

UNIVERSITY OF NAIROBI

FACULTY OF ARTS

DEPARTMENT OF SOCIOLOGY AND SOCIAL WORK

TOPIC:

**THE EFFECTS OF PRISON REFORMS ON INMATES'
DISCIPLINE IN KENYA:
THE CASE OF NAIROBI REMAND PRISON**

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**A Research Project Submitted in partial Fulfillment of the requirements for
the award of a Master of Arts Degree in Sociology of the University of Nairobi
with Specialization in Criminology**

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DECLARATION

I the undersigned, declare that this project is my original work and that it has not been presented in any other university or institution for academic accreditation.

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This research report has been submitted for examination with my approval as the University Supervisor.

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DEDICATION

I dedicate this work to my lovely wife Rose Njeri Miring'u, My children Charity Wamaitha, Edwin Mbugua, and John Waithaka

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ABBREVIATIONS

CSO	-	Community Service Order
ICPS	-	International centre for prison studies
KHRC	-	Kenya Human Rights Commission
KPS	-	Kenya Prisons Service
NARC	-	National Alliance Rainbow Coalition
NGOS	-	Non Governmental Organizations
UN	-	United Nations

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ABSTRACT

The main objective of this study was to find out the effect of reforms on inmate discipline in Kenya. It has been observed that reforms are meant to make effective rehabilitation function, but they have brought the challenge of increased inmates' indiscipline where acts like abuse of drugs and substances, fights and bullying of weak inmates by fellow inmates, conning of the public through mobile phones, sodomy, quarrels and verbal abuse between inmates, fights and quarrels with the prisons staff, escapes from custody, riots and food boycotts are now common in prison institutions.

The study had four specific objectives which included finding out the extent of inmates compliance to prison rules and regulations, how reforms has affected inmates' perception of discipline and relationship with Prison officers, inmates' preparation for the reforms before implementation, manifestation of inmates discipline . The research questions were derived from these specific objectives.

The research adopted descriptive research design. The target population of the study was prison officers and the inmates at the Nairobi remand prison. Simple random sampling was used to sample 40 inmates from the population of 400 who had served between pre and post reform period and 30 prison officers were also sampled in the study. The questionnaires and interview guide was used to collect the data. The questionnaire was administered to inmates and the prisons officers. The interview guide was used to interview the key informants.

The data was coded and grouped according to the objectives of the study. The data was then summarized in frequencies, percentages and then presented into tables, pie charts and graphs. Then interpretation was made based on the frequencies and the percentages. The findings reveal that 53% of the prison staff indicated that compliance with prison rules and regulations among the inmates was had, because the inmates felt that they are protected by the laws. The study also found that the reforms had enabled the inmates to know their rights and obligations unlike previously. This was indicated by 65% of the respondents

The study therefore concluded that there was increase of indiscipline cases in the reform period and acts of indiscipline are unique. The study made several recommendations based on findings of the study which included factors responsible for increase of indiscipline must be eradicated e.g. congestion. The backlog of inmates pending cases in courts should also be concluded as soon as possible.

CHAPTER ONE

INTRODUCTION

1.1 Background of the study

Punishment of offenders has evolved from the harsh and degrading system of medieval times to the imprisonment term known today. For instance according to Mushanga T. (1976:160), death penalty is the harshest and most degrading punishment in the human history. This form of punishment which is the intentional infliction of death on an offender by the authorities as a punishment measure has existed from time immemorial in almost all societies, though the mode of its execution has varied .For instance, in the case of Jesus Christ, it was crucifixion, in other societies either drowning in water, stoning to death, burning alive, boiling, shooting, hanging, electrocution or lethal injection has been in use. Another form of oppressive, cruel, inhuman and degrading form of punishment in human history is corporal punishment which involves the infliction of psychological and or physical pain on an offender. Because these forms of punishment were considered cruel and backward, coupled with the fact that despite being too harsh they failed to deter criminal activities imprisonment and other forms of non-custodial punishment came into being.

