semi structured interviews with the key informants.

### **3.3.3 Data collection tools**

The researcher developed a semi structure questionnaire for the respondents. An interview schedule was developed to assist during the interview with the key informants. The schedule contained both structured and open-ended questions.

### **3.3.4 Data analysis**

The study employed qualitative and quantitative methods. Each study concept was coded for easy analysis. Analysis was also based on observation by the researcher. The data collected was analyzed using frequencies, percentages, means and standard deviation. Descriptive statistics of the Statistical package for Social Scientists (SPSS) were applied including cross tabulation. Findings were presented in both tabular form, bar and pie charts.

### **3.3.5 Problems encountered in the field**

There was a delay in getting authority from the prisons to conduct research within the prisons institutions in reference. Most inmates interviewed were curious whether the study will enable them get an early release from prison even when the purpose for the study had been explained to them. The level of education for the inmates was low and therefore there was difficulty in comprehending some areas of the study particularly on issues pertaining to the legislation and amendment of laws governing the prisons service.

On the part of staff, the junior officers' showed a low level of response and commitment to the questionnaire as most of them had stayed in the prisons without carrier progression and therefore did not see any benefit from the study due to the low morale. Equally they were reluctant to respond to issues related to the age and education.

## 4. CHAPTER FOUR: DATA ANALYSIS, INTERPRETATION AND PRESENTATION

### 4.1 Introduction.

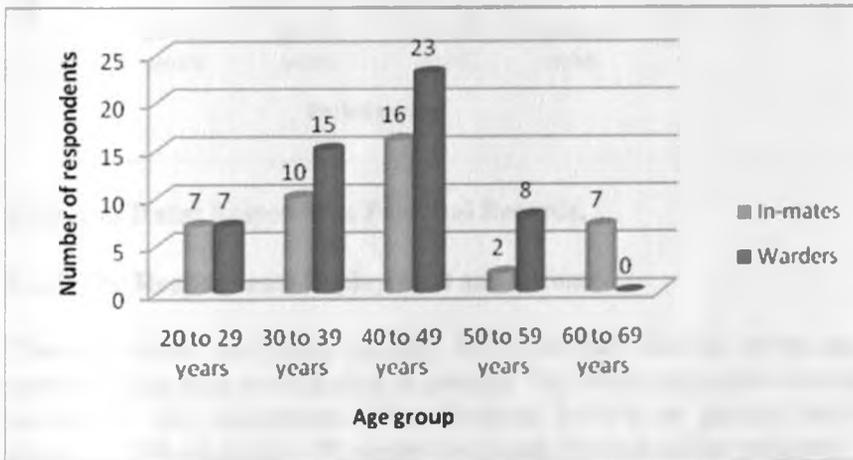
This section analysed data related to the respondents from the prisons headquarters, Kamiti main and Langata women prisons. Analysis and interpretation of data will cover background information, existing inmate rehabilitation programs, reforms on prison services and its impact on inmate rehabilitation programs, and finally suggested reforms in the prison system to improve the performance of programs.

#### 4.1.2. Respondents Age and Sex Distribution.

A total of 104 respondents were sampled from Kamiti, Prisons Head quarters and Langata Prisons. Among the respondents, there were 53 members of staff and 51 inmates. 61.5% of the respondents were aged between 30 years and 50 years and are able to make independent and reliable judgements. On sex distribution, there were female, 24.85% and male 75.15%.

Here under is the pie chart indicating the respondents periods served.

**Bar Chart No. 1 Age Distribution of Respondents.**



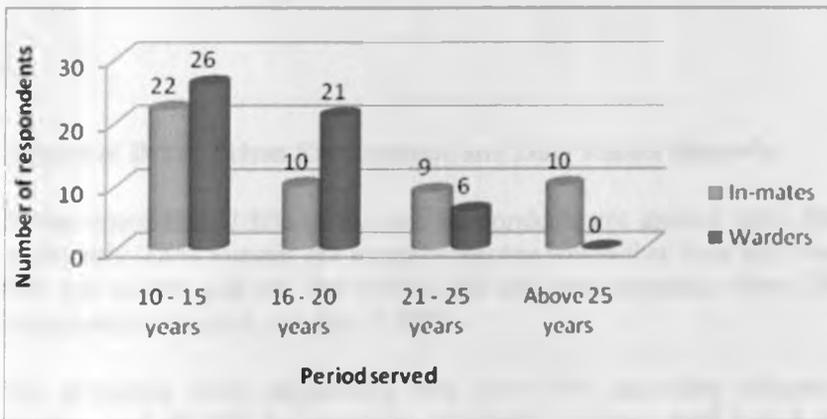
**Source of Data; Respondents Personal Records**

The interviewed respondents were those who had witnessed the prison reforms before the reported reform period and the actual accelerated reform period. The period under study is between 2001 and 2008. The respondents were those officers who were working or inmates who were serving sentences of imprisonment and deployed on inmate rehabilitation programs in Kamiti, Langata, Prison Headquarters or elsewhere before the reforms period. Over 50% of the respondents had served in other prisons before and their responses representative of other institutions.

#### 4.1.3. Respondents Period Served in Prisons.

The majority of the respondents, 80% had worked and served with the prisons between 10 and 20 years, while those who had served over 20 years were 20%. This period indicates that 100% of the respondents were in the prisons, either as a prisoner or a prison officer and they had witnessed the reforms that had taken place. Here under is a bar chart showing the distribution of respondents as per the period served in the prisons service.

