IMPACT OF PRISON REFORMS ON REHABILITATION OF OFFENDERS IN KENYA: THE CASE OF NAIVASHA MAXIMUM SECURITY PRISON.

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DECLARATION

This research project is my original work and has not been submitted to any other university for an academic award.

Sign…………………….   Date……………………….

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I confirm that this research project has been submitted for examination with my approval as the university supervisor.

Signed………………………….   Date…………………………

PROF. KARUTI KANYINGA

Signed ……………………..   Date………………………..

JOHN .M. NJOKA

DEDICATION

I dedicate this work to my dear friend and husband, Ambrose Ogeto who literally became a student since the beginning of this study. I am grateful for your love, patience and support. To my dear children, Martin Luther, Nelson Mandela and Winnie Nyaboke for giving me the strength to sojourn on.

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ABSTRACT

The study aims at establishing the impact of prison reforms on rehabilitation of offenders. Specifically, the study seeks to establish the chief drivers of prison reforms in Kenya and how opening up prisons to 'outside contact' has contributed to behavior change among inmates. Prisons are part of wider public sector and there has been efforts world over to reform public institutions with a view to improving service delivery and management practices. In this regards, it is expected that all reform agenda meet the expectations or objectives set as this is where success is pegged on. It is also expected that prisoner's behavior would change with the initiation of reforms. Specifically this implies that recidivism will decline. The study site was Naivasha Maximum Security prison. The respondents interviewed for the study were in three categories. They included inmates who have been in prison before 2001 and after and have since then reoffended, key informants and ex-offenders. A total of 40 respondents were interviewed for the study. The method of sampling used was purposive. The methods used are both structured and semi structured interviews. The study employed both qualitative and quantitative approach. Quantitative approach was used because during data manipulation, variables of nominal scale were statistically applied. Numerical values were assigned to such data for coding purposes. Variables of age and level of education were used versus the likelihood of re-offending to establish the significant relationship through Chi-Square test. The findings of the study have shown that the opening of prisons is facilitating behavior change though issues of stigma, unemployment and ineffective police force have been fronted as factors contributing to reoffending. The study concludes that prison reforms are about changing the prison institution and its practices. It is expected that prisoners' behavior would change after reforms have been undertaken. This implies that after a prisoner has completed serving his/her imprisonment term, he or she becomes a law-abiding citizen through non-involvement in crime which is a true measure for rehabilitation.

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CHAPTER ONE

INTRODUCTION

Imprisonment as a form of punishment evolved from the middle of eighteenth century. Prisons were used primarily as places for behavior change, which implied the rehabilitation of offenders, holding persons awaiting trial, execution, deportation or payment of debts. The penal system then, was brutal, painful and a general limitation to human rights (Mushanga, 1985; Adler, 1995). However, during the 'enlightenment' period or the age of reason, high value was placed on freedom that its denial was viewed as very painful by many classical thinkers. Their concerns were to protect the rights of human kind. They believed that people exercised free will. This created a more humane system. Moreover, it came to be realized that the brutality meted out to criminals as punishment never deterred them from committing crime (Mushanga, 1985, p.153).

A later development on punishment changed from physical brutality to panopticon; an organization of prison which places emphasis on surveillance of prisoners at all times). Panopticon itself entails overzealous in terms of all seeing through an inspection house which ensures that inmates are constantly watched (Foucault, 1975). This was a major shift from earlier schools of thought which emphasized physical punitive measures. Even with this shift to panopticon, prisoners were never deterred from reoffending. They would find themselves back in jails for committing crimes (Morris, 1965, p.220).

According to Barbara Hudson (in Moguire, Morgan and Reiner 2001) the 200 years from the middle of eighteenth century approximately to the beginning of approximately third quarter of the twentieth 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 social science to that end. Thus imprisonment was to be used as a rehabilitation and reformation measure where human rights perspectives were embraced. In this regard, rehabilitation has broadly been defined as the result of any social and psychological intervention intended to reduce an offender's further criminal activity. By this

standard, the true test of success is non-involvement in crime following participation in an intervention program (Adler, 1995.p.98).

In the context of Africa, imprisonment was introduced by Europeans during colonialism as a tool to muzzle natives to submission for easy governance and exploitation. The pre-colonial period was characterized by the use of traditional methods for instilling discipline. Each African country had own distinct ways of dealing with those who went against societal norms and values. Therefore different communities used different methods of dealing with criminals. Murder and other offences were settled by compensation (Kenyatta, 1978, p. 215).

In Kenya, prison system was introduced by the British East Africa Protectorate with enactment of East Africa Prisons Regulations No.12/1902 of April; 1902.The post-independence period was not different. Political dissidents were kept in prison as a way of deterrence. The authoritarian governments sought to gain control over them. They were kept under punitive conditions. Upon attaining independence in 1963, the government took interest on prisoners' conditions. The management of prisons took a different dimension with unfulfilled intentions of reforming the prison so as to operate under the requirements of law.

Many countries have instituted modern laws to govern behavior of prisoners. For instance, in Kenya, the enactment of Chapter 90 laws of Kenya which deals with legislation for the treatment of adult offenders and chapter 92 laws of Kenya to establish the Borstal Institutions where young offenders of the ages(15-17years) aimed at transforming prisons from places of punishment to places where offenders could be reformed.

The Kenya's prison laws focus on upholding the human dignity and influencing the offenders to refrain from their criminal acts. In particular Chapter 90 and 92 laws of Kenya puts emphasis on humane treatment of offenders by allowing for visitation, entitlement to proper diet and provision for an earning scheme for those inmates under vocational programs. But even under these laws, nothing much has been realized in terms of reforming prisons in Kenya Prisons continue operating as closed institutions with opaque operational procedures (Kenya National Commission on

Human Rights,2003). This high handedness and strict state controls of prison with no contact with outside world attracted attention from human right watchdogs such as the Penal Reform International, and other relevant organizations who consistently accused the government of Kenya of failing to protect the lives of Kenyans in its custody; torturing inmates to death as a result of ill treatment as well as cruel and inhuman degrading conditions of prisons (Penal Reform International, 2002).

Experiences with prisons elsewhere, show that reforms have in earnest. In America for example, 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 (National Prison Project, Corrections digest, 1992). According to Sechrest and Collins (1989), the traditional jail has been replaced by a new generation jail which features individual cells and safe contained rooms for conjugal visits. Thus penal reforms in American criminal justice system have taken a rather modern and satisfactory level.

Many African countries have undertaken penal reforms. For example in Zimbabwe and Nigeria, prisons are not closed institutions anymore; they are now opened to various stakeholders' participation in the management process. Another reform initiative has been the allowing of prisoners to maintain close contacts with their family members and friends (Penal Reform International, 2003). In the year 2000, Kenya prisons department embarked on a major reform programme which led to shift from closed system to open door policy. The aim of the reforms was correctional developments. These emerged in tandem with the clamor for democracy and good governance in the 1990's to foster the emerging trends in global correctional developments during which the clamor for democracy and good governance ideologies were gaining momentum. This ushered in an era of development and effective strategies that embraced participation by all stakeholders in the management of prisons.

In relation to prisons, reform primarily focused on policy framework, legal mandate, governance and organizational structure, human rights, training and capacity building, facilities and infrastructure, prisoners' management, interagency collaborations and partnership with the civil society monitoring and evaluation (Governance, Justice,

Law and Order Sector Reform programme, 2005). These reforms within prison have been developed to bring better management practices in the penal institutions with the aim of facilitating rehabilitation of offenders. This context raises the need to find out whether these reforms are contributing to rehabilitation of offenders which is measured through non-involvement in crime.

1.1 Statement of the problem

Worldwide, prisons are places where offenders are held so as to undergo reformation and become law abiding citizens. The conditions of overcrowding, cruelty and captivity derails the prisons core function of rehabilitation. Humane living conditions are a prerequisite for the successful rehabilitation (Mushanga, 1985; Kenya National commission on Human Rights, 2005).

Prison reforms aim at bringing best practices in the treatment of offenders and management of prison in general. Penal reforms being undertaken are in line with global trend to shift prison from a punitive and retributive penal system to a reformatory and rehabilitative system. In Kenya, prisons reforms have embraced a Rights Based Approach in rehabilitation programmes and the government has been involved in supporting training for prison officers, improved medical care and dietary changes, clothing and beddings, improved transportation, remote parenting (Kenya National Commission on Human rights, 2010).

In this regard, allowing prisoners an opportunity for visit by family members and the general opening of prisons to the outsiders is one important reform witnessed in recent years (Madoka Report, 2008). On the whole, one can argue that Kenya prisons service opened prisons to the public in pursuance of reforms (Kenya National Commission on Human Rights, 2004). However it is not clear whether this has prevented prisoners from reoffending. Implications of this for the behavior of prisoners are yet to be documented.

Since the introduction of human rights reforms in prisons, studies have tended to focus on de-facto conditions of human rights practices in prisons. For example, the round table conference in 2001 on prison policy focused on methods of improving

prison policy in Kenya whose main objective was to assess prison conditions and deficiencies in the penal system without focusing on effects of improving these conditions on behavior change among inmates. A study by the Kenya National Commission on Human Rights, 'beyond the open door policy,' in 2004 audited the progress of Kenya prisons reforms since the National Rainbow Coalition (NARC) government came to power in December 2002. In 2010, 'the true measure of society' by the Kenya National Commission on Human Rights enumerated the status of the conditions of human rights in prison. However no studies have established what happens in behavior of prisoners in Kenya, after their human rights have been enhanced. There are no studies that show how these reforms have impacted to rehabilitation of prisoners. Specifically, there are no studies indicating how prisoners have changed their behavior as a result of the opening of prisons to contact with outside world.

This study seeks to examine whether opening prisons to contact with the outside world has resulted to behavior change. The key question that the study is seeking to settle is: how have prison reforms contributed to rehabilitation of offenders in Kenya? Specifically, the study seeks to identify the key drivers of prison reform and establish how the opening of prisons to allow contacts with relatives has affected prisoner's behavior change. Thus the study seeks to find out whether prisoners are reoffending despite the opening of prisons to outside contact.

1.2 Study objectives

The main objective of this study therefore is to establish the impact of prison reforms on rehabilitation of offenders in Kenya. The specific objectives:

1. To establish the key drivers of prison reforms focusing on the factors that have caused or triggered prison reforms in the first place.
2. To establish whether the opening of prisons to contact with the outside world has contributed to rehabilitation of offenders. The areas of concern are family visits and communication through letters and telephones among inmates.
3. To establish whether prisoners are reoffending despite the reforms in opening of prisons to contact with outside world. The true measure of behavior change is non-involvement in crime.

1.3 Significance of the study

The study is important based on the implications of recidivism to development. Prudent investments are done in a secure environment. Environment that is prone to crime is a threat to economic growth. Thus for development to occur, criminals need to be rehabilitated to reduce reoffending and win trust of investors for development to take place.

Maintaining prisoners is an expensive affair considering that inmates are not engaged in taxable employment. Prison population has increased over the years and the government budget is stressed to limits. It is important that prisoners, upon release, become law abiding to avoid further involvement in crime. The results of this study will give an insight to government as to whether the efforts in rehabilitating prisoners are yielding any fruits which amounts to reduced recidivism. Rehabilitation of offenders is a later development in regards to purposes of imprisonment. Initially, prisons were made for deterrence, retribution and punishment Scholars have expressed doubts in regards to rehabilitation process due to lack of links between crime committed and programs being rendered (Mushaga, 1965, p.17). Results of this study will give a new projection towards correctional services; that opening of prisons indeed prevent prisoners from further engagement in crime and that rehabilitation is possible.

This study is important to policy makers. The opening of prisons began as a government policy to enhance proper management of prisons. The status of prison reforms since the inception of the open door policy will give a clear picture of the success or failure and managers of prison reforms will be able to address the challenges raised in the study for future progress.

Findings of this study are expected to add to knowledge on prison reforms especially prisoners contact with outside world and the effect it has on inmates' rehabilitation and behavior change. Prisoners contact to outside world has been considered a right that must be enjoyed by all inmates. Findings of the study show that the enjoyment of this right has led to behavior change among inmates upon release from prison.

1.4 Methods of study

1.4.1 Research Design

According to Kothari (2001), a research design constitutes the blue print for the collection, measurement and analysis of data. This study has employed a design where ex-offenders and recidivists from Naivasha Maximum prison were interviewed for in-depth information on their imprisonment life and how reforms in prisons have impacted on their behavior change. They gave information about their experience on prison life and their feeling on institutional reforms as a result of opening up of prison. Tools for data included a questionnaire for recidivists and interview guide for key informants. The methods of data collection were by use of structured and semi-structured interviews.

The study has employed both qualitative and quantitative approach in analysis of the data. Quantitative approach was used because during data manipulation, variables of nominal scale were statistically applied. Numerical values were assigned to such data for coding purposes. Variables of age and level of education were used versus the likelihood of re-offending to establish the significant relationship through Chi-Square test. In order to gather detailed information on prisoner's journey from the time of imprisonment, their prison experiences and also life in community upon release, qualitative approach was used. This included getting detailed information on prisoner's perception on prison reforms and implications on their behavior change.

1.4.2 Study site

Kenya prisons service

The prisons system was introduced in the then British East Africa Protectorate with the enactment of East Africa prisons Regulations in 1902.The control of prisons then was vested in a board known as "The prisons Board."On 18th March, 1911, the board issued Circular No.1 creating a prisons service (Kenya Prisons Standing Orders, 1977). The service has evolved since then to a massive force today of over 18,000 members of staff and a prisoner population oscillating between 50-55 thousands. The prisons service has the mandate of rehabilitation and reformation of prisoners and it is part of criminal justice system.

The Kenya prisons service is a Department in the Office of the Vice President and Ministry of Home Affairs. The Department is headed by the Commissioner General of prisons, deputized by Deputy Commissioner General of prisons. The department is divided into ten directorates:-Personnel and Administration, Operations, Legal affairs Research/statistics, Planning and Development, Rehabilitation and welfare, Prisons Enterprises, Prisons Health Services, Gender, NGO Coordination and Sports, Inspection and Complaints, and commandant prisons staff training College based at head office. At provincial level, the prisons provincial commander is responsible for general superintendence and control of all penal institutions in the province. There are eight provincial commanders in Kenya and they are responsible to the commissioner of prisons for policy compliance and supervision of the officer in charges. Each of the penal institutions is headed by an officer in charge who ensures the smooth running of the prison and safe custody of all inmates.

Kenya prisons are classified into Maximum security prisons, Medium security prisons and Open air or Minimum security prisons (Kenya Prisons Service Standing Orders, 1977, p.305). These classifications are based on type of offences and the length of the sentence. Maximum prisons are ten, medium security prisons are Sixty three and open air prisons are thirty three. There are103 penal institutions in total. Maximum security prisons are designed to hold the most dangerous and aggressive inmates. They have high concrete walls or double –perimeter fences, watch towers with armed guards. Medium security prisons house inmates who are considered less dangerous than those in maximum security prisons. These less imposing structures typically have no outside wall. Many medium security inmates are housed in dormitories referred to as wards rather than cells. Open air prisons hold inmates who are considered to have the lowest security risks. Very often, these institutions operate with less armed guards and without perimeter walls and 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 (Adler, Fred1995).

Specific study site

The study site is Naivasha maximum Security Prison. Naivasha prison is the biggest modern institution in East and Central Africa. It was established in post – independence period in 1969. The prison was made to be a model of prisons in

Kenya. It has operated since then hosting political dissidents and criminals deemed dangerous for the state and society at large. The institution has always been headed by gazetted officers from the ranks of Superintendent and above.

Naivasha prison is located on the outskirts of Naivasha town which is in Nakuru County, Kenya. Naivasha Maximum prison holds all male prisoners serving long sentences of at least seven years and above and remands prisoners on trial for committing capital offences. Capital offences are those serious offences whose award is death. This prison was purposely chosen due to the type of prisoners kept and that being a maximum prison, the population oscillates between 2500-3000 male convicts. Naivasha was also chosen based on easy accessibility by the researcher.

1.4.3 Methods of study

The study combined different methods of data collection. The methods used are both structured and semi structured interviews**.**

Structured interview

These were conducted on recidivists at Naivasha Maximum prison**.** The tool used was a questionnaire that was administered to the respondents. The questionnaire for the recidivists is attached as annex II. At Naivasha, the study applied purposive sampling because the information that was sought would be found from inmates who had reoffended for the second or third time. The sampling frame was inclusive of all inmates who have reoffended for second or third time. Recidivists were easily identified from the admission registers kept at documentation office. The sampling list had 50 inmates but the category that fitted the requirement of the study was 30. This category had been in prison before 2001 and after and had since reoffended for the second and third time; therefore, all of them were sampled for interview.

In-depth interviews for the ex-offenders were conducted using a questionnaire attached as annex III. The contacts of ex-offenders were established from records kept at the prison by the welfare office. The information sought was in relations to inmates' perceptions of changes that have taken place in prison over the years. The study also sought to establish from the respondents the reasons for their behavior

change and any challenges if any they have faced upon release from prison. A total of five ex-offenders were interviewed. In total, forty respondents were interviewed for the study.

Semi structured interviews

The tool used for this interview was the interview guide for key informants attached as annex IV**.** The key informants comprised senior officers based at prisons headquarters. Specifically, those interviewed included the Directorate Prison Reforms and Statistics, Directorate Rehabilitation and Welfare and Directorate Operations. The information collected was in relation to prisons reforms especially information on the open door policy and its implications for behavior change among inmates. The information on drivers of prison reform was also sought from the key informants. The officer in charge Naivasha prison and the in-charge prisons industries were also interviewed. A total of five key informants were interviewed.