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

However because the original prison conditions were punitive; overcrowded, and different types of offenders were mixed together, efforts to change them emerged. For instance, the modern era prison system originated from the work of Jeremy Bentham who developed the panopticon as an effective means of ensuring surveillance on offenders. (Bohm and Helley 1996)

Sociologists articulate that the purposes of imprisonment are several, they include the protection of the society by putting convicted offenders behind bars; this protects the society at least for the

duration of time a criminal is locked up. Imprisonment is also a retributive measure which at the same time aims to reform and rehabilitate the prisoners. Haralombos and Holborne (2007:560) opine that imprisonment is also meant for punishing the offenders by denying them the right to some liberties.

However as concerns the reformation and rehabilitation function, it is difficult to be achieved in an environment where the inmates are undisciplined. In addition to discipline, the positive school of criminology posit that for reformation and rehabilitation to take place, the inmates must be contained in a humane environment that can inspire change because criminality, they argue is as a result of social, biological, psychological or economic forces that may be beyond the control of the individual offenders (Freda A. et. al 1995: 72-101). This position has occasioned the efforts to improve the prison conditions; thus prison reforms.

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

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

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

The interventions introduced in the world penal institutions including African countries are, in opening up prisons through open door policy; Enhanced provision of infrastructure, such as housing, clothing and beddings, reviewing of penal laws, rehabilitation programs in social and spiritual counseling, formal education, vocational training, recreational activities and using alternative means to imprisonment to reduce prison overcrowding (KNCHR, 2005; PRI, 2001), The open prison, the so-called 'prison without bars', is a later development in the prison system—largely a creation of the last forty years. The reason for this is fairly clear. Prisons role of containing criminals and securely confining them is not succeeding hence an emergence of other aims for imprisonment, such as deterrence and rehabilitation. This is a paradigm shift from a securely confining and containing function of the prison to a transparent, accessible, all inclusive and participative imprisonment approach is meant to make the prisons change people. (Cressey 1961)

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

Another desire to reform the prisons is based on the arguments that man is sent to prison as a punishment and not for punishment (Sir Alexander Paterson 1922-1947), This scholar tried to set limits to the role of retribution in prisons, and make room for what he called training. Nevertheless he had some doubts about the possibility of achieving anything effective within the framework of the conventional closed prison. Hence his second famous aphorism: 'You cannot train a man for freedom under conditions of captivity', which led to the establishment of the first open British prison in 1933, New Hall Camp, as a satellite of Wakefield prison (Fox, 1952).

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

1.2 Problem statement

In Kenya, the prison system as it is known today was established by the colonial government since the legal system of the pre-colonial African societies did not have a prisons set up. The most severe form of punishment in African societies in rare occasions was death, however corporal punishment was common (KHRC 1996).

The harsh prison conditions in developing countries like Kenya that has necessitated prison reforms such as overcrowding and congestion, poor diet, degrading clothing and beddings, lack of clean water, poor sanitation, infectious diseases, homosexuality, and drug abuse (Omboto 2010) can be attributed to several factors. Historians for instance, explain that the colonial government established and maintained prisons in their poor state because the prisoners were Africans, particularly the rebels such as the MAU MAU who had put up militant resistance to the white rule. This in Kenya necessitated the declaration of state of emergency in 1952 which led to arise in the number of prisoners to about 24,000 who were confined in 39 camps, the then prison institution (KHRC 2002). Because the junior prison warders were also the local Africans, their terms and conditions of work was not a priority to the colonialists.

Arguments about poor funding of prisons department in Kenya by the post colonial governments have been used to explain the current harsh prison conditions for both the inmates and prison staff. The government, it argued, have so many other pressing responsibilities such as provision of education, health care, infrastructure etc towards the law abiding citizens to worry about convicted criminals. This position can be explained by “the less – eligibility principle” a position that prisoners should receive no government service or programme for free that is of superior quality to the services or programmes available to the law abiding citizens (Bohn R. M et. al 1996: 347)

However, Kenyan government efforts towards improving prison conditions began in earnest in the year 2001 with the open door policy started under the reign of the then Commissioner of Prisons Abraham Kamakil. The speed of these reforms accelerated when the NARC government came to power with Moody Awori as the vice president and minister for Home Affairs. He expressed the government's commitment to the improvement of prisons conditions (KPS 2005).