**Bar Chart No.2 Respondent Period Served in Prison.**



**Source of Data; Respondents Personal Records.**

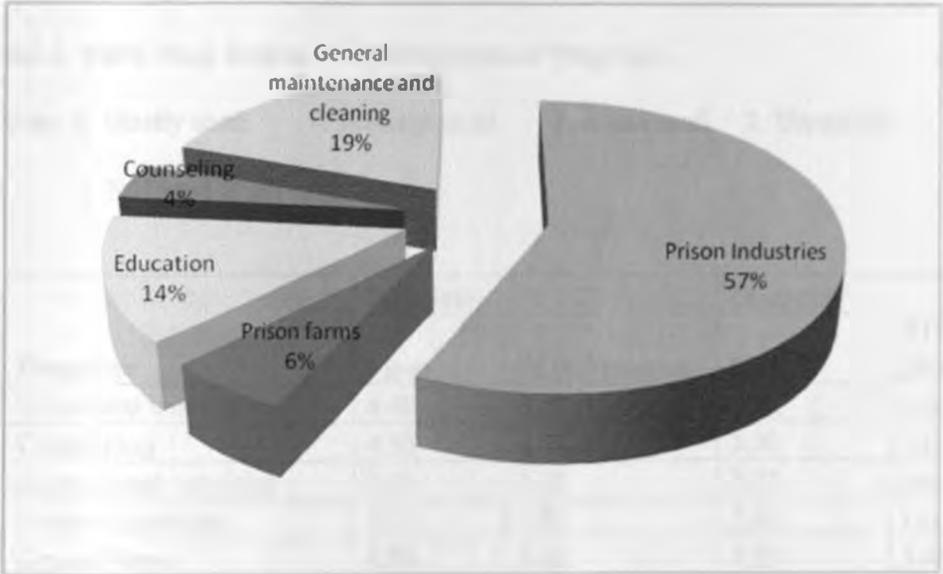
#### 4.1.4. The Respondents Deployment and Income.

The respondents confirmed, actually 100% that they were all given specific tasks to perform while they were serving in prisons. The prison industries occupied the largest number of the respondents 57%, followed by 19% on general maintenance and cleaning, 14% education, 6% prison farms and 4% counselling programs.

It was observed that 100% respondents from Kamiti main prison were deployed inside prison walls and were not allowed to work outside the prison walls due to the potential risk of the dangerousness of the inmates held there in. However 6% of those who were deployed in the prison farms came from Langata prison and an annex prison in Kamiti that had Prison farms. By this deployment, it answers that there exists programs in prisons.

Here in the next page shows a pie chart that shows the respondents deployment in the prisons service.

**Pie Chart No.1 Respondents Deployment Distribution.**



**Source of Data; Prison Employment and Duty Roster Records.**

It was noted that, 100% of the staff respondents got income from their deployment, while only 9.5% inmates got monthly income which they indicated was less than ksh. 500 per month and the rest 90.5% did not earn anything. Over 50% of the staff respondents received over Ksh. 15000.

On education most respondents had over 50% secondary education, 43.5% for inmates and 56.6% for members of staff, in others, staff had a higher level of education compared with that of inmates by 25%. University education was held lowest at 20%.

**4.2 Objective 1. Existing Inmate Rehabilitation Programs.**

**4.2.1 Introduction**

This section is a follow up to that of respondents' deployment in the background information section 4.4, in which respondents confirmed that there are existing inmate rehabilitation programs as educational, vocational training, counselling, recreational and social welfare activities. Detailed information on the respondents rating of the programs was established and given in the paragraphs that follow.

The analysis was done by the application of the Likert scale provided on the table, interpretation was done using the descriptive data of means, standard deviation as the summarized entries are arrived at after obtaining means of specific inmate rehabilitation programs. Cross reference can be made with appendix (i) and (ii), the inmates and staff questionnaires.

**4.2.2. Table No.1 Rating of Existing Inmate Programs.**

**Key;** 5. Mostly used.    4. Average used.    3. Least used.    2. Uncertain.  
 1. Not used at all.

Programs	Warders		In-mates	
	Mean	STD Deviation	Mean	STD Deviation
Vocational training	4.49	1.59	3.12	1.59
Counselling	4.36	1.33	3.39	1.33
Recreational activities	3.24	1.38	3.73	1.38
Formal education	3.03	1.39	2.86	1.38
<b>Grand Mean</b>	<b>3.78</b>	<b>1.42</b>	<b>3.28</b>	<b>1.42</b>

**Source of Data; Field Data.**

**4.2.3. Data Analysis.**

The information was obtained from various items under the stated programs which were summarized to get the reflected means. Vocational (prison industries and farms), counselling (one on one and group counselling), recreation (radio, ballgames, music and TV.)

Table 1 one above represents respondents rating of the programs, vocational training was rated highest with a mean rating of 4.49, followed by counselling at average rating of 4.36. The respondents attributed the high performance to the funding in the prison vocational programs and regular counselling which they attribute to committed prison chaplaincy officials.

On education, primary education was rated most used at 62% as compared to secondary and university education. In vocational training, the prison industries rated at 76.4% as compared to the prison farms at 21.5 % largely because most inmates were sampled from maximum security prisons where inmates hardly go out to work in the prison farms. One on one counselling was rated popular at 78.4% as compared to 66.5% of group counselling, a difference associated to the security risk associated to having dangerous inmates in groups.

The general grand mean for inmates is higher at an average rating of 3.78 as compared to that of officers at least use of programs of 3.25 which was attributed to diverse sampling frame of the officers some of whom were drawn from custodial duties.

There is however a close agreement that the programs exist by the grand standard deviation of 1.42 of the information given by 104 respondents.

### **4.3 Objective 2. Information on Prison Reforms.**

#### **4.3.1 Introduction.**

This section collected information on the prison reforms in prison services before the reform period and during the reform period covering before and after 2001 and 2008. A likert scale provided on the table below was used to get descriptive data of means, standard deviation and percentages for analysis.

Data presentation was done in tabular form which contained, Units of observation in the form of prison services, and descriptive data.

#### **4.3.2 Data Presentation, Analysis and Interpretation.**

This was a comparative analysis between two periods. The period before 2001 and after 2001 but was limited to the end of 2008. The reforms in the period before 2001 forms the baseline period so that the change realised in the deviations represented the level of reforms. Here under is the table showing reforms on the prison services between the two periods.

The unit of analysis is the prison reforms which are observed through the perceptions of the respondents who are categorized as inmates and warders. Change in the reform services was reflected through the means, standard deviations and percentages which were deduced from the table.

