

TOPIC "FACTORS PRECIPITATING RECIDIVISTIC BEHAVIOURS AMONG THE
KENYAN PRISONERS: A SOCIOLOGICAL INTERPRETATION."

BY

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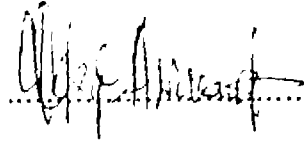
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DEDICATION

This thesis is dedicated to my daughter Dianne Kendi whose existence motivates me to work hard, my mother Florence Nkinga and my uncle Dedan Gitonga who encouraged me to pursue this study.

TABLE OF CONTENTS

ACKNOWLEDGMENTS.....	(iv)
ABSTRACT.....	(ix)

CHAPTER ONE

INTRODUCTION.....	(1)
PROBLEM STATEMENT.....	(4)
STUDY OBJECTIVES.....	(7)
JUSTIFICATION OF THE STUDY.....	(7)
SCOPE AND LIMITATIONS.....	(10)

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK.....	... (11)
AGE.....	(14)
SEX, MARITAL STATUS AND CRIME.....	(15)
LEVELS OF EDUCATION AND EMPLOYMENT.....	(17)
IMPRISONMENT EXPERIENCE.....	(19)
KENYAN CRIMINAL JUSTICE SYSTEM.....	(20)
THEORETICAL FRAMEWORK.....	(20)

LABELING THEORY.....(21)

DIFFERENTIAL ASSOCIATION THEORY.....(25)

CRIME AND SOCIAL STRUCTURE.....(26)

OPERATIONALISATION OF KEY TERMS AND CONCEPTS..... (28)

CONCEPTUAL FRAMEWORK.....(30)

RESEARCH HYPOTHESES.....(33)

CHAPTER THREE

METHODOLOGY.....(34)

SITE OF THE STUDY.....(35)

PENAL INSTITUTIONS IN KENYA TODAY.....(36)

SAMPLING UNIT, SAMPLE SIZE, AND SAMPLE SELECTION.....(42)

ADMINISTRATION OF THE QUESTIONNAIRE.....(45)

PROBLEMS ENCOUNTERED IN THE FIELD.....(45)

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS.....(49)

HYPOTHESIS ONE.....(50)

HYPOTHESIS TWO.....(58)

HYPOTHESIS THREE.....(72)

HYPOTHESIS FOUR.....(82)

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS	(85)
BIBLIOGRAPHY.....	(103)
APPENDICES.....	(109)

LIST OF TABLES

EMPLOYMENT.....	(51)
WHOM THE RESPONDENT STAYED WITH.....	(54)
ASSISTANCE FROM THE PARENTS.....	(55)
RESPONDENTS RELATIONSHIPS.....	(56)
MARITAL STATUS.....	(60)
NUMBER OF CHILDREN.....	(61)
INCOME.....	(65)
CRIMES COMMITTED.....	(67)
RECIDIVISM.....	(72)
LENGTH OF IMPRISONMENT.....	(77)
DRUGS.....	(80)
AGE.....	(86)

ABSTRACT

The main objective of this study was to find out why first time offenders repeat crimes after imprisonment. The available prison records show that there are recidivists in the Kenyan prisons. This study set out to examine factors that precipitate recidivistic behavior among the Kenyan prisoners.

The key question is why ex-convicts repeated crimes or relapsed into criminal activities instead of reforming after going through imprisonment. Recidivism was given attention by the researcher because it affects the Kenyan society socially and economically. Socially because family lives are disrupted when a family member is jailed or dies through crime commission; economically because so much property and life is lost through crime commission and prevention. Currently the crime rate is very high in the country and this prompted the researcher to carry out this research in order to find out why people commit and repeat crimes.

Data was gathered by the use of a questionnaire. The questionnaire consisted of both open and closed ended questions. The study was guided by four hypotheses, each anticipating data as follows. The first hypothesis anticipated data on stigmatization of the individual respondent by the society and how this leads to recidivism. Data was gathered on whether or not the respondents got back their former jobs after the first, second, third and fourth release from prison. The information gathered revealed that only 23 of the respondents had been employed prior to their first arrest. They all lost their jobs after the second imprisonment. They argued that they were rejected at their place of work and seen as potential criminals and therefore were not accepted. It also became difficult to get other forms of employment because they had been imprisoned. The fact that they had been imprisoned denied them a right to employment.

Further the researcher sought to find out whether these recidivists visited their homes after they were released from prison, whom they stayed with, whether they had been brought up by their parents and whether their parents/next of kin had assisted them when they were in trouble. Data revealed that these recidivists did not visit their homes unless their relatives were not aware of their criminal activities. Those who were known avoided their relatives and friends. They stayed away from them to avoid rejection. They preferred to stay with fellow criminals. In fact some of the married couples did not disclose to their spouses that they were criminals. Majority of the respondents had not been brought up by their parents and grew up in broken families or did not have families at all. This then means that their parents did not assist them in any way whenever they had problems. This means they did not experience parental care and love. An overwhelming majority revealed that they did not interact with their relatives and friends after their relatives discovered that they are criminals.

The second hypothesis sought data on socio-economic factors and how they enhance recidivism. These factors included age, sex level of education, family size, marital status and occupation. Regarding age, data ascertained that majority of these respondents were youth with a mean age of 29 years. 161 males and 46 females were interviewed and the majority (82%) had very few years of formal education. The respondents had small families with 85% having between 0-3 children. The researcher had expected these families to be larger as is the tradition with the African families. For those who were together as spouses, most had one wife. 35% were married, 25% were married but separated, 7% were widowed, and 33% were single. Therefore 65% were not together with their spouses. Occupation wise, only 23 respondents had been employed before their first arrest. The rest (89%) were unemployed. After the second imprisonment all the 207 were unemployed. They engaged themselves in illegal activities like robbery, selling bhang, selling illicit beer, prostitution, and other illegal activities.

The third hypothesis concerned the relationship between imprisonment experience and recidivism. What does imprisonment experience do to the inmates that they become recidivists? An overwhelming majority was found to commit crimes after release because they had no means of meeting their needs legally. They felt that the prison had wasted their time and resources. Some felt that they had been jailed unfairly while others felt that prison is a college where criminals harden and become better criminals. It is in prison where the fear of breaking the law first disappears and once it is gone one can commit crimes without fear. They felt that they had gained experience in prison.

The fourth hypothesis gathered data on age. It postulated that the age of an individual recidivist affects his/her recidivistic behavior. Data revealed that most recidivists were youths who were not ready to quit crime. However the aged recidivists disclosed that they would quit crime commission on release.

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In conclusion then, just like any other social problem, recidivism is as a result of many factors, which may or may not interact to produce recidivists. However it is important to note that unless these factors are taken into consideration for the purpose of rehabilitating prisoners, recidivists will continue to be created every day. There is also a possibility that when the population consists of more youths than the old, more recidivists will be expected. This is so because the research revealed that the youth are more involved in crime than any other age group. This means that insecurity will increase. This is unfortunate because everyone's hope is to have a country where security is of the highest level. Therefore it is important to look for solutions and the solutions lies in knowing the factors that precipitate recidivistic behavior, and looking for solutions to the problem.

CHAPTER ONE

INTRODUCTION

Reckless (1973) argues that advanced as well as developing countries evidently have a growing problem of crime and delinquency. He adds that the magnitude of the problem is registered in increased public concern about the safety of individuals and their property. Studies done on crime show a trend of increase in crime. Clinard and Abbott (1973) noted that as the less developed nations attempt in one or two generations to bring about transformations that culminated from several centuries of development for most industrialised nations, several severe repercussions are often evident. There emerges a state of normlessness.

People commit crimes as they go about their daily activities. On breaking the law they may end up in prison, where they are expected to reform and become better citizens. However this is not always the case since there are those who are in for more than one time. These are the recidivists, and they are the subjects of this study. The question to ask here is "why is it that first time offenders harden to become hardened criminals? Why is it that once a criminal always a criminal? This study focused on the factors that precipitate recidivistic behaviour, its extent and rate and what can be done to curb it.

The most striking fact about offenders who have been convicted and sentenced for common serious crimes of violence and theft is how often many of them continue to commit crimes (Cressy and Ward, 1969). This suggests that these offenders are not reformed by the punishments meted on them. There is need therefore to study them in order to understand why they do not get reformed but instead they continue to commit crimes. Arrest, court and prison records furnish insistent testimony to the fact that repeat offenders constitute the hard-core of the crime problem. Sutherland and Cressey (1969) pointed out that a large number of the offenders under the care of any criminal agency in the U.S are recidivists. According to Sutherland and Cressey

(1955), of the offenders committed to prisons and reformatories in 1946, 51% had been committed previously to such institutions and 6% had been committed three times or more. This gives support to the claim that most criminals do not get reformed and this raised the need to find out why they do not. This kind of study had not been done in Kenya, and there was a need for such a study.

There is a dearth of studies on recidivism in Kenya. What is available is the police records, prison records and the statistical abstracts all of which are just figures of the prisoners at that particular period. They do not provide us with information why we have recidivists, that is why the prison has not been able to rehabilitate them, more specifically, why criminals relapse into crime after they are released from prisons. Explanation for this relapse was deemed central in this study since it was to fill the gaps that existed in this area of study by generating information to be used in the formulation of theories that would help understand recidivistic behaviour. This information is useful in policy making to help formulate policies that will be put into place to curb recidivism. From their review of a number of studies, Cressy and Ward (1955) concluded that roughly a third of the offenders released from prisons will be re-imprisoned. This has not been ascertained in Kenya. This study looked into this issue to find out how many first time offenders were re-imprisoned and why they did not get reformed.

In Kenya, the statistical abstracts and the treatment of offenders annual reports show a tremendous increase of recidivists after every ten years. For example in 1938 there were 1,783 recidivists, and by 1954 they had risen to 4,976. In 1964 they shot up to 13,286. In 1974 there were 24,689 recidivists, a figure which rose to 24,744 in 1984. Surprisingly in 1994 the number went down to 16,151 instead of increasing, as had been the case in the previous years. One would have argued that this is probably due to a genuine decline in crime rate but then there is a general increase in insecurity in the country a fact that has lead the United Nations to rate Kenya among the countries with the highest crime rate (United Nations Report, January 2001). The question to ask is; why are figures in the 1990s showing a decline in

recidivism while in actual fact there is an increase in crime rate? Could it be because of the decrease in first time offenders or is it that first-time offenders do not graduate to hard-core criminals?

The drop in the numbers of criminals in the 1990s has been attributed to doctoring of crime reports in the 1990s (Lawyer magazine, September, 2000). This is to suggest that the actual figures are not presented in the reports. In the "Report of the committee on the state of crime in Kenya in 1997 to 1998", it was reported that the hoarding of crime reports, lack of commitment to investigations and doctoring of crime figures resulted in wrong figures which do not reflect the true crime state in Kenya. Most crime reports recorded in occurrence books are not investigated nor are files opened. Consequently the crime figures appear to be low whereas they are not.

Going by the number of recidivists after every ten years in Kenya, we note that there is an alarming increase of recidivists. Therefore it would be true to argue that a large number of those who are convicted of crimes relapse into criminal activities almost immediately after release. This is alarming because it means continued loss of life and property. It also means that there is a problem because these criminals are not getting reformed and yet government resources continue to be used on these recidivists. Therefore a solution to this problem should be sought through research and this is what this particular research intends to do.

This study was intended to explain the factors that precipitate recidivistic behaviour in Kenyan prisoners. More specifically, the study was expected to provide an explanation on why first time offenders repeat crimes rather than getting reformed. The main objective of prisons was, and still is, reformation of criminals. Imprisonment is seen as the chief mode of punishment aimed at the reform of the criminal. According to Mushanga (1985), "Kenya prison services is devoted to transforming self-willed outcasts into useful citizens, to protecting society and to deterring the strong and the weak from the world of crime, with fairness and firmness aimed at

rehabilitation and deterrence". This statement sums up what the prisons are about, that is to reform offenders and to deter criminality.

The question asked here is whether the prison has played this role. Clinard (1968) answers this question when he commented that prisons are largely failures, recidivism runs between 60% to 80%, and in prison men are trained in more sophisticated crimes at state expense. Mushanga (1985) agrees with Clinard when he argues that there is no study we know of which has indicated that imprisonment or punishment in general helps to reform offenders. It is from this basis that we ask why these criminals do not get reformed as expected, and further try to find out the factors that precipitate this recidivistic behaviour.

PROBLEM STATEMENT

Clinard argued that recidivism in the U.S runs between 60% and 80%. This means that most first time offenders fall back to criminal activities immediately after release. In 1975 Muga studied 909 robbers and found out that 529 (58%) of the 909 robbers were recidivists, having repeated crimes twice or more times. He concluded that these recidivists were habitual criminals. Clinard and Abbott in (1973) argued that basic research in the area of crime is lacking in most of the developing countries. They added that what is available is often only routine official statistics often of only limited value. Kenya, which is also a developing country, has a paucity of criminological researches. What is available mainly is the police and prison statistical records that are of little use because they only provide us with figures of the prisoners and no further explanations.

Muga (1975) argues, "It is a well known fact that official crime statistics in many countries of the world do not show the nature and amount of crime in the respective countries, because of the selective factors in the detection and apprehension of criminals by the agents who detect and apprehend them". Further he argues that there are incidences of unreported crimes especially in the rural areas in developing countries, and there is also uncommon practice or total absence of self-reporting of crimes and delinquency. From these arguments then one can conclude that more crime than what is depicted in the statistics is committed. These statistics also cannot tell us why these crimes were committed. We need more than statistics in order to understand crime commission and criminals. However, these records show that there is a problem of repeat offenders. That is, first time offenders repeat crimes on release from prison. This being the case then, it becomes very necessary to find out why they repeat crimes.

It has been established that a large number of those who are released from prison relapse into criminal activities in the U.S. (Cressy and Ward, 1955). These criminals commit further crimes rather than getting reformed which is one of the functions served by a prison sentence. This can be interpreted to mean that prisons have failed in reforming a large number of criminals who end up being what has been referred to as the 'hardcore' criminals or 'jail birds'. These criminals almost ascertain the assumption that 'once a criminal always a criminal' In Kenya we lack information on the exact numbers that relapse into crime because this information is inaccessible to the public, but the facts on the ground show a yearly increase of recidivists.

Our main concern then is what are the factors precipitating this recidivistic behaviour among recidivists? Why is it that they graduate into hardcore criminals? What is the extent of this recidivistic behaviour? What is the government doing about this problem of recidivism? A large number of first time offenders relapse into crime after conviction and release. This should draw attention from the government and the academicians in their respective disciplines. Our concern here is what is being done about recidivism. As argued earlier, not much has been done by Kenyan scholars in

this area of recidivism. This study therefore intends to research into the factors precipitating recidivistic behaviour to find out what the government is doing about it.

The research also seeks to know whether or not recidivists are habitual criminals. Other studies like Muga (1975) found out that most of the robbers were habitual criminals. However, Muga's study did not explain why these robbers were habitual. This study tries to find out if recidivists are habitual criminals, and if so, why? The study also inquires on whether or not recidivists commit same crimes throughout their lives. Studies in other countries like the U.S on recidivists have shown that most recidivists are career criminals and we would like to establish whether this is the case in Kenya. The sex and ages of the recidivists were also sought. The assumption has been that more men engage in crimes than women. This study intends to establish whether this is still the trend or whether there are significant changes, and, if so, why?

Additionally, it has also been argued that crime is a youthful career (Muga, 1975). This study set to examine the ages of recidivists in order to establish this fact. Earlier we argued that crime is a youthful activity (Muga, 1975), and we know that the Kenyan population is composed of more youths than any other age group. This will possibly explain the current increase in crime rate in Kenya. More specifically this study is guided by the following questions:

1. What factors precipitate recidivistic behavior?
2. Do recidivists commit the same crimes throughout their crime span?
3. Does sex and age determine recidivistic behavior?
4. Are recidivists habitual criminals?

STUDY OBJECTIVES

The overall goal of this study is to inquire into the factors that precipitate recidivistic behavior. This is deemed necessary because of the steady rise in the number of recidivists in Kenya each year, despite the expectation that they should be decreasing after going through imprisonment (Statistical Abstract 1958, 1961, 1973, and 1981). The aim is to unearth the possible factors that are conducive to this behaviour. All this is geared to understanding recidivistic behaviour with an aim of coming up with ways of curbing it, because as stated earlier it is increasing yearly by large numbers. The following are the specific objectives of the study:

1. To investigate factors precipitating recidivistic behaviour.
2. To examine whether or not recidivism is on the same crime.
3. To find out whether recidivists are habitual criminals.
4. To establish the sexes and ages of the recidivists.
5. To establish the measures that have been put in place by the government to curb recidivistic behaviour.

JUSTIFICATION OF THE STUDY

Clinard and Abbott (1973) argued that research on the nature of offenders and crime-producing forces is needed. They felt that more research is needed in the area of crime in the developing countries. Kenya being one of the developing countries lacks recent criminological studies and this study intends to fill in this gap. Currently in Kenya, what is available is the police and the prison records with a few studies done in the 1980s for example those done by Muga 1975, 1977.

There is need for criminological studies to enable us understand why first time offenders repeat crimes and more importantly be able to curb this behaviour. We note that mere figures of the numbers of criminals in the prisons are not a solution to the problem. There is need to understand why these criminals committed crimes in

the first place and why they repeated crimes. This will help us formulate solutions to this problem of recidivism. It is only after understanding why they committed and repeated crimes, that lasting solutions to prevent them from repeating crimes can be sought. To achieve this, this research was necessary to establish the factors that precipitate this recidivistic behaviour.

As argued earlier there is a dearth of studies on recidivism in Kenya. This study serves to fill the academic gaps that exist in this field. The information gathered will also be of use in formulating and building on the existing sociological theories that will explain recidivism. Currently no sociological theory explains recidivism exhaustively. The research findings will also be useful in formulating policies that will enable the government to control recidivism and bring down the levels of criminal activities. Once this has been achieved then the citizen safety is guaranteed. This means that there will be no massive destruction of human life and property like there is currently.

Arrest, court, prison records and the statistical abstract bear evidence that there is an alarming increase in the number of recidivists yearly. This means that a large number of offenders are not getting reformed and therefore relapse into crime. This is worrying because on the one hand people continue to lose lives and property through criminal activities. On the other hand to maintain these offenders in the prisons, government spends money to maintain inmates and pay the staff. The fact that they are not being reformed means that these resources are being wasted. This therefore means that there is need for this kind of study to establish the factors precipitating this recidivistic behaviour. On understanding this behaviour, it will be possible to formulate policies that will help curb it if properly put into place and as a result save people's lives and property and at the same time save the government's resources spent on these recidivists.