Despite the many positive effects of these reforms, an observation was made that the inmates abuse prison reforms making the level of indiscipline to rise. For instance, commenting on discipline deterioration among prisoners, the then Western Province Prisons Boss was quoted in the local media to have observed that "Inmates Abuse prison reforms, the comforts making the level of indiscipline to rise in prison institutions"-The East Africa standard newspaper of 29/1/2004. Several cases of the inmates' indiscipline such as strikes and vandalism have also been reported by the media houses, and GOK (2008) which reported that prisoners smoke rolled bang substances in some prison institutions.

These prison reforms in Kenya have ensured improvement of conditions in prison institutions and the lives of the prisons community in general. The first impact of these reforms was the elimination of corporal punishment and other state perpetuated torture to inmates. The reforms have seen the living conditions of inmates improved. For instance since 2004 several prisons have been built and the existing ones expanded to accommodate the rising number of inmates to ease congestion.

The inmates needs have also been improved with hitherto unprovided meals such as rice now in the prisoners' menu, as sugar and cooking oil a daily ingredient in the inmates' diet. Prisoners' Commissary is now a feature in several prison institutions thus the inmates can access fruits, milk and other luxurias food stuff such as mandazi that are not provided by the state. The medical care has also been improved, the prison hospitals are stocked with medicines, and ambulances are at standby for emergencies. Transportation of the inmates has equally been improved from the infamous prison Lorries to the comfortable buses (KPS 2005)

The Kenya prison service has also displayed a commitment in enhancing human rights. For example legal and human rights units have been established in prisons (GOK 2009). Paralegals

are these days allowed to operate within prison institutions where they educate the inmates on their rights and how they can conduct their cases in the courts.

Games have also been introduced in prisons to help the inmates keep fit and for recreation purposes, and for their spiritual well being, the inmates are encouraged to practice their faith. Education to prisoners has been expanded and improved, this has seen several inmates excel in the national examinations; computers have also been bought for use by the inmates. Radios and Televisions provided to the inmates have at the same time enhanced their access to information, and entertainment.

However though this study does not portray the current reform initiated prison conditions as perfect, they are far much better than the previous conditions. Through the open door policy the inmates now have access to, and can express themselves to the administrators, policy makers, donors and the press (KPS 2005). However these improvements have brought in some challenges that never existed before. For instance prisoners have smuggled mobile phones and computers into prison institutions which they use to threaten, con and extort money from members of the public (GOK 2008, KNCHR 2010, the Standard Newspaper June 17th 2009) this behavior by inmates negates on the crime preventive role of imprisonment which justify imprisonment as a measure for preventing incarcerated offenders from committing more crimes thus protecting the society (GOK 2004).

Though the reforms have several positive impacts, it has been observed that unlike during the pre-reform era, acts of indiscipline by the inmates has increased and are now common news items. Such acts include but not limited to prisoners' protests, strikes, boycotts and vandalism. For example at Lang'ata women prison the inmates who on 16/11/2010 were protesting against a search for contrabands in their cells destroyed prisons properties and assaulted prison officers (Daily Nation Newspaper 17/11/2010), at Nairobi Remand Prison where this study was conducted, on 22/12/2003 the inmates went on protest against the mention of their cases at the prison (Daily Nation 23/12/2003) while on July 31st 2011 at Eldoret GK Prison the inmates pelted prison officers with faeces to keep them away from conducting a random check on their cells (Sunday Nation 31/7/2011). The most recent case of indiscipline was witnessed at Thika prisons where prisoners who were protesting a search that led to recovery of contrabands in the

capital remandees' block vandalized cells, block windowpanes and at least one door to the cells was on the verge of falling. (The Standard 26/8/2011)

This study investigated if these acts of indiscipline by inmates are influenced in any way by the on- going prison reforms. The study established the extent to which these cases of indiscipline at Nairobi Remand Prison and other prison institutions are attributed to prison reforms. The level of inmates' compliance to prison rules and regulations was also investigated; the study also established how prison reforms have affected the inmates' perception of discipline. The researcher established that the inmates were not prepared for the prison reforms before implementation. He also established the manifestations of inmates discipline in prison as well as how prison reforms have affected the relationship between the inmates and the prison officers, and the inmates' attitude towards prison rules and regulations.