**Table No.2 Reforms on Prison Services**

**Key; 1. Very poor. 2. Poor. 3. Good. 4. Excellent**

		Inmates before 2001	Inmates 2001 - 2008	Warders before 2001	Warders 2001 - 2008	Change - Inmates	Change Warders	Baseline reforms	Change Overall
<b>Prison services</b>									
<b>Programs</b>	Vocational training	3.02	3.4	3.02	3.69	0.38	0.67	3.02	0.53
	Education	1.31	1.85	1.31	4.54	0.54	3.23	1.31	1.89
	Counselling	2.27	2.85	2.27	2.85	0.58	0.58	2.27	0.58
	Recreation	1.47	2.36	1.47	2.69	0.89	1.22	1.47	1.06
	<b>Total mean</b>	<b>2.02</b>	<b>2.62</b>	<b>2.02</b>	<b>3.44</b>	<b>0.60</b>	<b>1.43</b>	<b>2.02</b>	<b>1.02</b>
<b>Prison conditions</b>	Prison congestion	1.73	2.58	1.73	2.85	0.85	1.12	1.73	0.99
	Prison workshops	2.18	2.36	2.18	3	0.18	0.82	2.18	0.5
	Inmate stores	3.02	3.32	3.02	3.85	0.3	0.83	3.02	0.57
	Inmate transport	3.27	4.12	3.27	3.85	0.85	0.58	3.27	0.72
	Food supply and handling	2.98	3.11	2.98	3.69	0.13	0.71	2.98	0.42
	Medical attention	3.02	4.13	3.02	3.41	1.11	0.39	3.02	0.75
	Inmate blankets	3	3.43	3	3.13	0.43	0.13	3	0.28
	Inmate clothing	2.9	3.09	2.9	3	0.19	0.1	2.9	0.15
	number of prison personnel	3.5	3.71	3.5	3.74	0.21	0.24	3.5	0.23
	Staff inmate relationship	3.33	3.38	3.33	3.46	0.05	0.13	3.33	0.09
	Donations and visits	2.84	4.01	2.84	2.85	1.17	0.01	2.84	0.59
	<b>Total mean</b>	<b>2.89</b>	<b>3.39</b>	<b>2.89</b>	<b>3.35</b>	<b>0.50</b>	<b>0.46</b>	<b>2.89</b>	<b>0.48</b>
	<b>Legislation</b>	Prison laws	3.24	3.32	3.24	3.24	0.08	0	3.24
Prison orders		3.18	3.37	3.18	3.2	0.19	0.02	3.18	0.11
Prison rules		3.23	3.25	3.23	3.23	0.02	0	3.23	0.01
<b>Total mean</b>		<b>3.22</b>	<b>3.31</b>	<b>3.22</b>	<b>3.22</b>	<b>0.10</b>	<b>0.01</b>	<b>3.22</b>	<b>0.05</b>
<b>Grand mean</b>		<b>2.71</b>	<b>3.10</b>	<b>2.71</b>	<b>3.34</b>	<b>0.40</b>	<b>0.63</b>	<b>2.71</b>	<b>0.52</b>

Source of Data; Field Data.

### **4.3.3 Inmate Rehabilitation Programs**

The overall information provided in the table in the last row indicated that reforms on prison services changed from a poor rating of 2.71 before 2001 to a good mean rating of 3.23 representing an increase of 19.18%.

The highest reforms were experienced in the programs with a change of 50.49%, changing from a poor rating of 2.02 to a good rating of 3.02. The educational and recreational programs contributed over 50% of the change noted. Most respondents, 60.12% attributed the high increase to the open door policy that enabled stake holders and community participation through material support and other donations.

Reforms on vocational services prison industries, farms scored a low rating of 17.5% due to according to most inmates, 74% stated that the equipments such as machines are obsolete and are no longer in use in the general public and may not of help upon their release, workshops have not been expanded and they are not paid for the work they do in the vocational training.

On counselling, the 61% of the respondents attributed the low level of reforms at 25.5% on prison services to inadequate staff and competing demands in time and aims between custodial roles and counselling.

### **4.3.4. Prison Conditions.**

Prison conditions measured items in the second row of the table. The cover items on infrastructure, personnel, prison populations, medical issues, stores, transport, human rights, food and handling practices.

The prison conditions changed from a poor rating of 2.89 before 2001 to a good rating of 3.37 after 2001. This was largely attributed to the efforts made by the government and stake holders. Decongestion of prison overcrowded population through CSO contributed a highest score of 57.22%, followed by medical at 24.83% and transport provision at 22.01%.

In overall change in prison conditions, the inmates saw a significant percentage change at 17.30% as compared to staff at 16.08%. The staff over 50% attributed that the reforms were more in favour of inmates and not benefiting them.

The inmate and staff relationships, was rated poorly at the lowest rating of 2.7%, which 60.1% of the staff related to the emerging concern on the protection of human rights, where staffs coercive power over inmates is waning and inmates are breaking prison rules in the name of being protected by human rights thus the development of prison gangs. The inmates, 74.01 rated staff as cruel to them.

### 4.3.5 Legislation of Prison Laws

The prison law refers to the prison act, rules and standing orders and other related legislation. Reforms on these areas were rated lowest at 1.55%. Inmates recorded a more significant change in the reforms at 3.01% while warders rated the reforms at 0.31%. Most inmates at 81.02% were however not able to say how the amended laws have helped them, implying that they were not able to grasp the subject. Prison standing orders which made of the prison administrative circulars registered a significant reform at 13.22%. This implies that the changes have not been entrenched in the prisons documents of governance.

## 4.4 The Impact of Prison Reforms on the Inmate Rehabilitation programs

### 4.4.1 Introduction

This section measured the respondents' perception on the outcome of the reforms on the inmate rehabilitation programs. Now those reforms have taken place at the rating of 19%, so what? The information sought was to answer the questions and more specifically the impact of the reforms on the inmate programs.

A likert scale was used, and a descriptive table of means, standard deviations and implied percentages used, analysed and interpreted data to determine the respondents' level of satisfaction regarding the changes.

**Table No.3 The Impact of Prison Reforms on Programs.**

**Key;** 1. Not satisfied at all. 2. Not satisfied. 3. Satisfied. 4. Very Satisfied.

Programs	Warders		In-mates	
	Mean	STD Deviation	Mean	STD Deviation
Formal education	2.89	0.74	1.98	0.97
Vocational training	2.47	0.89	2.45	1.23
Counselling	2.69	0.67	2.51	1.32
Recreational activities	2.49	0.45	2.54	1.19
<b>Grand Mean</b>	<b>2.64</b>	<b>0.69</b>	<b>2.37</b>	<b>1.18</b>

**Source of Data; Field Data.**

#### **4.4.2 Data Analysis.**

The overall rating of the respondent's perception on the impact of reforms on the inmate rehabilitation programs was 2.50. This represents an outcome that the respondents had a satisfactory experience, equivalent to 37.33%. This implies that the 19% overall change in the reforms had 196.47% satisfaction amounting to a multiplier effect of 10.34%. This is an encouraging result for reforms to be encouraged.