1.5 Study challenges

The study faced challenges of the bureaucratic nature. It was not easy to access the directorates as the researcher had to be subjected to this bureaucratic process. This caused delay and reschedule of planned time. This also made spending a little more time than what had earlier been scheduled. Some junior officers at prisons headquarters were reluctant to give information which they said was too confidential especially record on incidents and disciplinary awards for prison officers. The contents of the introductions letter had to be re-emphasized over and again to the effect that the information is only going to be used for the purpose stipulated therein. Recidivists from Naivasha were reluctant to give information as they said they were always being asked questions yet it did not warrant their release. They were inquisitive as to whether the researchers visit was any different. In particular, there was this well known case of recidivism by virtue of his previous criminal record but this prisoner insisted that he had never been convicted previously; outright showing his disinterest in the interview.

Interview of ex-prisoners was challenging because it was difficult getting appointments for interview. Some demanded to be compensated for lunch and fare even when they had earlier in the day travelled to town for work. Costs of travel and calls in booking appointments with the respondents were a challenge to the researcher. Prisoners refused to be photographed while in their workshops despite that the tools they were using at work were given to them by virtue of their imprisonment. They said they did not want anybody to know they were in prison and others felt that the information being sought was made to benefit the researcher financially. Convincing these kinds of respondents to accept an interview was an uphill task.

1.6 Organization of the study

This study is organized into four other chapters in addition to this introduction chapter. Chapter two discusses an overview of prisons reforms and rehabilitation of offenders. The chapter focuses on history of prison reforms and the status of reforms from global to national level. Chapter three discusses drivers of prison reforms. Different themes are developed based on each 'driver'. Findings on drivers of prison reforms in Kenya from the respondents are also discussed in this chapter.

Chapter four discusses the opening of prisons to contact with outside world and how this has contributed to behavior change among the inmates. The components of contact with outside world and the factors that hinder behavior change are discussed in this chapter. The chapter concludes by examining whether indeed prisoners behavior has changed as a result of reforms of prison institutions.

Lastly, chapter five focuses on summary, conclusion and recommendation. An overview summary of the study which includes the problem statement, research questions and objectives, and the conclusions on literature reviewed and the respondent's opinion on prison reforms is discussed in this chapter. Conclusions are based on why, for example, prisoners are reoffending despite reforms having taken place.

CHAPTER TWO
REFORMS AND REHABILITATION: AN OVERVIEW OF LITERATURE

The previous discussion has shown that various studies have been conducted on prison reforms. However the focus of these studies has been on the status of reforms. The implication of these reforms on behavior change among inmates in Kenya has not been done. The true measure of rehabilitation is non-involvement in criminal acts. The study seeks to find out whether or not prisoners behavour is changing after reform have been initiated. Further, the discussion has noted that this study is important to policy makers because the opening of prisons to 'outside contact' began as a government policy to enhance proper management of prisons. The status of prison reforms since the inception of the open door policy will give a clear picture of the success or failure and managers of prison reforms will be able to address the challenges raised in the study for future progress.

Various reforms have been noted to have been witnessed in prison among them the allowing prisons to have contact with the outside world. It was noted that there are no systematic studies on what has been the impact of reforms in Kenyan prisons on behavior change among prisoners. This chapter discusses the meaning of reforms and rehabilitation of offenders. The focus is on reforms in the opening of prisons to outside contact with a focus on family visits and communication. The chapter further introduces key drivers of prison reforms and factors that cause recidivism among inmates. The chapter also presents conceptual and theoretical framework of the study and finally a conclusive remark on the contents of the chapter.

Understanding Reforms and rehabilitation

Reform means to put or change into an improved form; it is about changing something such as institutions and practices in order to improve it. Reform is generally distinguished from revolution. On one hand, revolution means basic or radical change while, on the other hand, reforms may be no more than fine turning or at most redressing serious wrongs without altering the fundamentals of the system. It is about improving the system as it stands rather than to overthrow it wholesale

(Wikipedia.org/wiki/Reform).Rehabilitation has broadly been defined as the result of any social, psychological intervention intended to reduce an offender's further criminal activity. By this standard, the true test of success is non-involvement in crime following participation in an intervention program (Adler, 1995, p.205).

Reform initiatives in prisons have primarily been done to improve the living conditions for inmates and better the management practices in prison. As a result, it is expected that prisoners become law- abiding citizens through non-involvement in crime. Prisons have transcended from being closed to open institutions in a bid to allow other stakeholders play a central role in the management of prisons. The opening up of prisons is also made to increase the accountability levels of duty bearers considering that their treatment to right holders must conform to international human rights standards.

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).As a result of these changes, inmates now abide by the societal rules and regulations when discharged from prison. As observed by Adler, 1995, these changes have the effect of influencing prisoners to initiate self transformation. They equip prisoners with social and vocational skills during their incarceration period (Adler, 1995

Studies on prison reform have focused mainly on the status of reforms in terms of how these reforms are being carried out or implemented. The impact of prison reforms on behavior change among inmates has not been done. It is on the basis of this concern that this study is carried out. It seeks to establish whether or not the opening of prisons to contact with outside world facilitates rehabilitation of offenders. The financial burden born by the state in an effort to maintain prisoners is high. Implementation of prison reforms requires financial support too. Therefore, findings of this study will inform policy in regards to whether the efforts in reforming prisons are producing fruits or not. The success implies that prisoners rate of reoffending is reducing. The respondents will give views in regards to challenges they are facing in the process of implementing prison reforms which will enable the stakeholders in prison reforms look for solutions to address the shortcomings.

Within this broad framework of reforms, there exist justice sector reforms, human rights reforms and penal reforms encompassing the entire criminal justice system which are subjects under study due to their interrelatedness to prisons. This chapter gives an overview of prisons reforms and rehabilitation of offenders with a focus on history of prison reforms and the status of reforms from global to national level. The chapter will also focus on theoretical and conceptual framework which gives the picture or direction of the study.

2.1 Types of Reforms

2.1.1 Public Sector Reforms

In the early 1990s, Africa witnessed rapid political and economic developments. Many countries embraced multiparty form of democracy which marked the end of the one party rule. From then on, the continent continued to experience unprecedented political and economic reforms (Gyimah, 2004).These reforms aimed at promoting economic growth, reducing poverty and promoting popular participation and good governance in the continent. Reforms pursued in the public sector focused on making the sector efficient by improving incentives in the sector and reduction of the work force. This was in addition to raising remuneration for those remaining in the civil service. The changes also sought to improve the management systems and ensure the sector was accountable in the delivery of services (Kayizzi, 2003).

These and other reforms promoted democratic developments on the continent especially because some countries began to undertake good governance and adhere to transparency and accountability practices while upholding human rights for all its citizens. That is, many countries began to practice principles of good governance in Africa.

In Kenya, public sector reforms began immediately after independence. The country formulated the Sessional Paper No 10 of 1965 on "African Socialism and Its application to planning in Kenya" as the main framework for promoting post-colonial development. The paper pointed out diseases, illiteracy and poverty as major challenges that required addressing. The government embarked on Africanization of

public service with the aim of giving Kenyans increased role in the national economy and specifically in delivery of basic services, among others. Later in the 1980s the government introduced Sessional Paper No. 1 of 1986 on Economic Management for Renewed growth to promote wider public service reforms. This development led to the initiation of Structural Adjustment Programmes (SAPs) whose objective was to lessen governmental control on the economy by giving more roles to the private sector. SAPs were also introduced in many countries of Africa with the same objective (Nzongola, 1997).

Noting that Public Service efficiency sets standards for other sectors, the government launched the Civil Service Reform Programme in 1993 to enhance Public Service efficiency and productivity. The reforms were expected to facilitate equitable wealth distribution necessary for poverty alleviation and create an enabling environment for investment and enhanced private sector growth. The Civil Service Programme was designed to proceed in three phases: Phase 1 – Cost containment; Phase 2 – Performance Improvement, and Phase 3 – Consolidation and sustenance of gains made by reform initiatives. While phases 1 and 2 succeeded in reducing the Civil Service workforce by 30 percent (from 272,000 in 1992 to 191,670 in 2003), productivity and performance remained a fleeting illusion (2008 - 2012 Public Sector Reforms & Performance Contracting, Kenya).

This paved way for introduction of Results-Based Management (RBM) guided by the Economic Recovery Strategy (ERS) for Wealth and Employment Creation (2003-2008). In line with right based approach to development, the culture of performance contracts and service charters has improved reinforcement of the integration of right based principle of accountability and transparency. These are mechanisms that have enabled right-holders to hold duty-bearers accountable. This has been embraced within the whole framework of public sector reforms anchored within result-based management system.

2.1.2 Justice Reforms

Justice implies what is right or fair or appropriate in the context of social relations. Human beings are constantly in competition for scarce resources. It is as a result of

this reason that the need to determine what is right or fair arises. The law indeed regulates the undertaking of what is right and wrong; it is the framework that makes the determination of what is right or wrong easy. Law then becomes an instrument of social control through its principles and procedures which govern social relations. It is expected that where the resources have been shared in a legitimate and fair manner, stability prevails. The rule of law also promotes legitimacy and fairness; adherence to the rule of law is critical for legitimacy and fairness (Mbote and Aketch, 2011).

The rule of law entails that all persons, institutions, both public and private, including the State itself, are accountable to laws that are publicly promulgated. The rule of law is therefore itself a principle of governance and requires that measures are put in place to ensure adherence to the principles of supremacy of the law, equality before the law, accountability to the law, fairness to the law and participation to decision making(United National Security Council,2009). Further, under the United Nations standards, justice is an ideal of accountability and fairness. Where rights of the accused are upheld, interests of victims are considered and the well being of society respected. It is only then that justice is said to have taken place.

Rule of law organizations include the executive, the legislature, the judiciary, the legal profession, prosecution services, prison services, civil society actors, traditional and other non-state justice systems and development partners. Part of the justice sector reforms entails a guarantee for the independence of the courts. People ought to be governed by the rule of law and this is the essence of the rule of law and when the rule of law is in practice justice is said to be realized all times. The desire for justice and rule of law has seen many countries walk along path in efforts to reform justice institutions; for example Kenya is coming from state of lawlessness and impunity where powerful people in government have always circumvented laws to suit their own personal, short- political interests. As a result existing laws have pervasively ceased to be authoritative (Odote, .2001).

In the foregoing discussion, the rule of law has been said as being an ideal for accountability and a principle for governance. In Kenya, there have been efforts made to strengthen the rule of law. This has been realized through the enactment of new constitution and the subsequent formation of independent constitutional offices. For

example, the formation of Kenya National Human Rights and Equality Commission; National Commission on Gender and Development; National Cohesion and Integration Commission. It is therefore important to ensure that the criminal justice system is revamped to facilitate the realization of justice (Mbote and aketch 2011).

These ongoing reforms have been part of the wider public sector reforms which has seen prisons embrace new ways of management especially the humane treatment of offenders. A fair and just system is committed in the facilitation and application of the rule of law. Every person within such a society is able to access due justice. The success of prisons in rehabilitation of offenders must also be supported by the related criminal justice system. Prison reforms have included; policy framework, legal mandate, governance and organizational structure, Human Rights, training and capacity building, facilities and infrastructure, prisoners' management, interagency collaborations and partnership with the civil society monitoring and evaluation. Open door policy which encourages a participative and all inclusive approach to rehabilitation seems to be the most visible reform adopted by the Kenya prisons service (Madoka Report, 2008).

Governance, Justice, Law and Order Sector (GJLOS), is a reform minded initiative led by the Government of Kenya to give its citizens better governance, justice, law and order. It is a programme that seeks to end corruption, slow and inept government services, and enhances professionalism in the civil service. GJLOS is a multi-sectoral programme which brings together 32 government agencies and several semi-autonomous government agencies, non-governmental organizations and development partners. GJLOS is about creating reforms that involve every Kenyan who wants a better governed country where insecurity is not an everyday threat and the justice system works. Within the broad framework of justice sector reforms, prisons department was a beneficiary in realizing its core objectives one being promotion of prisoners opportunities for social re-integration.

Since 2003, there have been various reforms relating to the administration and management of the judiciary as part of enhancement of better management. Courts have continued to exercise their powers without interference from the government. Other reforms have been carried out especially with regard to ridding the judiciary of

corruption. Such measures include the suspension of, and disciplinary measures taken against, judicial officers who have been implicated in corruption. The discussion on justice reforms demands that the ideal situation as regards to   prison reforms is that the rule of law will prevail. Prisoners contact with outside world has been categorized as a right under the Standard Minimum Rules for the Treatment of Prisoners and this is only possible through a just system because duty bearers are transparent and accountable to their own actions. This forms the relevance as regard to contact with outside world which is a basic right that the law enforcement officers within the criminal justice system must respect.

2.1.3 Human Rights Reforms

Human rights are the basic entitlement that all human beings have by reason only of their humanity; these are basic entitlements such as food, shelter, clothing and beddings, and medical care (Institute for Education in Democracy, 2004). International instruments on human rights standards include; the Universal Declaration of Human Rights (1948), The African charter on Human and peoples' Rights (1981), The International Covenant on Civil and Political Rights (1966), The International Covenant on Economic, Social and Cultural Rights and The convention against Torture and Other Forms of Inhuman or Degrading Treatment or Punishment (1984). The united system has set the Standard Minimum Rules for the Treatment of male and female prisoners. They are a set of specific rules regarding the treatment of prisoners which are generally accepted as being good principles and practice (Institute for Education in Democracy, 2004).

Demand for human rights reforms began since the époque of independence for most states. Colonial systems were deemed to be repressive with utmost abuse of human rights. Among other factors, this abuse of human rights formed the basis for struggle for independence among African states; for example, the apartheid system in South Africa. Consequently, upon the demise of the apartheid, South Africa has established a reputation for being a constitutional democracy in which rights are respected and protected. The existence of an extensive Bill of rights in her constitution and institutions mandated in the promotion and protection of rights supports this (Ghai, 2001). The struggle in South Africa was primarily for human rights and social justice.

Achieving human rights reforms in most countries has not been easy and human rights activists are looked upon as trouble makers and are constantly subjected to harassment and persecution considering that human rights too often threaten powerful vested interests (Kihoro, 2005, Ngozi, 1997). Reforms in the human rights will demand the reform of the justice system to facilitate respect, promotion and upholding of human dignity. A democratic society is predicated on respect for human rights. From the reform of constitution and constitutional offices, it becomes easy to respect the rule of law and enhance proper functioning of institutions.

In Kenya, for instance, the enactment of the new constitution with an elaborate chapter on Bill of Rights depicts the milestones made as far as reforms on human rights are concerned. Chapter IV of the new constitution incorporates most of the civil and political rights found in the International Covenant on Civil and Political Rights. The constitution therefore guarantees: fundamental rights and freedoms of the individual (article 19), the right to life (article 26), the right to freedom and security of the person (article 29), protection from slavery and forced labor (article 30), protection from inhuman treatment (article 25), the right to property (article 40), the right to privacy (article 31), freedom of conscience (article 32), freedom of expression (article 33), freedom of assembly and association (articles 36 and 37), freedom of movement and residence (article 39) and equality and freedom from discrimination (article 27)(Kenya constitution,2010).

Human rights reforms are realized in democratic societies where respect for the rule of law prevails. In democratic societies the law underpins and protects the fundamental values of society. The most important of these is respecting for the inherent dignity of all human beings, whatever their personal or social status. One of the greatest tests of this respect for humanity lies in the way in which a society treats those who have broken, or are accused of having broken, the criminal law. These are people who may well have themselves shown a lack of respect forth dignity and rights of others (United Nations Security Council, 2009).

Prison staffs have a special role on behalf of the rest of society in respecting prisoners' dignity, despite the crime they may have committed. This principle of respect for all human beings, whatever wrong they might have done, was articulated

by a famous former prisoner and ex-President of South Africa, Nelson Mandela, that 'no one truly knows a nation until one has been inside the jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones' (Mandela, 1994, p.340). These category include the down-trodden, the poor, the marginalized and prisoners.

Prisoners contact with the outside world is protected by the international law; Standard Minimum Rules for Treatment of Prisoners (SMRTP), not only with their families but in keeping with their dignity and ensuring where they are held is open to public scrutiny. The body of principles for the Protection of All Persons under Any Form of Detention or Imprisonment in principle 19 requires reasonable conditions to be imposed on visits and contact with the outside world. Rules 37and 79 of the standard Minimum Rules for the Treatment of Male and Female Prisoners also require both male and female prisoners to be allowed reasonable visits and contact with the outside world (Institute for Education in Democracy,2004). The Kenya Constitution provides that persons detained, imprisoned or held in custody under the law, retain all the rights and fundamental freedoms in human rights, except to the extent that any particular right or a fundamental freedom is clearly incompatible with the fact that the person is detained, held in custody or imprisoned.

2.1.4. Penal Reforms

By 'penal reform' is meant change of the criminal justice system of a country or part of a country. 'Penal' means 'of or relating to punishment'. The penal system thus includes prisons, but also alternatives to custody, such as systems for bail and community service orders, as well as (where existing) elements such as parole boards, probationary services and inspectorates, and traditional and informal sanctions systems (Silverman, 2009).

Penal reform is the process of changing criminal justice system to bring it into line with this rule of law and international human rights framework. Penal reform aims to ensure sanctions that are proportionate, non-discriminatory and rehabilitative. It aims to change prison institutions into places that respect individual human dignity, ensure that those imprisoned are afforded their legal rights, strengthen the appropriate use of

alternatives to imprisonment and promote social reintegration of people who have offended. It should be understood that penal reform refers to a broad spectrum of processes: from gradual to rapid changes; from mere improvements in conditions to reform of governance structures; from changes instituted by local prison authorities to reform led by international actors.

Penal reform is situated within a well-developed framework of international standards governing the objectives, management and conditions within the penal system. These international standards include the UN Standard Minimum Rules for the Treatment of Prisoners, Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment, Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), Rules for the Protection of Juveniles Deprived of Their Liberty, Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) and Code of Conduct for Law Enforcement Officials (IED, 2004). Moreover, key international human rights instruments such as the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities are understood as having important implication to the penal system.