1.3 Research Questions

The study was guided by the following questions

- i) What is the extent of inmates' compliance to prison rules and regulations?
- ii) How has prison reforms affected the inmates perception of discipline and their relation with prison officers?
- iii) To what extent were the inmates prepared for the prison reforms before implementation?
- iv) Which manifestations affect inmates' discipline in prison?

1.4 Objectives of the study

1.4.1 The main objective

The main objective was to find out the effects of prisons reforms on inmate's discipline.

1.4.2 Specific objectives

The specific objectives of this study were:

- i) To establish the extent of inmates' compliance to prison rules and regulations.
- ii) To establish how prison reforms have affected the inmates' perception of discipline and their relation with prison officers.
- iii) To establish the extent of inmates preparation for the prison reforms before implementation.
- iv) To establish manifestations of inmates' discipline in prison.

1.5 Justification of the study

This study contributes to knowledge by generating and documenting information about prison administration and reforms in Kenya particularly on how prison reforms have affected inmates' discipline.

The study is also helpful to the government and specifically the prisons department on the maintenance of discipline in prison institutions as a tool for effective administration, and peaceful co-existence between the inmates themselves, and the prisons staff.

The study has revealed weaknesses in the implementation of prison reforms that cause inmates' infractions, indiscipline, and the fracas between the inmates and staff thus is of great value to the prison policy formulators.

1.6 Scope and limitations

The study sought to examine the effects of prison reforms on inmates discipline in Kenya. It looked into the cases of indiscipline among both convicted and unconvicted prisoners (remand prisoners) at the Nairobi remand prison. The frequency of indiscipline cases among the inmates before the advent of reforms (1995 – 2000) and after the implementation of prison reforms (2006 – 2011) were compared.

The kinds of indiscipline case during these two different periods of time were also investigated. The study established the extent of inmates' compliance to prison rules and regulation. It also sought to know whether inmates were prepared for reform, perception of discipline and their relation with officers. However, for effective discipline to take place both the inmates and officers must play their role.

The limitation of this study therefore is that it did not investigate extent of prison officers compliance to rules and regulation or whether they were adequately prepared to undertake prison reforms.

1.7 Definition of terms

Compliance – Is the state of prisoner obeying the laid down rules and regulations.

Manifestations – This are statements which show clearly the existence of the issue being studied

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

Inmate discipline- A situation whereby the inmates obey prison rules, regulations and orders

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.0 Introduction

The purpose of this literature review and theoretical framework was to set the study subject in a broader context through investigation of relevant literatures, other studies and theories. It covered in detail the preparation of individuals for change/reforms, inmates' compliance to prison rules and regulations, the factors that influence inmates' indiscipline, inmates' indiscipline in other countries, staff –prisoners' relationship, the Kenya prisons service policy statement, prison reforms in Kenya, and the prisons' act and standing orders on inmates' discipline. The theories used in the study are social learning theory, rational choice theory and social control theory.

2.1 Inmates' compliance to prison rules and regulations.

2.1.1 Inmates' indiscipline in other countries

Inmates' indiscipline is a global phenomenon, for instance in United Kingdom rioting Ford Open Prison inmates caused heavy damage to a low-security prison in 2010, smashing windows and setting fires that engulfed buildings and spewed clouds of black smoke. Mark Freeman, deputy general secretary of the Prison Officers Association, said the riot started after some prisoners refused to take breath tests. At the time, only two prison officers and four support staff were on duty, a large amount of alcohol had been found at the prison. Prison officers were threatened and had to remove themselves to a place of safety and specialist officers were called in to handle the riot.

In another incident at Maryborough Correctional Centre it was reported that discipline changes gave prisoners 'upper hand' leading to outbreak of crime at this one of Queensland's highest-security jails. The Courier-Mail revealed that since changes to the disciplinary process were implemented across Queensland incidences of inmates indiscipline had risen. In one incident male inmates allegedly assaulted a female prison nurse. The nurse suffered facial injuries, including two black eyes, when a prisoner serving an indefinite sentence for attempted murder

allegedly attacked her with a bottle (shortenk@qnp.newsltd.com.au, accessed on 25th August 2011)

In another alarming incident at the same prison two inmates had been seen on CCTV "shooting up" (injecting drugs intravenously) in a prison laundry. The Queensland Public Sector Union and prison staff blamed the rise in incidents on prison reforms for instance changes on disciplinary procedures. Before the change, hearings for inmates who committed offences were conducted by correctional supervisors at any time of the day or night, but the reforms stipulated that they be heard by a manager during office hours (shortenk@qnp.newsltd.com.au, accessed on 25th August 2011).