On understanding these recidivists more, especially their criminal, behavior, it will be possible to infer measures that will restrain them from relapsing into crime. This is so because it is possible to handle what one is already aware of. The measures or policies put down on how to treat these criminals have failed otherwise we would not be having recidivists. This study inquires into the factors precipitating this behavior in order to generate ideas that will help reform it.

Reckless (1973) argues that large proportions of the offenders under the care of any crime agency in the U.S are recidivists. Further Reckless argues that this high rate of recidivism is extremely critical because it means that a large proportion of crimes committed can be attributed to recidivists. In Kenya this has not been established yet, because such studies have not been done. This study however attempts to establish the magnitude of crime commission by the recidivists. This will help us in determining whether the current high crime rate is as a result of high recidivist rate or first time offenders.

Kenya has been rated among the countries with the highest crime rate in the world by the United Nations report (January 2001). This is also evident in both the electronic and mass media. Should it be the case that, as Reckless (1973) argues, that many crimes are committed by recidivists, then this study is very necessary because it will shed light on the extent to which recidivists commit crimes, and why, and the solutions to this problem. This study will also helps us ascertain whether or not the increase in crime commission is as a result of first time offenders or the recidivists or both groups. This information is important because it will help us curb this behavior and therefore bring crime to manageable levels.

SCOPE AND LIMITATIONS

There were several limitations in this study. There was no sufficient literature on recidivism in Kenya. The available literature was out dated in the sense that it was of the 1970s. The limitation has necessitated the reliance on literature obtained from studies done outside Africa and especially America. These studies may not apply wholly or may not be relevant to the Kenyan situation. However they were important because they gave the researcher a guideline to this study. There were also no adequate funds to carry out this research. It therefore relied on the little funds the researcher had. Access to the prison information was also another problem.

The researcher was not allowed to access all the available information and when she was allowed it was to a limited extent. We note that there are only a few researchers that have been allowed to carry out researches in the prisons, a fact that makes this research quite difficult because it is like a beginner's excise. Mushanga (1976) and other criminologists admit that no empirical studies have been undertaken in the prisons with the prisoners. Thomas Nga'Ng'a M.A thesis (1991), Odegi-Awuondo,(1978) and Nzyuko (1987) have done a few, for example.

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This study was focused on those recidivists who were in the prisons and who were selected using probability-sampling designs at the time of research. This was so because given the time and resources it was not possible to visit all the prisons in the country. However this had no effect on the quality of the data collected because probability sampling ensures that the sampled respondents serve the purpose of the study without introducing biases. For the same reason it was not necessary to sample all the prisons. The study did not focus on juvenile recidivists because this study it is based on adult criminal recidivists. However a study on juvenile delinquency in Kenya is very important in explaining recidivism and curbing it, because it seems like the juvenile delinquents graduate into hard-core criminals. This was however beyond the scope of this study.

CHAPTER TWO

LITERATURE REVIEW

INTRODUCTION

In this section relevant literature on the topic of study was reviewed to find out what others have done regarding recidivism. This was important because it enabled the researcher to build this research from what others have done and also bring in new ideas. Relevant theories on the topic were reviewed in an attempt to formulate a theoretical framework. Research hypotheses have also been drawn from the literature review for testing.

Durkheim (1947) considered crime as an integral part of all societies. He saw crime as an inevitable consequence of social complexity and individual freedom. He argued that crime is present in societies of all types. Its form changes depending on the societies in which crime is committed but everywhere and always there have been criminals. Thus, Durkheim sees crime as normal provided it attains and does not exceed, for each social group, a certain level.

Beckless (1973) says that the question confronting us today is what is happening to the behaviour pattern of those developing countries now feeling the impact of alien Western cultures? He argues that in explaining the increase in crime in developing countries, it should be stated that industrialisation, urbanisation and technological changes cannot explain the increase in criminality. He did not provide the reason why there is increase in crime. However he did not give the reason(s) why there is increase in crime. The key question here is why we have an increase in the number of criminals and more so repeaters? Why is it that first time offenders end up being

question and this research intended to do so.

Recidivism in the U.S is a phenomenon that has been given a lot of attention by the FBI and independent authors. According to the FBI report of 1963 there were a total of 56,000 serious adult offenders in the United States who were known to be repeaters. These repeaters had a record of 266,000 fingerprinted arrests. The majority 75% of the offenders with two or more arrests to their credit displayed a crime span of ten years from first to last arrest.

Glueck Sheldon and Glueck Eleanor (1937) conducted studies on a sample of 510 Massachusetts reformatory inmates released between 1911 and 1922. This study showed that 32% of the men who could be followed over a period of 15 years repeatedly committed serious crimes during this period. Another study on adults granted probation by 56 of the 58 county courts in California from 1956 to 1958 showed that by the end of 1963, 28% of more than 11,000 probationers had been taken off because half of them had committed new offences and others had absconded or would not comply with regulations. A study in California of parolees released from 1946 through 1949 found that by the end of 1952, 43% of them had been re-imprisoned.

A review of a number of such studies in the various states and the federal prison system leads to the conclusion that roughly a third of the offenders released from the U.S prisons will be re-imprisoned usually for committing new offences, within a five year period. The most frequent recidivists are those who commit such property crimes as burglary, auto-theft, forgery and larceny; Robbers and narcotics offenders also repeat crimes frequently.

Studies done on the careers of adult offenders regularly show the importance of juvenile delinquency as a forerunner of adult crime. They support the conclusion that the earlier a juvenile is arrested and brought to court for an offence, the more likely he/she is to carry on criminal activity into adult life. The serious the first offence for which a juvenile is arrested, the more likely he is to continue to commit serious crimes. These studies do not provide us with the reasons why these criminals relapse into crime again. We also note that these are American based studies and as such, may not have much bearing on Kenya. Besides, Kenya is unique considering the law of universalism and therefore should have its own studies carried out in the country. This research therefore is expected to fill this gap.

Hood and Sparks (1970) argue that there will always be a number of criminals who will be sent to prison. Further, they see these criminals as the most difficult to reform, yet their reform or deterrence will be the most beneficial to society. They suggest that it is reasonable to try and find out exactly what impact the experience of imprisonment has on those who undergo it. They did not provide reasons why these criminals are difficult to reform, neither do they tell us why they should be reformed. However they provide a research question for this study, what relationship exists between imprisonment experience and recidivism?

Muga (1975) studied 909 robbers and found out that robbers who are not apprehended and who thus avoid justice of the law repeat their robberies many times. He further observed that there is a high rate of recidivism among the 909 robbers he studied. Of the 909 robbers there were 529 (58.2%) recidivists who had committed crime twice or more times before. Many had committed the crime of robbery with violence twice or more times before. He concluded that most of these recidivists are habitual criminals. His study concurred with that of Reckless (1973) that comparatively, the young age groups are more actively engaged in crime than the older people are. He concluded that crime is a youthful activity. This study was done in early 1980s and as we have pointed out earlier, recidivists increase every year. Current studies are needed in order to have recent information on what

changes are taking place if any. This study has revealed the magnitude of recidivists currently. We note also that in these studies we are not provided with reasons why there was a high rate of recidivists among the 909 robbers, which is the basis of this study. Various variables have been attributed to recidivism and have been discussed below.

AGE

Cressy and Ward (1969) argue that the younger a first offender is arrested and charged in court the higher the possibility that he/she will relapse into crime on release. Muga (1975) further supports this by arguing that crime is a youthful activity. Shover (1985) argues that the youth are very active in criminal activities but as they become older their criminal activities reduce. He argues that as the criminals age, most of them forsake criminal behaviour and establish conventional lives. Shover observes that analyses of aggregate arrest statistics show that the young are disproportionately arrested for and presumably commit more crime than older citizens. Farrington (1983) says that the crime age relationship is evident in analyses of the arrest histories of known offenders. For example using its computerized criminal history file, the FBI examined the arrest records of 62,236 persons who were released from criminal justice custody all over the United States during 1972. By 1975, 57.4% of the men had been re-arrested at least once. However, the percentage of re-arrested men decreased linearly from 31.9% who were 50 years or older when released.

Observers seem to argue that the largest increase in involvement is to be found among the older adolescent and young adults and that the peak in age curve of involvement is reached somewhere around 20 years of age (Shover, 1985). If the young have a high crime rate, a society with a large proportion of young people in its population at one time will have a high overall crime rate than it would have at a different time when a smaller proportion of its population is young. Just as an increasingly young population is expected to have a rising crime rate, so is an increasingly older population expected to have declining crime rates. Shover (1985) studied 50 men whose average age was about 50 years and most of whom started

their serious felonies conduct when teenagers or earlier. He concluded that as they aged most of them had forsaken criminal behaviour and established conventional lives. They either reduce or terminate their criminal behaviour, as they get older.

The young disproportionately are arrested for and presumably commit more crime than older citizens (Sellin, 1958; Sagi and Wellford, 1968). According to the U.S Department of Justice (1983), 50% of all persons arrested for property crimes in the U.S are aged 19 years or under, 20-29 years were 31% and 30 years or older age groups were 19%. This shows that there is an inverse age -crime relationship. A study on the relationship between age and crime is important in Kenya because first, most of the Kenyan population is composed of the youth and this would probably explain why we have high crime rates in the country today. Secondly it would shed light on how it is connected to recidivists if it is proved that most recidivists are young. This study intended to seek this information, which is lacking in the Kenya. These kind of studies have been done in other countries like the U.S and they have been used to explain recidivistic behaviour. The available literature in other countries like the U.S show an inverse relationship between age and crime but these kind of studies lack in Kenya and therefore this study intended to fill this gap.

SEX, MARITAL STATUS AND CRIME

For a long time it has been argued that crime is an activity for men. It was argued that African cultures do not provide room for women to commit crimes. Muga (1980) argued that the criminal justice system which includes the law enforcement officials, (the police, magistrates, lawyers and judges) sympathizes with women vis-à-vis men. More precisely, women are acquitted when in fact they are guilty of offences. More so he postulates that women are not apprehended when they commit offences. If we were to go by Muga's findings it would mean that we have very few or no women recidivists at all. According to him, the law sympathizes with women therefore they hardly get a chance to become criminals. Currently in Kenya we have women

prisons so this study sought to find out whether there are women recidivist, their numbers, and why they repeat crimes.

Conklin (1972) argues that looking at people of all ages, more male than female suspects are arrested for each of the index crimes. In 1992 85% of the suspects arrested for every index crime except larceny were males. Despite the male predominance among suspects arrested for index crimes, there have been changes in the U.S over the past 25 years in the proportion of women for those offenses. In 1963 women were 12% of all suspects arrested for index crimes, but by 1972 the proportion had risen to 22%. Conklin did these studies in the U.S in 1972. A study of this kind in Kenya would help establish whether women recidivists are increasing or not, and if so why? Currently in Kenya there are no studies on women recidivists. Studies done in the U.S show an increase in recidivists both for men and women. This study examines this issue of relationship between sex and recidivistic behaviour with a view to finding out which sex is more involved in recidivism and why?

Sutherland and Cressey (1955), points out that men have a great access to crime in all nations. They further argue that if there existed communities, whose females were politically, and socially dominant, the female crime rate should exceed the male rate. The sex ratio in crime varies within any nation in relation to variations in the positions of the sexes. Radzinowicz and King (1977) argue that when women took some traditionally male roles in Germany during World War Two, the crime rates of females rose to nearly the same levels as male rates. When women returned to traditionally female roles after the war, their crime rates dropped to pre-war levels. This suggests that increasing equality of gender roles might cause the crime rates of males and females to become more similar.

They argue that since the end of world war two the contribution of Japanese women to their nation's crime rate has increased as they have entered the labour market. In Kenya today the number of educated women has increased and some occupy

positions that were previously occupied by men. This study sought to know what effect these changes have had on female recidivism.

The marital status of the adult person appears to have considerable significance in crime (Cressy and Ward, 1969). Further they argue that the rate of commitment to prisons and population of the same marital status is lowest for the married, second lowest for the widowed, the single and highest for the divorced. These figures are however affected in part by age. Divorced persons have the highest commitment rate at each age and this is true for each sex. Cressy and Ward (1969) concluded that marital status is a direct causative factor in crime. Since we have already argued that criminal activity is determined by one's age, it is hypothesized in this study that, recidivistic behavior is directly affected by both age and marital status of an individual.

• LEVELS OF EDUCATION AND EMPLOYMENT

Mushanga (1985) says that most nations in the third world are reporting crime increase. Clinard and Abbott (1973) noted that "as the less developed nations attempt in one or two generations to bring about transformation that have culminated from several centuries of development for most industrialized nations, several severe repercussions are evident". According to Mushanga, this means that abrupt social change with its emphasis on development without adequate provision for non-delinquent social value may lead to crime increase.

Generally it has been observed that quite a large number of criminals are of low education level and do odd jobs that are poorly paying. This lures them into crime easily. The September (2000) issue of Lawyer Magazine sees the real cause of crime as the search for wealth, the desire to close the gap between the poor and the rich. Further, it sees the rift as extremely wide and it claims that about 10% of Kenyans own more than the 90% of the total resources. This leaves 90% of the total population to share only 10% of the country's total resources. This has left a large

proportion of the population to live in what has been seen as below poverty line. It has been argued elsewhere that this state of absolute poverty lures so many people into criminal activities to earn a living and therefore take crime as a career where by once a criminal always a criminal.

With the disintegrating, traditional family structure, the school has been assigned a major role in training children for adult life. On the basis of very inadequate and unreliable statistics, which do not include white-collar crimes, it appears that crime decreases with the amount of formal education. MacCormick (1964) estimated that about 17% of all prisoners in the U.S could not read a newspaper or write a letter. In 1951 he estimated that from 10-30% of the admissions to conventional institutions throughout the country are illiterates. It is probable that this level of educational achievement of criminals and delinquents is lower than the level among non-offenders. The current education system in Kenya stresses personality development of the child rather than dissemination of academic and technical skills. The time one is in school can also hinder commission of crime.

Their low levels of education and therefore poor job skills, work experience coupled with their ex-con status make them undesirable to employ. Ehrich (1973) argues that at the aggregate level, high levels of unemployment are associated with high levels of criminal activity. At the individual level unemployed persons feel less happy and satisfied with their lives (Campbell et al 1976). Among ex-criminals, unemployment increases the likelihood of recidivism (Rossi et al, 1980). Employment gives economic and extra-economic benefits. Nock and Rossi see it as giving social prestige. Given the financial circumstances faced by released prisoners finding a job would be expected to command high priority for purely income reasons. We realize that most of these studies were done in the western countries and Kenya is unique, hence a study of its own is important. This kind of study will help us establish the relationship between education, occupation and recidivism in Kenya.

IMPRISONMENT EXPERIENCE

"The prison services in Kenya is devoted to transforming self willed outcasts into useful citizens, to protecting society and deterring the strong and weak from the world of crime, with fairness and firmness, aimed at rehabilitation and deterrence" (Mushanga, 1985). This statement sums up the role of the prison. The question is "has the prison been able to play its role satisfactorily? Recidivism rate can be used to measure the success or failure of imprisonment. Currently in Kenya available evidence (the police and the prison records) show a steady rise in the numbers of recidivists annually. This may be taken to mean that, we have large numbers of criminals who do not get reformed.

The question to ask here is what exactly is the impact of imprisonment experience on those who undergo it. Clinard (1968) had the following to tell the United States House of Representatives Judiciary Sub-committee. "Prisons are largely failures, recidivism runs between 60 to 80%". In prison men are trained in more sophisticated crimes at state expense. After a review of several sources of available statistics, it was observed that a large proportion of prisoners return to prison (Void, 1954). According to the September issue of Lawyer Magazine 2000, "Kenyan prisons are overcrowded. They are breeding grounds where petty offenders graduate into hardcore criminals". This publication did not cite concrete evidence in support of this claim. However if this is the case, the question to ask is what does imprisonment do to first time offenders such that they hardly get reformed? It is worth investigating why prisons are being seen as breeding grounds for criminals. We note that in Kenya, studies that can inform us on recidivists and how they end up becoming recidivists are yet to be done. These kinds of studies are important because they could explain why the number of recidivists increases yearly as depicted in the statistical abstracts. These studies would also reveal the role of prisons in recidivistic behaviour.

KENYAN CRIMINAL JUSTICE SYSTEM

It includes the police, the courts, judicial officers and the prisons. The criminal justice system focuses on decision-making processes, operations and such justice-related concerns as the efficiency of the police, courts, and correctional systems. It also looks at the just treatment of offenders, their needs, and the effect of changes in sentencing philosophy.

Once a suspect has been arrested, he/she is taken to court to be proved guilty or not. If proved guilty, one may be fined or imprisoned. In some cases innocent people have been declared guilty when in real sense they are not guilty. A case in point is the current case in Kenya of Paul Kisilu Mutundu who has been released having been imprisoned for 36 years. He claims that he was not guilty and if this is true then one can imagine the damage this imprisonment has caused. Some criminals once set free will go on revenge because of the injustice meted on them by the judicial system. We note that punishing innocent people for crimes they never committed is not rehabilitative, but criminogenic. This may result in recidivists who in this case are a creation of the state.

THEORETICAL FRAMEWORK

In this section we discuss sociological theories that explain recidivism. In the discipline of sociology there are theories that explain any social behavior. It is from these theories that we get to understand certain phenomenon in our daily activities. Theories selected here are analyzed and where there is need, they are criticized in an attempt to explain recidivism.

LABELLING THEORY

This theory assumes that people first violate a norm by chance or for unexplained reasons. This initial act of deviance is called primary deviation. This theory is not concerned with the primary deviations but explains secondary deviations. It does so by focusing on the people and institutions that have the power to label behaviour as deviant. The assumption of this theory is that a major cause of continued deviation is the way that lawmakers, the police, judges, psychiatrists, and others who have the power to affix the label deviant treat people who initially break laws. Deviant behaviour that is a product of this labelling process is termed as secondary deviation (Conklin 1972).

Supporters of labelling theory emphasize the importance of stigma as an element in the continuation of deviant activities and careers. They point to the critical part played by social control processes, both informal and official, in the development of stigma. Possession of a stigma is said to produce a variety of interactional problems for the person. Becker (1963) claimed that being in a deviant status such as an ex-convict becomes for the individual a "master status" that exposes him to the likelihood that he will be regarded as deviant or undesirable in other respects". In turn the cumulative social and social psychological effects of stigma and stigma management are said to escalate the probability of additional secondary deviation. Secondary deviation develops as deviants gradually organize their identity and self-conception on the basis of deviance.