Warders rated the impact at satisfactory level where as inmates rated the results as poor which is attributed to the fact that most respondents had over 50.05% attained primary and secondary education yet Primary education had benefited more by 62% in the reforms. To the respondents the changes did not benefit them in particular. The efforts therefore need to be directed to other forms of education such as informal and university education.

On recreation the inmates experienced a high satisfaction at a satisfactory rating, compared to the poor rating. Most staff 61.05% indicated, that inmates were the beneficiaries from donations following the open door policy and that the government did not care for their welfare.

The results show related feelings from both the warders and the inmates with the standard deviation of 0.935.

#### **4.5. Suggested Reforms.**

##### **4.5.1 Introduction**

This section collected and analysed information which indicated that there were challenges even after reforms had been realised at 19% and satisfaction derived at 37%. The respondents, 67% of them indicated that the challenges facing inmate rehabilitation programs were 75.05%. Therefore the need for reforms is very high.

A likert scale and descriptive data was used to record information from both warders and inmates

#### 4.5.2 Table No.4 Recommended Reforms by Warders and Inmates

The data collected from respondents was summarised to means and presented in the table below for analysis and interpretation.

**Key;** 5. Strongly agree 4. Agree 3. Uncertain 2. Disagree

1. Strongly disagree

<b>Recommended Reforms by Warders and inmates</b>	<b>Mean</b>
More vehicles be bought	4.74
Increased staff housing	4.70
More workshops to be constructed	4.64
increase inmate earnings	4.60
increased visitations and donations	4.58
Legislative penal laws should be reviewed	4.57
Medical attention	4.49
Stores be increased	4.31
More equipments and materials	4.22
Medical facilities be built	4.19
Changes in technology	4.02
Staff be trained further	3.95
Content of rehabilitation programs	3.93
Instructors be increased	3.86
Food provision and food handling practices	3.67

Source of data. Field data.

#### 4.5.3 Data Analysis and Interpretation

The respondents 82.2% agree that there is need for reforms in various prison services rating them in the range of 3.67 to 4.74. It was noted that 27.8% warders who had not benefited from career progression and inmates who had stayed longest in prison did not see any need for further reforms as they did expect to benefit with any promotion or qualify for any early release.

Most inmates 45% indicated that reforms related to prison conditions such as transport, stores, workshops will motivate them to do better in the programs. However it was only 15% of them who said that reforms in the programs will help them not to re-offend after release saying that they are discriminated upon release from prison and cannot get employment.

With the need for reforms to improve the performance of programs, payment of earnings for inmates for the work they do was preferrent.

## **CHAPTER FIVE: FINDINGS, RECOMMENDATIONS, CONCLUSION AND FURTHER RESEARCH.**

### **5.1 Introduction.**

This section provided for findings, made recommendations, and conclusions and areas that needed further research. They were based on the information from the background information, literature review, research methods, data analysis and interpretations which preceded this chapter.

The recommendations focused the thematic areas of study that is background information, existing inmate rehabilitation programs, reforms on prison services and its impact on inmate rehabilitation programs, and finally suggested reforms in the prison system to improve on the performance of programs.

#### **5.1.2. Sentence of Imprisonment.**

It was established that inmates who were serving sentences of imprisonment of over 10 years and on inmate rehabilitation programs are a small in number. They were 43 in Kamiti and 11 in langata compared to the total prison population of 3000 inmates and 1200 respectively. The highest number in age distribution ranged between 30 and 50 years which means a lot had changed in their life since most of them had served sentences of imprisonment for over 10 years.

Their motivation tended to decline as they continued to serve long periods as it was noted that 3 inmates in Langata refused to answer to the questionnaire as it was not going to secure them release and over 50% of the rest of inmates were concerned about how the information sought was going to secure the an early release. It is therefore implied that very long sentences of imprisonment frustrate and are punitive to inmates. And as Fox (1952) stated, one cannot be trained successfully under conditions of captivity. The study therefore recommends that long serving

inmates be granted an avenue where they can get an opportunity for early release from prison as long periods of imprisonment seemed to be punitive and frustrating. This can motivate them to cooperate and do better in prisons programs and eventually reduce criminal tendencies.

### **5.1.3 Staff Motivation**

On the part of staff too, some 45% had worked in the prisons for over 10 years and had not secured any career progression yet 75% of them had a clean record of service and were deployed in responsible positions. They expressed indifferent feelings over the value of responding to this study, a matter attributed to inadequate motivation through promotion in rank. This finding tie well with the social psychological theory of human needs attributed to Abraham Maslow. This theory states that among others, man is driven by a need for freedom of association and recognition. The system needs to establish channels for the promotion or motivation which are certain so that the staff low morale does not affect effective and efficient performance of inmate rehabilitation programs.

### **5.1.4 Inmates Income.**

The study established that very few inmates are paid for the services they offer while deployed in programs while the products of their labour add some value to the state including monetary benefits from sales of products from industries and farms. In fact 90.5% indicated that they don't earn any income. While the 9.5% who claimed to earn income were earning less than Ksh500 per month. In their suggested reforms, all inmates need to be paid and at relatively increased rates so that they can support their families and enable them start life upon release.

The staff on the other part, 62.5% did not see the need to pay earnings for the work they did in the prisons as they were paying back to society for their evils and crimes they committed to the society. Further still the training they got in programs promoted habits of hard work and industry, coping mechanisms and skills appropriate for inmates use and survival upon release.

The literature review in this study indicated that inmates in American penal institutions earn income for the work they do in prison programs (Embert, 1988). This income is partially used to pay for inmates costs and maintenance while in prison as well as support the basic needs of their families. This approach is recommended as it will motivate inmates to have a drive to learn and work in programs, reduce prison costs and support their families' enable them fit well upon release hence a reduced re-offending rates. This recommendation finds support in Herz Berg theory of motivation as income refers to items which are satisfiers to human beings and contribute to the happiness of human beings (Amstron, 2001).