Maryborough Correctional Centre where prison officers were assaulted. Source: The Courier-Mail

2.1.2 Inmates indiscipline in Kenya

Despite the fact that the above government's documents that regulate the inmates stay in prison outlaw all kinds of indiscipline by inmates, the cases are still rife in prison institutions in Kenya. For instance, an observation was made that the inmates abuse prison reforms making the level of

indiscipline to rise. Commenting on discipline deterioration among prisoners, the then Western Province Prisons Boss was quoted in the local media to have observed that “Inmates Abuse prison reforms, the comforts making the level of indiscipline to rise in prison institutions”-The East Africa standard newspaper of 29/1/2004. Several cases of the inmates’ indiscipline such as strikes and vandalism have also been reported by the media houses, and GOK (2008) which reported that prisoners smoke rolled bang substances in some prison institutions.

The common indiscipline acts include but not limited to prisoners’ protests, strikes, boycotts and vandalism. For example at Lang’ata women prison the inmates on 16/11/2010 destroyed prisons properties and assaulted prison officers when they were protesting against a search for contrabands in their cells (Daily Nation Newspaper 17/11/2010) while at Nairobi Remand Prison where this study was conducted, on 22/12/2003 the inmates went on protest against the mention of their cases at the prison (Daily Nation 23/12/2003)



A seriously injured prison officer; who was beaten up by Naivasha death row prisoners on 18/06/2003 is recuperating at Naivasha hospital after he lost twelve teeth and his lips badly damaged in the incident. It has been observed that the inmates abuse prison reforms making the level of discipline to deteriorate in prisons.

2.1.3 The Kenya Prisons' Act and Standing Orders on Inmates Discipline

Prisons Act Cap 90 and prisons standing orders provide strict regulations governing inmates discipline in Kenya prisons. For instance, Prisons Act Cap 90 part VI on discipline of prisoners outlaws minor offences and aggravated prison offences. Section 66 (a) to (n) outlaws disobeying orders of a prison officer or prison visitor, negligence and refusal to work, use of abusive language, insolent and threatening language, destruction of prison or personal property, having in his/her possession or cell unauthorized items or articles, making groundless complaints and creating disorder as minor prison offences which inmates must not commit.

The aggravated prison offences among prisoners outlawed by section 67(a) to (d) include mutinies or incitement, assault against a prison officer or prisoner, gross misconduct or insubordination.

Prisons standing orders empowers the officer in charge or a representative to confine a prisoner guilty of any of the above to a punishment cell for specific number of days. Other forms of punishments authorized by this document include loss of remission by the indisciplined prisoner and being put on punishment diet.

2.2 Inmate Perception of Discipline and Staff Relationship

2.2.1 Staff –Prisoners relationship; Dynamic security

While physical and procedural security arrangements are essential features of prison life, they are not of themselves sufficient. Security also depends on an alert staff who interact with prisoners, who have an awareness of what is going on in the prison and who make sure that prisoners are kept active in a positive way. This is often described as dynamics security.

In the United States, prisons based on the principles of dynamics security are sometimes known as direct supervision jails where there is regular contact between staff and prisoners, an alert guardian will be responsive to situations which are different from the norm and which may present a threat to security. Staff who engaged with prisoners in these ways will be able to prevent escapes more effectively by being aware of what is happening in the prison community before an incident occurs. The strengths of dynamic security are that it is likely to be proactive in a way which recognizes a threat to security at a very early stage. It will operate best where there is a professional and well trained staff. (Coyle, 2002)

One of the most important findings of the report produced by Lord Justice Wolf after a number of very serious riots in English prisons in 1990 was that the maintenance of a correct balance between security, control and justice is the key to an effectively managed prison.(Report of an inequity IWO prison Disturbances April 1990, 1991, her majesty's stationary office, London)

The importance of achieving and maintaining that balance between security, control and justice must be understood by all prison managers. It is quite wrong to suggest that treating prisoners with humanity and fairness will lead to a reduction in security or control. On the contrary the objectives of preventing escapes and ensuring control can best be achieved within a well ordered environment; which is safe for prisoners and staff. And in which all members of the prison community perceive that they are being treated with fairness and justice, also in which prisoners have the opportunity to participate in constructive activities and to prepare themselves for release (Coyle 2002 : 59).