Society plays a part on whether or not a criminal will reform or not. There are those who feel rejected in the society after serving a prison sentence and therefore gang up with their fellow ex-convicts who feel the same. These ex-convicts may lack legal means of living and further engage in crime. In this case the society fails to offer support. For example one may be denied employment, company, or there may be general rejection because he/she had been imprisoned. As a result, the ex-convict commits more crimes.

According to Shover (1985) the nature of the stigma of the persistent offenders (recidivists) changes over the years. Whereas they were stigmatised as ex-convicts when they were young, as they age they increasingly are stigmatised as ex-convicts who have failed to desist from this self-defeating behaviour. As this process occurs, they run the risk of alienating the few remaining straight people with whom they maintain contact. Further Shover (1985) argues that these persistent offenders suggest a process of stigma transformation. This suggests that as criminals persist in crime commission it becomes difficult to desist from it. This may be as a result of lack of any other means of livelihood, lack of good company etc. In this study the researcher set out to find out how stigma and stigma management results in recidivistic behaviour and how this can be controlled.

One way the labelling of deviant behaviour leads to secondary deviation is through the effects of the label on the self-concept of the person who has been labelled. People who violate laws and are arrested by the police and tried in a court may have their conceptions of themselves altered and come to think of themselves as criminals.

Garfinkel (1956) observes that court appearances have been called status degradation ceremonies in which people accused of violating the laws are recast as unworthy persons. These people may then reject other people and become hostile to the society in order to maintain their self-esteem (Schrag, 1961). Being labelled criminal in court can thus produce a self-fulfilling prophecy, so that people behave in ways consistent with their altered self-concepts. In other words, once they are labelled as criminals by the police, courts and the society at large, they continue being criminals.

The labelling perspective suggests that when youngsters engage in minor vandalism or petty theft, they might think little of it. If they are arrested, brought to court and treated as criminals, they may come to think that they have done something very wrong and that perhaps they are very unworthy people. As a result they may begin to associate with others who have also been labelled as criminals. This would lead them into additional or more serious crimes resulting in recidivism. What this perspective puts forward is that labelling a person as criminal has a stigmatisation effect on the individual person.

This stigma and the efforts to overcome it (stigma management) may result in more indulgence into criminal behaviour. Labelling theorists blame the society for labelling a criminal as a 'criminal' in the first place. They argue that the society acts in a way to reject the released criminals. These criminals therefore feel stigmatised by the society and may go back into their criminal activities. They may also gang up with other criminals they are aware of. This theory tries to explain to us why criminals become recidivists. However one would ask the question, why do some criminals reform despite the fact that they have been labelled as criminals? Why is it that they do not get stigmatised and decide to continue committing crimes? This theory does not provide answers to these questions. This study intends to pursue these questions.

STIGMA AND STIGMA MANAGEMENT:

Goffman assumes that possession of a stigmata makes one a deviant. His analysis is based on how ones behaviour revolves around the management of visible and invisible stigma. Goffman (1990) treats the social world as a theatrical stage where people display actions whose meaning can be discerned through the interpretation of the stage-managed appearances. According to him, people are actors meaning that social interactions are sustained through the manipulation of appearances. He argues that these actors have different attributes of self in different environments. Further these attributes are revealed at different times. In the social negotiations one possesses a certain definition of the situation, which others accept for the sake of creating a cooperation interaction (Tseelon. 1991). This process of impression

management is dynamic in the sense that such people have to keep changing the social roles depending on which one favours their interests at a particular point in time. This means that a criminal may release no truth to a stranger, little truth to a law officer and more truth to a friend in crime. The choice depends on the impression one would like to create. In other words the impression created serves to manage the stigma. In this theory, Goffman deals with the social management of social stigma or stigmatised attributes. According to him, victims of stigma deal with it through concealment, covering, and passing depending on the obstructiveness or unobtrusiveness of the stigmatised attributes.

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Virtually everybody tends to cover, conceal, or pass an event at some point in life and yet not everybody has a stigmatised attribute. Criminals act as law-abiding citizens to fool innocent people. It is not possible to identify a criminal from a group of people since they act and behave like law-abiding people. Criminals may manage their stigma by acting like a law-abiding citizen, or by deciding to become what people think they are. For example a woman, who decides to sell Busaa after being excommunicated from her local church, manages her stigma by avoiding the faithful church members and dealing only with her customers. In other words, she manages her stigma by associating with other lawbreakers and assuming what others say and think about her. A robber who pretends to be a law-abiding person and continues robbing, manages his stigma by pretending to be a law-abiding citizen when he is with law-abiding citizens and vice versa when he is with other robbers. The assumption in this study is that stigma and stigma management in criminals leads them to commit further crimes. Goffman is important in this study because he helps as to explain stigma and stigma management in criminals

DIFFERENTIAL ASSOCIATION THEORY

Sutherland advanced this theory in 1939 and 1970. According to the theory, a person becomes a criminal or delinquent because of an excess of definitions favourable to the violation of the law over definitions unfavourable to the law (Adler et al. 1990). Individuals are exposed to these social and cultural definitions through cultural relationships, which vary in frequency, duration, priority, and intensity. Becoming a criminal is a social process involving language, motivation, and skills. According to Sutherland criminal behaviour is learned through interaction with others in intimate personal groups. The learning includes techniques of committing criminal acts, motives, drives, rationalization and attitudes favourable to commission of crime. This theory has several principles but we will consider one, which tries to explain recidivism. "Criminal behaviour is learned in interaction with other persons in a process of communication. The communication can be verbal or through gestures".

In the prisons, the criminals are mixed up, that is first time offenders and recidivists. The recidivists who are already hardened may teach the first time offenders how to become 'better' criminals. They teach them the techniques of succeeding in crime commission. On release they are perfect in crime commission and therefore graduate from petty offenders to hardcore criminals.

On release these criminals meet with societal rejection, and therefore continue to interact with their fellow criminals and they thus continue to enhance the skills of committing crimes. These criminals gang up as peers and in most cases are intimate friends who will hardly disclose one another to non-members. It is from this bond that they work as a group especially robbers who according to Muga's study (1975) are career criminals. According to Mushanga (1985), there were 77 prisons in Kenya with a daily average of 20,252 inmates. By the end of 1998, there were 78 prisons in Kenya holding 40,000 inmates instead of the official capacity of 19,000 inmates (Daily nation, 11th 1998).

The implication of this is that there is no enough room for the inmates. They are overcrowded, and this leads to the mixing of offenders. That is to suggest that first time offenders are mixed with the hard-core criminals. The first time offenders are taught better ways of committing crimes. This theory shows the importance of separating hardcore criminals from petty offenders; otherwise they will learn from the recidivists how to execute crimes further. However this theory does not explain why some people do not become criminals even after associating with criminals even for a long time. Examples of these people are the police, and the prison warders.

CRIME AND SOCIAL STRUCTURE:

Merton (1965) in his theory of crime and social structure explains how social structure exerts definite pressure upon some persons to engage in non-conformist behaviour. He asserts that deviant behaviour results from discrepancies between culturally defined goals, and the socially structured means of achieving them. According to Merton, American society defines success as a goal for everyone. Some of the socially approved means of achieving success are hard work, education and thrift.

The emphasis in our society, he points, is on the goals: that is winning the game, and not the means, that is how to do it. Since some people do not have equal access to approved means, they have a more limited chance to achieve the goals of the society unless they deviate. Therefore in this perspective, crime and social structure is seen as the root cause of the crime problem. This theory assumes that people are law-abiding, but under great pressure such as educational or occupational achievement, they will resort to crime. Disparity between goals and means provide this pressure. Muga (1980) argues that in an atmosphere of competition such as is found in capitalist societies, some people are found to advance unimpeded while others are left far behind because of three important reasons.

1. Success in doing anything means that people have to work very hard. Some persons who are lazy and apathetic may not be very successful hence they are left behind and they become poor relative to others who are hard working.
2. Lack of proper and legitimate avenues to attain the desired social, economic and political goals.
3. Some persons may be left behind because they are physically and mentally handicapped. He observed that the poor would have a high proclivity towards getting what the rich have by illegitimate methods.

A criticism of the above reasons is that not only the poor involve themselves in criminal behavior. The rich also engage in criminal behavior. Hard work also does not always result in success. Success is relative, depending on each individual person. However, Merton's theory provides as with the explanation as to why people engage in criminal activities. One would argue that once the above reasons have pulled people into criminal behavior, they might be pushed back to it if after punishment the conditions do not change, hence the recidivistic behavior.

Merton's fundamental explanation of the crime tendency to criminality is that the emphasis on goals rather than on the means of attaining them causes many people who cannot achieve material success goals through legitimate means to resort to any means, including crimes.

OPERATIONALISATION OF KEY TERMS AND CONCEPTS:

CRIME:

It is any act that contravenes criminal law. It is a crime to do that which Criminal law prohibits or to fail to do what the criminal law requires one to do. In this Study our main focus is on crime commission, more so, commission of crime more than once.

RECIDIVISM:

It is commission of crime more than once. A recidivist is therefore one who has been convicted more than once. Therefore anyone who has committed a crime more than once in this study and happen to be in the prison will be sampled. It was measured by the number of times one has been charged and convicted in a court of law for being guilty of a crime.

CAREER CRIMINALS:

These are criminals who commit crimes throughout their lives in order to earn a Living. These criminals are therefore involved in criminal activities to earn their livelihood. To them, crime is a normal way of life. It is a job. It brings to them joy and satisfaction. It was investigated by asking the recidivists to give reasons why they commit crimes.

IMPRISONMENT EXPERIENCE:

Once one has been convicted of a crime and found guilty the criminal may be sentenced to jail while in prison the criminal is expected to reform and become a good citizen on release from prison. It is in the prison where a prisoner is expected to learn his/her mistakes and correct them. This has not been the case because we still

have recidivists. Hood and Sparks (1970) suggest that there is need to find out exactly what impact the experience of Imprisonment has on those who undergo it. In the prisons criminals interact with one another and sometimes get to know one another. They also become friends and find out from one another what crimes they had committed. Some criminals have committed criminal activities longer than others and therefore have more skills. They therefore teach the amateurs better skills to commit crimes and never to get caught (Sutherland, 1970). They may maintain this friendship even after release and form a gang. In short they become prisonised. This means what one goes through when they have been sentenced to imprisonment. It includes learning how things are done in the prison. In this definition issues of mixing first time offenders with repeaters (recidivists) are included.

This has been seen as contributing to hardening of first time offenders into recidivists because they get 'training' from the recidivists. Some first time offenders also learn to become Homosexuals, which is also a crime that might bring them back to prison on release (Mushanga, 1985). It also includes denial of one's basic rights like freedom to move freely, see their family and in general, this has an impact on one's later life. In short imprisonment experience refers to that negative behaviour that a prisoner learns in prison that may lead him to further criminal activities. It was measured by inquiring from the criminal the impact of imprisonment on his recidivistic behaviour.

SOCIO-ECONOMIC FACTORS:

In this study these are sex, age, level of education, income, family size, marital status and occupation. They were measured by inquiring from the criminal, their age, occupation etc. These factors were used to determine whether or not they contribute to the recidivistic behavior of the criminal. For example, if the youth are the ones involved in crime than any other category, then the conclusion would be that crime is a youthful activity.

CONCEPTUAL FRAMEWORK

This study adopted a conceptual framework to explain recidivism. The argument is that in the society, people commit crimes for various reasons as discussed later in this study. These initial reasons, in this study are being referred to as push factors. It is expected that once a criminal has been imprisoned for committing a crime, he/she is supposed to reform. However this is not the case as will be seen later in this study. There are factors that draw these ex-convicts into criminal activities after release from prison. These factors, in this study, are referred to as pull factors. This is to suggest that people commit crimes as a result of pull and push factors. The pull and push factors can be categorised into socio-economic, imprisonment experience, and stigma and stigma management. The three categories in this study have been taken to be the factors precipitating recidivistic behaviour among the Kenyan prisoners.

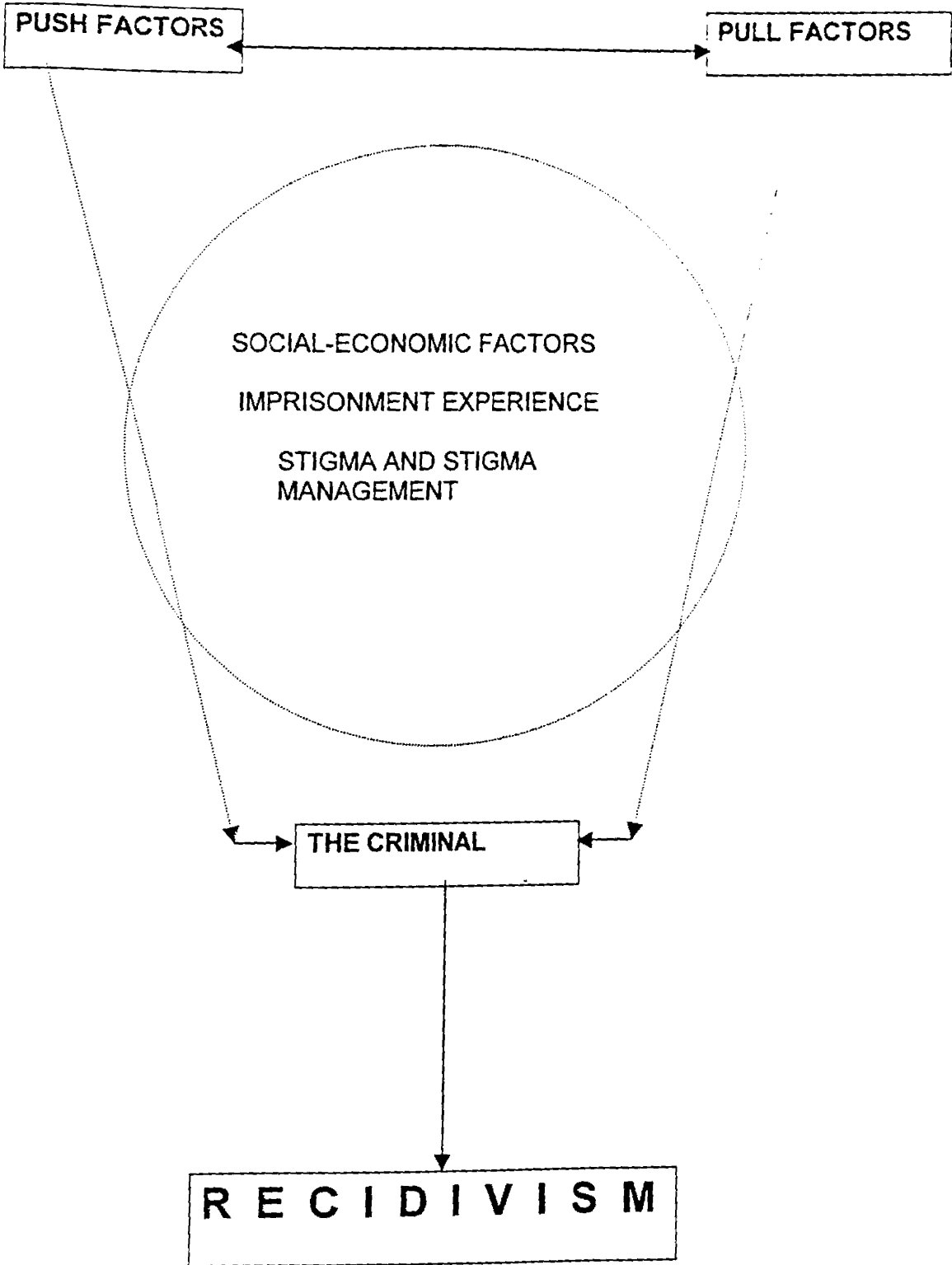
The society has laws set aside to guide the citizens on what to do or not to do. At one time or the other some citizens find themselves on the other side of the law. They are arrested and if found guilty in a court of law, they are punished. Within the society there are factors that push the citizen into criminal activity. These push factors can be social, economic or political. They may include, sex and age, employment and lust for power. These factors push a citizen into criminal activities in the first place. Once a criminal, one may be sentenced to imprisonment.

The prison is an institution that has been set aside to correct those who have broken laws. It is expected that on completion of imprisonment, one will have reformed. However this is not the case because we have recidivists. They do not reform even after imprisonment. It would therefore be correct to argue that the initial problem that pushed them into crime was never solved in the prison. For example if it was because of lack of basic needs, on release from prison they still do not have them. To live they need these basic needs that are seen by the society as necessary. However those who commit crimes due to lack of adequate education and other skills have no legal means of achieving their daily bread. These conditions pull them back to criminal activities.

Mushanga (1985) argued that prisons have failed in performing their primary role which is to reform criminals. Instead, criminals harden in the prison thus becoming 'better' criminals. They even learn how to execute crimes better without being caught. They therefore serve their sentence only to go back into crime. They become recidivist, that is, once a criminal always a criminal.

From the literature review it is clear that recidivism is a product of several factors that may or may not interact to produce this behaviour.

THEORETICAL/CONCEPTUAL FRAMEWORK



Source: Rutere, 2003

RESEARCH HYPOTHESES

The following were the research hypothesis derived from the literature review to be tested in this study:

1. Stigmatisation of an individual criminal by the society escalates the probability of secondary deviation (recidivism);
2. Socio-economic factors (age, sex, level of education, family size, marital status and occupation) enhance recidivism;
3. Imprisonment experience encourages recidivistic behaviour;
4. The age of the criminal directly affects his recidivistic behaviour;

CHAPTER THREE

RESEARCH METHODOLOGY

The research methodology section deals with research procedures including, data gathering techniques, sampling procedure, sites of survey, unit of analysis, analytical techniques and methodological problems encountered during the process of investigation.

SOURCES OF DATA

Both primary and secondary methods of data collection were employed. Documentary sources also helped in supplying secondary data. These were mainly official reports and statistics obtained from the prison headquarters and the prisons visited. These documents were mainly the committal warrants, prisoner's record sheets, monthly returns, consolidated annual returns and press cuttings. Data was collected using interview schedules through the use of a questionnaire. The researcher did all the interviews to avoid biased or incorrect responses.

SECONDARY DATA

Data was gathered from various sources, including court files, police records and prison files. Wolfgang (1958), Mushanga (1976) and Muga (1975) used these sources of data, while studying criminal behavior. Articles from magazine, books and newspapers were also used.