Prison reforms aims to ensure sanctions that are proportionate, non-discriminatory and rehabilitative. It aims to change prison institutions into places that respect individual human dignity, ensure that those imprisoned are afforded their legal rights, strengthen the appropriate use of alternatives to imprisonment and promote social reintegration of people who have offended. 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 (Crones, 1977). Thus this paradigm shift from a securely confining and containing function of the prison to a transparent, accessible, all inclusive and participative imprisonment approach is part of the efforts made in reforming the penal system.

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, 1995). 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 and Robert, 1966).

2.2. Global prison reforms

Experiences from America show that 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 (National Prison Project, Corrections digest, 1992). The 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", led to the establishment of the 1st open British prison in 1933, New Hall Camp, as a satellite of Wakefield prison (Fox, 1952). Thus reforms in American criminal justice system have taken a rather modern and satisfactory level.

In African penal institutions such as Zimbabwe and Nigeria, reforms of institutions from closed to open system have taken place. As a result, stakeholder's participation in the management of prisons has been encouraged. Also prisoners have been allowed to maintain close contacts with their family members (Penal Reform International 2003). In Kenya, reforms on prison can be traced back in 2001 following the introduction of open door policy. This is a period characterized by increased opening to prisons and allowing various stakeholders to participate in rehabilitation programs; a major shift from closed system with excessive state controls to Open Door policy in order to foster the emerging trends in global correctional developments. Prison reform has primarily focused on policy framework, legal mandate, governance and organizational structure, Human Rights, training and capacity building, facilities and infrastructure, prisoners' management, interagency collaborations and partnership with the civil society monitoring and evaluation (Governance, Justice, Law and Order Sector, 2005).

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2.3 Rights –Based Approach to Prison Reforms

"A Right Based Approach is based on international human rights standards and operationally directed to promoting and protecting human rights. Essentially, a rights-based approach integrates the norms, standards and principles of the international human rights system into plans, policies and processes of development. The norms and standards are those contained in the wealth of international treaties and declarations" (OHCHR, 1989).

A rights based approach identifies rights holders and their entitlements and corresponding duty-bearers and their obligations. It works towards strengthening the capacities of rights holders to make claims and of duty bearers to meet their

obligations (Filmer –Wilson, 2008 pg 220). Therefore right based approach empowers right holders to claim their rights and duty bearers to meet their obligations avoid violations of rights. It also empowers rights holders to demand accountability and if necessary seek redress .The approach resultant goal is to contribute to the practicality and active enjoyment of human rights.

A Right Based Approach is based on international human rights standards and operationally directed to promoting and protecting human rights. Essentially, a rights-based approach integrates the norms, standards and principles of the international human rights system into plans, policies and processes of development. The norms and standards are those contained in the wealth of international treaties and declarations (OHCHR, 1989).

A Rights-Based perspective, on the other hand, may however be a first step in the direction of a rights-based approach until an organization's capacities and methodologies have been adequately developed to allow full –scale right-based approach (Mikkelsen, 2005 p.73For duty bearers to meet their obligations and avoid violation of rights, adequate laws, policies, institutions, administrative procedures and practices and mechanisms for redress must be made available. Obligation by duty bearers entails respecting, promoting, protecting and fulfilling the rights. In treatment of prisoners who are considered under this approach as vulnerable and marginalized, capacity development for prison officers is very important as this improves their ability in the application of right based approach in dealing with inmates and avoid violating their rights.

2.3.1 Rights-Based Principles
The principle of participation is identified as the cornerstone for democracy and a prerequisite for increased empowerment of the marginalized group in society. Participation is only constructive if only it occurs within structures that enable some impacts on decisions. To the extent that people feel empowered to influence the development of their society, they are correspondingly motivated to participate. Rights-based approach aims at strengthening the capacity of duty bearers and empowers the rights holders. Prisoners should play a crucial role of participation in reform initiatives since the reforms are made to benefit them. Their level of

involvement means that they are able to support the initiatives and as a result own them. The capacity and the will to participate, and to create favorable conditions and structures for participation, are essential components of participation. Prisoners can participate either by being informed, consulted or influencing major decisions. When prisoners participate in programs, they are able to claim their rights more from duty bearers.

"Accountability and responsibility ensures that duty bearers operate efficiently and effectively. In a proper- functioning democratic system, all public officials, including politicians, bureaucrats, civil servants, the judiciary, the police, and the military, should be made accountable for their actions and decisions. Accountability requires that right holders are informed and it is based on three conditions; that the person must accept responsibility for carrying out the duty, the person must have authority to carry out the duty and that the person must have access to and control of resources required to meet the obligations" (OHCHR, 1989).

Non-discrimination principle is built on the general note that all individuals have the same value and human rights. Discrimination can broadly be defined as "any distinction, exclusion, restriction or preference which is based on any ground such as race, color, sex, language religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms" (OHCHR, 1989). Openness and transparency entails the right and access to information. If people have access to relevant information and are enabled to participate actively in decision-making this will increase transparency and build a culture of democracy at all levels of society (Sida, 2002). For transparency to be meaningful it is therefore important to address the information needs and consider the relevance and appropriateness of mechanism to access information. Prisoners contact with outside world is a right according to standard minimum rules for the treatment of offenders. Right based principles are crucial in the realization of prisoners' right to contact with outside world as they contribute to the practicality and active enjoyment of human rights. Success of rehabilitation depends therefore, on the extent of the application of right-based approach in the treatment of offenders.

2.4 Prisoners contact with outside world

The concept of "contact with the outside world" is used to imply that prisoners are given an opportunity for visitation by members of the public. This is derived from the understanding that previously, prisons have operated as closed institutions where prisons activities were totally kept away from the members of the public. Prisoners were kept incommunicado from close family members and this incommunicado was used as a form of punishment meted to them. Opening of prisons to outside world has been part of the reforms undertaken by penal institutions with the expectations that through close family relationships, prisoners would be able to resettle or reintegrate fully in the society upon release from prisons. There are different ways in which prisoners maintain contact with the outside world. These ways include: family and friends visits including the civil society organizations letters, phone calls, home release (parole), legal advisors and consular visits (Institute for Education in Democracy,2004).

2.4.1 Family Visits

While prisoners are incarcerated, being able to be visited by close family members is a form of contact with the outside world. In the past, family and friends contact was discouraged. This denial for visits was applied as a form of punishment (Bohm and Haley, 1999; Adler, 1995, Mushanga, 1988). During the colonial period, MauMau uprising in particular, most of the political prisoners were detained in remote areas; for example Hola and Kapenguria Camps (Oginga, 1967). In post independence, those branded political dissidents were held incommunicado with families and friends in Kenya (Ngugi, 2006; Kihoro, 2005).

Prisons reforms in family visits have ushered in an era of remote parenting where prisoner visitors are allowed entry into prison compound and they can sit, talk, and share food together. This is made to enhance stable family relationships and help ameliorate the pain, reduce stress and be able to cope with imprisonment life. Family visits began being allowed to all inmates as reforms of penal institutions progressed with opening up unlike in the past when it was considered a privilege and formed an essential part of the system of rewards and punishment by which the authorities sought to control the behavior of prisoners.

During the initial period into the introduction of family visits in prison, where visits were allowed, they were typically of the non contact nature. Visitors were separated by glass partitions or mesh of screens (Morris, 1965).All the same, allowing prisoners to have contact with families tends to promote stable family relationship and community ties. These ties become important especially after the release of prisoners. The ties become important during the period when an inmate is released from prison as this facilitates the re-integration process. In addition, it is notable that during the time when an inmate is still incarcerated, family support assists in reducing the pain that one has to deal with in prison while at the same reducing the likelihood of committing suicide (Sykes, 1958).

The true measure of behaviour change among inmates is their non-involvement in criminal activities. Family support play an important role in this respect; family support helps the prisoners not to re-offend after completion of the imprisonment term .Studies have shown that prisoners who maintain good family relations, and specifically those with effect family support, are not likely to re-offend. The family ties help them in the in the resettlement process. Once an inmate has been released from prison, family members provide accommodation and an employment to the inmate. In other words, when an inmate gets family support, the inmate would not want to hurt the relatives; this becomes an important factor in pressing them to change (Ditch field, 1994, Glaser 1964, Ohlin, 1954).

According to Myres(2005), an individual need to confide painful experience to those who are close to them such as family members. This is a therapeutic process both for body and soul as well (Myres, 2005).People are said to be happier when supported by network of friends. Under this situation, inmates are able to cope and the pain of imprisonment is reduced. Family visits play another role. They visit give inmates the opportunity to continue playing their family roles. Through visitation they are able to discuss important family matters and inmates are able to get basic necessities. The visits help to improve discipline and participation by inmates' roles. Inmates who are not visited portray a great level of stress due to the isolation from family and friends (Morris, 1965).

Visits are often used as a measure of family support (Shafer 1994), and studies of both families and prisoners have found that visits are the preferred method of contact (Noble 1995, Murray 2003a). In a study of visits and parole success in America, Shafer described them as 'an essential component of the rehabilitative process' (1994:17) which perform several functions. They may be a reminder of the world outside and its associated responsibilities, allowing prisoners to continue their role as family members. Studies have shown that contact with outside world by prisoners improve discipline and participation in rehabilitation programs and that also reduces the pains of imprisonment and therefore the likelihood of self-harm is reduced.

Coping with prison life may be difficult especially where the incarcerated partner is the bread winner of the family. The feeling of powerlessness and general disillusionment where an inmate is unable to solve problems facing his/her family or where an inmate is not in a position to understand the feeling of their partners towards them could tends to lead to suicidal attempts(Toch,1977).In a study of vulnerability and difficulties coping with prison life in two prisons in England and Wales, the majority of all prisoners (both those deemed to have special needs/coping difficulties and those without) stated that the hardest part of being in prison was being separated from family and friends. They found it particularly hard to cope with feelings of powerlessness when they were unable to do anything if their families were facing problems on the outside, as well as with the frustration of trying to communicate with friends and family, and the uncertainty of partners' feelings towards them (Mills, 2003).Difficulties coping with the pains of imprisonment such as this isolation, but also boredom and fear of other inmates, can leave prisoners vulnerable to suicide/self-harm and other 'maladaptive' responses such as violent outbursts and victimization by others (Toch and Adams 1989, Seymour 1992, Toch 1992, Corcoran 1994, Mills 2003).

 Liebling (1999), found that prisoners who had attempted suicide or were thought to be vulnerable to doing so, missed their families more, but were less likely to be in contact with anyone on the outside including family and/or friends. They received fewer visits and wrote fewer letters, leaving them feeling isolated and uncared for, particularly as they were separated from important sources of social support. They were significantly keener to receive and send more letters and receive more visits

(Liebling and Krarup 1993), but they were also less likely to be able to do anything to alleviate their predicament. When visits did occur, they were major events with frequent disappointment particularly when they were over or visitors failed to turn up (Liebling 2001).

The combined effects of a lack of resource or contact, and an inability to generate a solution to the hopelessness of their current situation, distinguished prisoners at risk of suicide from the rest of the population. Furthermore, situational triggers to suicide/self-harm often also relate to families and include missed or bad visits, the breakdown of a relationship, problems contacting family and problems with children (Liebling 1992, 1999, Liebling and Krarup 1993, Howard League 1999). Prisoners therefore need to find a way to cope with this isolation and separation in order to survive prison life. However, contact with family and friends may act as a 'protective agent' (HM Prison Service, 1997), to minimize the risk of suicide/self-harm from occurring. The absence of contact can create a psychological vacuum; its presence can be a mood modulator or safety valve (Morris, 1965).

Visits to inmates would reduce disciplinary problems and improve parole planning. Inmates agree that, it is an important method of behaviour control. This is because heterosexual visits are based on the understanding that a woman is an important thing to a man as it curbs frustration and violence; reduce homosexuality, motivated by sexual release, loneliness and other emotional needs and sexual assaults (Bennett, 1989, Hopper, 1989, and Burstein, 1977). Increased permeability to prisons, through liberalised visiting rules, lifting censorship restrictions and improved communication with the outside world led to a decline of crisis, depression, worry, confusion or obsessive concern. Reciprocity of communication builds links between inmates and families, relatives and friends and therefore the outside society. It makes possible to negotiate, to question and to build. Visitors to the prison too, handled complaints thus serve to reduce frustration, diffuse potentially violent situations and help the administration manage the tensions of prison life (Toch, 1977). Visits also help inmates to make contacts with prominent members of the community and give hope for inmates to the future thus avoid doing indiscipline activities. They may also link with inmates families and explain to them how to relate with their inmates who are about to be released to them and thus avoid recidivism. This often is done by the

Prison Fellowships (Silverman, 1996). Following the reforms on liberalised contact with the outside world through the open door policy, an ability to cope with the prison life became a mood moderator and a safety valve (Toch, 1977).

2.4.2 Communication

Communication to outside world is facilitated by the use of letters and telephones. Letters give prisoners a chance to express their feelings better when they are not visited. Before reforms, prison visits were limited to thirty minutes with close monitoring by prison authorities. The frequency with which one can send or receive the letters or the length of that letter is limited. In-coming and outgoing mails are usually read by prison authorities but gradually, with reforms taking place this is thought to be necessary only with respect to high risk male and female prisoners, especially in a world where people respect other people's privacy.

In the 60s and 70s, prisoners began using telephones to contact family and friends. Today all correctional systems in United States and Canada permit inmates access to telephones (Silverman, 1996). Irrespective of the type of prison where husbands were held, wives felt that there was never enough time during visiting to interact with their spouses in a realistic way (Fishman, 1990). Telephone calls therefore added an opportunity for more frequent communication which is an extension of the visiting process. Prisoners only become reluctant to use telephones since the courts have allowed prison officials to monitor and record all phone contacts (Reid, 1994).

Telephone calls add an opportunity for more frequent communication which is an extension of the visiting process as the message is relayed faster. A more fast but close contact to families through telephones is a progress towards prison reforms. Though there are cost challenges surrounding this form of contact, it is good and helpful in regard to ensuring stable family relationships. Prisoners usually expressed some frustrations they encountered during visits; for example the close monitoring by prison authorities. Prisoner's correspondences cannot be made up for by visits and considering that most of the visits are limited to thirty minutes (Jewkes, 2002). Letters give them a chance to express their feelings better since upon imprisonment one realizes that he needs other peoples letter than they would want his/hers.

The frequency with which one can send or receive the letters or the length of that letter is limited. Normally, what is needed is the possibility to sit down and write when the anxiety is greatest and feel a sense of contact with the other person, but one has to do so through an application to authorities (Morris, 1965, Cap 90, Kenya). Incoming and outgoing mail is read by prison authorities but gradually this is thought to be necessary only with respect to high risk male and female prisoners, especially in a world where people respect other people's privacy (Institute for Education n Democracy, 2004).

Prisoners' visits are closely monitored by prison authorities. Because of this, privacy is limited. Prisoners are unable to talk freely under these circumstances. The language of communication is supposed to be official so that the officer supervising supervision is able to follow up that communication. In Kenya, visiting time is limited to three persons at any given time and depends also on progressive stage system. Those inmates who portray good behaviour are given priviledges to be visited by one person at any given visit. (Cap 90 Laws of Kenya).

A more fast but close contact to families through telephones is a progress towards prison reforms. Though there are cost challenges surrounding this form of contact, it is good and helpful in regard to ensuring stable family relationships. Contact with family by prisoners through either letters, telephones or family visits need to be given priority in the ongoing reforms. Studies analysed in the literature reviewed are done in developed countries hence the need to find the applicability of these findings in developing countries and still establish the impact of the said reforms on reintegration of inmates.

2.5 Theoretical Framework

This study is based on major argument that people do not reform under captivity considering that people cannot be trained for freedom under conditions that are harsh (Mushanga, 1988). Family contacts enable the inmates to reduce the pains of imprisonment and cope better.This make it easier for inmates to avoid suicidal attempts (Sykes,1958). Family relationships enhance easy way to reintegration that is, easy fitting back into the society. Therefore prison reforms in allowing prisoners have contact with outside world are deemed necessary in removing the pains of

imprisonment to facilitate rehabilitation. Prisoners contact with the outside world is recognized as a right and therefore Right Based Approach is necessary as it assists in the promotion of rights. It requires that principles of participation, accountability, transparency and openness, non-discrimination and responsibility be applied if prisoners' right to contact with outside world is to be realized.

Right Based Approach demands that rights holder's claim their rights and duty bearers' respect, uphold and promote the rights of right holders without violation. This is made possible through capacity development for both stakeholders. Research has shown that male and female prisoners who maintain links with the family, friends and the community have less harmful effects and are more likely to reintegrate better with community upon release.

Rehabilitation is as a result of an intervention process. According to Adler Freda (1990), a true test of success is non-involvement in crime following the same intervention. Rehabilitation is a gradual process and the major indicator is reduced recidivism. The processes include safety and order in the management of prisons, discipline and participation. Prisoners are put on program upon admission by Reception Boards and monitored over time. After successful completion of an intervention programme, prisoners are awarded grade tests or certificates. Prisoners contact to outside world include family visits and friends, home release or parole, letters and telephones, legal advisors and consular representatives.

2.6 Conceptual Framework

A concept is a word or phrase that symbolizes several interrelated ideas (kombo and Tromp, 2008). Conceptual framework refers to when the researcher conceptualizes the relationship between variables in the study and show the relationship diagrammatically. According to Mugenda and Mugenda (2003), a conceptual framework is a hypothesized model identifying the concepts under study and their relationship. In this study the concepts under investigation are prison reforms, institutional changes and rehabilitation. These concepts are operationalised to give more meaning and their relationship inferred and thereafter presented diagrammatically. Prison reforms are operationalised as prisoners contact with outside world referring to letters, telephones and family visits. The relationship between these

reforms and rehabilitation of offenders is given a focus by the study. Rehabilitation therefore is operationalised as non-involvement in crime hence behavior change.