2.3 Inmate Preparation for Change

2.3.1 Preparation of Individuals for Change/Reforms

According to the human resource management in organizations experts' people must be prepared for change. Such preparations include involvement in managing change and getting feedback from the people involved. On top of these, having the correct analysis and corrective action for the negative effects of the change based on the feedback provides a robust cycle change of change implementation.(<http://www.changemanagement.com> accessed on 20th August 2011)

The change management must also conduct an assessments of the need of change, this be done by the team leader this helps to evaluate the organization's readiness to change. Readiness assessments must take cognizance of culture and history the organization, the type of people in the organization e.g. the employees and other stake holders .The assessments will provide the insights into the challenges and opportunities the change may face during the implementation process or after.

To Schroeder S.D. (2009) the scope of the change assessment must include how it will affect the people and whether the change will be gradual, rapid or radical in its effects. The readiness of the

organization for change should equally be looked into plus the value- system and background of the members of the organization. The kind of change already going on and the possible type of resistance can be expected should also be established.

Assessment of the strengths the change management team is also quite vital for the success of the process and the final results to be predicted. The capability and the capacity of the change sponsors must also be evaluated and this should be the first steps to enable them to effectively lead the change process.

Training is the cornerstone for building knowledge about the change and the required skills. The change implementers should develop training requirements based on the skills, knowledge and behaviors necessary to implement the change. These training requirements will be the starting point for the training group or the management to develop training programs which should be comprehensive to the management process. (<http://www.changemanagement.com> 2011)

Communication is imperative in planning for change and in the change process; it enables the stakeholders to know what is required of them to effect the change and in the change process. What should be expected after the implementation of change must also be communicated to the all people involved as part of the ongoing and continuous improvement in change management for the organization; this ultimately leads to change competency. The afore-described preparations must have been considered before and or in prison reforms because change must involve the people concerned-it must not be imposed on them.

2.4 Manifestation of inmate discipline

2.4.1 Society and peer pressure

According to Durkheim: (1951) deviance is caused by limitless escalation of aspirations and ambitions in contemporary urban society. Merton: (1938) believed too, that certain groups in society, such as children of the poor and of racial and ethnic minorities, were barred from gaining wealth through legitimate channels of education and occupations. They therefore turn to deviance as an alternative illegitimate means. He also argues that anomie could be the normal

state of affairs for persons in certain segments of society when cultural goals like financial success are over emphasized and legitimate opportunities to achieve those goals are blocked.

O'Brien: (1969) observes that the causes of deviant behavior are mostly social, not physical and they involve complex feedback relationships between social and personal systems. He continues to say that, deviance has its highest incidence among people who are confronted by discrepant social norms, who occupy inconsistent positions in a variety of disassociated groups or who are lacking in social affiliations and socializing experiences. For instance the relationship that inmates establish in and out of prison contribute to their behavior. When individuals succumb to peer pressure they lose their self image and self respect and when they do not have the supportive systems to fall back to they end up engaging in inappropriate behavior (Wargreeves and Lacy: 1970). Peer isolation and reflection can also lead to behavioural and psychiatric problems and 'such problems are likely to find expression through indiscipline and violence (Ruttler: 1975). Hilton: (1973), notes that those who fail to conform to the norms of the wider group may find themselves labelled immoral, abnormal criminal or sick depending upon the context. One is socialized and acquires a self fulfilling prophecy and acts and behaves as per the characteristics of the labelled behaviour.

Burgess: (1996) says that deviance is caused by inappropriate socialization, for instance when the learning of deviant ways is not outweighed by the learning of non deviant behavior. This socialization is viewed as taking place within the context of primary group relations. He further argues that restricted opportunities for achieving legitimate goals, a feeling of stress and access to deviant mode of relief are all important background conditions for evolution of deviant patterns of behavior.