SITE OF THE STUDY:

This was a prison-based study due to the nature of the research. The research sought to interview recidivists and they could only be identified easily in the prisons. This does not mean that there are no recidivists out of prison, but it would have been very difficult to identify them out of prison owing to the fact that no criminal will openly disclose that he/she is a criminal especially to non criminals. Therefore the choice of the institution was simply for convenience due to the fact that offenders are therein confined. It was also due to the fact that it was easy to identify the recidivists with the help of the prison officials.

There are 89 prisons in Kenya, which are categorized into maximum and minimum security prisons. Maximum prisons host dangerous criminals (those who commit serious crimes), while petty criminals occupy minimum prisons. These are distributed as per the province. Each province has a minimum of four prisons, with some provinces having more, and each has a maximum prison. The prison has both female and male criminals. In some prisons, both sexes are mixed but with different wings while in others only one sex is accommodated. For example, Kamiti is for males, while Lang'ata is for females.

PRISONS IN KENYA TODAY (PENAL INSTITUTIONS):

NAIROBI AREA

1. Nairobi remand and allocation.
2. Nairobi short sentence prison
3. Nairobi west prison
4. Kamiti main
5. Kamiti medium prison
6. Kamiti yctc
7. Lang'ata women prison

CENTRAL PROVINCE

1. Nyeri main prison (king'ong'o)
2. Nyeri medium prison
3. Nyeri women prison
4. Thomson falls prison
5. Murang'a prison
6. Maranjau prison
7. Mwea prison
8. Kerugoya prison
9. Thika prison
10. Thika women prison
11. Kiambu prison
12. Ruiru prison

WESTERN province

1. Kakamega main
2. Kakamega women prison .
3. Shikusa short sentence
4. Shikusa borstal institution
5. Busia prison
6. Bungoma prison

NYANZA PROVINCE

1. Kisumu main
2. Kisumu women prison .
3. Kisumu annex prison
4. Kibos main
5. Kibos annex prison
6. Homa bay prison
7. Siaya prison
8. Kisii prison
9. Kisii women prison .
10. Migori prison
11. Kodiaga prison

COAST PROVINCE

1. Shimo la Tewa main
2. Shimo la Tewa women prison
3. Shimo la Tewa annex
4. Kingorani prison
5. Kwale prison
6. Kilifi prison
7. Malindi prison
8. Hola prison
9. Manyani prison
10. Wundanyi prison
11. Hindi prison
12. Shimo borstal institution
13. Voi prison
14. Taveta prison

EASTERN PROVINCE

1. Embu main
2. Embu women prison
3. Machakos main prison
4. Machakos women prison
5. Meru main
6. Meru women prison

7. Kitui prison
8. Uruku prison
9. Isiolo prison
10. Marsabit prison
11. Moyale prison
12. Kangeta prison

NORTH EASTERN PROVINCE

1. Garissa prison
2. Mandera prison
3. Wajir prison

RIFT VALLEY PROVINCE

1. Naivasha main prison
2. Naivasha annex prison
3. Nakuru prison
4. Nakuru women prison
5. Eldoret main prison
6. Eldoret women prison
7. Kitale main prison
8. Kitale annex prison
9. Kitale remand prison
10. Kitale women prison
11. Ngeria prison

12. Kapsabet prison
13. Kapenguria prison
14. Lodwar prison
15. Kericho main prison
16. Kericho annex
17. Athi river prison
18. Maralal prison
19. Rumuruti prison
20. Kajiado prison
21. Nanyuki prison
22. Narok prison
23. Kabarnet prison
24. Eldama ravine prison
25. Tambach prison
26. Kericho annex

Source: prison headquarters.

Most of these prisons were built during the colonial period and new ones have not been built to cater for the increasing criminals since the colonial period. This is to suggest that the same prisons that were built to accommodate probably hundreds of criminals now accommodate thousands. In short the prison facilities are overstretched bearing in mind the number of prisoners they are supposed to accommodate, and the actual number they accommodate. There is therefore overcrowding and congestion in the Kenyan prisons today. This is due to the fact that there are few prisons to accommodate the criminals, the increase of criminals since independence and also the tendency by the Kenyan criminal justice to imprison the petty offenders.

This study intended to explain the factors precipitating recidivistic behavior among Kenyan prisoners. Seven prisons were selected and covered in the country. The selection of the seven prisons was for convenience purposes. This is because of the limited finances; therefore the researcher selected those prisons that were of reach depending on the finances. This was also guided by the fact that criminals commit crimes in different parts of the country and therefore will be found in any prison depending on where they committed what crime. This means that criminals will not only be found in a prison near their home area, but also in other areas, depending on where they commit crimes.

The prisons sampled were Kamiti (both maximum and medium), Lang'ata women, Thika, Meru, Machakos, Nyeri and Nakuru. These prisons were representative of the country because criminals commit crimes all over the country, regardless of one's rural home. In short criminals commit crimes where they have easy targets and this is why they will be taken to different courts and prisons depending on what crime they committed where. Thus a single prison will have inmates from every part of the country.

SAMPLE SELECTION AND SAMPLE SIZE

Using simple random sampling, a sample of 207 respondents was selected. This selection involved going through the prison register from which a list of recidivists was created (the sampling frame). Using the lottery method, the names were numbered, and the numbers were transferred on pieces of paper that were well folded, placed in a container then thoroughly mixed (Ghosh; 1985). The required sample from each prison was selected without replacements of the pieces of paper into the container. The selected criminals were listed down for an interview schedule.

The targeted sample for this study was 200 respondents. Therefore the researcher had a target of at least 29 respondents per prison.

Kamiti	35
Langata	29
Thika	29
Meru	29
Nyeri	29
Machakos	27
Nakuru	29
Total	207

According to Gupta, mere size alone does not ensure repetitiveness. He adds that a smaller but a well-selected sample may be superior to a large but badly selected sample. Moser takes the same position (Moser and Calton, 1969). On the other hand, Kerlinger's advice is that large samples as possible should be used since the smaller the sample, the larger the error and vice versa (Kerlinger 1964). The researcher chose a relatively large sample that was well representative.

The unit of analysis in this study is the individual recidivists who were 18 years of age and above. The youngest respondent was 18 years of age while the oldest was 73 years old. There are over 40,000 criminals annually in the Kenyan prisons, of which 20,000 are recidivists. This population is large and given limited time and resources, it was absolutely necessary to sample the population.

THE QUESTIONNAIRE

The questions were formulated as per the objectives of the study. There were 56 questions in total, in English language. However while in the field the researcher found it necessary to administer them in kiswahili language due to the fact that most of the recidivists were illiterate and could not understand English easily. Those who understood could not express themselves in the same. This questionnaire included both structured and non-structured questions. The former were due to their ease in filling out responses and because they kept the respondents within the subject matter due to their restricted nature. However non-structured questions were included because they are less superficial and thus offer a better understanding of the attitudes of the inmates. This also gave the investigator an opportunity to probe and in this way greater depths of responses was obtained where required. In all there were 56 questions of which 36 were structured while 20 were non-structured.

In the prison, the investigator made the necessary formal introductions supported by the letter that was already in the file from the commissioner of prisons. The investigator was introduced to the welfare officer by the officer in charge of the prison. The welfare officer was to give all the required assistance during the period of study. The welfare officer introduced the investigator to the staff members and the inmates as well as explaining to them why the researcher had to carry out the research.

In the prisons there is a register in which the names of all those admitted are entered. In it are included personal details such as marital status, age, sex, crime committed, e.t.c. The names are not entered according to any criteria, but just as the inmates come. The names are many over a long period of time. This necessitated taking the names of only those who were currently in prison and those who had committed crimes more than once. This list constituted the universe from which the sample was later drawn. Direct interviews involved direct interviews with prisoners. It involved construction of an interview schedule. The convicted recidivists in their

respective prisons were interviewed with the help of a questionnaire. The researcher conducted the interviews.

The questionnaire included open-ended and structured questions on the one hand and closed-ended questions on the other. Information concerning the ages, sex, marital status, occupation, childhood background, parents and education level was collected. All relevant information that the recidivist was willing to release about him/herself was taken down on his/her involvement in crime during the interview. During the day of the interview, further data was generated through perusing the criminal's prison file. The files could not be accessed before then. The researcher was also keen to observe and record any information that was observable. For example, the researcher observed that female respondents were more emotional and cried during the interviews unlike their male counter parts who were relatively composed.

During the research some willing experienced prison officers were interviewed. This was important because they helped identify the recidivists, how many times they had been convicted of a crime and how long the convicts had been in prison. This information helped the researcher identify a large number of convicts who were recidivists and at the same time determine when a recidivist was cheating or not. This was important to supplement the prison files and also in case there was need for clarification. The officers also gave their insights on this study however did not want their names to be mentioned.

ADMINISTRATION OF THE QUESTIONNAIRE.

The study was carried out in the months of September 2001 to December 2001. The questions were administered to the inmates through a direct personal interview. This was in order since a good number of the recidivists could neither read nor write due to limited years in schooling. The presence of the investigator made it possible to clarify and explain questions just in case a respondent did not understand. By the time of the interview the investigator was already familiar with the questions in the questionnaire.

The interview was mostly conducted in Kiswahili since most of the respondents could not understand English. As the inmates came entered the interview room, the investigator could quickly greet them and politely invite them to sit down on a chair opposite her. At the beginning, the prison waders had made the inmates to squat, something the investigator found unfair and uncomfortable. Although my presence had already been explained to the respondents, I introduced myself to them to create a rapport in order to gain their confidence. I assured them that the information they volunteered was confidential and could not be released to anyone. Further I assured them that this interview was purely academic and any information generated was for academic purposes. At the end of the interview, the investigator thanked the respondents. The whole interview took between 25-30 minutes per inmate.

PROBLEMS ENCOUNTERED IN THE FIELD.

RECEPTION IN THE PRISONS.

It was difficult to be allowed into the prisons. In some prisons those in charge claimed that they had not received official communication from their headquarters despite the fact that the researcher had all the necessary documents. In such instances the researcher was forced to re-schedule the interview to a later date. The prison staff also took time before accepting to help the researcher. Initially they thought it was a research by the human right bodies to investigate the prison staff. They kept on criticizing the human rights body and blamed it for misleading the

inmates. They argued that it is the human rights body that has made some inmates become so rude and difficult to handle because they claim they have rights. They were suspicious of the research intentions until the researcher explained to them that it was purely for academic purposes.

AVAILABILITY OF THE RESPONDENTS.

On several occasions, the researcher was forced to cancel the scheduled interview because the respondents were not available. Either they had gone to their places of work, they were sick, were in court or had been transferred to a different prison. In such cases replacements were done but if they were working, the researcher would arrange to come back another day. There was a case in point where the respondent was too bitter for having been jailed for a crime he did not commit. In this case he refused to co-operate and could not answer any question. The researcher had to replace him with another respondent.

SUPERVISION BY WELFARE OFFICERS.

The researcher was to be accompanied by a welfare officer during the interviews. This was to serve two purposes. First they wanted to monitor the kind of questions that the respondents were being asked. Secondly, they claimed that the respondents are dangerous and could harm me. However the researcher found out that these respondents were not dangerous, as it had been claimed. The researcher found out that it was very difficult to gather information when the welfare officers or the warders were present since they harassed the respondents by forcing them to squat and by insulting them when they could not answer questions fast. The researcher realised that the respondents were uncomfortable and could not volunteer information as required. The researcher requested that at least the welfare officer stay out during the interview. This helped because the respondents relaxed and could easily answer the questions. The researcher also provided a copy of the questionnaire to the prison officer and another to the prison warden to dispel any suspicions.

APPEALS TO THE RESEARCHER.

Despite the fact that the researcher had clearly stated the purpose of the study, the inmates still had their appeals to make. For example they would ask the investigator to intervene for them to get better medical attention, receive proper diets, to be transferred to various prisons, file appeals for them, provide better means of transport to and from courts e.t.c. They also asked the researcher to contact their relatives, which was very difficult. In short they still believed that the investigator could solve their problems.

BURN-OUT

Dealing with people's problems can be stressing. The researcher found it difficult to listen to all sorts of crimes the inmates had committed. Some respondents were not remorseful for what they had done and in fact narrated it like an adventure. This was not very good for the researcher but the research had to be done. One of the painful moments for the researcher was when a 65-year-old man admitted to have defiled a 12-year-old child. It was so painful to the researcher especially the way the respondent said it as if he had done nothing wrong. Listening to these stories was disturbing to the researcher.

SENSITIVITY.

The researcher noticed that most female respondents broke down during the interview. Some questions were sensitive to them because they reminded them of painful moments in life. The researcher gave them time to compose themselves then the interview continued. However the male counterparts were not affected as the females.

TIME WASTAGE

Some inmates dodged questions especially when they were personal and sensitive. They would start giving unnecessary details. This was time wasting bearing in mind that the investigator had limited time and finances. The investigator had to try and

ring them back to the topic of discussion in a polite manner in order to continue with
the interview as scheduled.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS:

In this chapter, data gathered on the 207 recidivists is presented in a descriptive manner. Data is analyzed using simple descriptive methods. This is done through tables, by use of percentages, and other measures of central tendency. Wootton (1967) criticized contemporary social research of being over enthusiastic in using complicated statistical techniques in data analyses even when it is not required.

She argues that 'one of the many weaknesses of the contemporary social research is that in our enthusiasm for technical improvements, we have allowed ourselves to disregard the obvious common place that the best techniques are still at the mercy of the raw materials to which they are applied. Quantification is now the rule in nearly all-social investigations and it has become almost routine practice to test the significance of observed phenomena by calculations of the probability that they could be the result of chance.

Wootton simply finds it logical to use simple statistical techniques that retain the originality of the data instead of using complicated techniques and at the end loose the raw material collected in the field. It is from this point of view that the researcher chose to use descriptive methods to present and analyze her data for this research; otherwise most of it would have been lost.

In this section hypotheses stated in the previous chapter were tested to ascertain the relationship that exists between the dependent and the independent variables. Various variables were used to gather information on the four-stated hypotheses. These variables have been discussed hypothesis by hypothesis as follows.

HYPOTHESIS ONE

stigmatization of an individual criminal by the society escalates the probability of secondary deviation (recidivism)"

Whether the respondents got back their exact previous employment.

According to Rossi et al (1980), unemployment among ex-criminals increases the likelihood of recidivism. That is after release the ex-convicts find themselves jobless and with no legal means of income. They are rejected because of their criminal records, and they lose their previous employment. These records also make it difficult for them to get new jobs. Out of the 207 respondents interviewed, only 23 were employed before their first arrest. On release the first time, only five got back their previous employment. This means that majority of the respondents lost their jobs after they were released the first time. The respondents did not get back their jobs for several reasons: One, their employers could not take them simply because they had been imprisoned. They treated them as criminals and therefore unfit to continue working in their organizations. Two, the ex-convicts were seen as potential criminals who could easily conspire with others to commit more crimes.

Twenty percent of the 23 respondents refused to go back to work because they felt rejected by their employers and work-mates. They feared they were going to be treated as criminals and no one would like to associate with them. 20% of the 23 felt that they would be victimized if anything went wrong at their place of work. There were those who had found out that criminal activities paid better than their former jobs. It was therefore comfortable to work with their fellow criminals who accepted them. The table below shows employment distribution among the respondents.

4.1: Employment:

Status	Before first arrest		After first release		After 2 nd release		After 3 rd release	
Employed	23	11%	5	2%	1	1%	0	0%
Not employed	184	89%	202	98%	206	99%	207	100%
Total	207	100%	207	100%	207	100%	207	100%

The table above shows that only 11% of the respondents were employed before their first arrest. This means that 89% of the respondents were not employed at all. After the first arrest, only 5 got back their previous employment. By the second release all the respondents had lost their previous employment. In conclusion then we argue that the society does not trust ex-convicts and will therefore not take them back after they have served their sentences. This act by the society is detrimental to the ex-convict in the following ways. The ex-convict is denied a source of income and might not be able to earn his/her daily bread through legal means. The decision not to take them back to work is stigmatizing in the sense that the individual ex-convicts may feel that they are not trusted or are unwanted despite the fact that they have already served the prison sentence. This may stigmatize the ex-convict who may decide to continue with criminal activities.

UNIVERSITY OF NAIROBI
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RESIDENTIAL AREAS AND PLACE OF CRIME COMMISSION

Eighty six percent of the respondents committed their first crimes within their home districts. Only 14% committed their first crimes outside their home districts. What this means is that one starts criminal behavior within his home area before moving out. However we note that most of these recidivists admitted that although they first committed crimes within their home districts, they ensured that they were not known as criminals in their home areas. This is to suggest that these criminals would never like their relatives and neighbors to know that they are criminals. They posed as good abiding citizens to their relatives and family friends, while in the real sense they

criminals. The study also reviewed that most (60%) of these criminals resided in towns and market places. That is, they never stayed at their parental homes. They stated that they could not commit crimes while at home because in case they were arrested, it would humiliate them in front of their family members.

Another reason they gave is that most crimes are easily planned and committed in towns where there are many people, hence the high chances of escape without being arrested. For example those who committed robberies with violence preferred being in towns where they could meet and plan their robberies because there were many targets. However, this applied to professional criminals for example thieves, robbers, bhang and illicit beer sellers. This however did not apply to circumstantial criminals. For example a spouse who kills the other during a domestic quarrel and is again arrested for being drunk and disorderly could still be found in his rural home because he does not need to plan this with anyone. It is purely accidental after all.

These criminals also revealed that they keep top secret of where they lived. Robbers for instance preferred having two houses, one treated as a hiding place, where no one else knows apart from the gang members. Some admitted that they would keep their hiding place a secret even from their fellow gang members in order to avoid being arrested in case of 'bad luck' (this is in case a member of the group is arrested by the police and forced to direct them to his friends houses). Another thing that came out clearly is that criminals are mobile. They cross borders depending on what crime they intend to commit. For example, one may be arrested in Nairobi for his first offense, commit his second in Mombasa, third in Kisumu and so on. This is why it becomes difficult to trace these criminals and is the same reason why you find different ethnic members in different prisons in the country depending on where they committed their crimes.

Most of the respondents lived in rental homes in the market place or towns. Majority (70%) lived away from their friends and relatives. They also were not permanent; they kept on changing their residential areas to avoid being easily arrested after

committing a crime. They also changed their residences once they found out that their neighbours had discovered that they were criminals. Another reason for change of residence was because of the company that the recidivist was involved in.