The dependent variable in the study is prisoner rehabilitation operationalised as behavior change which is the non involvement in criminal acts. This is depicted in this study as the true measure of behavior change. Rehabilitation can also be affected by external factors. For example upon release from prisons, despite the prisoner having depicted signs of initial behavior change, stigma or lack of employment may affect him or her to return back to crime because support mechanism are nonexistence which enable the ex-offender cope better.

The independent variable in this study is prison reforms conceptualized as prisoners contact with outside world and operationalized as family visits, telephones and letters which enhances or affects the behavior change of offenders. In this study prison reforms are initiated within prisons to facilitate in the behavior change of prisoners. Allowing prisoners contact with close family members helps ameliorate pains of imprisonment. The intervening variable in the study are the immediate outcomes experienced after reforms have taken place. This is order and safety in the management of prison, discipline and participation in rehabilitation programs. Order and safety in this study implies that conditions in prison are kept under control free from any dangers. It means security mechanisms are in place and functioning properly. Prison management is expected to be easy following this outcome because prisoners are more willing to cooperate in training programs.

Conceptual analysis

Figure 2.1 Conceptual Framework

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┌─────────────────────────┐          ┌──────────────────────────┐          ┌──────────────────────────┐
│ Prison reforms (family  │          │ -safety and order        │          │ -Prisoner                │
│ visits, letters and     │ ──────►  │                          │ ──────►  │ Rehabilitation/Behavi    │
│ telephone)              │          │ -Discipline and          │          │ or change by reduced     │
│                         │          │ participation            │          │ recidivism               │
│ (Independent variable)  │          │                          │          │                          │
│                         │          │ (Intervening variables)  │          │ (Dependent variable)     │
└─────────────────────────┘          └──────────────────────────┘          └──────────────────────────┘
         ▲                                                                              ▲
         │                                                                              │
┌─────────────────────────┐                                          ┌──────────────────────────┐
│ Drivers of prison       │                                          │ External factors e.g.    │
│ reforms                 │                                          │ -Stigma                  │
│                         │                                          │ -Unemployment            │
└─────────────────────────┘                                          └──────────────────────────┘
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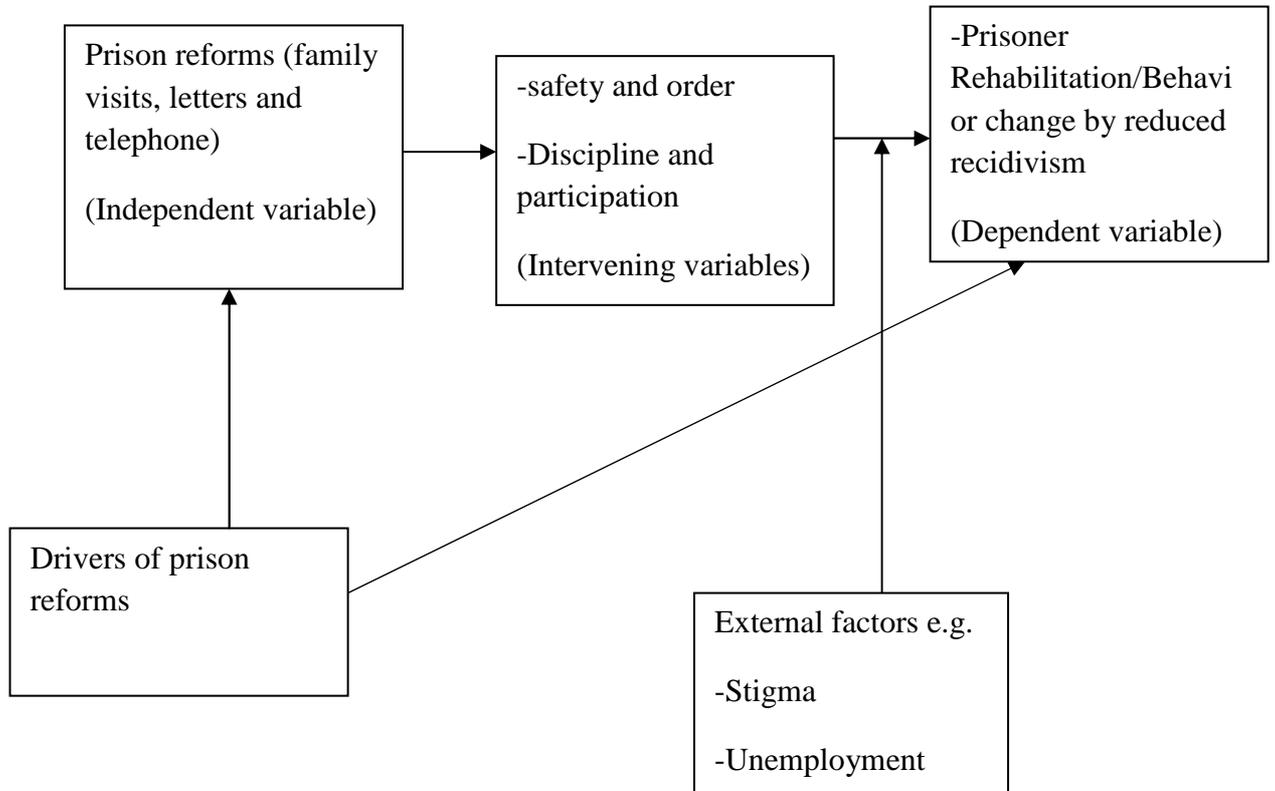
The study focused on impact of prison reforms on rehabilitation of offenders in Kenya. Specifically, the study seeks to find out how opening of prisons to outside contact has contributed to rehabilitation of offenders. As earlier discussed, historically, the purpose for establishment of prisons was primarily punishment, retribution and keeping dangerous criminals from the society. Once an individual is in prison, he/she loses identity and is reduced to a mere number, at prisons, prisoners are known by serialization. Due to their nature, prisons have been described as 'total institutions'. Total institutions refer to places where a large group of people live and work together around the clock within a circumscribed space and under a tightly scheduled sequence of activities (Goffman, 1961). Based on this understanding most prisons have remained closed to members of the public. Opening of prisons has occurred in an attempt to reform prisons. This means that the public is allowed to scrutinize the operations of prisons and also that inmates are allowed to interact with family and friends as they continue to serve their sentences.

Summary and conclusion

 World over, there have been attempts to reform penal institutions. This is based on the understanding that 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 main objective of prison reforms has been improvement of prisons conditions and better management of prisons so as to facilitate behavior change among offenders.

Reforms are based on the understanding that prisoners are people too and they should be treated with respect and dignity and that a right based approach is necessary in carrying out prisons reforms. The success of prison reforms therefore, depends majorly with the reform of entire criminal justice system to facilitate participation and accountability of all stake holders. The expected result for prison reforms is behavior change among the inmates through non-involvement in criminal acts

CHAPTER THREE

DRIVERS OF PRISON REFORMS: AN OVERVIEW

3.1 Drivers of Prison Reforms

Previous chapter has discussed the conceptual meaning of reforms, behavior change and rehabilitation. It is expected that prisoners' behavior would change after undergoing intervention process. Literature has shown that prisoners are incapable of reforming under harsh conditions (Mushanga, 1985). It is based on this understanding that changing prisons conditions is seen as an important aspect in the rehabilitation of prisoners. Prisoners contact to outside world is regarded as a right under the United Nation Minimum rules for the treatment of offenders (Institute for Education in Democracy, 2004). Studies have shown that active family support can also help to ameliorate the 'pains of imprisonment', thereby potentially reducing the risk of suicide/self-harm (Sykes, 1958).

This chapter discusses the factors that causes, triggers or instigates prison reform. For reforms to be initiated in any institution there must be a reason for doing so. The study focuses on impact of prisons reforms on rehabilitation of offenders. Different factors have existed in different countries to warrant the initiation of reforms. There are several factors that have caused prison reforms globally. These factors have included; overcrowding, the increasing proportion of minority inmates, increased court oversight of prisons and the reaction of prison staff and administration to the inmates which resulted to the radicalization of inmates (Silverman,1996, p.177). This chapter will also look at the general factors that cause recidivism among inmates.

3.1.1 Prison overcrowding

Congestion in prisons contributed majorly to prison reforms. Studies have shown that almost every era has had too many inmates for the available space, programs, and resources. Increased numbers resulted to space deficits which impacted on housing and program space and maintenance costs also increased in efforts to provide water and electrical services to the already overburdened systems. Constant breakdowns often resulted to tensions in the institutions and disquietedness among prisoners causing riots and strikes. Increased numbers had implication on rehabilitation

programs. This is because when population rises, programs frequently are not expanded to accommodate the increased population and may even be reduced since program space may be used for inmate housing. Idleness, too increased as prisoners lacked jobs to keep them occupied. As a result, prisoners are prone to delinquent behaviors, violence and even escapes (Silverman and Vega,2003).

Staff also found it difficult to keep track of inmates especially in controlling contrabands such as money, drugs and weapons. The number of inmates seeking for protective custody increased complicating the situation further as there was shortage for this type of space. To curb this situation, measures in sentencing policing have been carried out. This is to ensure that only violent criminals are jailed and the rest of the less dangerous offenders are given community sanctions and prerelease programs. Provision of fully funded, high quality programs-educational, mental health, substance abuse treatment, which is intended to reduce recidivism, was viewed as a better way to reduce overcrowding in prison

3.1.2 Prisoners' Rights Movement

Prisoners' rights movement was basically a clamor or demands for respect uphold and promote prisoners rights while in confinement. There were concerns that their rights were violated and such movements began to facilitate fight for prisoner's rights.

In America, protests and violent activities by prisoners were meant to emphasize the poor prison conditions in the hope that community sympathy and support will lead to reform. It has worked in some instances, but it has not led to substantial prison reform in most cases. For example, a 1971 riot at New York's Attica Correctional facility resulted in 43 deaths (32 inmates and 11 correctional employees). This riot was described by an investigation commission as the bloodiest one day encounter between Americans since the civil war. After extensive investigation and considerable litigation, reforms were ordered (Silverman and Vega, 2003, p.169). Court interventions granted the right the prisoners were demanding. For example, as a result of frequent inmates' contacts with their families, there was a reduced stress and anxiety in prisons. It enabled prisoners to retain socially acceptable roles as brothers, sisters, parents or children. This reinforced their sense of individual worth and offset

the stigma of the inmate's role and the often negative evaluations inmates get from prison staff and society (Bohm, 1999). Following rights abuses in prisons by the prison system and subsequent prison crisis, there were vast changes in legal rights of inmates particularly when the federal courts abandoned their earlier hands off doctrine towards prisons. It was noted that, even though prisoners' rights may be diminished by the needs and exigencies of the institutional environment, prisoners are not wholly stripped of constitutional protections when imprisoned for crime.

Bohm & Haley, (1999), states 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.

As a consequence, some but certainly not all, of the constitutional rights of the inmates were granted. In general, inmates were granted the right to practice their religion, to visit with family and friends, to visit with their attorneys and to address the courts, to have a limited due process hearing in discipline cases and to be free of unreasonable searches and seizures. They were provided reasonable medical care, given sufficient amount of nutritious food, and fed and housed in sanitary conditions. They were not abused physically by correctional officers or other prison officials, no arbitrary transfers were made other than when it was justified for reasons of institutional security. There was also a prohibition against cruel and unusual punishment against inmates including corporal punishment such as whippings, slaps and beating. Often such observations are made alongside the total circumstances in the prison conditions (Reud, 1994, p.210). As a consequence of prisoner's rights movements and those from the stakeholders, the failure of the punitive methods, the prison guards changed tact in the methods of controlling inmates as their efficiency

and evaluation of performance was based on their successful control of inmates. The developments were in the use of no coercive methods, which meant using the few persuasions or rewards that were available as well as make deals with inmates to meet their objectives (Sykes, 1956, Claward, 1969).

Conjugal visits were provided but limited to inmates and their spouses as well as friends and family members of the inmates. More contacts between family and outside were allowed and inmates transferred near their homes to facilitate visitation. Other states facilitated relatives and families by providing transport or even accommodation for families to stay overnight so that they could have amble time with the inmates or do not suffer the extreme fatigue after a long travel (Lillis, 1993b). This entailed the provision of regimes which allow prisoners to live as normal lives as possible and as may be consistent with the requirements of security and order, access to prisoners families, an improved quality of life, preparation for release, providing family visits for those prisoners that will not qualify for home leave and a policy for every prisoner to have his own room. Though rights movement were used by prisoners to demand their rights, their use contributed to abuse of rights of other people especially the loss of lives for correctional officers and members of the public during strikes, hence, not sufficient enough way to facilitate prison reforms.

3.1.3 Public health consequences of imprisonment

Overcrowding has been fronted as a major drive of prison reforms. As a result of overcrowding, health problems arise. Prisoners' health is likely to deteriorate in congested cells. Under such conditions, infectious diseases such as Tuberculosis and other diseases such as HIV and malaria become major causes of deaths in prison. Prisons are not isolated from the society and prison health is public health. Prisoners are eventually released from prison to society. This implies that that if such inmates had infections, they will transfer them to members of the public. It is based on this concern that prison reforms through decongestion are important in order to improve inmate's health.

3.1.4 Detrimental social impact

Imprisonment disrupts relationships and weakens social cohesion, since the maintenance of such cohesion is based on long-term relationships which are not realized by virtue of imprisonment When a member of a family is imprisoned, the disruption of the family structure affects relationships between spouses, as well as between parents and children.The children of incarcerated parents were found to be contributing to a large number of juveniles in America juvenile centers and thus constant contacts with their parents was found to reduce this tension of prolonged absence.

Traditionally, prisoners' families have been ignored by the criminal justice system world over. Following the imprisonment of a relative, families may experience economic hardships especially where the incarcerated person was the bread winner of the family. Opening of prisons has enabled prisoners to continue building their family and societal relationships while in prison (Mathews, 1989).

3.1.5 The clamor for democracy and good governance

This puts a lot of emphasis on the respect for human rights and institutional accountability. A sentence of imprisonment constitutes only a deprivation of the basic right to liberty. It does not entail the restriction of other human rights, with the exception of those which are naturally restricted by the very fact of being in prison. Prison reform is necessary to ensure that this principle is respected, the human rights of prisoners are protected and their prospects for social reintegration increased, in compliance with relevant international standards and norms.

Democratic developments have included greater respect for human rights and institutional accountability. Democratic states have great respect for the rule of law and due to its association with quest for freedom and a better social order; it is a social process through which people strive to expand these rights, together with the political space necessary for promoting and defending them effectively (Kayizzi, 2003, p.107). Human rights reforms are therefore realized in democratic societies where respect for the rule of law prevails. In democratic societies the law underpins and protects the fundamental values of society. The most important of these is respecting for the

inherent dignity of all human beings, whatever their personal or social status. One of the greatest tests of this respect for humanity lies in the way in which a society treats those who have broken, or are accused of having broken, the criminal law. These are people who may well have themselves shown a lack of respect forth dignity and rights of others (United National Security Council, 2009).

Kenya is deemed as one of the countries that have made efforts in upholding the rule of law through adoption of a comprehensive bill of rights in their respective constitutions. For instance, the Kenyan constitution provides that all persons detained or held in custody retain all their inherent rights except when these rights are detrimental to the requirements or conditions of incarceration.Therefore the demand for humane treatment of offenders across the globe has triggered prison reforms.

3.1.6 Improved service delivery in public institutions

Reforms of public sector have been experienced all over the continent. In Africa, for example, reforms of public institutions began immediately after independence in the 1960's though much concern was on economic growth through trickledown effect. Efficiency civil service was deemed to set phase for other sectors of economy. Improved service delivery calls for a result oriented performance under performance management system. Under performance management, responsibility and accountability are guiding principles. Governments therefore set standard for servants in a bid to improve service delivery. This instigated prison reforms as prisons are part of large public sector. Appraisal systems for staff inculcated a culture of accountability.

3.2 Recidivism

Recidivism is the act of a person repeating undesirable behavior after they have either experienced negative consequences of that behavior or have been treated or trained to extinguish that behavior(Adler, 1995). The true test for behavior change is non-reoffending. Committing an offence over and again implies that such an individual has not changed his/her behavior. The rate at which offenders become repeat criminal need to be addressed as this indicates how unsafe the society is. When reoffending is reduced, it means that our society is safer, family relations remain intact and that the

costs incurred for correctional services could be re-invested in other critical services. By reducing the rate of offenders who return to prison, we keep our communities safer, our families more intact, and we're able to begin reinvesting incarceration costs to other critical services.

It is expected that after undergoing successful intervention process in prison through exposure to numerous rehabilitation programs, inmates are supposed to shun their criminal activities and become law abiding citizens. However, upon release from prison, prisoners may encounter challenges that may hinder their full reintegration in the society. These factors contribute to prisoners exhibiting reoffending tendencies. These factors include:

Economic reasons: prisoners who find their way to prison and have no job find it difficult to cope with life outside prison. The inabilities to weather the storms of unemployment put them on the bad side of law and find their way to prison again. According to Kagendo (2003), the skills that prisoners learnt in prison are not sufficient enough to gain employment. This is because most companies prefer capital intensive skills to labor intensive skills. This means there is an outright lack of means to support one.

Lack of support mechanism: prisoners who find no support from family or community are likely to come back to prison as that is the only home they have known. Stigma meted upon them makes it difficult for them to secure employment and they are looked down upon as outcasts forcing them to commit crime.Studies on famlly suppot have shown that prisoners who enhance good relationships with their families are lss likely to reoffend.

Lack of skills: Majority of the prisoners lack the relevant skill for use at work. Often many are forced to perform unskilled jobs some of which are considered illegal by the law. Without education, job skills, and other basic services, offenders are likely to repeat the same steps that brought them to jail in the first place.