2.4.2 The Prison Conditions in Kenya

The prison conditions include the terms and working/living conditions for prison staff and inmates such as their salaries, training and other earnings, the stores as uniforms, blankets, soap and sanitary conditions, physical infrastructure such as staff housing prisoners' accommodation, congestion, transport, water and lighting, inmates overcrowding, Medicare, food provisions and handling practices among others. McArthur (1976), Dufee (1975), and Seashore et al (1976) and Mushanga (1976), Odegi (1993, 1994, 1996) and KNCHR (2005), blame the rise of crime and

failure of rehabilitation of offenders by prison officers on the shortcomings in the officers work and living environment since the two are inseparable.

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

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

Prisons which have limitations in their human resources component are bound to be ineffective. The problems of staff shortage, poorly or inadequately trained staff and poorly remunerated staff have negative implications on the performance of prisons. This is because prisoners and ex-prisoners will have limited access to prison rehabilitation services such as counselling and training, they will be equipped by officers with inadequate and/ or obsolete knowledge and skills while the prison officers may become frustrated, de-motivated and/ or de-moralized and engage in vices such as corruption and mistreatment of inmates.

The problem of inadequate financial resources would generally lead to scrappy rehabilitation programmes far from being effective in reforming offenders. Performance management also deals with employee development, prison officers have to have the capacity and competency

required to perform rehabilitation activities more effectively (Armstrong, 2001; Maquies, 1972; Hill & Egea 1967; Bateman & Zeithaml, 1996).

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

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

Factors contributing to congestion in Kenya prisons are several, they include the following:

Lack of cooperation within the administration of criminal justice system: There is a clear lack of coordination between the Departments of Police, the Office of the Attorney General, Kenya Prison Services, Prosecution, the Judiciary, Children's Department, Administration Police and Provincial Administration, Lawyers and civil society organizations that engage with the justice system. It is apparently that each organization operates oblivious of implications to the Kenya Prisons Service and Particularly Prisons Capacity.

Shortage of judicial and prosecution officers, frequent transfers of judicial officers without consideration to cases in progress, frequently missing court files and fewer court, inadequate facilities to contain convicts following population increase and rise in crime without

corresponding construction of prisons in the country are among the factors that make prison conditions worse.

Inability to pay fines in cases where offenders have the option; underutilization of alternative methods such as Community Service Order (CSO) to sentencing by courts and failure to utilize and / or take advantage of discretionary powers of the various criminal justice actors on release of prisoners. If courts made greater use of these provisions many petty offenders who populate and congest courts, prisons and remands would have been drastically reduced. For instance thousands of remandees wait for too long to have their cases listened to. As it was clearly articulated, the justice system is so clogged that remand prisoners must fight for early hearing dates with suspects who are out on bail or bond. In most cases the suspects on bail get priority dates over remand suspects. This state of affairs demoralizes remandees. It was also reported that it takes too long to process, hear and determine appeal cases.

Section 28 and 29 of the Constitution puts in place an Advisory Committee on the Prerogative of Mercy whose task is to advise the President concerning commuting of sentences of persons under death penalty. This is a crucial committee of which the Attorney General is a member needed to advise on the way forward considering the fact that since 1985 /1986 no executions have been done and may not be done in line with international practice. Yet prisoners on death row are in thousands and significantly contribute to the prison congestion currently experienced. The committee was informed that there were a total of 3481 inmates on death row with 360 awaiting execution and 3121 having pending appeals (Madoka 2008).

Due to these deplorable conditions of prisons prior to 2001, slow legal process and administration of justice, a defective Community Service Order (CSO), inadequacies, rehabilitation programmes, overcrowding, inhibited classification of prisoners, the department embarked on a major reform programme which led to a shift from the closed system to the Open Door Policy to foster the emerging trends in global correctional developments. This policy shift embraced strategies that involved participation of all stakeholders in the management of prisons. (GJLOS, Issue No. 1 / October 2005; McOdongo(2007).

2.4.3 The Kenya prisons service policy statement

Policy document outlines the goal and direction of the Kenya prisons services and provides a vision for which it shall contribute to the maintenance of a just, safe, secure and peaceful society. It reflects the obligation of the service to reflect the rule of law, create humane condition for offenders placed in prison custody, promotes inter-agency collaborations and the community. It inspires integrity both organizationally and individually. Most importantly it emphasizes integrity both organizationally and individually. Importantly it emphasizes that the primary role of prison is to prepare offenders for their integration as law abiding citizens.