For example, if they planned to stage their robberies in Nairobi, they had to move to Nairobi so that they can rehearse and communicate easily. They would like to be in places where they can get their targets easily. In short, the respondents want to be away from friends and relatives who are not criminals; away from easy arrests; near their targets and close to those who accept them. In most cases only fellow criminals accept them. This study also revealed that these criminals are very secretive. They feared that some members once arrested could direct the police to their houses.

These criminals preferred being away from their 'good' friends because they felt rejected and this is why they lived away from them. They lived and stayed with fellow criminals who instead of helping them to reform socialised them into further crimes and sometimes more serious crimes. All this is as a result of stigmatisation. They could not want their relatives to find out that they are criminals. Those who were already known criminals kept away from their friends and relatives.

In conclusion 80% of these criminals lived away from their parents and relatives because they felt that they were not accepted in the family or simply because they could not fit in the community. They did not want their relatives to know that they were involved in criminal activities, and for those who were already known, they decided to keep away completely.

WHOM THEY STAYED WITH

Overwhelming majority of the respondents (63%) stayed with their friends in crime. Only 24% stayed with their parents. They avoided close relatives and friends to avoid being rejected. This is because their relatives did not accept them. As we know human beings are social and cannot stay alone. They need friends who accept them. In most cases they got those who are involved in criminal activities like them. In this case there is no one to correct the other. The table below illustrates this better.

4.2: Whom the respondent stayed with:

	Whom they stayed with	F	%
1.	Alone	10	5
2.	Own family	16	8
3.	Friends in crime	131	63
4.	Parents	50	24
	Total	207	100

This table shows that majority (76%) of the recidivists did not stay with their parents. 71% did not get any assistance from their parents. The respondents disclosed that they got assistance from those whom they associated with, and these were fellow criminals. The fact that they (recidivists) did not seek help from their parents may be interpreted to mean that they were not in good relationships with their parents, or that their parents were not able to provide the required assistance.

4.3 Asked whether their parents assisted them:

Responses	F	%
Yes	60	29
No	140	68
N/A	7	3
Total	207	100

29% of the respondents were assisted by their parents. 71% did not get any assistance from their parents. This was either because the respondents were too ashamed to visit their parents for assistance, they did not have parents, or because their parents were not willing to be associated with them because they are criminals. This means that even when these inmates needed help in order to make a decision, they could not turn to their parents for assistance. Parental care is very important in every child's development. For those respondents who might not have been brought up by their parents, they missed the parental care. This might have had negative effects in their present life.

RELATIONSHIPS

This study gathered information on how the respondents felt about their relationships with their relatives. At the first arrest 7% of the respondents had cordial relationships with their relatives and friends. When one is arrested the first time, the relatives may be convinced that one is innocent therefore the relationship remains cordial. However there are those who are too embarrassed and disown their relatives the moment they are suspected as criminals. These relationships worsen as the respondents repeat crimes. This was either because the respondents decide to stay away from their relatives or because their relatives rejected them. Whatever the case these relationships deteriorated the more the respondent committed crimes to an extent of having no relationship at all.

4.4 Respondents relationships with friends and relatives

First time Second time third time fourth time

Relationships	f	%	f	%	f	%	f	%
Cordial	15	7	1	1	0	0	0	0
Strained	148	72	156	75	18	9	2	1
No relationship	44	21	50	24	42	20	22	11
Not applicable	0	0	0	0	147	71	183	88
Total	207	100	207	100	207	100	207	100

From the above table most inmates felt that their relationships with their family and friends changed once they knew that they were criminals. For example, for the first arrest, 7% had cordial relationships with their relatives. However this changed after the second imprisonment because only 1% had cordial relationships with their relatives. By the third arrest no respondent had a cordial relationship with his or her relatives. They felt that their families rejected them on realization that they were involved in crime commission. These inmates felt rejected and decided to associate with those who were in crime already and who were ready to accept them. In short the ex-prisoners found it difficult to relate to the non-criminals because they felt rejected and choose to associate with their fellow criminals. On the other hand the inmate's relatives rejected them because they were embarrassed by their acts. The ex-convicts therefore suffered from discrimination and rejection. As a result, they proceed to look for consolation, which they get from others, who are like them.

sonment carries with it stigmatization. The fact that one is arraigned in court if found guilty is imprisoned makes the inmate feel rejected. Once one is imprisoned, the society at large refers to him or her as a criminal whether guilty or not. Stigmatization comes from the society and the inmate start to feel rejected. They are rejected through being avoided, lack of company and general neglect from society at large. The table above shows how the inmates felt their relationships were affected by being imprisoned and released.

In conclusion, one would argue that stigmatization of an individual by the society contributes to his/her recidivistic behaviour. This means that our actions towards ex-convicts directly or indirectly contribute to their recidivistic behaviour. This is to suggest that we should accept the ex-convicts and involve them in our daily activities in order to rehabilitate them. The more the ex-convicts feel part of the society in which they live in, the better. Once they feel part of the society, they will probably minimize or stop engaging in criminal activities

SECOND HYPOTHESIS

socio-economic factors (age, sex, level of education, family size, marital status, occupation) enhance recidivism"

GENDER AND RECIDIVISM:

Although men tend to identify more with criminal activities, women also commit crimes. Statistics all over the world indicate that the rate of female criminality is much lower than that of the males (Radzinowicz and King, 1977). Clinard pointed out that the distinction between female and male offenses were that women committed prostitution and drunkenness while men committed the rest of the crimes. However this study reveals that women are also engaged in those crimes that are committed by their male counterparts.

Clinard and Abbot (1973) adds that modern women are now participating in the general activities of the society, and since they are now in positions where they can easily commit crimes, a much larger amount of crime can be expected from them. Out of the 207 recidivists interviewed 78% (161) were males while 22%(46) were females. This study revealed that both sexes commit crimes. However we have more male recidivists compared to the females. It also revealed that there are those crimes that are dominated by one sex than the other. For example, females are engaged more in prostitution while males are more involved in robberies.

This study reveals that more males are involved in criminal activities than females. This is supported by the fact that we have more male prisons than female, and also because we have more male recidivists in prison than female. It is also a fact that in those prisons that have both male and female wings, the male wings are bigger than the female wings and they accommodate more male criminals. The study also revealed that female criminality is increasing and worse is that females are now involved in those crimes that were previously seen as a speciality for men for

...robbbery and car hijacking. This study reveals that women from broken families, that is, separated from their husbands and those who are single commit crimes more often than those who are married or widowed. This can be attributed to the fact that these are left with a burden of bringing up children, under difficult social and financial conditions.

The study revealed that most (78%) of the female recidivists are involved in petty offenses like selling illicit beer, bhang, and prostitution to provide for themselves and their families. Their male counterparts (62%) specialized in Medium and serious offenses like robbery with and without violence. However this does not mean that females do not commit these crimes. They are involved (22%) but take a passive role for example in robberies they survey the scenes to conduct robberies, store, and dispose the stolen items.

The Kenyan media has severally exposed female car-hijackers and probably a study on female recidivism would reveal more of the magnitude of and types of crimes committed by the females. The researcher suspects that if the current social and economic conditions prevailing in the country, are not changed, more women will also be involved in serious offenses like robbery with violence.

This study confirms that we have both female (22%) and male (78%) recidivists. There are more male recidivists than female. The study also reveals that some crimes are committed by the males and not females and vice versa. However, it is clear that more and more females are repeating crimes and more so, crimes that were previously dominated by males. An example here is the participation of women in robberies and carjacking deals. Both of these are dangerous and have previously been the preserve of male criminals.

Marital status and family size:

Tables below show distributions of both marital status and family sizes.

4.5 Marital status of the respondents

	Marital status	f	%
1.	Married	72	35
2.	Married but separated	51	25
3.	Widowed	15	7
4.	Single	67	32
5.	Others	2	1
	Total	207	100

4.6: Number of wives per recidivist:

	No. Of wives	f	%
1.	One	60	29
2.	Two	10	5
3.	Three and above	2	1
4.	Not applicable	135	65
	Total	207	100

4 7: Number of children per recidivist

	No. of children	f	%
1	One	37	18
2	Two	49	24
3	Three	34	15
4	Four and above	34	15
5	None	57	28
	Total	207	100

Out of the 207 recidivists interviewed, 25% had been married and separated. Various reasons were provided for the separation of the couples. Some gave imprisonment of one of the spouse as a reason. As had been pointed out earlier, most of the recidivists lived in town. When the male spouse is imprisoned, the wife is faced with the challenge of fending the children. In most cases the female spouse returns to her parental home. This means that the husband is separated from the rest of his family. When the husband is released he finds his family broken. This is devastating to some ex-convicts and led to further recidivism. This study also shows a high rate of family break ups and this is caused by the separation of one spouse from the other for a long time through imprisonment, or the realization by one spouse that the other is a criminal.

It is shocking that (32%) of the recidivists were single. The assumption here is that singles are not involved in crime as much as the other categories, (married and separated). The assumption again is that the singles have fewer responsibilities compared to other categories, therefore are expected to be least inclined to crime. This is not the case, and can be partly explained by the following facts: These singles (and especially the females) have children and have no source of income. According to this study there is a high rate of single parenting and more so, on the part of the females. The task of rearing children is difficult and more so for one parent. In the course of trying to provide for their families single parents break the law by engaging in such activities as brewing and selling of illicit brews.

the number of wives, the study set to find out the number of wives the male criminals had. This is important because the more the number of wives, the more the number of children, then the bigger the family. However in the present state of economic decline, a big family would mean use of more resources. Resources are scarce, therefore, this would result in absolute poverty.

However the study revealed that of the 35% respondents who were married, 84% had one wife each, 14% had two wives, and only 2% had three wives and above. This shows that most (84%) of the married recidivists had only one wife. A fact that can be attributed to the changing times where by people no longer treasure many wives and children. It is no longer prestigious to have many wives and children. In the olden times wives and children were seen as a source of wealth. However presently life style, values, beliefs and norms have changed. The prevailing social and economic conditions are forcing people to have small families that they can provide for without straining.

Most of the respondents (57%) had 1-3 children. This is a relatively small family in the African context where by many wives and children were seen as wealth. In general these recidivists had small families. This does not mean that they were comfortably providing for these Families. They needed to provide for them food, school fees, clothes, shelter and healthcare. Another explanation for the small families is that these recidivists have been in jail for long and have had no time to dedicate to family life.

Sixty five percent of the recidivists do not have spouses. Most of those who were married had one wife and a maximum of three children. They therefore have small families, which is in order with the modern society. However they still cannot provide for these families through the legal ways therefore they resort to criminal activities.

INCOME:

Of the 207 recidivists interviewed, only 23 were employed. 184 were not employed. Out of the 23 who were employed only 5 got back their previous jobs on release the first time. Only one got back his job on release the second time. This shows that after the second arrest and imprisonment all the 207 recidivists had lost their jobs. Even those who had been employed had lost their jobs. Those who had been employed had low paying jobs. These jobs included teaching (2), court clerks (1), drivers (7) conductors (3), watchmen (5), mechanic, cleaner and cashier. Most of these are low paying jobs in the society and do not command a lot of respect. The low salaries they earned might have been the reason why they committed crimes. The court clerks, one driver, the conductors, watchmen and the mechanic and cashier all stole from their working places and lost their jobs. They possibly stole because what they were earning was not enough to sustain them.

It was very difficult for those who had jobs and they lost them. Having been used to earning a livelihood, life becomes quite difficult and hard to adjust to without a source of income. Generally most of these had a very low income. One hundred and fifty (72%) of the 207 recidivists had an income of between 0 – 1000 Kenyan shillings while only 9% earned over 5000 shillings per month. The table below illustrates this better.

4.8: Income distribution among the recidivists

	Income	f	%
1.	0-1000	150	72
2.	1001-2000	20	10
3.	2001-3000	8	4
4.	3001-4000	6	3
5.	4001-5000	5	2
6.	5000-----	18	9
	Total	207	100

According to the above table, the lower the level of income the more the respondents and vice versa. Therefore majority of the respondents fell under the low-income category. This means that they were not earning enough to meet their basic needs. Poverty is one of the reasons why these respondents committed and repeated crimes. The table on crimes committed also reveals that these respondents were more involved in property crimes. This involved either selling or stealing these properties in order to earn a living. An overwhelming majority (80%) committed crimes in order to supplement their income. The table below shows some of the crimes committed by the respondents in order to get their daily bread.

4.9: Some of the crimes committed by the recidivists:

	Crime	f	%
1	Robbery and stealing	100	48
2	Selling bhang	36	17
3	Selling illicit brews	50	24
4	Prostitution	10	5
5	Business	5	3
6	Others	6	3
	Total	207	100

Lack of basic needs

Out of the 207 crime repeaters interviewed, 50 had committed crimes because they could not afford basic needs through legal ways. They argued that they did not have any other way of earning. Some had separated from their parents when they were young and had to take care of themselves very early in life. They were not employed and they had no business. So many of them had families, with children to feed, clothe, educate, and give medical care and shelter yet they had no source of income. This was even worse for single parents who had the burden of rearing the children alone.

most cases, the children were left with their mothers. This is because these types of marriages were not legal, or because the male partner was arrested and imprisoned leaving the female to take full responsibility of the children and herself. It became difficult to those women who depended on their husbands for anything. They had no jobs and yet had to run their families. Most sold illicit brews and bhang. This had other serious repercussions to the family for example children were not catered for because their mothers were busy selling and drinking illicit brews or smoking bhang. They argued that it is not possible to sell alcohol without selling it. Further some of these children are usually involved either directly or indirectly in this illegal businesses and the chances of them being taken to school are slim. Worse still is when their only parent is imprisoned and they are left on their own or with neighbors.

This research revealed that most of those who sold illicit brews and bhang did it in their own towns. Here they are far from their relatives who would have taken care of their children in case they are imprisoned. Hence in the event of imprisonment, these children are left with neighbors who are busy with their lives and have no time for them. Asked about their worries, most female recidivists felt that their children were suffering alone without any one to take care of them.

However, they argued that they would go back to selling illicit brews, bhang or commit other crimes to earn some income because they would not like to see their children suffer when they are alive. They argued that they had no other means of providing for themselves and their families legally. The recidivists however did not see themselves as criminals. Hence, one had to be careful when asking them questions so as not to appear to refer to them as criminals. The fact that they do not see their mistake makes them repeat crimes. Unless one realizes his mistakes, it is not possible to be reformed or rehabilitated. Thus, most admitted that they would repeat these crimes on release.

Most of Kenyans live below poverty line. It is therefore impossible to provide themselves and their families legally and therefore some opt to commit crimes intentionally or unaware that they are committing crimes.

UNEMPLOYMENT

Employment has economic, social and psychological satisfaction. When one is employed, first and foremost, one is able to provide or meet his/her needs. Secondly one is busy at work that he/she does not have time to think about, or commit crimes, especially if the job is financially satisfying. The fact that one is employed has psychological satisfaction in that one's position is respected in the society and one would like to be seen to behave like his/her position. This position may accrue respect or disrespect to the individual. The fact that the 207 recidivists are unemployed gives evidence that there is a high level of unemployment in Kenya. This means that the 207 respondents lacked the psychological satisfaction brought about by employment. The current economic conditions in the country, and the high level of unemployment, have had their share in the contribution towards the current high rate of crime commission in the country.

THEFT AND ROBBERY

Forty eight percent of the recidivists interviewed stole and robbed in order to supplement their income. They said that they had no other source of income therefore they committed the offenses. Robbery is a dangerous crime, which carries with it a death penalty. Through robbery with violence life and property is lost. Both the robber and the victim are at risk during robbery. The Kenyan electronic and mass media bear evidence that this crime on the increase. This is because at least there are reports of robbery in the towns every day. The robbers claimed that they were arrested and charged with robbery with violence but with appeals this crime was reduced sometimes to a lesser crime or even acquitted. Others are imprisoned for crimes they have not committed while they are not punished for the crimes they have committed.

...ect there is a possibility that we have more or less robbers than those that the
...able figures reflect. There are also instances that these robbers are never
...t therefore they go unpunished. This is why it has been argued that robbers
... and the police follow. The implication here is that our police force reacts to,
...ead of preventing crime commission. This has serious consequences to both the
...c and the police. Innocent people including the police officers lose their lives
...ng robberies.

...ough the robbers regard robbery as a source of income, they admit that it is a
...y venture. They however are quick to comment that it carries with it a big reward
...an one is lucky. They also add that when they are lucky to escape with the money
...whatever they rob, they spend it luxuriously because they are used to expensive
...estyles. Some also revealed that they shared their catch with a chain of police
...icers who were part of the deal or in order to be granted immunity from arrests. It
...es also shocking to learn that they used some of the money to bribe the judges or
...agistrates. Some also disclosed that it is difficult to stage a robbery successfully
...without the help of the police. The robbers narrated stories of how they had been
...involved in various robberies, the part they played and why they cannot desist from
... They seemed possessed by the quick gains involved in it but most of them kept on
...wishing they could get a big catch and stop this risky business. They said that if they
...got large amounts of money from a robbery, they would invest and stop robbing.
...However this claim is questionable bearing in mind that many of them have robbed
...successfully and have not desisted from crime commission. Some respondents said
...that they did not know how they used the money they robbed because they had been
...lucky in the past and were not caught, but they misused everything.

They pointed out that robbery is very addictive such that one sees a colleague being
...shot dead but still if one is lucky to escape unhurt or to be arrested and released they
...still commit robberies. One robber explained to me how he had seen his close friend
...for many years shot dead during a robbery shoot out with police and yet he
...committed another robbery where all his counterparts were killed. He was lucky to

rested alive. What is shocking is that this robber admitted that if he could be
essed, now that his charge had been reduced to just robbery, and he is almost out
he would still try his luck before he retires completely. Most of these robbers
ted that no amount of punishment would make one desist from crime. They
the solution as Salvation, which they said, depended on the individual or old

re robbers admitted that before they started robbing they were very poor.
never those who have been lucky to rob and escape are no longer poor. Some
re thriving businesses in some towns. Some of these businesses include,
idential houses, matatus, hardware shops etc. However their worry is that when
ey are arrested and imprisoned those who are left in charge of the businesses do
take care of them. They mismanage them and misuse the proceeds. On release
e owner of the business has no money or property. This may push him/her to rob
gain on release.

ne robber also said that his matatus ply Thika route. He said that despite the fact
at he is now not poor, he is not able to desist from crime. He has friends who are
ill robbers and who influence him to join them during their robberies. He bragged
at so long as he is not killed in a robbery shoot out, he is sure of walking out of
rison before his term is over. He said that prison is like a resting-place for him
because all his business runs well and he gets an update of what goes on outside.
he says that what one needs is a good connection within the crime fraternity. He
however complained that those who are real criminals or crime masterminds are
never caught and since most of them are respectable persons in the society or have
means of protecting themselves they are not caught and therefore go unpunished.
What this means is that even when some of the syndicates are caught, there are
those who are left behind to recruit others.