Ineffective criminal justice system: This emanates from investigations which are never done to the fullest and wrong prosecutions and convictions are done. This is connected to stigma meted to prisoners with previous criminal records. Once such

people are arrested by law enforcement agents, conclusions based on the previous records are made and once again they find themselves in prison.

Summary and conclusion

Prisons reforms have been driven by the need to improve management practices. Democratic condition gave rise to clamor for human rights hence the need for humane treatment of offenders. A democratic society is predicated on respect for human rights. From the reform of constitution and constitutional offices, it becomes easy to respect the rule of law and enhance proper functioning of institutions. Prevailing prison conditions that appeared harsh to inmates drove initiation of reforms. Prisoners engaged in numerous violent protests against the in- humane conditions under which they lived in. The 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.

Even when various drivers have existed and the various government having addressed the raised concerns, various factors have been mentioned for causing reoffending among inmates. Correctional work is greatly challenged considering that it is in the rehabilitation of offenders that success is pegged on. Factors contributing to recidivistic tendencies need a redress by policy makers. The chapter that follows discusses the chief drivers of prisoner reform in Kenya.

CHAPTER FOUR

DRIVERS OF PRISON REFORMS IN KENYA

Previous chapter discussed on the general drivers of prison reforms globally. Factors triggering prison reforms vary across different countries. These factors included overcrowding, the increasing proportion of minority inmates, increased court oversight of prisons and the reaction of prison staff and administration to the inmates which resulted to the radicalization of inmates (Silverman, 1996, p.177).

Prison reforms in Kenya can be traced back in the year 2001. Prior to this period, prisons were closed institutions. Prisons began opening their doors to members of the public and prisoners were allowed to be visited by family members**.** It was realized that in addition to assisting in resettlement, family support during the term of incarceration can help to ameliorate the 'pains of imprisonment' particularly the deprivation of liberty (Sykes, 1958). This in turn is likely to improve general prisoner well-being, and can contribute to the prevention of suicide/self-harm. 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 social and vocational skills which will enable them to become productive, and normally functioning citizens of society (Adler, 1995).

Reforms are said to either be voluntary or involuntary depending on the prevailing conditions at the time. Mostly, reforms that have taken place in prison have been involuntary because some external forces have exerted pressure. Literature has shown conditions such as overcrowding, poor sanitation, lack of food and medicines and denial of contact with families and friends fall short of United Nations standards for the treatment of prisoners. Considerations of these factors have formed the basis for changes in the prisons a primary goal. The respondents also agreed with literature as regards to human rights concerns, congestion and industrial action. The respondents also mentioned changing trends in crime and government support as reasons for reforms in Kenya

This chapter discusses the chief drivers of prison reforms in Kenya. The information is drawn from the responses of senior prison officers. The chapter will also look at the challenges if any which have been encountered in the process of carrying out prison reforms.

4.1 Chief drivers of prison reform in Kenya

4.1.1 Human rights concerns

Senior prison officers gave human rights demand as key factor toward prison reform in Kenya. Global international standard have focused on democracy and good governance with respect for the rule of law. This has raised stakes in the implementation of standard minimum rules for the treatment of offenders in all prisons worldwide. Prior to 2001(the period when opening of prisons to outside contact began), prisons were closed institutions and majority of the people were unaware of prisons existence. Based on this status, prisons were seen as hotspots for human rights abuse.

In 2001, the UN special Rapporteuer on Torture visited prisons in Kenya and compiled a report on the conditions of prisons in Kenya. These conditions ranged from overcrowding, poor clothing and beddings to corporal punishment. Prison reforms were commenced in line with the recommendations made by the Rapporteur's report. The climax of the seriousness in the implementation of the report occurred after the infamous death of prisoners at Nyeri Maximum prisons in 2000.Following this incident, there was much publicity of this matter by various human rights watch groups. For example, the Independent Medico-legal Unit (IMLU) was quick into carrying the autopsy of the dead inmates and a scathing attack report released. The inquest revealed that inmates had been beaten to death by warders contrary to reports that prisoners had died of injuries sustained after jumping from a prison wall .This led to death imprisonment of six prison officers currently at Kamiti Maximum Security prison since 2001.Though this happened, there was disquietedness among officers who feel that the society judged them unfairly.

Prisons officers allege that they were in line of their duty when the incident occurred and the law allowed them to use minimum force, which accordingly, they did use. The incident was untimely as the wave of human rights had spread like a bush fire. A prison officer noted that:

> *"There was no turning back; something had to be done if Kenya was to be viewed as a country that had respect for international human rights standards.[1] Our colleagues paid dearly for this".*

The prison officer said that during this period, the clamor for prisoners' rights was at top gear. When the deaths of the inmates' occurred, the prison officers had to pay for the consequences, they were all jailed. The study found out that 23.5 percent of the respondents attributed ongoing prison reforms to prisoners' human rights concerns.

4.1.2 Having in place a government with reform mandate

As literature indicates, earlier schools of thought believed that prisons were places for punishment. Purpose of imprisonment for corrections is a later development. Therefore prisoners were disregarded in Kenyan society. In Kenya, as earlier indicated in the study prisons were used for detention purposes especially for political dissidents.

Kenya had previously been governed under a single party regime, Kenya African National Union (KANU), prior to 2002 elections. During the KANU era, prisons were used as places of detention of political dissidents.The sysem then was characterized by impunity and total disrespect for the rule of law. Political dissidents were therefore arrested and detained in deplorable conditions and prison reform attracted little mention in official policy pronouncements. In 2003, a new government was elected based on a reform agenda particularly the agenda for good governance and respect for the rule of law (National Rainbow Coalition manifesto, 2002).

The new minister in the office of the vice president, a docket where prisons falls, took prison reforms seriously. It was during this period that the public got to know prisons conditions and even their existence. To accomplish prisons mandate of administration

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[1]A comment by one prison officer on human rights concerns

of justice to inmates, modern modes of transport in the form of buses were provided, fondly referred to as "Moody Hoppas". Prisoners would then be ferried to courts using more humane transport than before. It is also of importance to note that this also boosted officers' esteem as they too could sit comfortably inside the buses unlike the previous trucks which had no chairs. Officers equally suffered the same measure as prisoners who had broken the law, it was devastating, and we were treated one and same

Various rehabilitation programmes received a lot of government support financially and administratively. Officers admit that during the period when "Uncle moody" (the name prisoners gave to the then vice president and minister for Home Affairs, Honorable Moody Awori) was in charge of prisons, prisons had become a household name. The constant television news on prisons matters was made to prepare the society to accept prisoners back in the society upon release from prison unlike before where prisons remained out of public sight. Therefore, the good will that NARK government had in regards to prisons triggered a lot of reforms in prisons. It was this period in time that many of stakeholders were allowed to participate in prison work. Officers admit that the changes that happened during that period are still notable today and a constant reminder of the government commitment to prison reforms then. 17.6 percent of the respondents attributed reforms to government led efforts.

4.1.3 The changing crime trends

Prison officers agree that crime and criminals have become dynamic over the years. With the change in technological advancement, techno- related crimes have become very common. The traditional mode of committing crime has changed and criminals are using modern ways of committing crime. This has triggered prison reforms in that a lot of training for prison officers has been carried and the process of recruiting professionals in crime related-fields to be able to handle these prisoners better has been initiated. Prison jails today are comprised of sophisticated criminals ranging from terrorists, pirates to cyber crime related criminals who require a specialized capacity to handle them unlike before. Cases of prisoners using mobile phones to steal money from the society have been increasing. Advanced security measures such as use of Circular Cameras (CCTV's) cameras and metal detectors have been enhanced

to counter this emerging crime trends. When asked, 11.8 percent of the respondents felt changing crime trend triggered reforms in Kenya

4.1.4 Prison officers strike

In 2008, prison officers countrywide went on strike. The prison officers were demanding good working terms and conditions, improved housing and uniforms. The situation paralyzed routine prison operations like taking prisoners to court. Following the strike, nine senior officers were charged in court for inciting junior warders to go on strike and the said officers were later suspended from duty and finally removed from service on public interest.

The prison top leadership was changed. The Commissioner of prisons was outsourced from the police, Criminal Investigation Wing (C.I.D) while the Deputy Commissioner of prisons came from the administration police. A high level committee headed by retired major Marsden Madoka was appointed to look into the prison crisis and give recommendations. Among the recommendations were a change of top leadership, review of officer's salaries, provision of risk allowances, improved housing conditions and uniform provision.

All these recommendations are in the process of implementation. Prison officers have been provided with decent housing and new uniforms. Though the reforms are said to be taking a slow pace, officers were in agreement that prison officers have gained their lost esteem through provision of new uniforms and review of their salaries. Officers are impressed by the progress being made in promotions which they feel they are more fair and open than before where nepotism and corruption engulfed the whole process of promotion from one rank to another. When asked, 23.5 percent pointed to industrial action as the cause of prison reforms.

4.1.5 Prisons overcrowding

Just like what has happened in the global scenes, prisons overcrowding has triggered much of the reforms in the Kenyan prisons.23.5percent of the respondents attributed prison reforms to congestion. Several measures have been put in place to address the problem of congestion in prisons. The prerogative of mercy by the president has taken

a rather active position as per the requirements of the constitution, article133 (1*)*. The prerogative gives the president power to release prisoners unconditionally subject to recommendation Advisory Committee, a creation of the constitution article133 (2).There has been gazettement of pardon officers who are charged with the responsibility of making and submitting progress reports to power of mercy committee concerning life imprisonment inmates, those detained under president's pleasure and those serving a jail term of more than seven years to facilitate review of their cases for consideration for release by the president(Kenya constitution,2010).

Decongestion of prisons is also being facilitated by construction of more prisons and employing alternatives to imprisonment like community service orders. All prisoners sentenced to a prison term of six months and below are eligible for community service. The law protects remand prisoners against being held in prison for long if their offences are punishable by fine payment or by an imprisonment for not more than six months (Article 49 (2) of the constitution).

To repeat, the information on chief drivers of prison reforms in Kenya was given by the key respondents. When asked about the chief drivers of reforms, 23.5 percent of the respondents said that human rights concerns, prison officers' strike and congestion were major factors that have caused prison reforms in Kenya. A considerable percentage (17.6) percents said that good governance triggered reforms in prisons while 11.8 percent attributed prison reforms in Kenya to changing crime trends. These findings are summarized in Table 4.1 below.

Summary on key drivers of prison reforms

Table 4.1: Respondents opinion on the factors that have triggered Prison Reforms

Reform Driver	Frequency	Percent
Human rights	4	23.5
Industrial action	4	23.5
congestion	4	23.5
Governance	3	17.6
Changing crime trends	2	11.8
Total	**17**	**100.0**

Summary and conclusion

Reforms in Kenyan prisons have taken place. Some of the situations that have triggered these reforms have had negative consequences; for example, prisoners have died of health related complications as a result of overcrowding and prison officers have been jailed and others sacked in the process. But one thing is very clear from the opinion of key informants; that the sacrifices made are worthwhile. A lot of benefits have been realized such that prison officers and prisoners are much happier than before. Their welfare has improved noted on clothing, food and salaries.

The political will is very important in ensuring that the spirit of reforms is steadfast for better service delivery which is the rehabilitation of offenders in Kenya. Funding of rehabilitation programs is important if recidivism, which is a big contributor to prisons overcrowding is to be reduced. The chapter that follows discusses the impact of some of these reforms on the rehabilitation of offenders.

CHAPTER FIVE

REFORMS, BEHAVIOUR CHANGE AND RECIDIVISM AMONG INMATES

The previous chapter has discussed the impact of prison reforms on rehabilitation of offenders in Kenya. The study identifies the chief drivers of prison reform in Kenya to concerns on human rights, overcrowding, and the coming to power of a government with a reform agenda, the changing crime trends, and prison officers' strike. The chief focus of the study has been reforms on human rights with reference to contact with outside world. Prisoners' contact with the outside world is protected by the international law; Standard Minimum Rules for Treatment of Prisoners (SMRTP), not only with their families but in keeping with their dignity and ensuring where they are held is open to public scrutiny (Institute for Education in Democracy, 2004). Before reforming prisons, Prisons were used primarily as places for behaviour change, which implied the non-involvement in crime awaiting trial, execution, deportation or payment of debts. The penal system was then brutal, painful and a general limitation to human rights. It was established that, despite of the brutality meted out, criminals did not stop committing crime. (Mushanga, 1985; Adler, 1995).

Prisons continued to operate as closed institutions where the activities of prisons were not open to members of the public. Scholars argued that people do not reform under conditions of captivity because people cannot be trained for freedom under conditions that are harsh (Mushanga, 1988). Studies have shown that active family support can also help to ameliorate the 'pains of imprisonment', thereby potentially reducing the risk of suicide/self-harm (Sykes, 1958).Family relationships enhance easy way to reintegration, that is, easy fitting back into the society. Prison reforms in allowing prisoners have contact with outside world were deemed necessary in removing the pains of imprisonment to facilitate rehabilitation. Prisoners were therefore allowed contact with outside world through visitation by family members. To repeat, reform means to put or change into an improved form. It is about improving the system as it stands rather than to overthrow it wholesale. Rehabilitation has broadly been defined as the result of any social, psychological intervention intended to reduce an offender's

further criminal activity. By this standard, the true test of success is non-involvement in crime following participation in an intervention program (Adler, 1995, p.205).

This chapter, therefore, focuses on whether behavior change among inmates has occurred as a result of opening up of prisons. Behavior change among inmates is measured through non-involvement in criminal acts. This chapter will further establish whether recidivism among inmates in Kenya exist and if recidivism does exist, then find out why prisoners are reoffending despite reforms having taken place. Data is drawn from inmates who have reoffended and inmates who have been released from prison and have not returned to prison.

From data, behavior change among inmates is attributed to the opening up of prisons. This involves prisoners interacting with the outside world.Reforms in opening up of prisons to outside contact can be traced in 2001 following the adoption of open door policy. Prisons were opened to scrutiny to members of the public and remote parenting visits began to take effect.

5.1 Reforms witnessed in prison by respondents

Reforms in this study refer to changes that have been witnessed in prison since 2001.This is the period during which prison changes are said to have begun. 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 social and vocational skills which will enable them to become productive, and normally functioning citizens of society (Adler, 1995). All the 35 respondents including five ex-offenders and 30 recidivists indicated that various changes had been witnessed in prison during their incarceration period. These changes include; training, family visits and early release. The research sought to find out the respondents opinion on the form of changes witnessed during their incarceration period. The respondent's responses are summarized in Table 4.2 below.

5.1.1 Training

A significant proportion of recidivists' respondents, 44.2 percent mentioned training as an important change that they had witnessed. The respondents mentioned that training has been diversified to include entrepreneurial skills and academic aspect. Previously, prisoners would only be trained on vocational skills such as tailoring, carpentry, masonry and leather work. During reform period, adult education, primary, secondary and even college training was included in the training .In case of Naivasha Maximum prison where this study was carried out, civil society organisations such as Rodi Kenya offered courses on value addition. Prisoners were trained on how to make soap detergents and fruit juices in order to equip them with skills for self employment upon release from prison.

Prison department has embarked on recruitment of university graduates in different professionals such as teaching and law to facilitate access to education for prisoners. Training is also offered to inmates by fellow inmates who were professionals in their own fields prior to their imprisonment. Respondents expressed their satisfaction with ongoing reforms especially on training. For instance, one ex-offender noted that:

> *"I am what I am today because of the opportunity I was given for further training while in prison. Upon release from prison, I was armed with my Kenya certificate of Secondary education (KCSE) certificate which secured me admission in this college. I am happy, after all my time was never wasted.*[2]

The ex-prisoner made these remarks in reference to a certificate he acquired while serving his sentence. He was particularly happy that prison offered him secondary education and immediately after his release, he joined middle –level college for information technology course. The prisoner appreciated that he got the certificate while still in prison and that his time was utilized properly and this is why he had no intentions of coming back to prison.

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[2] A comment by an ex-offender in reference to support he received while in prison

5.1.2 Family visits

In the past, family and friends contact was discouraged. Prisons reforms in family visits have ushered in an era of remote parenting where prisoner visitors are allowed entry into prison compound and they can sit, talk, and share food together. This is made to enhance stable family relationships and help ameliorate the pain, reduce stress and be able to cope with imprisonment life.

Literature has shown that family visits began being allowed to all inmates as reforms of penal institutions progressed with opening up unlike in the past when it was considered a privilege and formed an essential part of the system of rewards and punishment by which the authorities sought to control the behavior of prisoners (Morris, 1965). Even where it was allowed, visitation was typically of a noncontact nature with visitors and inmates either separated by glass partitions or separated by mesh of screens (Myers, 2005).

In Kenya, visiting time is limited to three persons at any given time and depends also on progressive stage system (cap 90 laws of Kenya). Even when visits do occur, the support that families can give prisoners once in the visits room may be limited when asked on the changes they had witnessed, 40.4 percent said that they had witnessed changes in family visits. Prisoners were happy that there are open days during which they can be visited by family members and share food in an open ground unlike before where visits were conducted in cells portioned with glass. Respondents said that such open days occur on a quarterly basis. When asked about his feeling on open days, a recidivist noted that:

> *"I feel like I am not in prison but in a boarding school. During this period the monotony of eating watery soup is forgotten at least for once. Our relatives come with all type of food and we eat to our fullest. I am able to interact with my wife and children and at least play a fatherly role"*[3].

The respondent made these remarks in reference to the opening of prisons where they are allowed visit by family members, an equivalent of visiting days in secondary schools in Kenya.

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[3]A comment by a recidivist on the importance of visitation while in prison

5.1.3 Early release

Early release was another form of change that the respondents had witnessed. The remaining 15.4 percent of the respondents said that early release from prison was a form of change they had witnessed. Early release here means that prisoners are released earlier than their latest possible dates of release (LPD). Early release is usually a privilege accorded to prisoners who have done exemplary well in behaviour or any other aspect that the commissioner general deems fit. The respondents particularly referred to a case where an inmate scored grade "A" in all his subjects in secondary education. He was granted an early release from prison and the ex-inmate is now a student in one of the public universities in Kenya. When asked on the changes they had witnessed, 33.3 percent of the ex-offenders also mentioned these three aspects as important changes taking place.