## **5.2 Inmate Rehabilitation Programs**

This study had sought to determine whether inmate rehabilitation programs existed in prisons, the reforms and their impact and suggested reforms.

While all the programs entered in this study indicated in this study were said to be averagely applied in the treatment programs. Most inmates 57% were assigned to vocational programs- prison industries while counselling got 4%, education 14%. The wide disparity noted in programs needs to be addressed so that all inmates are exposed to all programs as the programs compliment each other in the life of inmates. The functionalist theory of Talcott Parsons supports this assertion that parts of body support the well functioning of the whole body (Ritzer & Woodman, 2003).

The highest reforms 50% were experienced in education and recreational programs. This was attributed to the participation of community members, courtesy of the open door policy. While inmates appreciated this change as satisfactory, the warders expressed a negative view of not satisfied as they attributed that the changes were in favour of inmates. Both the inmates and staff agree that there is a need to improve on the programs by increasing the number and quality of instructors and materials among others. The state and other stake holders' need to appreciate this observation and implement.

Most respondents over 60% indicated that the rehabilitative programs are in competition with the prison custodial roles. The custodial officers were said to be cruel to inmates and are not in favour of programs. One on one counselling program was particularly popular as opposed to group counselling which was attributed to the risk of putting a group of dangerous inmates together. The literature review as well as this study does not support punitive approach to efficient inmate programs. It is recommended that, training be offered to members of staff to appreciate the role of programs perform in keeping inmates busy and help them do their time in prison which immensely support their custodial role(Sutherland, 1970).

### **5.3. Prison Reforms**

This section provided for the reforms which took place and staff suggestions to improve the programs.

The overall rating between the two periods under study, indicate that there was an improved reform rating in the period 2001 to 2008 by 19%. These reforms resulted to a multiplier impact of 37% satisfaction in both staff and inmates on programs. This implies that there is an encouraging outcome and the stakeholders need to do more and support the reforms in the infrastructures, programs and legislation.

Additionally, the staff and inmates agree that there is a need for further reforms on the prison services which will support the efficiency and effectiveness of programs. It implies that the reforms have to be a continuous process. This is in support of Bohm and Haley (1999) Talcot Parsons theory of structural functionalism and the conceptual model which was reviewed I chapter two. They postulate that the reforms in penal systems have been going in circles, what has been there keeps on coming back. The reforms affect other parts in the prison services which in turn calls for adjustments and adaptations thus making a reform process an unending process.

### **5.4. Conclusion.**

The study concludes that there are less than 2% of inmates who have been undergoing inmate rehabilitation programs for over a period of 10 years. Since the programs are seen as interventions on human behaviour to enable inmates conform to the right

norms in society, this period is very long and there is a need to provide testing mechanism that may result to such inmates get an early release. A parole system where inmates serve a short period in prison and the rest under community treatment is suggested as appropriate.

As for the reforms, the prison system has made reforms in the prison systems which have had a positive impact on programs as perceived by staff and inmates. The reforms are however minimal and more needs to be done to improve on the performance of programs.

### **5.5. Recommended Studies**

The study focused on the impact of inmate rehabilitation programs. This study was limited to the programs which is part of the role of inmate rehabilitation by the prison system. The study does not reflect how the reforms realised in the programs contributed to inmate rehabilitation itself. There is therefore a need to do an in-depth study and determine how the improved programs have affected the behaviours of inmates. How has it affected crimes and criminals in society? Do we have a reduced rate of recidivism? Is the public made safer following the prison reforms in programs?

My assumption is that efficient and effective programs will reduce the incarceration rates as well as offender recidivism thus, reducing crime in society and making the public more safe.

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**APPENDIX 1**

**UNIVERSITY OF NAIROBI**  
**FACULTY OF ARTS**  
**DEPARTMENT OF SOCIOLOGY**

To the Respondent,  
Kenya Prisons service,  
Nairobi.

Dear Sir/Madam,

How are you? My names are Ambrose Ogeto Ngare, a postgraduate student from the University of Nairobi, pursuing a Master of Arts degree in Criminology. I am conducting a study on **the impact of prison reforms on inmate rehabilitation programs in Kenya: A case study of Prisons Headquarters, Kamiti, and Langata Prisons** which will form part of the requirements for this course.

Findings of this study will assist policy makers in the designing of new and better rehabilitation programs which will reduce recidivism rates among offenders. In the long run the study will contribute to a reduced crime rate hence making our society safer, leading to better lives and increased economic activities.

You have been carefully selected to form part of this study. I trust that you will spare some time and assist me by giving information. All the information and data collected from you will be treated with utmost confidence and will be used for the purposes explained above only. The interview will take about Forty five minutes.

A copy of the research will be availed to you on request.

Thanking you in advance

Yours truly,

**A.O.Ngare**  
**M.A. Student**

**APPENDIX II**

**UNIVERSITY OF NAIROBI**  
**FACULTY OF ARTS**  
**DEPARTMENT OF SOCIOLOGY**

**TOPIC; Impact of prison reforms on inmate rehabilitation programs:**

**A case study of Prisons Headquarters, Kamiti, Langata Prisons.**

**Research questionnaire for inmates**

**Questionnaire Serial Number** \_\_\_\_\_

**Place of Interview/Prison** \_\_\_\_\_

**Date of Interview** \_\_\_\_\_

**Time of Interview** \_\_\_\_\_

**PART A – BACKGROUND INFORMATION**

**1. Respondent's Sex:**                      1. Male                       2. Female

**2. Respondent's Current Age** \_\_\_\_\_

**3. Rank.** (a) 1. Trustee     2. Stage Four     3. Stage Three     4. Stage Two

(b) If other indicate \_\_\_\_\_

**4. Marital Status**

1. Single

2. Married

3. Divorced/ Separated

4. Widowed

5. Respondent's Tribe \_\_\_\_\_

6. Current Religion

- 1. Roman Catholic
- 2. Protestant
- 3. Islam
- 4. Other (please specify) \_\_\_\_\_