This robber believes that it is difficult to flash out robbers unless the police and the
public at large co-operated. He however places all the success to the police who

to be proactive rather than being reactive like they are currently. He added that as of the time, criminals are ahead of the police. This is to suggest that the police after the criminals have already committed a crime. This robber was suggesting that the police did their duty, and the public assisted, they would reduce robbery in the area.

A prison officer confirmed that it is true that some of these robbers had assets as they had said. One of the duties of a prison welfare officer are to interact with the inmate's family, advice the family members on financial related issues, and also to assist the inmates where possible. The officer is therefore able to know who has money in their accounts and how much. He confirmed to me that it was true that some of these inmates had wealth but could still not desist from crime. This shows that crime commission is not only as a result of poverty but there are other reasons, for example, to maintain a certain class, being in the wrong company (peer influence)

TRADING IN BHANG AND ILLICIT BREWS

Other ways in which the recidivists supplemented their income included brewing and selling of illicit brews and bhang. However trading in bhang and illicit brews is an illegal activity in Kenya. However 17% of the respondents sold bhang as their way of supplementing their income while 24% sold illicit brews. Those who committed these crimes did not regard themselves as criminals. These activities were a source of income to them. The concerned recidivists had specialized in these crimes such that even after imprisonment they would still commit them once they were released. There were those who were successful in these businesses yet they continued. Initially they were in these businesses because they were poor, yet even when their financial status improved they remained in the same businesses. They claimed that they knew of no other ways of making their daily bread. It is like a profession. They did not enjoy it but had to do it for a living. Most of these respondents complained that they were arrested only if they could not afford a bribe. Kenyan police are

ed in the illegal acts like selling of illicit brews and bhang. The respondents
said that they bribed the police so that they could not be arrested. They also
stated that they are only arrested if they did not have money to give a bribe.
The implication here is that those who are in prison for these crimes are there
because they are poor otherwise they would have gone unpunished.

Buying and selling of illicit brews seems to be a crime that is repeated more often
by those who commit this crime. The victims do not see it as a crime and argue that
the traditions allow them to practice it. This is to suggest that it is not against their
culture. This is possibly the reason why it is difficult to flush it out of the community.
Therefore the government should formulate policies that give guidelines on how it
could be prepared and used rather than terming it as illegal, causing so many
people to suffer. In short it should be legal but with rules and regulations to be
followed when engaging in this business.

In conclusion, we argue that although poverty seems to be pulling and pushing
respondents into criminal activities, other factors contribute to criminality. Once in
time some of the criminals become addicted to criminal activities and cannot desist
from this behavior despite the fact that their financial status has improved.

"Imprisonment experience encourages recidivistic behavior"

IMPRISONMENT AND RECIDIVISM.

Of the 207 inmates interviewed were recidivists meaning they had committed crimes more than once. These recidivists depicted a high rate of recidivism, each one of them having been imprisoned more than once. Most of them (75%) admitted that they would commit crimes on release if the conditions that led them to commit crimes the first time remained the same. The table below shows the number of times one had repeated crimes (recidivism).

4.10: TABLE ON RECIDIVISM

	No. of times	F	%
1.	Two times	124	60
2.	Three times	60	29
3.	Four times	15	7
4.	Five and over	8	4
	Total	207	100

The table above shows that 100% recidivists had committed crimes more than once. 40% had committed crimes three times and above. 58 percent of the respondents were young falling between 18-29 years. This shows that the youth are the ones involved in crime and are not getting rehabilitated. This is evidenced by the fact that at 29 years one has been imprisoned more than once. This means they are

erred and they are not getting reformed. It was shocking to learn that (75%) of recidivists would commit further crimes on release while only 25% said they would not commit crimes on release.

Those who alleged they would commit further crimes cited the same problems that led and pushed them into crime as the same ones that would pull them to commit crimes further. Some argued that on release, they even do not have means of transport to get to their homes, which leaves them with no option other than to start stealing first thing on release. Others argued that having been in prison for along time, one is released being very broke and yet one has to eat, drink and sleep.

To adjust to the society one needs money. Remember one is not employed so one has to steal or be engaged in illegal ways of obtaining money. In short, what this means is that being imprisoned does not solve the initial problems that led the inmate to commit a crime in the first place. Therefore imprisonment does not and cannot rehabilitate the inmate. If anything, it worsens the situation because upon release the inmates have more serious problems than they had before imprisonment.

The crimes committed were classified as petty, medium and serious offenses. The tables below illustrates the percentages involved in each crime:

4.11: First time

	Crimes committed	F	%
1.	Petty	110	53
2.	Medium	50	24
3.	Serious	47	23
4.	Not applicable	0	0
	Total	207	100

4.12 Second time

	Crimes committed	f	%
1.	Petty	83	40
2.	Medium	35	35
3.	Serious	89	43
4.	Not applicable	0	0
	Total	207	100

4.13: Third time

	Crimes committed	f	%
1.	Petty	14	7
2.	Medium	2	1
3.	Serious	44	21
4.	Not applicable	147	71
	Total	207	100

4.14: Fourth time and above

	Offense committed	f	%
1.	Petty	5	3
2.	Medium	3	1
3.	Serious	15	7
4.	Not applicable	184	89
	Total	207	100

From the tables above, it is apparent that at first, most first time offenders commit petty offenses. For example 53% of those who were imprisoned the first time had committed petty offenses. 24% had committed medium offenses while only 23% had

mitted serious offenses. During the second imprisonment, 40% had committed offenses while 43% had committed serious offenses. For the third imprisonment, 7% committed petty offenses while 21% committed serious offenses. Of the 23 recidivists who had committed crimes four times and above 7% committed serious offenses, 1% committed medium and only 3% had committed petty offenses.

That this table shows is that respondents committed a more serious crime every time they were released instead of getting rehabilitated. These inmates graduated from petty to more serious offenders for every crime they committed. That is, upon release they committed a more serious crime than the previous one. This has several implications. One is that the inmate learns how to become a better criminal while in prison, secondly, that these criminals on release revenge against the society for having punished them in the first place. Thirdly, the prison has totally failed to reform and rehabilitate these criminals because as reflected in this study 78% will commit crimes if set free. We note also that the saying "once a criminal always a criminal" is confirmed by the fact that 78% of the recidivists admit that they will commit further crimes upon release, while only 22% claim they will desist from crime.

IMPRISONMENT DURATION AND RECIDIVISM

Recidivism is also determined by the length of time one is imprisoned. The shorter the time of imprisonment, the more time one has to commit crimes and therefore the more many the times one will commit crimes if all factors are held constant. Length of imprisonment therefore determines how recidivistic an inmate if other factors are held constant. The tables below show the lengths of time these inmates were imprisoned for the first, second, third and fourth times.

4.15: Imprisonment period

	1 st time		2 nd time		3 rd time		4 th time	
	F	%	F	%	f	%	f	%
Length of imprisonment								
One to eleven months	120	58	110	53	40	19	4	2
One year to three years	55	26	65	31	5	3	6	3
Four years to six years	17	8	17	8	5	3	3	1
Seven years to nine years	10	5	5	3	10	5	0	0
10 years and above	2	1	3	2	10	5	5	3
Death sentence	3	2	7	3	13	6	5	3
Not applicable	0		0	0	124	59	184	88
Total	207	100	207	100	207	100	207	100

The above table demonstrates that an overwhelming majority of respondents were imprisoned for a short period. This gave them a chance to commit further crimes almost immediately after release. Few were imprisoned for long sentences and these could not repeat crimes because the prison had incarcerated them. In conclusion, the longer the period of imprisonment, the lower the rate of recidivism and vice versa if all other factors are held constant.

IMPRISONMENT:

The study was not designed to find out the effectiveness of the prison but it revealed that the prison had failed in its principal role of rehabilitating the inmates. 100% of the inmates felt that the prison does not rehabilitate them or change them. They argued that what the prison does to them is to delay the time of crime commission but did not make them desist from criminal activities. Asked why they did not stop committing crimes despite the fact that they had been in jail, they argued that the social problems that they had when they first committed crimes still remained and had increased and worsened by being imprisoned.

They also cited imprisonment experience as one of the causes of recidivism. They argued that some of them had not committed crimes in the first place and therefore the prison had nothing to rehabilitate them on. Secondly they argued that those who had not committed crimes and had been imprisoned committed a crime on release to avenge. For example asked what particular pressure made them to commit crimes for the first time, 15% argued that they had not committed any crime at the time of the first arrest. That one way or the other, they had been suspected and sent to prison unfairly. The second time of arrest 5% said they had not committed the said crime. These inmates showed a lot of bitterness when protesting their innocence.

Further these inmates argued that once they had been imprisoned, they were mixed with hardened criminals who taught them how to commit crimes. Those who had committed petty offenses are taught how to commit serious crimes. In fact all the inmates referred to the prison as a "college of crime commission". They argue that it is here that they meet 'friends' who teach them better skills of crime commission and recruit them into their gangs. For example if one is about to get released and he has a friend in prison, who belonged to a certain gang, they introduce the new friend to it. They also advise one another where to get guns, where to meet, how to effectively commit a crime and basically how to get what they want when they want it.

PEER INFLUENCE AND RECIDIVISM:

Seventeen percent of the respondents interviewed committed their first crimes because their friends were criminals. This means that they were in bad company or with friends who were breaking the law and encouraged or advised them to join in. Another 14% claimed that they were influenced in prison by their friends to commit their second crime while 2% committed the third crime because of their friends' influence.

These recidivists show how important it is to separate criminals from non-criminals. They narrated stories of how they started committing crimes to keep their friend's company, to seek certain favors, not to be seen as cowards or even not to be seen as sell outs. Some (2%) claimed that they had wanted to stop committing crimes but their friends in crime kept on advising them to continue committing crimes and it was difficult to get out of it. 5% argued that had they not been in wrong company they could probably not commit these crimes.

Separation of criminals in prisons in terms of how dangerous they are is important, because the hardcore criminals further teach first time offenders how to commit crimes. They show them how successful one can be in crime. This is even worse in the Kenyan prisons, which are overcrowded. Hard cores are mixed with petty offenders creating a chance for hard cores to train the first time offenders.

ILLICIT BREWS, DRUGS AND RECIDIVISM:

Eight percent of the recidivists committed their first crimes because they were under the influence of drugs. They used drugs or beer to be able to commit the crimes. A further 24% committed their second crime and 24% committed their third because they were under the influence of drugs. We note that these criminals admitted wide use of drugs and alcohol before and after commission of crimes. Most used these drugs to give them the courage to commit the crimes they were intending to commit.

4.16 Drug and beer use.

No.of arrest	f	%
First	20	48
Second	10	24
Third	10	24
Fourth	2	4
Total	42	100

It was scandalous to find out that the inmates use drugs in prison. Forty percent of the respondents (inmates) were aware that some inmates use drugs while in prison. They suspected that these drugs are sneaked in during visits. Shocking also is that some prison warders participate in the deal of sneaking drugs from the inmates' friends and relatives or actually buying and giving them to the inmates. A welfare officer in one prison revealed this information. He said that some of his colleagues assisted the inmates to get all they needed including drugs so long as they were paid for their services. He attributed this behavior to the low salaries earned by warders.

The inmates are imprisoned so that they can reform. However if they can access drugs in prison this means that they cannot get reformed. They can also become

to the other inmates and difficult to handle. It was also disclosed that some warders also use beer and drugs while on duty. Some even share it with the inmates.

One of the officers in charge of a prison complained that most of the staffs are not trained well for this job. They lack relevant training on how to handle and deal with these inmates. They do not know how to handle them. In fact, the prison commissioner was quoted in the Daily Nation, September 20, 2001 as saying that the staff needed to be trained in order to handle the inmates better.

PROFESSIONAL/HABITUAL CRIMINALS

Some percent of the respondents claimed that they committed crimes because it had become so habitual. That they could not stay without committing crimes. They saw it as a crime but something legal or something they had to do. It is like a job for them such that even when they are in prison they feel wasted. These respondents did not necessarily see crime as a source of income, but some occupation or a hobby.

UNIVERSITY OF NAIROBI
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UNFAIR IMPRISONMENT AND RECIDIVISM

Fifteen percent of the recidivists interviewed said that they had not committed the offense they had been arrested for the first time. To them it was unfair to have been arrested, and sent to prison because they felt they were innocent. 63% (20) out of the 32 who had been imprisoned unfairly committed their second offense to revenge on the unfair imprisonment. They argued that being in prison innocently makes one feel guilty and somehow one wants to go out and commit a crime. It feels a hero to be in prison having committed a crime that you are imprisoned for. They disclosed that they discussed the crimes they had committed openly and even teach one another on how to commit the same or different crime better. The prison is like a college or a school where one's skills are enhanced.

For a third imprisonment 2% (4) repeated crimes to revenge on unfair imprisonment. In their own view, they had not committed the crime they were imprisoned for. They claimed that they were innocent despite the fact that they were serving a sentence. This unfairness in the trial makes them develop a hatred to the society for punishing them unfairly, and they only become friendly and close to their fellow inmates. When they are released they want to revenge on society that has made them suffer innocently. They also want to prove to the fellow inmates that they can succeed in crime. The ex-convicts are bitter with the society that has punished them for a crime they did not commit.

The fact that we have more inmates than can be accommodated in the available prisons makes it impossible to separate the first time offenders from the hardcore. This is because we have few and small prisons resulting to overcrowding in the prisons. Majority of these prisons were built during the colonial periods when there were few criminals. However, criminals have since increased and yet the prisons have not been enlarged or new ones built. Since independence, only Naivasha and Embos have been built. This then means that petty offenders and serious criminals are mixed together. They get a chance to exchange ideas on their criminal behaviour and it is through this that they teach one another how to commit crimes better. This leads to further recidivism because the first time offenders (and sometimes those who have not committed the said crime) are introduced into criminal activities. They are taught how to commit crimes.

Mixing of offenders hardens the first time offenders thus turning them into habitual criminals instead of getting reformed. They simply become hardened criminals who will commit crimes so long as they are free and out of jail. Through the help of the hardened criminals already in prison, the first time offenders graduate into hardened criminals.

who were imprisoned unfairly gave the following reasons for their imprisonment:

They had been found walking at night during a police swoop,

They had been found in bars during late hours,

They had been in bad company,

They had bought or were in possession of stolen goods without their knowledge,

They failed to bribe where they were expected to,

They were involved in love deals that turned sour and were said to have raped

2.

Petty offenders should not be jailed. The above reasons constitute petty offenses. There should be better ways of punishing petty criminals for example imposing a fine on them or putting them on probation.

FOURTH HYPOTHESIS

"The age of the criminal directly affects his recidivistic behaviour"

AGE

Essy and Ward (1955) argue that the younger an offender is arrested and charged about the higher the possibility he/she will relapse into crime. Shover (1985) argues that the youth are very active in criminal activities but as they become older, their criminal activities reduce. Farrington (1983) says that there exists a relationship between crime and age. It is also argued that if the youth have a high crime rate, a society with a large proportion of young people in its population at one time will have a high overall crime rate than it would have at a different time when a smaller proportion of its population is young.

The mean age of this study is 29 years of age. This agrees with the other studies that claim that crime is a youth career or activity. For example Muga (1980) sees crime as a youthful activity. These criminals start committing crimes very early in life. Some are as young as 12 years and are taken to borstal institutions where they are referred to as borstal boys. Some of these graduate to criminals and when they attain the adult ages they can be prosecuted and sent to prison if found guilty. Therefore some of the recidivist's career span runs from juvenile delinquency to adult criminal lives. The youngest respondent in this study was 18 years old, which is the least adult age in Kenya. At 18 years one recidivist had committed crimes twice, therefore had already become a recidivist. He claimed to have started committing crimes at the age of ten years, and was taken to a borstal institution.

Age distribution table below shows that the youth are more involved in crime than the old:

4.17: Age distribution of respondents and crime.

	Years	f	%
1.	18 – 29 years	121	58
2.	30 – 41 years	62	30
3.	42 – 52 years	19	9
4.	53 – 64 years	3	2
5.	65 and above	2	1
	Total	207	100

The table above shows that 58% of the recidivists fell between 18-29 years of age. This is a very youthful category. The table also shows that the older the group, the lesser the recidivists. What this means is that most of those who are in prison are young. That is most of those who are in prison serving sentences are the youth. This has negative impacts on the society because the society needs these energetic youths to serve in its institutions. They are also needed in nation building activities. If they are in prison, this means that our society is threatened socially, politically and economically. If this trend continues, then our society's institutions are bound to weaken rendering development difficult.

This study set to find out whether or not crime is a youthful career and this has been ascertained. In this study most (58%) of the respondents were youths (18- 29 years of age). This means that the larger the youth population, (other factors held constant), the higher the crimes rate.

In conclusion, the youth are very active in crime and as they age they tend to give up their criminal activities. They wanted to desist from crime because they want to settle

part family life, besides; they lack adequate physical energy to commit crimes. The Commission requires a lot of energy and this is why the youth are more frequent than the aged. The youths who are imprisoned for shorter periods commit crimes more times than those who receive longer sentences if the other factors are constant. The age of an individual criminal is not directly related to the number of times one commits a crime. There are other factors for example, length of imprisonment and length of planning a crime.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMENDATIONS:

Recidivism is Commission of crime more than once. It does not matter what crime one commits, whether one specializes in one or commit different crimes, so long as one commits a crime more than once, then he/she is a recidivist. Recidivism is a criminological term, which in this study was aimed at explaining why people repeat crimes. Going by this study the 207 recidivists had committed different crimes, which were categorized as petty, medium and serious crimes. Out of these crimes they seemed to start from petty, graduate to medium or go straight to serious offenses. However, unless for circumstantial criminals (these are criminals who commit crimes accidentally and are not ready to recidivate), those who began with serious offenses specialized in them to the end. These included robbery with violence, impersonating, breaking and stealing and fraud.