Table 5.1: Respondents opinion on changes witnessed during the incarceration period

Change Aspect	Recidivists		Ex-offenders	
	Frequency	Percent	Frequency	Percent
Training	23	44.2	5	33.3
Family visits	21	40.4	5	33.3
Early release	8	15.4	5	33.3

5.2 Reforms and behaviour change

Literature has shown that behaviour change is an outcome of an intervention programme exposed to inmates. It is expected that once an inmate has undergone through the intervention process, he/she will not re-offend. The role of rehabilitation of inmates is vested on the government by offering of programs that are tailored to meet inmate's needs at penal institutions. The government also provides the infrastructure conducive for such programs to operate smoothly. In Kenya, rehabilitation programs includes; counselling, spiritual nourishment, provision of education and vocational training. Upon successful completion of a training program, the government facilitates the awarding of certificates to inmates.

As a result of increased inmate population over time, provision of rehabilitation services to inmates has been overwhelming to the government. Different players have been instrumental in narrowing the existing gaps. Civil society organisations facilitating rehabilitation work include Non-Governmental Organisations and Faith Based Organisations. These include; Seventh Day Adventist church, Gideon International, Philemon Trust, Rodi Kenya, Catholic Justice for peace, Fr.Grols' Welfare Project, International Medical Corps, Faraja Trust, Aphia 11 Consortium and Legal resource foundation. The organisations work ranged from counselling of inmates, training, facilitating links to inmates families, provision of medical services to offer of employment and tools to released inmates. In general the supports provided include material, financial, heath care, family links and aftercare support.

Material support is offered by organisations such as the catholic justice for peace, Fr.Grol's welfare project, Seventh Day Adventist church, and legal resource foundation. Material support here implies the supply of tools for work upon release from prison, learning materials and basic amenities such as toiletries. These materials are provided through the welfare office in prisons headquarters or at the station level.

Financial support which the inmates receive includes monies that are made to cushion released inmates.Under prison rules and regulations, prisoners are entitled for some earning from all work that they do while in prison. This is known as earning scheme. The law requires that a prisoner be paid 30 cents as daily wage. The respondents said that even the 30 cents is not given to inmates upon release from prison owing to insufficient of funds. Organisations giving inmates financial support includes; the catholic and Seventh Day Adventists Church. The finances are channelled through the welfare office. An ex-offender said that when he was released from prison, having trained on carpentry, he received working tools from Fr. Grows Welfare Project. The Catholic Church rented a place for him to start his own carpentry shop.

Health care include; supply of drugs, training on effects of drug abuse, HIV and T.B screening. Organisations offering these forms of support to inmates are; International Medical Corps and Aphia 11 Consortium. The services are offered to all inmates in prison .Those found to have contracted HIV and T.B infections are put on medication. Additional diet is also provided to the infected inmates. Under the international law,

the Standard m Minimum Rules for Treatment of Offenders, health care is regarded as a human right. Also the constitution of Kenya under the Bill of Rights also considers health care as a right that must be upheld. Apart from health care provision being considered a right, it is believed that if prisoners die in prison as a result of ill health, then prisons will not realize its mandate of rehabilitation and reformation of offenders.

Family links and after care is also another form of support that inmates receive. This support is given to both released and incarcerated inmates. A record on inmates who have never been visited or whose relatives are not aware of their incarceration is established once imprisoned, some of the inmates lose links with their family members owing to long distances between their homes and prison. Philemon Trust Organisation provides family links and housing for released inmates. Inmates are also given opportunity for employment. Literature has shown that maintaining family ties may certainly go some considerable way to reducing the so called 'pains of imprisonment' (Sykes, 1958). Therefore by ensuring that prisoner's maintain links with their families is one way of enhancing rehabilitation process. The process of linking inmates to families is done through the welfare office. All these services mentioned above are made to make prison life bearable and humane. The outcome is to achieve behaviour change among inmates through non-reoffending. Table 5.2 below summarizes on the forms of support inmates receive from various organisations.

Table 5.2: Partners in rehabilitation process in Kenyan prisons

S/No	Name of the organisation	Work/Services offered
1.	International medical corps	Medical services-drugs and H.I.V and T.B screening
2.	Aphia11 consortium	Creating awareness on alcohol and drug abuse.
3.	Catholic Justice for peace	Material support, counselling and provision of learning materials.
4.	Legal resource foundation	Training on human rights and provision of learning materials.
5.	Fr.Grol's welfare project	Provision of material support to released inmates
6.	Faraja trust	Spiritual nourishment, supply of drugs
7.	Philemon trust	Legal assistance, provision of links with inmates' families by offering tracing of next of kin and resettlement of ex-prisoners.
	Gideon International	Spiritual nourishment, counselling and provision of learning materials.
9	The catholic church	Financial support and counselling services.
10	Rodi Kenya	Provision of value addition skills to inmates
	SDA church	material support to released inmates and spiritual nourishment.

Source. Prisons records held in welfare office at Naivasha Prison.

5.3 Visitation and behavior change

The study sought to find out how opening up of prisons to outside contact contributed to behavior change among inmates. Literature has shown that prisons initially were closed institutions where inmates were kept incommunicado with their relatives. Having no contact with the outside world was used as a form of punishment (Bohm and Haley, 1999; Adler, 1995, Mushanga, 1988). Later development in correctional work reconsidered this position and gradually prisons began being opened for scrutiny by members of the public.

Findings of the study showed that the respondents preferred visitation as mode of contact to writing letters and making telephone calls. When asked, 57 percent of the respondents said that they preferred visitation because it helped them reduce stress while 28.6 percent felt that visitation gave them the chance to bond with the loved ones. Imprisonment of an offender meant that his relatives were angered by his actions. This caused a lot of embarrassment to family members. As a result, family members did not want to communicate to the offender. Respondents who felt that

visitation enabled them to reconcile with their family members amounted to 14.3 percent. Figure 5.1 gives a summary of the respondents' opinion on importance of visitation.

Figure 5.1: Importance of visitation on imprisonment
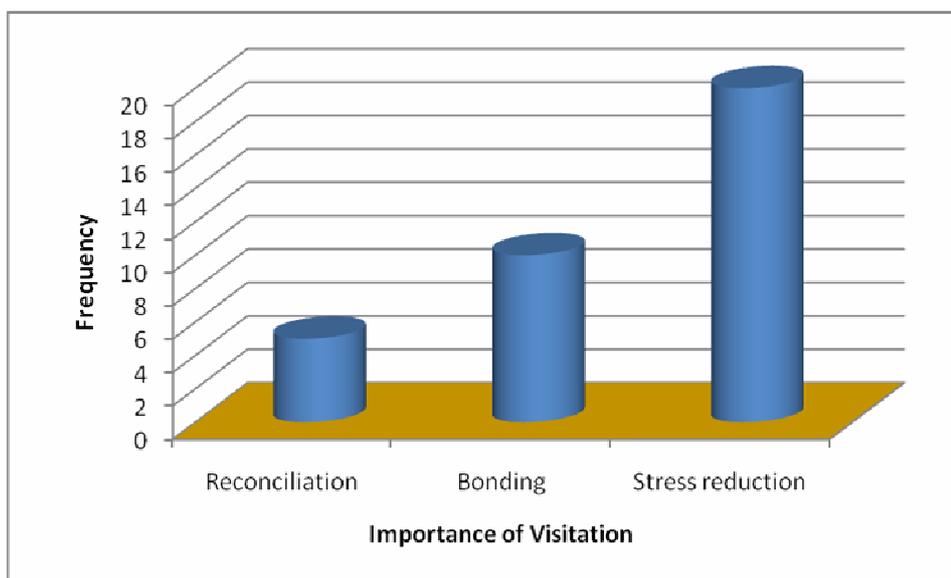
Source: Field Research, 2013

The ex-offenders interviewed attributed their behavior change to assistance they received from visitors who came to see them in prison. The study established that 57 percent received financial support while 28 percent of the respondents attributed their behavior change to employment opportunities. 14.3 percent attributed behavior change to skills gained and material support upon release from prison. For example, an ex-offender said that he had received a wielding machine from Seventh Day Adventist Church which enabled him to gain livelihood. He noted that:

> *"Look at this welding machine, it is way beyond my means, but the good part is that, it is mine.   I do not know what would have become of me without it. Thanks to the Seventh Day Adventist Church for coming to my rescue.[4]*

He specifically noted that he now had a means to achieve his dreams for self employment. The ex-offender was happy that the machine was not borrowed but

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[4]A comment by a an ex-offender in reference to the material support he received from rehabilitation partners

belonged to him. Without the assistance, he says he might not have made any success outside from prison. He said for sure the material assistance has made him so busy at work and hence the reason for his non-reoffending.

Figure 5.2 summarizes on the impact of visitation on behavior change among ex-offenders.
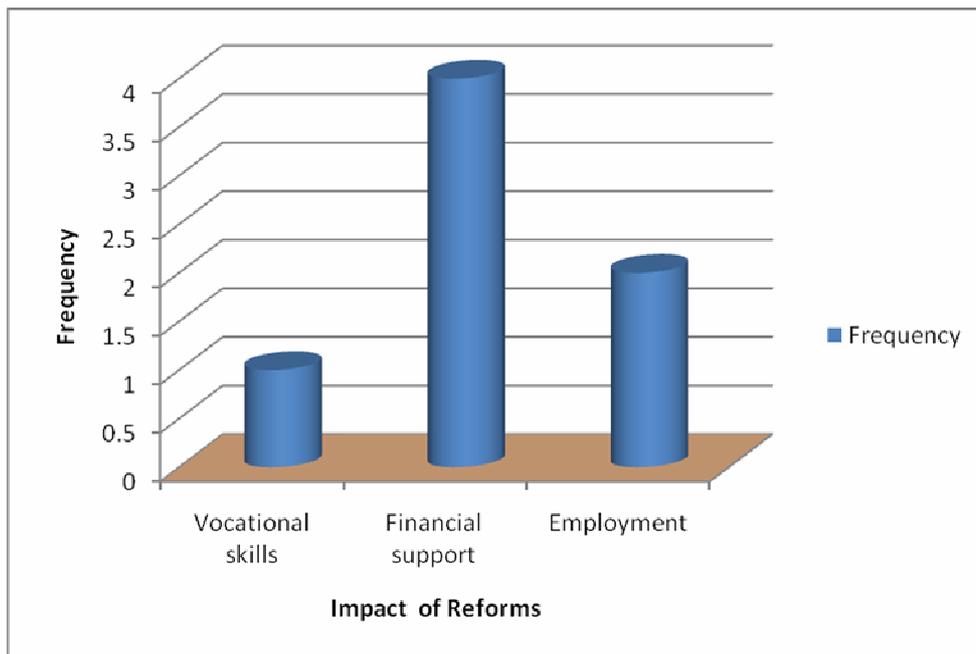
Source: Field Research 2013

Findings on the importance of visitation agree with the findings of Sykes (1958) on visitation. He found out that stable family relationships help to ameliorate the pains of imprisonment and therefore reducing self harm. Adler's sentiments that you cannot train people for freedom under conditions of captivity explain the improved conditions that have facilitated good interaction of inmates and officers.

5.4 Institutional changes and rehabilitation of prisoners

The second aspect of reforms contributing to rehabilitation of prisoners is institutional changes. Institutional changes here refer to norms, traditions and values within prison setting. The changes include; discipline among inmates, safety and order and cordial relations between prisoners and prison officers .When asked about prison life before reforms, the respondents said that life in prison was characterized by uncalled for beatings and verbal abuses from prison officers. The respondents said that with

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ongoing prison reforms, the officers treated them well and they no longer beat them like before. Particularly one of the respondents said that:

> *"Oh! It is very common to see Afandes (title of reference for prison officers) greet and even spare time to chat with us. As a matter of fact during our open days, prison officers join us to celebrate with our families, we sing and dance together".[5]*

The respondent said prison officers are friendlier and this relationship has made inmates to cooperate. He said that inmates did not want to offend the officers through indiscipline acts like escapes or riots. Prison officers listen to inmates grievances unlike before where prisoners had no voice. When asked about discipline among the inmates, 50 percent of the respondents said that stress among inmates had declined while 30 percent said that prisoners had become cooperative in training. Of the total number of the respondents, 20 percent said that discipline among inmates had improved as there were no reported cases of escapes and riots. This was indeed an indicator that reforms were taking place.

Respondents said that before prison reforms, prison life were characterized by mistreatment which comprised beatings and verbal abuse and the conditions under which inmates lived were deplorable. The deplorable nature was characterized by the wearing of tattered clothes, sleeping on the floor and lack of beddings. 71.4 percent of the respondents said that there was massive mistreatment of inmates by officers prior to reforms. They attributed this to the perception that prisoners were objects who deserved no humanity at all. Another 28.6 percent said that the conditions under which they lived in were deplorable. During reform period, 53.3 percent of the respondents described relationship between officers and inmates as good while 33.3 percent said the relations were characterized by mistreatment. This is a positive progress compared to before reforms period which was characterized by mistreatment. Findings of this study on institutional changes agree with the findings of Torch (1977). He also found out that increased permeability to prisons, through liberalized visiting rules, lifting censorship restrictions and improved communication

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[5]A comment by a respondent in reference to cordial relationship between prison officers and prisoners

with the outside world led to a decline of crisis, depression, worry, confusion or obsessive concern.

Fig.5.3 and 5.4 gives a summary of the respondent's opinion on prison life before and after reforms

Figure 5.3: Respondents' opinion on prison life before reforms
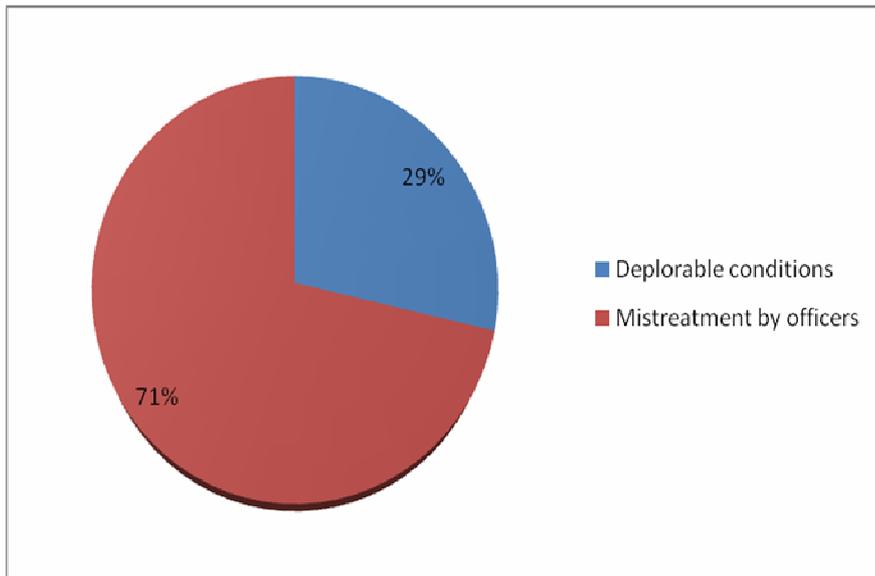
Source: Field Research, 2013

Figure 5.4 respondents' opinion on prison life before reforms
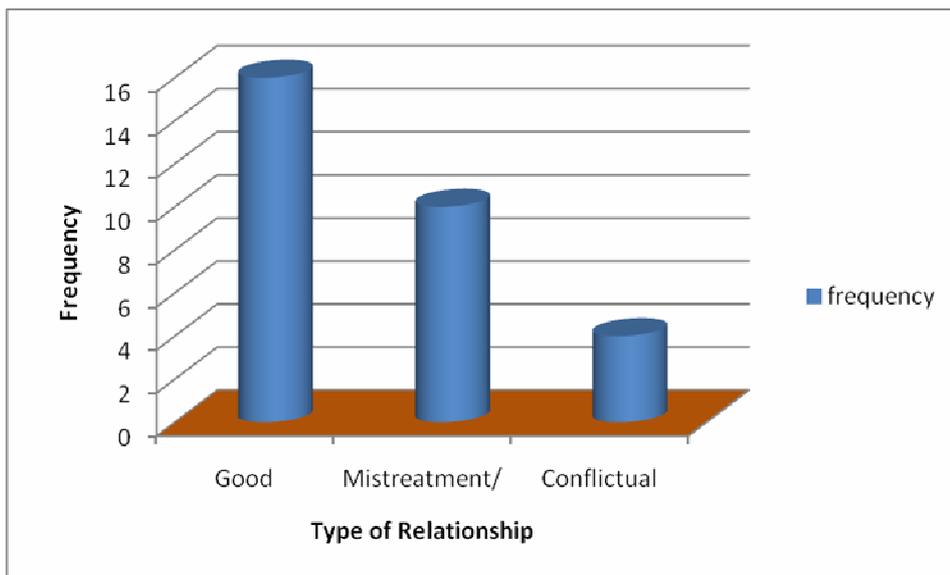
Source: Field Research 2013

A notable institutional change includes safety and order in the management of prisons. Order and safety imply that conditions in prison are kept under control free from any dangers. Prison officers said that discipline among inmates had improved as no strikes and riots had been witnessed. Prisoners gave much attention to rehabilitation programs available because the relationship between them and prison constables had greatly improved. Suicidal attempts by prisoners had drastically declined following a provision of stress free environment. This is attributed to open days where inmates mingle with their relatives and visitors. When asked about their opinion on prisons status in terms of safety and order, all the respondents said that stress among prisoners had declined while 60 percent of the respondents said that there was increased cooperation from prisoners on training. 40 percent of the respondents said that discipline among inmates had improved. For instance, an officer noted that:

> *"Previously, we had long lists of escapee list "A" and it was difficult to read their minds. Prisoners often feigned sickness to abscond work. Today some of the prisoners offer to teach their fellow inmates; they derive joy to what they do".[6]*

The officer explained that there are two categories of potential escapees in prison. These two categories are potential escapee list 'A' and 'B'. Escapees list "Aare inmates who appear quite, lonely and rarely talk and interact with others. This category of prisoners out rightly appears stressed, depressed and anguished. He said that these are dangerous ones as reading their minds could be very difficult. This list of escapees was the one to watch most as they could escape any moment. Escapee list "B" comprised of inmates who had previously escaped and have been recaptured and have shown signs of not wanting to escape. Before reforms, training programs were limited and prisoners would be put in one work program. As a result prisoners would feign sickness to avoid going to work but with diversification of training programs, prisoners make choices of where they would wish to be placed for work. This has improved cooperation in training. These observations are summarized in Table 5.5 below.