7. Your Current Level of Education

- 1. None
- 2. Primary
- 3. Secondary
- 4. University
- 5. Adult Literacy
- 6. If other (please specify) \_\_\_\_\_

8. (a) Please state the offence you were charged with which is the reason of the current Imprisonment (e.g. Stealing, robbery, etc) \_\_\_\_\_

(b) What is the total duration of the current prison sentence ( state in years and months)

\_\_\_\_\_

(c) How long have you actually stayed in prison? (State years only) \_\_\_\_\_

(d) Kindly state if you have served in any other prison before your current one

Tick as appropriate 1. Yes  2. No

**9. Inmates occupation** (a) Are you engaged in any occupation? 1. Yes  2. No

(b) If yes please state the area of occupation

1. Prison industries

2. Prison Farms

3. Education

4. Counseling

5. If other ( specify) \_\_\_\_\_

(c). Please state your role in the area you were occupied

1. Instructor

2. Teacher

3. Counselor

4. Trainee

4. Other specify \_\_\_\_\_

## 10. Respondent's Income

(a) Do you get income from the occupation 1. Yes  2. No

(b) Explain \_\_\_\_\_

(c) If yes please state the current monthly income in ksh.

1. 0 – 2000  2. 2000 – 4000

3. 4000 – 6000  4. Over 6000

(d) Please rate this income since 2001

1. Decline

2. An increase

3. Status quo

## 11 Visitors and Friends

(a) Were visitors allowed to visit you in prison? 1. Yes  2. No

(b) If yes please rate the visits before the year 2001 and after 2001

### After the year 2001

- 1. Very rarely
- 2. Rarely
- 3. Often
- 4. Very often

### Before Year 2001

- 1. Very rarely
- 2. Rarely
- 3. Often
- 4. Very often

## 12 Part B – Respondent's Knowledge of Inmate Rehabilitation Programs

To what extent does your current prison or any other prison where you have served before, use/employ the rehabilitation programs listed here below.

**Key;** 5. Mostly used      4. Average used      3. Least used  
2. Uncertain,      1. Not used at all.

### 12.1 Formal schooling

#### Reason for rating

- (a) Primary    1  2  3  4  5  \_\_\_\_\_
- (b) Secondary    1  2  3  4  5  \_\_\_\_\_
- (c) University    1  2  3  4  5  \_\_\_\_\_

### 12.2. Vocational training

- (a) Prison industries    1  2  3  4  5  \_\_\_\_\_
- (b) Prison farms      1  2  3  4  5  \_\_\_\_\_
- (c) Other specify \_\_\_\_\_

### 12.3 Counseling

- (a) Group counseling    1  2  3  4  5  \_\_\_\_\_

(b) One on one counseling 1  2  3  4  5  \_\_\_\_\_

**12.4 Recreation and social welfare**

1. Ball games 1  2  3  4  5  \_\_\_\_\_

2. Music 1  2  3  4  5  \_\_\_\_\_

3. Television 1  2  3  4  5  \_\_\_\_\_

4. Radio 1  2  3  4  5  \_\_\_\_\_

5. If other programs please specify \_\_\_\_\_

**13. Part C – The Level of Prison Reforms in Prison Services after and Before the Year 2001**

What rating would you assign the prison services identified below, after and before the year 2001

Key; 1. Very Poor                      2. Poor                      3. Good                      4. Excellent

	After the year 2001	Before Year 2001
<b>13.1 Rehabilitation programs</b>		
(a) Vocational training	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>
	Explain _____	_____
(b) Education	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>
	Explain _____	_____
(c) Counseling	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>
	Explain _____	_____
(d) Recreation	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>
	Explain _____	_____

### 13.2 Prison conditions

(a) Inmate wards    1  2  3  4                       1  2  3  4

Explain \_\_\_\_\_

(b) Prison Workshops 1  2  3  4                       1  2  3  4

Explain \_\_\_\_\_

(c) Inmates transport 1  2  3  4                       1  2  3  4

Explain \_\_\_\_\_

(d) Inmate's stores 1  2  3  4                       1  2  3  4

Explain \_\_\_\_\_

### 13.3 Prison Personnel

(a) Adequacy of Numbers 1  2  3  4  1  2  3  4

Explain \_\_\_\_\_

(b) Qualifications 1  2  3  4  1  2  3  4

Explain \_\_\_\_\_

### 13.4 Humane treatment of inmates

(a) Staff inmate relationship 1  2  3  4  1  2  3  4

Explain \_\_\_\_\_

(b) Food supply and handling 1  2  3  4  1  2  3  4

Explain \_\_\_\_\_

(c) Medical attention 1  2  3  4  1  2  3  4

Explain \_\_\_\_\_

(d) Donations 1  2  3  4  1  2  3  4

Explain \_\_\_\_\_

(e) Inmate's clothing      1  2  3  4       1  2  3  4

Explain \_\_\_\_\_

(f) Inmate's Blankets      1  2  3  4       1  2  3  4

Explain \_\_\_\_\_

### 13.5 Prison law, Rules and orders

(a) Laws      1  2  3  4       1  2  3  4

Explain \_\_\_\_\_

(b) Rules      1  2  3  4       1  2  3  4

Explain \_\_\_\_\_

(c) Orders      1  2  3  4       1  2  3  4

Explain \_\_\_\_\_

(c) If other, explain \_\_\_\_\_

### 14. Part E. Respondent's perception on the satisfaction of the changes

Please rate the changes observed in part D regarding the impact they have on each of the under mentioned inmate rehabilitation programs by use of the key.

**Key;** 1. Not satisfied at all    2. Not satisfied      3. Satisfied    4. Very satisfied

#### 14.1 Formal schooling

**Reason for rating**

(a) Primary      1  2  3  4  \_\_\_\_\_

(b) Secondary      1  2  3  4  \_\_\_\_\_

(c) University      1  2  3  4  \_\_\_\_\_

**14.2 Vocational training**

(a) Prison industries    1     2     3     4  \_\_\_\_\_

(b) Prison farms        1     2     3     4  \_\_\_\_\_

(c) If other, explain \_\_\_\_\_

**14.3 Counseling**

(a) Group counseling    1     2     3     4  \_\_\_\_\_

(b) One on one counseling    1     2     3     4  \_\_\_\_\_

**14.4 Recreation activities**

(a) Ball games        1     2     3     4  \_\_\_\_\_

(b) Music              1     2     3     4  \_\_\_\_\_

(c) Television        1     2     3     4  \_\_\_\_\_

(d) Radio              1     2     3     4  \_\_\_\_\_

(e) If other, explain \_\_\_\_\_

**15. Part F- Challenges Facing Rehabilitation Programs**

15.1 (a) Do you still think that there are challenges facing the inmate rehabilitation

Programs.    1. Yes                     2. No

(b) Please explain \_\_\_\_\_

**16. Part – G Respondent’s Recommended Reforms**

For the improvement of inmate rehabilitation programs, how do you rate the following reforms need to be further undertaken. Please rate as may be appropriate.