This study reveals that both sexes commit crimes. However males commit crimes more than the females. In this study 161 males and 46 females were interviewed. The study revealed that female criminality is on the increase. This was evident in the prisons whereby the officers in charge confirmed that there are more female recidivists in the prisons compared to the previous years. They also claimed that more cells were required in order to reduce overcrowding and congestion in the cells. The females are also involved in crimes that were earlier seen as male's. These crimes include robbery and car jacking. Females are now participating in these crimes but take the less risky positions like spying and tricking the targets into the trap. This participation of females in dangerous crimes may be as a result of the current difficult economic situation prevailing in the country. The females are more involved in selling bhang and traditional liquor. They participated in these activities for financial reasons. For example they have children to provide for despite the fact that they were unemployed.

Traditional liquor in the African context is not seen as illegal. All the inmates who sold it felt that it was a just way of making their livelihood. They saw no harm in drinking this liquor. They blamed the government for the deaths that have occurred due to the use of illicit liquor. According to them if the government had legalized it, it can be prepared in better conditions thus eliminating the possibility of it being contaminated. With the current situation whereby it is prepared in hidden places, it is easily contaminated thus rendering it unfit for human consumption. If it is legalized, then it would be prepared in open places where it can be inspected when need arises. This is not possible currently because it is illegal, hidden and is therefore not possible for health inspectors to inspect it.

Those who were imprisoned for either brewing or selling this brew felt that it was unfair to imprison them because according to them traditional liquor should not have been illegal. In fact these respondents were bitter about their imprisonment terming it unfair and time wasting. They admitted that on release they would go back to brewing and selling the same. This means that the sentence they are serving is not reforming them. They cannot be rehabilitated because they do not consider themselves guilty of the offense. In this case rehabilitation is out of question since these inmates do not find themselves guilty of the offense they are said to have committed. Therefore on release they will resort to the same crime.

Here, we see a situation where statutory laws are conflicting with customary laws in the sense that it is legal to sell traditional liquor within the customary law and illegal to do the same in the statutory law. Traditional liquor is acceptable in most of the Kenyan communities and is widely taken despite the fact that it is illegal to do so. Despite the fact that people are imprisoned for this crime, they commit it again on release.

These inmates are the most difficult to reform because they do not regard themselves as criminals. Further they still have the problems that pulled them to commit this crime in the first place. These facts push them back into criminal activity.

ty percent of the respondents stayed away from their relatives and friends. They preferred to rent houses in towns and market places for several reasons. First they did not want their friends and relatives to discover that they are criminals. Secondly, it is easier to commit crimes in towns due to the fact that it is easy to escape after the commission without being identified, and also because they are anonymous. Fifty percent of the respondent also suspected that their relatives knew or suspected that they are criminals. This made them stay away from them to avoid confrontations.

Sixty three percent of the respondents stayed with their friends in crime. This is because other friends would have easily known that they are criminals. The fact that other friends who are not criminals reject them after they are imprisoned also make them stay with the criminals who accept them. What this study brings out is the fact that all the respondents did not want their friends and relatives who were not in crime to discover that they are criminals. In cases where they were known, they kept away.

Only 29% of the respondents were assisted either socially or financially by their parents when they were in trouble. 58% of the respondents were youths aged between 18-29 years who were unemployed. These youths in normal circumstances should be under parental care and guidance. However this was not the case because those who had parents had been rejected by them because of their criminal behavior, or they had decided to stay away from their parents to avoid embarrassment.

Majority of the respondents felt that their relationships with their relatives deteriorated with every arrest. For example, out of the 60 who had been arrested the third time, 42 had no relationship with their relatives. These relatives could not even visit them in prison when imprisoned and did not want to be associated with them. On release ex-convicts could not go to them for any assistance. They joined their friends and continued committing crimes.

35% of the respondents were married at the time of the interview. The rest were single, separated or widowed. Bearing in mind that most of the respondents fell under the youth category, we can argue that probably most of them had not settled marriage therefore were still single. 25% of the respondents were separated. This can be attributed to the fact that imprisonment separates the couples. If the male respondent is imprisoned, the wife went back to her parents. This is because these marriages were not legal, meaning that the relatives did not know about them. Left in town with no source of income and with children, life became so difficult for one spouse. Separation could also be as result of one spouse discovering that the partner is a criminal.

Eighty three percent of the respondent had one wife, contrary to this study's assumption that these criminals had many wives. This can be attributed to the fact that most of these respondents are young therefore belong to the generation that does not fancy many wives. Most of the respondents (57%) had 1-3 children. We can argue that is because of the current economic situation that does not favor large families. Another reason could also be because the respondents are busy in criminal activities to have time for children. Since majority of these respondents are young parents (18-29 years) it is also likely that they will have more children in future.

Over 80% of the respondents earned less than 3000 shillings per month. This amount was also earned through illegal means. This depicts a scenario of impoverished group of people who have to struggle in order to survive. In other words it is survival for the fittest. When legal means failed they turned to illegal means for financial reasons. For example 48% engaged in robbery and stealing, 41% sold illicit liquor and 5% were prostitutes. From the above we argue that 94% of the respondents committed crimes for financial reasons.

By the third arrest, all the respondents were unemployed. Employment is important in various ways. It serves as a source of income to the individual and it is also a

source of prestige and respect from the society. A person's position at work may or may not command respect for him/her in the society. Employment is also a source of satisfaction to some people whereby so long as they are working they are emotionally satisfied. When one is employed, they are not idle so chances of committing crimes may be reduced. All the respondents were unemployed by their first arrest. This means that they were not enjoying the above benefits of employment. This may have contributed to their criminal behavior.

Sixty percent of the respondents had been imprisoned twice, while 40% had been imprisoned more than twice. Two respondents committed crimes seven times. The respondents also committed a more serious crime after every arrest. This is to suggest that the inmates hardened and graduated from petty offenses to serious crimes each time they were released. For example the study revealed that 53% had committed petty offenses on their first arrest. 40% had committed petty offenses on the second arrest, while only 7% committed petty offenses the third time. What we are seeing here is a trend whereby the more times one is arrested and released, the more serious the crime they are subsequently arrested for.

This study also revealed that most of the respondents are imprisoned for shorter periods. For example 58% of the respondents imprisoned the first time, were imprisoned between 1-11 months. 53% of those who were imprisoned the second time were imprisoned between 1-11 months. From the table on length of imprisonment, one can make a general conclusion that most imprisonment was for a shorter period ranging from one month to two years. This gave the ex-convict more time to commit further crimes on release. One would therefore make the tentative conclusion that the shorter the imprisonment period, the higher the possibility of recidivism and vice versa. This is because if one is imprisoned for long, he/she is incapacitated, i.e. denied the opportunity to commit further crimes.

The information gathered in this study points to the fact that the prison institution does not reform. For example all the 207 respondents were recidivists having committed crimes more than twice despite their imprisonment and some of them were going to recidivate on release. It is also evident that the respondents were not getting reformed. The 207 respondents admitted that the hardcore criminals taught them better techniques of crime commission in prison. They attributed this to the fact that there is overcrowding and congestion in the prisons. The inmates are mixed together (first time offenders and hardened criminals). Once these inmates are released from prison, they try what they have learnt in prison and sometimes get caught while committing crimes.

The inmates also revealed that the fear of imprisonment disappeared after the first imprisonment. Once they are imprisoned they realize that there is nothing so scary about prison. They become prisonized and wait for their time to be released. Once this fear and stigma of imprisonment disappears, what the inmate requires is just the survival tactics in prison.

Upon release the convicts are faced with many challenges from the society. First and foremost, they need a source of income, they need to adjust to the society, and finally they are under pressure from their friends in crime. In prison, the convicts discuss their criminal activities freely. They freely narrate and discuss their encounters during their crime span. This is not possible when they are out of prison where every individual has to act in agreement with the societal rules. These rules reinforce non-criminal behavior.

Criminals will not admit to non-criminals that they are criminals. These ex-convicts are stigmatized by the society in their attempt to mix with the rest of the community members. They are 'treated' as criminals regardless of whether they have reformed or not. In most cases people do not want to mix with them, neither do they allow their

...tend to mix with them. They join their peers who are probably in the same
...situations of rejection.

...prisonment was and still is seen by those in authority as a way of rehabilitating
...criminals. However this study agrees with other studies, that those who go through
...prison do not get reformed rather they become hardened.

RECOMMENDATIONS

The criminal justice system begins with the police. The police are charged with the responsibility of maintaining law and order. They are the ones who arrest those who break the law. It is the police therefore who first determine whether one will be charged in a court of a law or not. 10% of the respondents complained that they had been imprisoned for crimes they had not committed. They had been arrested because either they were found with criminals or because they are ex-convicts, therefore suspected to have committed a crime.

In this case, innocent people are arrested and imprisoned for crimes they have not committed. Therefore the police should conduct thorough screening before they arrest suspects because this is where criminalisation process starts. Once the police arrest a person for investigations, the society treats him or her as a criminal despite the fact that he or she may be innocent. The Kenyan police should be trained on how to detect criminals without involving innocent people.

Once the suspects are arrested and arraigned in court the society labels them as criminals regardless of whether they are guilty or not. As pointed out earlier the court has on several occasions imprisoned innocent people. Sometimes the court has passed harsh punishment for petty offenses. This is because of failure to conduct proper investigations or because somebody has been bribed. When innocent people are imprisoned it means that justice is not done.

This has several repercussions. First the persons imprisoned for a crime they have not committed will automatically hate the society that has treated them unfairly. Secondly, the society will treat this person as a criminal while in actual sense he/she is innocent. This in turn means that the person may not accept the society and on the other hand the society may not accept the victim. Upon release this ex-convict may want to revenge for the injustice done to him/her and therefore repeat crimes. The

ts should therefore investigate the cases to avoid imprisoning innocent people
:passing harsh judgments.

ere should be a way of separating hardened criminals form the petty offenders, or
st time offenders from recidivists. In our Kenyan prisons they are crowded and
erefore mixed together. The petty and serious offenders teach one another on how
:commit crimes further therefore increasing the recidivism rate. Hence, hardened
riminals should be separated from the first time offenders. This can be attained by
nsuring that petty offenders are not imprisoned. Instead of imprisoning them, they
should be fined or serve the community in different projects under supervision. In
ther words the courts should be lenient to the petty offenders.

Some of the appeals to the researcher were for the prison to provide adequate
ransport for the inmates to attend the hearing of their cases. They complained that
either there is no vehicle to take them to court or when it is available, it is too small
meaning that the inmates are congested in it. The inmates disclosed that some
inmates collapse while being taken to court because of the congestion in the prison
trucks. Other times vehicles comes late and therefore the inmates are late to attend
their cases. This means that another date has to be set and with the congestion of
cases in our courts the case is delayed. In this case justice is not done because
cases are delayed.

The government should provide its prisons with adequate means of transport to
avoid congestion during transportation of inmates and delays when attending court. It
should also provide enough vehicles to the prisons. If the government is committed
to imprisoning petty criminals it should construct more prisons to avoid congestion
and overcrowding. This is important because currently there is congestion in all the
prisons and this has caused death due to unhygienic situations.

The prison does not have enough staff to look after the increasing number of
inmates; the commissioner of prisons was quoted to have said in the Daily Nation,

Thursday, September 20, 2001. He added that the department required about 3,000 prison warders to police the 35,000 convicts in its 90 prisons. He disclosed that currently the department had 13,000 officers and 316 civilian staff. Congestion is attributed to the fact that there are inadequate prisons. The commissioner further explained that districts and courts were created but prisons remained the same, except for the two prisons, Naivasha and Kibos, which were built after independence. He also said that the prison needed to train its staff in specialized areas relevant to its work such as law, clinical psychology, penology, disaster management and human rights (Daily Nation, Thursday, September 20, 2001).

From the above, the prison commissioner agrees that the prisons are understaffed and the warders are not well trained to work with the prisoners. These officers should be well trained for this job. This is a very important step in rehabilitating the inmates. Warders should be offered the right training, which includes criminology, penology, psychology, social work and psychiatry to name but a few. The government can also employ specialists from these disciplines to work in the prisons. The warders should be well trained to enable them reform and rehabilitate the inmates. Since the prisons are understaffed, the government should therefore train and recruit more warders. One of the officer in-charge said, "the problem is that most of us have no special training to enable us deal with the inmates. We only know how to salute and respect our seniors then demand the same from the inmates". He added that, "only a few officers here treat inmates as human beings. Most of us treat them as abnormal, and people who are here to be punished and therefore should be punished".

This shows that the warders do not take the inmates as people who need genuine help in order to be rehabilitated. They take them as criminals and therefore mistreat them sometimes. All the interviewed inmates complained of mistreatment by the warders. They said that the warders beat and insult them.

society at large should also be educated on how to handle the prisoners. Once a criminal, the society rejects him or her. This behavior continues even after the prisoner is released. This makes some of the criminals relapse into crime. The society should therefore be educated on the importance of appreciating the ex-convicts in order to help them reform.

The immediate family should also be encouraged to visit their relatives when they are imprisoned. Visiting the inmates while in prison makes them feel part of the family. The family should also help their relatives once they are released from prison so that they can be able to adjust and fit into the society. The released inmates face a lot of obstacles in the process of adjusting to societal expectations. For example, the members of the society reject them. They are emotionally distressed and therefore need some assurance. The immediate family should provide them with the emotional support. The government should also provide counseling services to the ex-convicts.

The society should be fully involved in the rehabilitation process of the inmates because upon release they go back to the society. There should be programs in the society to enable the ex-convicts meet their financial needs. These programs should involve the skills that the inmates are offered in prison. For example they can be hired as carpenters, dressmakers, e.t.c, depending on the skills acquired. The government should also ensure that ex-convicts are not discriminated against in employment opportunities. They should also be given equal opportunities as long as they are qualified for the jobs in question.

There is a lot of poverty in Kenya today. Poverty is a result of an ailing economy, lack of employment, and unequal distribution of resources. Poverty can be blamed partly for the rise of crime rate in the country. Most people cannot afford the basic human needs through legal ways. Hence poverty and suffering continue to be on the increase despite the fact that we have both governmental and non-governmental organizations that spend a lot of time trying to bring down poverty levels. Sometimes the conditions become unbearable for some people such that they end up breaking the law in the course of their daily work. They commit crimes and since the push factors still remain the same, they repeat crimes and this goes on until for some reason they cannot commit further crimes.

Most of the inmates interviewed had a few years in school. For example 68% had between 0-4 years of formal education. This is because education is expensive and inaccessible to some people. 70% of the respondents had dropped out of school because of lack of school fees. They did not go to school and if they did, they dropped out in the early stages. There is a high illiteracy level among the recidivists.

The government should therefore provide free education to every citizen. This will ensure that at least everybody can access education. Most of these criminals started their criminal activities very early in life because they did not go to school at all or because they had dropped out of school. If they had been in school, they would probably not have had time to commit crimes. This is because the school keeps one busy and therefore there is not so much time to commit crimes. It also provides one with positive thinking and therefore reduces chances of committing crimes. If education is made free and compulsory, it means that every child will have access to it.

Some children are deserted or orphaned early in life and have no one to take care of them. They cannot afford their basic needs legally and are forced to commit crimes in order to survive. These are commonly referred to as 'chokoras' or street children.

se constitute a substantive number of criminals in our country today. This study ealed that 20% of the respondents were from the streets. Bearing in mind that the ulation of street children is still growing, we can expect more and more of them to rmit crimes for financial reasons. If this population is not checked, it will increase d so will the number of criminals.

asures should be put in place to control the street population. There should be olicies that ensure that people are not allowed to live in the streets. For those who e already there, the government and the Nongovernmental organizations should nsure that street families are catered for and taken out of the streets. They should e rehabilitated to fit into the society, for example, most of them abuse drugs and ngage in criminal activities. They should be helped to get out of these vices and live normal lives. They should also be assisted and encouraged to live normal acceptable ives.

The petty offenders like illicit brewers who brew and sell to provide for their families should also be helped to start legal businesses. As argued earlier in this study, jailing offenders without solving the existing problem cannot reform or rehabilitate the individual criminal. For example an inmate who is in jail because of selling bhang to educate, feed and clothe his/her children will not be helped by jail because on release the children have the same needs. Unless legitimate livelihoods are available to him/her, then he/she has no choice but to repeat the same crime or commit a serious one.

The government should offer courses that will help the inmates after they are released from prison. The ex-convicts should be given tools and financial assistance after they are released in order to enable them secure a legitimate source of livelihood. The financial assistance they are given can enable them start small businesses to keep them busy and as a source of income. There should also be follow-up programs for the ex-convicts so that they can be assisted to fit into the

community and also to monitor them so that they cannot relapse into crime. The government has been training the inmates on different courses but this is not so important because the training has not been put into good use. The inmates complained that on release they have no finances to start business so this training is a waste.

SPECIFIC POLICY RECOMMENDATIONS:

1. The police force should be offered more training to enable them arrest the real criminals. The courts also should pass fair judgments to avoid jailing innocent people and passing unfair judgment. This can be achieved if the magistrates become more committed to their work and avoid personal interests when passing judgments. The prison should be rehabilitation oriented and not a punishment institution. This can be achieved by offering the waders the proper training and skills to enable them treat the inmates, not as criminals, but as people who need help in order to reform. More community-based sentences should be passed. This is to suggest that imprisonment should be the last option. If the above is done, this means that innocent people will not be victimized, few people will be imprisoned therefore no overcrowding and congestion in prisons and to some extent this will reduce hardening of criminals.
2. The family of the inmates should be encouraged to visit and offer emotional support to the inmates in prison. The family members should also offer support as much as possible to the ex-convicts to help them adjust and fit into the society.
3. The government should follow-up the ex-convicts to continue rehabilitating them and try to solve the problems they might be facing in the society. Nongovernmental organizations should invest in helping the ex-convicts. Currently all we have is the human rights body that tries to fight for the rights

of the convicts. More is needed in terms of financial assistance and emotional support to the ex-convicts.

4. Some of the laws created by the government should be reviewed to avoid creating criminals. This is to suggest that some of the criminals we have are a creation of the state. For example criminals who brew and sell illicit brews are a creation of the state. The government should have clear policies regarding this issue. In this case the government should allow the sale of this liquor but then have checks so that it is not abused. This will avoid deaths because if licensed this business will be done in the open where government officials can monitor to ensure proper hygiene is maintained.

5. The wider Kenyan society should also be educated to accept the ex-criminals and treat them as normal human beings. This means that they should learn to accept the ex-convicts and involve them in the daily activities of their society. They should not treat the ex-convict as a criminal after all the ex-convict has also served his sentence for the offence committed.

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In conclusion, if the above recommendations are taken into consideration, then we will be on the road to reducing or eliminating recidivism in our society. If this is achieved then, the aim of this study will have been achieved.