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[6]A comment by prison officer in reference to institutional changes

Figure 5.5 Visits and safety and order in prison management (Officers)
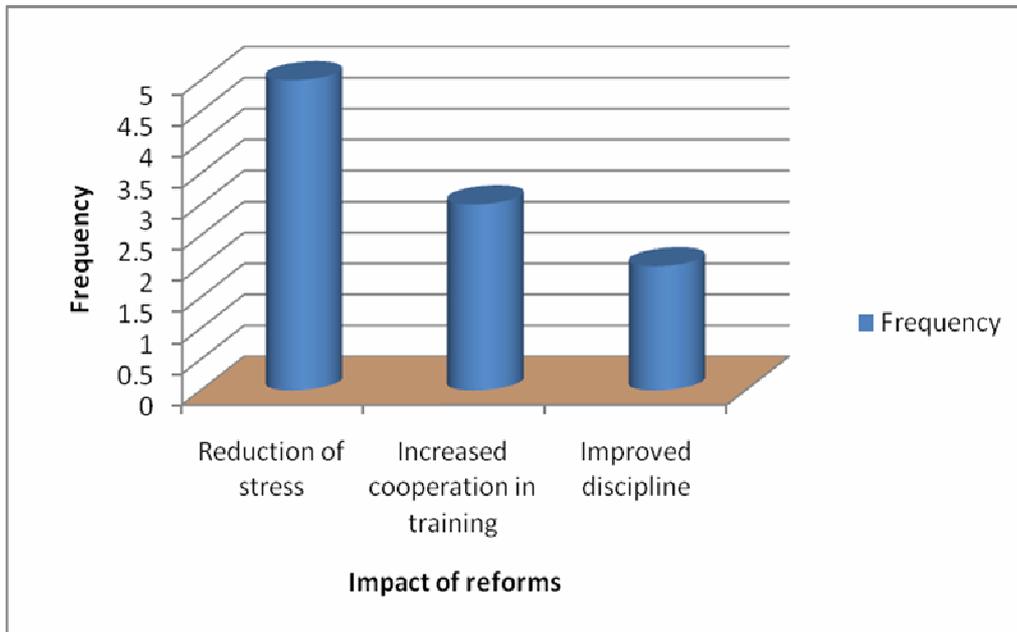
Source: Field Research 2013

Rehabilitation is a journey that all inmates, once incarcerated, set to accomplish. Once an inmate is convicted, the norm and values that he/she is subjected to can affect ones behaviour change. Reiterating Mushanga's sentiments that people cannot reform under conditions of captivity, prison conditions need to be improved to create an environment conducive for rehabilitation. There is need for humane treatment of prisoners. Harsh treatment of prisoners only increases their criminal tendencies. Literature has shown that earlier brutal nature of prison did not deter criminals from committing further crimes (Adler, 1995).The study has found out that reduced stress, increased cooperation in training and improved discipline as some of the institutional reforms witnessed in prison. The existence of these values and norms are important in the preparation for rehabilitation process.

5.5 Reforms and recidivism

As discussed earlier in the study, recidivism is the act of repeating an offence after one has been subjected to an intervention process. The study found out that various reforms within prisons have been witnessed. Based on this understanding, therefore, prisoners are expected to rehabilitate by becoming law binding citizens upon release

from prisons .The study sought to find out why prisoners are reoffending despite reforms in the opening of prisons having taken place.

The respondents included inmates who have reoffended for the second and third time. The periods under review were before 2001 and after 2001 so as to have comparison of the two periods. Prisons reforms in opening up to contacts with the outside are said to have started in 2001.When asked, a (half) 50 percent of the respondents attributed their recidivistic tendencies to stigma meted on them upon release from prison. The society fails to accept that inmates are capable of changing and socially they are looked down upon while 33.3 percent said that lack of employment drove them to committing criminal acts leading to re-arrest.

The respondents said that unemployment was caused majorly by stigma as securing a job proved to be very difficult basing their sentiments on previous criminal record that the offenders had. A potential employer would be hesitant to offer a job to an ex-offender for fear that the inmate will steal from him/her irrespective of the crime initially committed. One prisoner was very disappointed in regard to the way their re-arrests are done and how the society wholesomely treated them. He noted that:

"Once we are released from prison, it is like all of us committed the same offence, robbery! It does not matter whether previous conviction was rape or not,"[7]

The respondents' remarks are in reference to the magnitude of discrimination they face once they are released from prison. The moment one has been imprisonment, he or she become a thief automatic regardless of the previous crime committed. As a result ,an ex-offender faces difficulties in securing an employment

The respondent said that because of this negative attitude by members of the public towards them, ex-offenders are viewed as outcasts and securing a job becomes difficult. This means that unless this attitude is changed, rehabilitation process will not be successful. Once inmates are through with their sentence, they will finally be

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[7]A comment by recidivist in reference to stigma meted on them upon release

released to the community. The community must be willing to accept and support ex-prisoners back to the society so as to reduce chances of them reoffending.

Bad company or association as a reason for reoffending amounted to 16 percent while 0.7 percent of the respondents blamed their re- arrest to wrongful conviction. Prisoners said that as long as one had prior convictions, the police always labeled them as bad people. In the event of any crime committal within the areas where they resided, ex- offenders would be the first to be arrested. From this finding, therefore, it is noted that not all people who are in prison are criminals; that there is a likelihood of innocent persons in our Kenyan jails. As earlier discussed, the values to which persons in custody are subjected to impact on their behavior change. Individuals can progress to hard core criminals or change depending on the treatment they receive. A peculiar reason for reoffending was an expression by one prisoner that prison life these days is not bad like before and coping is very easy. He noted that:

> *"The mode of eating and treatment has impressively changed. Every time I am released from prison, my friends comment about my glowing skin. I am not worried of returning back to prison because making it outside is hell"*[8].

To him internal conditions had improved so much that he did not mind the prison. Outside is worse than prison. Though this amounted to a case of an outlier, the claim is good reason for worry by policy makers because the ultimate goal for reforming penal institutions is to enhance behaviour change among inmates through reduced recidivism. These observations are summarized in Fig 5.6 below.

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[8] A comment by recidivist in reference to changes witnessed in prison

Figure 5.6 Respondents Reasons for Reoffending (Recidivism)
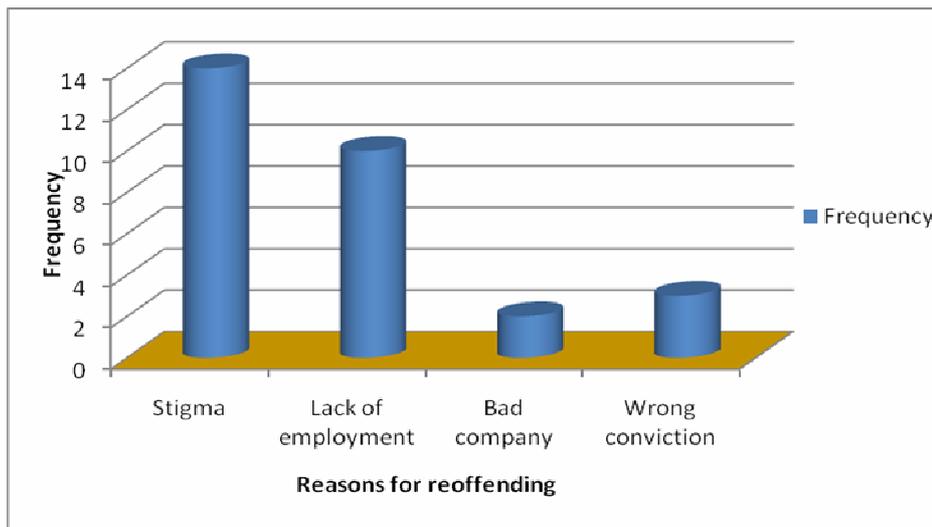
Source: Field Research, 2013

Rehabilitation of inmates is a joint venture between prison and the public. Upon release from prison, prisoners set for the last part of their rehabilitation journey which involves the fitting process back into the society. It is while in the community that the true test for rehabilitation is measured.

Unfortunately, it is while in the community that ex-prisoners are stigmatized, labeled and looked down upon. This attitude does not augur well with reformation as it contributes to reoffending among released inmates. It is important for the community to appreciate the rehabilitation role the prison is doing and compliment that role by accepting and supporting released prisoners from prison.

Recidivism and selected socio-demographic factors

The socio-demographic factors include; age, level of education and marital status among recidivists in Kenya.

5.6 Age and recidivism

Studies have shown that there is a significant relationship between age and recidivism (Hirschi 1983; Steffensmeir, 1989). They found out that crime peaks at an adolescent age and declines thereafter. In his study on recidivism among federal inmates, Harer (1987), found out that recidivism was highest among young persons. Researchers have consistently found that age is one of the most significant predictors of future

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criminality. The inverse relationship between age and involvement in crime has been one of the oldest and most widely accepted phenomena in criminology (Hirschi and Gottfredson, 1983)

Study findings showed that recidivists in the age bracket 25-30 years were highest compared to those at 37 years and over. Chi-square test (Value (19.690[a]), df (6), Sig. (2-sided) (.003), showed that there is a significant relationship between age and recidivism as summarized inTable 4.6 below. The findings give an implication that recidivism is common among young people who are affected by stigma. This finding concurs with previous findings which showed that older offenders have lower rates of offending than younger offenders and are less likely to recidivate (Steffensmeier, Allan, Harer and Streifel, 1989).

Figure 5.7: Age of recidivists
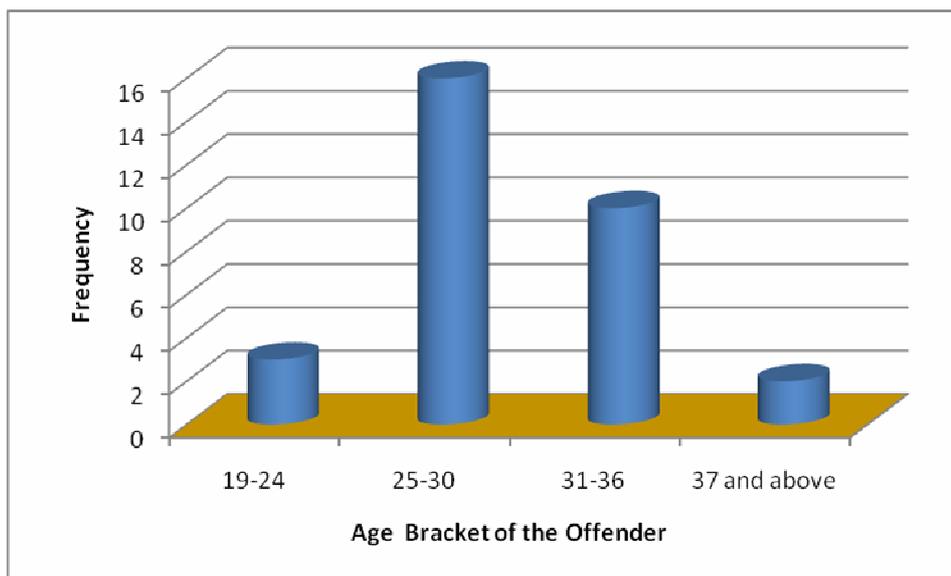
Source: Field Research 2013

Table 5.3Chi-square test on the significant relationship between recidivism and age

Age Bracket Recidivist's reason for re-offending

		Reason for reoffending				Total
		Stigma	lack of employment	Bad company	wrong conviction	
Recidivist's Age Bracket	19-24	3	0	0	0	3
	25-30	11	4	0	0	15
	31-36	0	6	2	3	11
Total		14	10	2	3	29

Chi-Square Tests- Value (19.690[a]), df (6), Sig. (2-sided) (.000).

From the responses summarized in figure 4.6 above, irrespective of the reasons for reoffending, recidivism was common among young people in the age bracket of between 25-36 years of age.

5.7 Level of education and recidivism

Correctional educators have worked for years in the belief that education not only provides hope for their students and an avenue for change, but that it also reduces the likelihood of future crime. Various studies on effect of education on reoffending have shown that people with basic training are less likely to reoffend (Harer, 1987).

Findings of the study have shown that the highest number of repeat offenders had gone up to primary level with those with none education following closely. Chi-square tests (Value (43.796[a]), df (6), Sig. (2-sided) (.000) as shown in table 4.7 imply that there is a significant relationship between level of education and recidivism. It was established that the respondents lacked even basic skills for employment as no basic training had been done. Even their carpentry skills from prison did not help much as their counterparts with grades outshined them. This could also be associated with the current unemployment rates in Kenya even for well trained persons. It becomes more complicated where one lacks basic training.

Illiterate respondents were more affected by stigma while those who had primary education were affected most by unemployment. These finding concur with the findings of Kangendo (2003), who found that low level of education was a major factor precipitating recidivistic tendencies among inmates in Kenya. Findings of Harer (1987) showed that recidivism was highest among young people, persons who were not employed full time, persons with no family commitments and persons with less schooling.

Figure 5.8: Recidivists level of Education
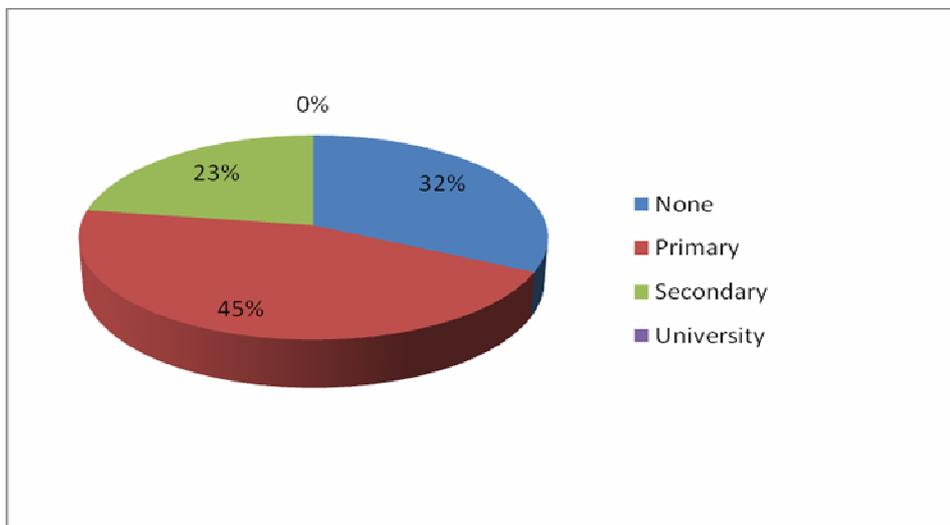
Source: Field Research, 2013

Table 5.4 Level of education and recidivism

		Reason for reoffending				Total
		Stigma	lack of employment	Bad company	wrong conviction	
Recidivist's Level of Education	None	10	0	0	0	10
	Primary	4	10	0	0	14
	Secondary	0	0	2	3	5
Total		14	10	2	3	29

Chi-Square Tests- Value (43.796[a]), df (6), Sig. (2-sided) (.003).

Findings show that illiterate and people with basic primary education contributed to highest number of recidivists unlike people who had secondary education. None of the respondent had university education. In his study on sociology of education, Schimmer (1987), found out that people with no education possess little coping skills and have no skills to keep work. Thus even when they get such an employment, they lose it the sooner.

Findings of the study agree with the findings of Harer (1993), on recidivism among federal inmates. He found out that recidivism was highest among persons with less schooling

5.8 Marital status and recidivism

The findings of the study further showed that there is a significant relationship between marital status and reoffending. Chi-square tests Value (23.752[a]), df (6), Sig. (2-sided) (.001) as summarized in Table 5.7 supports this finding. This finding concurs with the findings of studies done by Kohl et al (2008) in England which showed that most (68 percent) of the men in the cohort reported themselves as "single." The marital status of recidivists was significantly different than that of non-recidivists. Recidivists were more likely to report being single (74 percent) than non-recidivists (63 percent), and they were less likely than non recidivists to report being married (12 percent and 15 percent, respectively). Further, unmarried inmates had a recidivism rate of 43 percent, compared to a recidivism rate of 30 percent for married male inmates. This finding was consistent with findings of Kohl (2008), who found out that male married inmates had a lower risk of reoffending.

Table 5.5 Marital status and recidivism

		Reason for reoffending				Total
		Stigma	lack of employment	Bad company	wrong conviction	
Recidivist's Marital Status	Married	8	0	0	0	8
	Single	6	6	0	0	12
	Divorced	0	4	2	3	9
Total		14	10	2	3	29

Chi-Square Tests- Value (23.752[a]), df (6), Sig. (2-sided) (.001)

CHAPTER SIX

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

The aim of the study was to establish impact of prison reforms on rehabilitation of offenders in Kenya. The area of study was Naivasha maximum security prison. Specifically, the study aimed at establishing the chief drivers of prison reforms, how opening of prisons to outside contact has contributed to rehabilitation of offenders and establish why prisoners are reoffending despite reforms having taken place.