**Key;** 5. Strongly agree    4. Agree    3. Uncertain    2. Disagree  
1. strongly disagree

**16.1 Rehabilitation Programs**

**Explain**

- (a) Improve content of rehabilitation program    1     2     3     4     5  \_\_\_\_\_
- (b) Train Staff    1     2     3     4     5  \_\_\_\_\_
- (c) Increase the number of instructors    1     2     3     4     5  \_\_\_\_\_
- (d) More equipments and materials    1     2     3     4     5  \_\_\_\_\_
- (e) Change of technology    1     2     3     4     5  \_\_\_\_\_
- (f) If other, explain \_\_\_\_\_

**16.2 Prison Physical infrastructure**

- (a) Construct more workshops    1     2     3     4     5  \_\_\_\_\_
- (b) Increase stores supply    1     2     3     4     5  \_\_\_\_\_
- (c) Get more Vehicles    1     2     3     4     5  \_\_\_\_\_
- (d) Build more Medical facilities    1     2     3     4     5  \_\_\_\_\_
- (e) Review and Legislate penal laws    1     2     3     4     5  \_\_\_\_\_
- (f) If other, explain \_\_\_\_\_

### 16.3 Humane Treatment of Inmates

(a) Food provision and

Food handling practices  1  2  3  4  5  \_\_\_\_\_

(b) Medical attention  1  2  3  4  5  \_\_\_\_\_

(c) Increase visitations,  1  2  3  4  5  \_\_\_\_\_

(d) Increase staff housing  1  2  3  4  5  \_\_\_\_\_

(e) Increase earnings  1  2  3  4  5  \_\_\_\_\_

(d) If other, explain \_\_\_\_\_

**THANK YOU FOR YOUR CO-OPERATION**

**APPENDIX III**

**UNIVERSITY OF NAIROBI**

**FACULTY OF ARTS  
DEPARTMENT OF SOCIOLOGY**

**TOPIC; Impact of prison reforms on inmate rehabilitation programs in  
Kenya: A case study of Prisons Headquarters, Kamiti, and Langata  
Prisons.**

**Research Questionnaire for Prison Staff**

**Questionnaire Serial Number** \_\_\_\_\_

**Place of Interview/Prison** \_\_\_\_\_

**Date of Interview** \_\_\_\_\_

**Time of Interview** \_\_\_\_\_

**PART A – BACKGROUND INFORMATION**

**1. Respondent's Sex:**

Male  Female

**2. Respondent's Current Age** \_\_\_\_\_

**3. Rank; (a)** 1. Gazetted  2. Chief Officer  3. NCO  4. Warder

(b) If other specify \_\_\_\_\_

**4. Marital Status**

- 1. Single
- 2. Married
- 3. Divorced/ Separated
- 4. Widowed

**5. Religion**

- 1. Roman Catholic
- 2. Protestant
- 3. Islam
- 4. Other (please specify) -----

**6. Level of Education (b) Please tick your Level of Education before employment.**

- 1. None
- 2. Primary
- 3. Secondary
- 4. University
- 5. Adult Literacy
- 6. If other (please specify) -----

**(b) What additional education have you acquired while in prison?**

- 1. None
- 2. Primary
- 3. Secondary
- 4. University
- 5. Adult Literacy

6. If other (please specify) \_\_\_\_\_

**7. Staff Deployment**

(a) Are you engaged specific deployment? 1. Yes  2. No

(b) If yes please state the area of occupation

1. Vocational training Prison industries/Farms

2. Education

3. Counseling

4. Recreational and social welfare

5. Administration

6. If other (specify) \_\_\_\_\_

(c) Please state your role in the area you were occupied

1. Instructor  2. Teacher  3. Counselor  4. Incharge

5. Other specify \_\_\_\_\_

(d) Please explain how the education or skills you hold in section 7 above help you to do the work in which you are deployed \_\_\_\_\_  
\_\_\_\_\_

**8. (a) What is the total duration of service in the KPS (state in years and months)**

1. 1—10 years  2. 10—20 years  3. More than 20 years

(b) Kindly state if you have served in any other prison before your current one

Tick as appropriate 1. Yes  2. No

**9. Part B – Respondent’s Knowledge on Inmate Rehabilitation Programs**

To what extent does your current prison or any other prison where you have worked before, use/employ inmate rehabilitation programs listed here below.

**Key;** 5. Mostly used      4. Average used      3. Least used  
2. Uncertain,      1. Not used at all.

**9.1 Formal schooling**

**Reason for rating**

(a) Primary    1     2     3     4     5  \_\_\_\_\_

(b) Secondary    1     2     3     4     5  \_\_\_\_\_

(c) University    1     2     3     4     5  \_\_\_\_\_

**9.2. Vocational training**

(a) Prison industries    1     2     3     4     5  \_\_\_\_\_

(b) Prison farms    1     2     3     4     5  \_\_\_\_\_

(c) Other specify \_\_\_\_\_

**9.3 Counseling**

(a) Group counseling    1     2     3     4     5  \_\_\_\_\_

(b) One on one counseling    1     2     3     4     5  \_\_\_\_\_

**9.4 Recreation and social welfare**

1. Ball games    1     2     3     4     5  \_\_\_\_\_

2. Music    1     2     3     4     5  \_\_\_\_\_

3. Television    1     2     3     4     5  \_\_\_\_\_

4. Radio    1     2     3     4     5  \_\_\_\_\_

5. If other programs please specify \_\_\_\_\_

**10. Part C – The Conditions of Prisons Reforms in Services after and Before the Year 2001**

What rating would you assign the prison services identified below, after and before the year 2001