AREAS OF FURTHER RESEARCH:

The researcher suggests that research is needed in the areas of juvenile delinquency, which is a forerunner of adult criminals and the subsequent recidivistic behaviour. A study should be done to establish why juveniles do not get rehabilitated despite going through the rehabilitation process. The justification here is that some of the respondents in this study disclosed that they started committing crimes very early in life, when they were juveniles.

Research should also be done to find out whether there are post prison follow up services given to the ex-convicts to help re-integrate them into the society. These services are very necessary, and should actually be provided. There is need therefore to conduct research to establish whether these follow-up services are being offered, how much has been done if any, and how much more is needed. Follow up services would be important in the sense that they would help the ex-convicts settle and this would probably reduce crime rate in the country.

BIBLIOGRAPHY

- Becker, H Outsiders. Free Press, New York, 1963.
- Blom, H and Gels G. Crime and Society. Random House, New York 1970.
- Bonn, R L. Criminology. The Ronald Press Company, New York, 1956.
- Caldwell, R Criminology. The Ronald Press Company, New York, 1956.
- Cambell et al. Experimental and Quasi-Experimental Designs for Research. Rand
and McNally, Chicago, 1976
- Charles, H et al. Offender and Offense Characteristics, Criminology. Vol. 13
November 1977.
- Clifford, R C and Mickay H P. Juvenile Delinquency and Urban Areas. University
Press, Chicago 1942.
- Clifford, W. An Introduction to Criminology, Oxford University Press, Nairobi, 1974.
- Clinard, M. B. Sociology of deviant behaviour. 3rd ed Holt Rinehart and Winston,
1968
- Clinard and Abbot. Crime in developing countries: A comparative perspective. John
Willey and sons, New York, 1973
- Cloward, A R. and Ohlin. Delinquency and Opportunity. Routledge and Kegan Paul,
London, 1961.
- Cohen, A K. Deviance and Control. Englewood Cliffs, 1996.
- Cohen, A K. The Sociology of the Deviant Act: Anomie theory and Beyond: American
Sociological Review, Vol. 30, 1965.
- Conklin, J E. Robbery and Criminal Justice System. J. B. Lippincott Philadelphia,
1972.

Dressy, D R. and Ward, D A. Delinquency, Crime and Social Processes, Happer
and Row Publishers, New York, 1969.

Daily Nation, September 20, 2001

Downs, H. and Block, P. Understanding Deviance – A Guide to the Sociology of
Crime and Rule Breaking. Oxford University Press,
New York, 1986.

Durkheim, E. The Division of Labour in Society. Trans by George Simpson, New
York 1947.

Ehrlich. Participation in Illegitimate Activities: A theoretical and Empirical
Investigation. Journal of political Economy Vol. 81 (3) pp 521-65, 1973

Farrington, D. Further analysis of a longitudinal survey of crime and delinquency.
Federal Bureau of Investigation, Chicago, 1983

Gang, D. and Anstrong, W. The Prison Schenkman. Publishing Company, London,
1972.

Garfinkel, H. Conditions of successful degradation ceremonies. American Journal of
sociology, 61: 420-424, 1956

Ghosh, 1985 in Oketch Margatet M. A thesis entitled, Factors affecting female
Criminality in Kenya. A case study of Lang'ata maximum women prison

Giallombando, R. Juvenile Delinquency. Illinois, Chicago, 1972.

Glasser, D. Crime in the city. Harper and Row Publishers, New York, 1970.

Glueck, S. and Glueck, E. Unravelling Juvenile Delinquency. The Commonwealth
fund, New York, 1950.

Glueck, S and Glueck, E. Later criminal careers. Commonwealth Fund, New York,
1937.

offman. The presentation of self in every Day Life. Doubleday: Garden City, New York, 1990

Guy, R. Social Research Methods. Allynand Bacon Inc. Massachusetts, 1987.

Gwynn, N. Explaining Crime. MC Crow Hill, New York, 1974.

Hans, T. Living in Prison, the ecology of Survival.Free Press, New York, 1977.

Haskell, M R. and Yablonky, L. Crime and Delinquency. Rand McNeill and Company, Chicago 1971.

Hirchi, T. Causes of Delinquency. University of California Press California 1969.

Hood, R. and Spark, S. Key Issues in Criminology. MC Graw – Hill book and Company, New York, 1970.

Karlinger, F N. Foundations of Behavioural Research. Holt, Rinehart and Winston Inc, New York, 1974

Kariuki, I R. Crime in Thika District. M.A. thesis, University of Nairobi, 1978.

Karwenjj, G. Objectives of Sentencing, Correction and the Community ill. Dissertation, University of Nairobi, 1981.

Leonard, E W. Crime and Society; A critique of criminology theory. Longman Inc, New York, 1982

McCormick, D. The unseen killer: A study of suicide: Its History, Causes, and Cures. Fredrick Muller, limited, London, 1964

Merton, K R. Social Structure and Anomie: American Sociological P. Prisoners and their Families, George Allen and Unwin Ltd London, 1965.

Morris, P. Prisons and their families. George Allen and Unwin Ltd. London, 1965.

Moser, C. and Calton, G. Survey Methods in Social Investigations, Heinemann Educational Books Ltd, London, 1969.

- Ngũgĩ, E. Crime and Delinquency in Kenya. East Africa Literature Bureau, Nairobi, 1975.
- Ngũgĩ, E. Robbery with Violence in Kenya. East Africa Literature Bureau, Nairobi, 1980.
- Ngũgĩ, E. Crime in a Kenyan Town. East African Bureau, Nairobi, 1977.
- Mushanga, T. Observation on crime in Uganda. Mawazo, vol. 2. No. 4. December 1970
- Mushanga, T. Crime and Deviance: An Introduction to Criminology, East Africa Literature Bureau, Kampala, 1976.
- Mushanga, T. Crime and Deviance. Kenyan Literature Bureau, Nairobi, 1985.
- Nettler, G. Explaining Crime. Mcgraw Inc. New York, 1974.
- Ng'ang'a, T. Robbery with Violence in Kenya. M.A. Thesis University of Nairobi 1991.
- Nock and Rossi. Nobody knows the troubles I've seen: Post-Release Burdens on the families of released prisoners. academic press, New York 1980
- Nye, I.F. Family Relationships and Delinquency Behaviour. Westpart, Green wood 1958.
- Oketch, M. Factors affecting Female Criminality in Kenya. M.A Thesis, University of Nairobi.
- Philipson, M. Understanding Crime and Delinquency. Aldine Publication Company, Chicago, 1974.
- Quinney, R. Class, State and Crime. Longman, New York, 1977.
- Quinney, R. Criminal Justice in America. Little Brown, Boston, 1974.
- Quinney, R. The Social Reality of Crime. Little Brown Boston, 1968.

Radzinowicz, L. and King, J. the growth of Crime: The International Experience.

Hamish, Hamilton Ltd. Great Britain, 1977.

Reckless, W. The Crime Problem. Meredith Corporation, New York, 1973.

Rossi et al, Nobody knows the troubles I've seen: post-realise burdens on the families of released prisoners. Academic press, New York, 1980.

Sagi, P and wellford, F Age composition and patterns of change in criminal statistics.

Journal of criminal Law , Criminology and police Science, 59
(March); 29-36, 1968

Sellin, T. "Recidivism and maturation" National Probation and Parole. Association
Journal, 4Th July; 241-250, 1958

Schrag, C, Some Foundations For a theory of Correction. In Cressy, D R. The Prison: Studies in Institutional Orgarnisation and Change, holt, Rinehart,
and Winston, 1961.

Shover, N. Aging Criminals. Sage Publication, 1985.

Skogan, W G. Dimensions of the Dark Figure of Unreported Crime, Crime and Delinquency. American Sociological Journal, Vol. 23 June, 1977.

Sutherland, E. and Cressy, D. Criminology. JB Lippincot Company, Philladelphia,
1970.

Sutherland, and Cressy. Principals of Criminology. Massachusetts, 1955.

Tseelon. Notions of Reality. Sage publications, London, 1991

Void, B. G Does the Prison Reform? Analysis of the American Academy of political
and social Science, 293, p 42-50, 1954

Wolfgang, M. Sociology of Crime and Delinquency. John Wiley and Sons Inc. New
York, 1970.

Wolfgang, M. Patterns in Criminal Homicide University of Pennsylvania Press,
Philadelphia, 1958.

Wolfgang and Ferracati, F. The Subculture of Violence. Sage Publications, California
1967.

Wootton, B. Social Science and Social Pathology. George Allen and Unwin Ltd 1967

Yablonsky, L. The Violent Gang. McMillan Company, New York, 1962.

UNIVERSITY OF NAIROBI
RESEARCH QUESTIONNAIRE
DEPARTMENT OF SOCIOLOGY

Salome Rutere from the University of Nairobi.

cleared by the Office of the President Clearance No. 13/001/31C179

assist me in this Study in answering my questions.

Prison:

Identity

Respondent's gender

1 Male

2 Female

Respondent's age at present (actual number of years or birth year) _____

Your home district? _____

Marital status

1 married

2 Married but separated

3 widowed

4 single (never married)

5 Others (please specify)

6 No response

Family size

A Number of wives _____

B Number of children _____

The highest level of education achieved

1 No formal education

2 Std1-4

3 Std5-8

4 Form1-2

5 Form3-4

6 Tertiary education

Where were you living before you were first arrested? (Name the District) _____

Is this the District where you committed the offence?

1. yes

2. No

3. No response

If no, does it mean that you lived there temporarily?

1. Yes

2. No

3. No response

4. Not applicable

How many times have you been convicted and sentenced to imprisonment?
(state the actual number of times) _____

What crime did you do the first time? (state the actual crime) _____

For how long were you imprisoned for the first offence? (actual number of years) _____

What crime did you commit the second time? (State the actual crime) _____

For how long were you imprisoned? (state the actual period) _____

What crime did you commit the third time? (State the actual crime if applicable) _____

For how long were you imprisoned? (state the actual period if applicable) _____

What crime did you commit the fourth time? (State the actual crime if applicable) _____

For how long were you imprisoned? (state the actual period if applicable) _____

What crime led to the current imprisonment? (State actual crime) _____

Were you employed at the time of arrest?

1 Yes

2 No

3 No response

If yes, what type of employment? (State actual employment) _____

What was your monthly net income during the period you were convicted? (State the actual amount of income whenever possible). _____

If no, how did you make ends meet? (State specifically the type of activity) _____

Did you get back your exact previous employment on release the first time?

1. Yes

2. No

3. No response

4. Not applicable

If no why, (state actual reason) _____

Did you get back your exact previous employment the second time you were released?

1. Yes

2. No

3. No response

4. Not applicable

If no why, (state actual reason) _____

Did you get back your exact previous employment the third time you were released?

1. Yes

2. No

3. No response

4. Not applicable

If no why, state actual reason _____

Did you get back your exact previous employment the fourth time you were released?

1. Yes

2. No

3. No response

4. Not applicable

If no how did you make ends meet? (State actual activity) _____

If income was not adequate how did you supplement it? (State actual activity) _____

If you recall very well what particular pressure made you commit your first crime? _____

If you recall very well what particular pressure made you commit the second crime? _____

If you recall very well what particular pressure made you commit the third crime (if applicable)? _____

If you recall very well what particular pressure made you commit the fourth crime (if applicable)? _____

Where do you stay when you are released? _____

Do you go to your rural home when you are released?

1. Yes

2. No

3. No response

4. Not applicable

If no, why _____

If no, with whom do you stay where you go? _____

Do your parents assist you when you are in trouble (if applicable)?

1. Yes

2. No

3. No response

4. Not applicable

Have you always stayed with them?

1. Yes

2. No

3. No response

4. Not applicable

Who are the people you will stay with when you will be released? _____

How was your relationship with your relatives and friends when you were first released?

- 1 cordial
- 2 strained
- 3 No relationship
- 4 no response

How was your relationship with your friends and relatives when you were released for the second time?

- 1 cordial
- 2 strained
- 3 No relationship
- 4 no response

How was your relationship with your friends and relatives when you were released for the third time (if applicable)?

- 1 cordial
- 2 strained
- 3 no relationship
- 4 no response
- 5. Not applicable

How was your relationship with your friends and relatives when you were released for the fourth time (if applicable) /

- 1 cordial
- 2 strained
- 3 no relationship
- 4 no response
- 5. not applicable

1 Yes

2 No

3.No response

Does Prison rehabilitate?

Will you commit further crimes on release?

1. Yes

2. No

If yes why?

If no why?

UNIVERSITY OF NAIROBI,
EAST AFRICANA COLLECTION.

Thank you very much for your time.

THIS IS TO CERTIFY THAT:

Prof./Dr./Mr./Mrs./Miss SALOME KAGENDO

RUTERE

of (Address) UNIVERSITY OF NAIROBI
P.O. BOX 30197 NAIROBI.

has been permitted to conduct research in NAIROBI, NAKURU AND MERU

COAST, NAIROBI RIFT VALLEY & EASTERN District,
Province,

on the topic FACTORS PRECIPITATING
RECIDIVISTIC BEHAVIOUR IN KENYAN

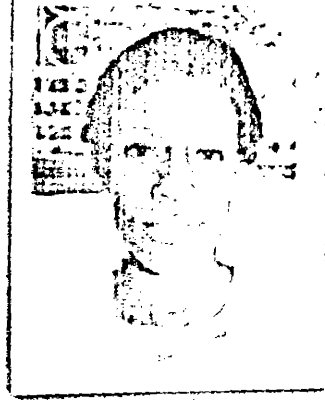
PRISONERS:- A SOCIOLOGICAL
INTERPRETATION

for a period ending 28TH FEBRUARY, 2002

Research permit No. HOEST 13/201/3101791

Date of issue 5TH SEPTEMBER, 2001

Fee received SHS. 500



A. G. KAARIA

*Applicant's
Signature*

FOR: Permanent Secretary,
OFFICE OF ASSISTANT
EDUCATION.

MINISTRY OF EDUCATION, SCIENCE & TECHNOLOGY

Telegrams: "EDUCATION", Nairobi



REPUBLIC OF KENYA

Telex No.

Telephone: 354411

When replying please quote

QUEST 13/001/31C179/2

LOGOO HOUSE "B"
HARAMBEE AVENUE
P. O. Box 30040
NAIROBI
KENYA

5TH SEPTEMBER, 2001.

WLOME KAGENDO RUTERE,
UNIVERSITY OF NAIROBI,
P.O BOX 30197
NAIROBI.

Dear Madam,

RE: RESEARCH AUTHORIZATION

Please refer to your application for authority to conduct research on,
"Factors Precipitating Recidivistic Behaviour in Kenyan Prisoners: A
Sociological Interpretation.

I am pleased to let you know that your application has been approved.

Accordingly, you are authorized to conduct research in Nairobi, Nakuru, Naivasha Mombasa
and Meru Prisons for a period ending 28th February, 2002.

You are advised to Pay Courtesy calls on The Officers incharge of the Prisons you
will visit before you embark on your research project.

You are further advised to avail two copies of your research findings to this Office
upon completion of your research project.

Yours faithfully,


A.G KAARIA
FOR: PERMANENT SECRETARY/EDUCATION

CC.

The Commissioner of Prisons.

OFFICE OF THE VICE-PRESIDENT AND MINISTRY OF HOME AFFAIRS, HERITAGE AND SPORTS
KENYA PRISONS SERVICE

ams: "COMPRISONS". Nairobi
note: Nairobi 722900-6
relying please quote

No. 36/1VOL. IV/101
and date



PRISONS HEADQUARTERS
P.O. Box 30175
NAIROBI

31st May, 2001

The University of Nairobi
Department of Sociology
P.O. Box 30197
NAIROBI Kenya - (Attention Prof. O.N. Gakuru)

RE: RESEARCH BY ONE RUTERE SALOME KAGENDO ON
"FACTORS THAT PRECIPITATE RECIDIVISTIC BEHAVIOUR
OF KENYA PRISONERS

Your request for the above student to be assisted with information on recidivists has been approved.

You may send the student to Head of Research and Statistics section at Prison Headquarters for the same.


T. M. KARANI (ACP(R/S))
For: COMMISSIONER OF PRISONS

ip1

FROM: COMPRISONS NAIROBI

TO: COMPRISONS LANGATA W/ (R) KARIKATI MAIN (R) KARIKATI MEDIUM (R) ATHE RIVER
(R) THIKA PRISON / WOMEN (R) MACHAKOS PRISON/WOMEN (R) NAKURU MAIN / WOMEN
(R) SHINDU MAIN / ~~WOMEN~~ NAIVASHA MAIN (R) KARAMEGA MAIN / WOMEN (R) NYERI MAIN/WOMEN/ANNEXE
(R) KIBOS MAIN / KIBOS ANNEXE (R) PPC NAIROBI (R) KVP (R) EASTERN/ CENTRAL (R) WESTERN (R) COAST

REF: 35/1 VOL.IV/114

DATED: 27th AUGUST, 2001

SUBJECT RESEARCH PERMIT IN THE PRISONS FOR SALOME N. RUTERE C/50/72/1/99 PLEASE BE INFORMED THAT THE ABOVE NAMED IS A MASTERS OF ARTS STUDENTS IN THE DEPARTMENT OF SOCIOLOGY UNIVERSITY OF NAIROBI (.) SHE IS MERELY CONDUCTING HER FIELD RESEARCH ON THE TOPIC "FACTORS PRECIPITATING RECIDIVISTIC BEHAVIOUR IN KENYAN PRISONERS: SOCIOLOGICAL INTERPRETATION (.) THE COMMISSIONER OF PRISONS HAS GRANTED PERMISSION TO HER TO INTERVIEW HABITUAL OR RECIDIVISTS (.) THAT IS THOSE WHO REPEAT THEIR CRIMES AND HAVE PREVIOUS CONVICTIONS (.) THOSE TO BE INTERVIEWED SHOULD BE ABOUT 20 - 30 INMATES WITH PREVIOUS CONVICTIONS (.) THE NAMED ABOVE (SALOME RUTERE) SHOULD BE ACCOMPANIED BY AT LEAST A WELFARE OFFICER (.) SHE WILL NOT PUT DOWN THE NAME OF THE PRISONER THE OFFICER *KCS* SHOULD ALSO ASSIST AND GUIDE THE INTERVIEWER TO GET PROPER MATERIAL FOR HER STUDY (.) SHE WILL START HER INTERVIEW FROM 7/30 SEPTEMBER, 2001 (.) PLEASE COOPERATE (.)

T.M. KAVANI

T. M. KAVANI (ACP)

FOR : COMMISSIONER OF PRISONS