Kenya Prisons Service is said to have undertaken reforms since 2001 by opening of prisons to outside contact. The purpose for the said reforms was to improve prisons conditions and better management practices. The expected result, therefore, is reformation and rehabilitation of offenders or non-involvement in crime. A point of departure for this study is the focus on behavior change. Although many studies that have been carried out on prison reforms they have focused on the status of these reforms, this study however sought to establish whether prisoner's behavior has changed after the introduction of reforms that included the allowing of prisoners to have contact with outside world.

The study is significant to policy makers considering that the financial burden born by the state in an effort to maintain prisoners is high. Implementation of prison reforms requires financial support too. Therefore, findings of this study will inform policy in regards to whether the efforts in reforming prisons are producing fruits or not. The success implies that prisoners rate of reoffending is reducing. Through non-involvement in crimes, prisons mandate in rehabilitation will be judged positively by all participants in prison reforms. The respondent's views in regards to challenges they are facing in the process of implementing prison reforms will enable the stakeholders in prison reforms look for solutions to address the shortcomings.

6.1 Summary of findings and conclusion

The first study objective was to establish the chief drivers of prison reforms. The study found out that the chief drivers of prison reforms in Kenya have included the concerns on human rights, overcrowding, and the coming to power of a government with a reform agenda, the changing crime trends and prison officer's strike. International instruments on human rights dictate or demand that prisoners should be treated humanely. The supreme law protects the abuse of right of the incarcered group. Therefore, human rights concerns have been a major cause of prison reforms in Kenya considering that prisons have operated as closed institutions for long time. Overcrowding has triggered prison reforms in that efforts to decongest prisons have been enormous. Infrastructural developments have been established to curb the bulging prison numbers. Alternatives to imprisonment such as community service have been employed to deal with short term prisoners (those sentenced to a prison term of up to six months and below). The constitution protects remand prisoners from being held in custody if the offence committed is punishable by fine or by imprisonment of a term up to six months. These are efforts that are being used to decongest prisons in Kenya.

The coming to power of National Rainbow Coalition government caused many reforms in prisons. Prisoners clothing, diet and transport improved. During this period, many stakeholders got a chance to visit prisons and gave assistance financially, spiritually and morally in the management of prisons. Administratively, the prison management got support from the government because of the political good will that existed at that time. Changing crime trends has triggered prison reforms in Kenya. Unlike before, prisoners are becoming sophisticated and are using high technology techniques to commit crime. Technology is also being used to smuggle in illegal goods in prisons. Capacity building for prison officers has been carried out alongside recruiting professionals to the service to deal with the upcoming crime trends. The traditional security searches have been enhanced with the use of high technology gadgets to detect any an unauthorized goods.

Prison officer's strike triggered prison reforms. During the period in question, prison warders paralyzed all activities country wide. They were aggrieved by poor working conditions. Salary remuneration and infrastructural improvements for prison officers

through provision for decent housing have been enhanced. Top prison management was also changed to deal with issues of corruption and nepotism in promotion exercises which were part of the grievances raised during the strike. The second study objective was to establish how opening up of prisons to contact with the outside world has contributed to rehabilitation of offenders in Kenya. In regard to behavior change as a result of opening up of prisons, the ex-offenders living in society attributed their behavior change to opening of prisons to outside contact. They appreciated the support they received from family and friends especially the stakeholders. They got the moral, financial and material support that has enabled them to support themselves and their families. The ex-offenders interviewed received varied assistance from families and stakeholders ranging from provision of tools for work, capital to startup own businesses, sponsorship to further education to employment provision.

On recidivism, the national data on recidivism depicted a declining trend over the years. This was attributed to general prisons reforms. However, the respondents on recidivism were appreciative of the reforms in the opening of prisons to outside contact. However, the respondents said that stigma, unemployment, ineffective police prosecutions and comfortable prison conditions as the reasons for reoffending. People released from prison still get treated unfairly by the larger society and this affects reintegration process. Compounded with stigma is the lack of unemployment as potential employers are unwilling to employ people with previous criminal record. The skills that are learnt are not efficient enough to compete with those outside. All the respondents appreciate the efforts that have carried out in prisons to improve rehabilitation of inmates.

The chief focus of this study has been prison reforms and specifically opening of prisons to outside contact and rehabilitation of inmates. Outside contact meant family and friends' visits, allowing telephones calls and allowing use of letters. Studies have indicated that harsh and punitive conditions are not conducive for rehabilitation of offenders therefore if prisons are opened to allow prisoners have contact with the outside world, then rehabilitation is expected to occur. The variable that the study sought to explain was rehabilitation. The true measure for rehabilitation is behavior change through non-involvement in crime. Findings of the study have shown that, with the opening of prisons to outside contact, prisoner's behavior is changing as

prisoners have been able to get financial and material support from stakeholders. However, a case of prison comfort is again becoming reason for reoffending yet the purpose for reforms is to reduce recidivism. This turn of events is a cause for worry for policy makers as their efforts for rehabilitation are being thwarted.

Rehabilitation process is also being affected by external factors. For example, upon release from prisons, despite the prisoner having depicted signs of initial behavior change, stigma or lack of employment may affect him or her to return back to crime because support mechanism which enable the ex-offender cope better are non-existent or not sufficient.

The intervening variable in the study are the immediate outcomes experienced after reforms have taken place. This is order and safety in the management of prison, discipline and participation in rehabilitation programs. Order and safety in this study implies that conditions in prison are kept under control, free from any dangers. It means security mechanisms are in place and functioning properly. Prison management is expected to be easy following this outcome because prisoners are more willing to cooperate in training programs. Findings of the study have shown that good relationships between prison officers and prisoners do exist and that training of prisoners has become easy than before as prisoners are disciplined and easy to handle. Cases of indiscipline among inmates were very minimal and that escapes were declining over the years. This is because prison officers have received training on better ways of handling prisoners and that advanced methods of searches have been enhanced to control inmates.

Based on the outcomes of the study, the gains that are being harnessed from reforms in Kenya prisons are attributed to support various organizations are offering, however, there are issues that need to be addressed in order to reap the gains in full potential.

6.2 Recommendations

The study therefore recommends that the organizations offering different support in prison should ensure sustainability of the support once their contract period is over.

Respondents were of the view that each individual organization should dwell in offering one particular support rather than doing everything. For example, an organization offering material and health support could have done better if they chose say heath care alone. The study found out that not all released inmates receive tools or financial support because the number is overwhelmingly large.

Prisons should balance between training and enterprising aspects. Prison industries and farms are earmarked for profit making. A gap exists whereby prisons scope of work does not involve provision of assistance to released inmates. Upon completion of grade tests, prisoners are not given any financial or material assistance to enable them support themselves upon release from prison yet prisons expect prisoners to utilize fully the knowledge gained while in prison. The Government should focus majorly on what become of criminals especially those who have undergone rehabilitation training so as to avoid the vicious cycle of reoffending. Failure to consider this, prisoners training would be viewed as routine work with no seriousness attached to it. This is very important also by ensuring rehabilitation programs fits into crimes committed.

There is need to repeal Prisons Act (chapter 90), especially on the aspect of earning scheme. Prisoners engaged in vocational activities should be paid a given amount from the vocational work they engage in. Upon release, therefore, one is able to support him/herself. Currently, the law allows for prisoners under the earning scheme to be paid 30cents.This value was useful in the 60s when prison act was lastly revised but the world has changed and the cost of living has gone up. Interestingly, most of the prisoners are not even paid the 30 cents on the basis of funds unavailability.

Prisons should engage more in corporate responsibility affairs in a bid to win the trust of the public. Activities involving ex-offenders should be done in different counties so that people can begin appreciating that indeed a criminal can reform and become a law abiding person. Prisoners can engage in repair of feeder roads in counties where such prisons are established. This relationship will go further in ensuring that the public appreciate and support released inmates.

Prisons should expound on remote parenting as a matter of policy. The study found out that open door policy has been left out for interpretation by officers' in charges of institutions. It is not a uniformed affair. Some institutions rarely organize such visits as there is no budgetary vote for organization of such an event. The study found that prisoners appreciated family visits as the visits help them reduce stress and the pains of imprisonment. Family visits are therefore an important aspect in the rehabilitation process of inmates. Advanced methods of forgiveness like in developed world where compensation are done should be applied. Reconciliation mechanisms where the prisoner gets to meet the victim should be devised. This will help reduce feeling of hatred and revenge towards ex-offender.

Establishment of halve way houses should be considered. These houses are meant to cushion released inmates against the hard economic times. In these houses, released prisoners are housed and provided with basic amenities as they look for means of livelihood in order to support themselves. Prisons have vast pieces of land that are underutilized and it is high time prisons partner with private sector to improve the land for agricultural development. This way, inmates will produce food and they will be able to feed themselves. Prisoners should begin paying for at least some costs while in prison as citizens too are paying for their own costs out of gainful employment.

Lastly, while at the halve way homes, a system of ensuring that ex-offenders pay taxes should be devised. This will inculcate a sense of responsibility and inmates will know that imprisonment is not about joy riding but will someday pay for the costs incurred while in prison. This will be possible with support from the government through financial provision to improve rehabilitation program and ensure that all incarcerated inmates are fully engaged.

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APPENDICES

APPENDIX I

LETTER OF INTRODUCTION

To the respondent,

How are you? My names are Annahstacia. N. Musyoka, a post graduate student from the University of Nairobi, pursuing a Master of Arts degree in development studies. I am conducting a study on the impact of prison reforms on the rehabilitation of offenders in Kenya.

Prison reforms refer to the attempt to improve prison conditions aiming at a more effective penal system. The study will establish the successes or failure of open door policy. This will assist policy makers in knowing what to improve on for best service delivery and better results which is rehabilitation of inmates.

 I am requesting that you assist me in filling the questionnaire and I promise that any information that you give is going to be treated with utmost confidentiality and used for the purposes explained above only.

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

Yours faithfully,

 Musyoka Annastacia

APPENDIX II   REFORMS AND REHABILITATION

RESEARCH QUESTIONNAIRE (RECIDIVISTS)
PART A BACKGROUND INFORMATION

1. Respondents sex   Male [   ]   Female [   ]

2. Respondents current age

   A) 19-24

   B) 25-30

   C) 31-36

   D) 37 and over

3. Marital status

   Single   [   ]

   Married   [   ]

   Divorced/ Separated   [   ]

   Widowed

4. Level of education

   None   [   ]

   Primary   [   ]

   Secondary   [   ]

   University   [   ]

PARTB: RESPONDENT'S KNOWLEDGE ON PRISON REFORMS

5. Have you witnessed any changes during your incarceration period?

_____

_____

_____

6. What forms of prison reforms have you witnessed during your imprisonment

 period?

 a) Education/training

 b) Family visits

 c) Early release

 d) All above

7. What aspects of prison reformscategorized above did you appreciate most and

 why? _____

_____

8. How was prison life before the changes take place?

 Poor   [ ]

 Good   [ ]

 Very good   [ ]

 Excellent   [ ]

 (b) Give reasons for your answer above

_____

_____

10(a).Which mechanism of contact with outside world did/do you prefer?

    Remote parenting/family visits   [   ]

    Telephones   [   ]

    Letters   [   ]

    Civil society organisation   [

(b)Give reasons for your answer above._____

    _____

    _____

11. Were you visited by close family members during your imprisonment?

    Yes   [   ]   No   [   ]

    If yes, how was such visitation helpful in your imprisonment life?

    _____

    _____

    If no how did you feel for not being visited?

12. During the whole period you stayed in prison were you able to telephone or write

    letters to family members

    Yes   [   ]   No   [   ]

    If No please explain your answer

    _____

13. A part from close family members, who else visited you in prison?

   (A) Advocates/judges

   (B) Non-Governmental Organisations (NGO'S)

   (C) Religious organisations

   (D) Any other, specify

14. What form of assistance were you given?

   (A) Training

   (B) Consumables (soap, toilets)

   (C) Legal assistant

   (D) Any other, specify_____

15. What is the level of involvement in decision made in planning remote parenting?

   Informed   [ ]

   Consultation   [ ]

   Influence major decision   [ ]

16 (a). What was the relationship between prisoners and prison officers?

   during your incarceration?

   (a)   Bad

   (b)   Fair

   (c)   Good

   (d)   Very good

(b)   Give reasons for your answer above

17. Did you face challenges in re-integration upon release from prison?

Yes   [ ]   No   [ ]

If yes, explain the challenges faced and if no give reasons

_____

_____

18. What was the level of your participation in community activities upon release?

(a) Active

(b) Inactive

Give reasons for your answer.

19. Were you employed before imprisonment?

Yes   [ ]   No   [ ]

If yes, did you find work upon release?

20. Did you find the same treatment you got while at prison in the community upon

release?

Yes   [ ]   No   [ ]

If yes why did you come back, give reasons

_____

_____

21. What do you think should be done to prevent your future reoffending?

_____

APPENDIX III

REFORMS AND REHABILITATION

RESEARCH QUESTIONNAIRE (EX-PRISONERS)
PART A BACKGROUND INFORMATION

1. Respondents sex   male [   ]   female [   ]

2. Respondents current age

   A) 19-24

   B) 25-30

   C) 31-36

3. Marital status

   Single   [   ]

   Married   [   ]

   Divorced/ Separated   [   ]

   Widowed   [   ]

4. Level of education

   None   [   ]

   Primary   [   ]

   Secondary   [   ]

   University   [   ]

PARTB: RESPONDENT'S KNOWLEDGE ON PRISONS REFORMS

5. Did you witness any changes in prison during your incarceration period?

_____

_____

6. What are some of the changes did you witness?

   (A) Education/training

   (B) Family visits

   (C) Early release

   (D) All above

7. What aspects of changes categorized above did you appreciate most and

   why? _____

   _____

8. How do you describe prison life during the time when changes were taking place?

   _____

   _____

9 (a).Which mechanism of contact with outside world did/do you prefer?

   Remote parenting/family visits   [   ]

   Telephones   [   ]

   Letters   [   ]

   Civil society organizations   [   ]

(b) Give reasons for your answer above._____

_____

_____

10. Were you visited by close family members during your imprisonment?

    Yes   [   ]   No [   ]

    If yes, how was such visitation helpful in your imprisonment life?

    _____

    _____

   If no give reasons_____

1I. A part from close family members, who else visited you in prison?

   (A) Advocates/judges

   (B) Non-Governmental Organizations (NGO'S)

   (C) Religious organizations

   (D) Any other, specify

12. What form of assistance were you given?

    (A) Training

    (B) Consumables (soap, toilets)

    (C) Legal assistant

    (D) Any other, specify_____

13. Were prison officers supportive of your visitation?

    Yes   [ ]   No [ ]

    Give reason for answer above

14 (a). What was the relationship between prisoners and prison officers

      during your incarceration?

      (a)   Bad

      (b)   Fair

      (c)   Good

      (d) Very good

 (b)   Give reasons for your answer above

15. During the time of release from prison, did your family come for you?

    Yes   [ ]   No   [ ]

    How did you feel?

16. Were you able to secure employment after release?

    Yes   [ ]   No   [ ]

    If yes after how long?

17. Did you face challenges in re-integration upon release from prison?

    Yes   [ ]   No   [ ]

    If yes, explain the challenges faced and if no give reasons

_____

_____

18. What was the level of your involvement in community activities upon release?

    (a) Active

    (b) Inactive

    Give reasons for your answer.

19. Did you find the same treatment you got while at prison in the community upon

    release?

    Yes   [ ]   No   [ ]

    Please explain your answer

20. Upon release from prison what form of assistance did the NGO's that frequented

    prison give you?

21. For how long have you stayed in community after release?

22. Has changes that have taken place had any impact in your behavior?

    Yes   [ ]   No   [ ]

    Please justify your answer

23. Did you appreciate the efforts being done by the government in facilitating

    prisoners contact with outside world?

Yes   [ ]   No   [ ]

Explain your answer please.

24. What aspects of prison reforms do you think need to be given prior attention?

APPENDIX1V

DRIVERS OF PRISON REFORMS AND INSTITUTIONAL CHANGES

RESEARCH QUESTIONNAIRE (PRISON OFFICERS)

1. Respondents sex Male [   ]   Female [   ]

2. Respondents current Rank

3. Length of service

    (A) 10-15years

    (B) 15-25years

    (C) More than 25 years

4. Level of education

    (A) None

    (B) Primary

    (C) Secondary

    (D) University

5. What is your personal feeling on prison reforms?

    _____

    _____

    _____

6. Has prisoners contact with their family and friends brought safety and order

    in prison management?

    Yes   [ ]   No   [ ]

Please explain your answer_____

_____

_____

7. How do you rate discipline among inmates after reforms?

   (a) Bad

   (b) Fair

   (c) Good

   (d) Very good

 (b) Give reasons for your answer above.

   _____

   _____

8. Do youhandle cases of indiscipline among inmates?

   Yes   [ ]   No   [ ]

   If yes, how often (A) Daily

                  (B) Weekly

                  (C) Monthly

                  (D)Any other, specify

9. Do you find it easy training prisoners nowadays than before?

   Yes   [ ]   No   [ ]

   Please explain your answer._____

   _____

_____

10. Have you experienced escapes in the institution?

Yes   [   ]   No   [   ]

    Please explain the reason for answer given.

_____

_____

11. Has prison management improved with the initiation of open door policy?

    Yes   [   ]   No   [   ]

    Give reasons for your answer above.

_____

_____

12. What factors do you think have enhanced success of prison reforms?

_____

_____

13. Have you faced any challenges in the implementation of prison reforms?

    Yes   [   ]   No   [   ]

    Give reasons for the above answer

_____

_____

14. In your own opinion, what do you think should be done to curb the challenges

    facing reforms?_____

_____

_____

15. What strengths does Kenya prison have in the implementation of reforms?

16. Does the government single- handedly facilitate reforms; if no who else is

Involved?

17. What follow-up mechanism does the department employ to track released

Prisoners?

18. Do you have any laid down procedure to handle recidivists

If yes which ones