**Key;** 1. Very Poor                      2. Poor                      3. Good                      4. Excellent

	<b>After the year 2001</b>	<b>Before Year 2001</b>
<b>10.1 Rehabilitation programs</b>		
(a) Vocational training	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>
	Explain _____	_____
(b) Education	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>
	Explain _____	_____
(c) Counseling	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>
	Explain _____	_____
(d) Recreation	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/>
	Explain _____	_____

**10.2 Prison conditions**

(a) Inmate wards      1  2  3  4       1  2  3  4

Explain \_\_\_\_\_

(b) Prison Workshops 1  2  3  4       1  2  3  4

Explain \_\_\_\_\_

(c) Inmates transport 1  2  3  4       1  2  3  4

Explain \_\_\_\_\_

(d) Inmate's stores    1  2  3  4       1  2  3  4

Explain \_\_\_\_\_

**10.3 Prison Personnel**

(a) Adequacy of Numbers 1  2  3  4       1  2  3  4

Explain \_\_\_\_\_

(b) Qualifications      1  2  3  4       1  2  3  4

Explain \_\_\_\_\_

**10.4 Humane treatment of inmates**

(a) Staff inmate relationship 1  2  3  4  1  2  3  4

Explain \_\_\_\_\_

(b) Food supply and handling 1  2  3  4  1  2  3  4

Explain \_\_\_\_\_

(c) Medical attention 1  2  3  4  1  2  3  4

Explain \_\_\_\_\_

(d) Donations 1  2  3  4  1  2  3  4

Explain \_\_\_\_\_

(e) Inmate's clothing 1  2  3  4  1  2  3  4

Explain \_\_\_\_\_

(f) Inmate's Blankets 1  2  3  4  1  2  3  4

Explain \_\_\_\_\_

**10.5 Prison law, Rules and orders**

(a) Laws 1  2  3  4  1  2  3  4

Explain \_\_\_\_\_

(b) Rules 1  2  3  4  1  2  3  4

Explain \_\_\_\_\_

(c) Orders 1  2  3  4  1  2  3  4

Explain \_\_\_\_\_

**11. Part – D Respondent’s Perception on the cause of changes in C above.**

It is reported that changes noted in c above areas is as a result of the Reforms that have taken place between the year 2001 and 2008. Kindly Rate as appropriate.

**Key;** 1. Yes 2. No 3. Uncertain

**12. Part E. Respondent’s perception on the satisfaction of the changes**

Please rate the changes observed in part D regarding the impact they have on each of the under mentioned inmate rehabilitation programs by use of the key.

**Key;** 1. Not satisfied at all 2. Not satisfied 3. Satisfied 4. Very satisfied

<b>12.1 Formal schooling</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Reason for rating</b>
(a) Primary	1	2	3	4	_____
(b) Secondary	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	_____
(c) University	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	_____

**12.2 Vocational training**

(a) Prison industries	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	_____
(b) Prison farms	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	_____
(c) If other, explain	_____				

**12.3 Counseling**

(a) Group counseling	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	_____
(b) One on one counseling	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	_____

**12.4 Recreation activities**

- (a) Ball games    1    2    3    4  \_\_\_\_\_
- (b) Music        1    2    3    4  \_\_\_\_\_
- (c) Television    1    2    3    4  \_\_\_\_\_
- (d) Radio        1    2    3    4  \_\_\_\_\_
- (e) If other, explain \_\_\_\_\_

**13. Part F- Challenges Facing Rehabilitation Programs**

13.1 (a) Do you still think that there are challenges facing the inmate rehabilitation

Programs.    1. Yes                     2. No

(b) Please explain \_\_\_\_\_

**13.2 If the response is yes, please rate if there exists challenges related to the items listed below using the key provided here under.**

**Key;** 5. Strongly agree 4. Agree 3. Uncertain 2. Disagree 1. strongly disagree

Item						Explain
13.3 (a) Teachers/instructors	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	_____
(b) Equipments/ materials	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	_____
(c) Quality of staff	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	_____
(d) Space	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	_____
(e) Certified programs	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	_____
(f) Competition with custodial roles						
	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	_____
(g) Relationship with staff	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	_____
(h) Work program	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	_____
(e) If other, explain						_____

**14. Part – G Respondent’s Recommended Reforms**

Please rate the extent to which the under listed reforms need to be taken to improve the inmate rehabilitation programmes.

**Key;** 5. Strongly agree 4. Agree 3. Uncertain 2. Disagree  
1. strongly disagree

**14.1 Rehabilitation Programs**

**Explain**

- (a) Improve content of rehabilitation program    1     2     3     4     5  \_\_\_\_\_
- (b) Train Staff    1     2     3     4     5  \_\_\_\_\_
- (c) Increase the number of instructors    1     2     3     4     5  \_\_\_\_\_
- (d) More equipments and materials    1     2     3     4     5  \_\_\_\_\_
- (e) Change of technology    1     2     3     4     5  \_\_\_\_\_
- (f) Increased funding    1     2     3     4     5  \_\_\_\_\_
- (g) If other, explain \_\_\_\_\_

**14.2 Prison Physical infrastructure**

- (a) Construct more workshops    1     2     3     4     5  \_\_\_\_\_
- (b) Increase stores supply    1     2     3     4     5  \_\_\_\_\_
- (c) Get more Vehicles    1     2     3     4     5  \_\_\_\_\_
- (d) Build more Medical facilities    1     2     3     4     5  \_\_\_\_\_
- (e) Review and Legislate penal laws    1     2     3     4     5  \_\_\_\_\_
- (f) If other, explain \_\_\_\_\_

### 14.3 Humane Treatment of Inmates

(a) Food provision and food handling practices

1  2  3  4  5  \_\_\_\_\_

(b) Medical attention 1  2  3  4  5  \_\_\_\_\_

(c) Increase visitations, 1  2  3  4  5  \_\_\_\_\_

(d) Increase staff housing 1  2  3  4  5  \_\_\_\_\_

(e) Improve staff salaries 1  2  3  4  5  \_\_\_\_\_

(d) If other, explain \_\_\_\_\_

**THANK YOU FOR YOUR CO-OPERATION**