The document is a broad vision that aims to guide the transformation of the service into modern correctional institution and inspire developments in this unique area. It focuses on the comprehensive reforms in the service, improvement in performance and setting up safe guards to ensure internal standards are observed. This framework is therefore meant to:

Reinforce the service mandate to contribute to the protections of society.

2.4.4 Prison reforms in Kenya

Actualization of the reform however has not been easy. It has continued to generate conflicts. For example there are members of public who perceive security as being compromised when prisoners are released from prison as way of decongesting them, not necessarily after effective rehabilitation. One of the purposes of imprisonment is deterrence that is punishment aimed at discouraging criminal from committing future crime. Although this method is seen as barbaric and inhuman, its supporters argue that having mercy on criminals by giving them “comfort” is encouraging them to continue offending (Republic of Kenya 2004). This trend will eventually lead to recidivism hence defeating the prisons administration mission of rehabilitation and reformation.

A number of prison administrations gather intelligence on planned breaches of control as security by using certain prisoners to give information anonymously about the other prisoners. This procedure has great dangers. If an informant is discovered, the other prisoners can vent their anger with extreme violence. Informants can give inaccurate information in order to victimize other prisoners or maintain their control over them. The very fact of the existence of an informant system or the suspicion of it creates a climate of tension, suspicion and violence in a

prison (Coyle, 2002). This poses a challenge to the administration to develop more trustworthy information about security and control issues.

In democratic societies the law underpins and protects the fundamental values of society. The most important of these is respect for the inherent dignity of all human beings, whatever their personal or status one of the greatest tasks of this respect for humanity lies in the way in which a society treats those who have broken or are accused of having broken the law. These are people who themselves may have shown a lack of respect for the dignity and rights of others (Coyle 2002). Kenya prison services have shown commitment in embracing human right principles for example in the establishment of legal and human rights units (Republic of Kenya 2009). Prison administrations have a special role on behalf of the rest of society in respecting prisoner's dignity, despite any crime they may have committed. The researchers concerns are how has been the response of both prison administration and prisoners over this soft approach brought about by human right principles.

As stipulated in the prisons Act 1977, the prisoner was expected to be oppressed and voiceless. However, with the open door policy prisoners are able to express themselves both to the administration, policy makers, potential donors, and to the members of the press (KPS, 2005). Openness and accountability has led to human rights principles adoption, provision of televisions and Newspapers. There are however concomitant challenges of smuggling contrabands, such as mobile phones and computers into prison. With rampant corruption and collusion among officers, inmates keep and operate mobile telephone sets with impunity (Republic of Kenya, 2008, KNCHR 2010). In the era of computer information technology, prisoners have been using cyber crime knowledge to defraud members of public and even to participate in criminal activities while in the prisons. Unsuspecting members of public are conned their money and others sent threatening messages. (The Standard Newspaper Wednesday June 17, 2009). If this trend continues unchecked it is likely to defeat the preventive goal of imprisonment. Preventive justification of imprisonment is that while the offender is away in prison, society will be protected from his/her criminal activities (Republic of Kenya, 2004).

Overcrowding may be the most pervasive problem in Kenya prisons. Practically, every prison holds at least two times as many prisoners as it should (KHRC, 1996). Discrepancy in occupancy

however between different prisons exists. Some are over stretched by 700% while others below. Urban prisons tend to have a higher occupancy rate than rural ones (Republic of Kenya, 2009). Overcrowding, heavily taxes physical resources causing serious deterioration of the facilities. It greatly multiplies the risk of infectious diseases, especially contagious ones. The spectre of a deadly epidemic always looms especially as overcrowding affects sanitary facilities more than any other. The grime picture is completed by the humiliating loss of privacy suffered in overcrowded conditions which leaves individual psychologically deflated and traumatized. If this situation is not checked it can kill key goals and ideals of reforms (KHRC, 1996).

The revelation from some warders that promotions in Kenya prisons have nothing to do with merit, but depend on personal background and good connections with superiors is worrying (KHRC, 1996). Though the guidelines for promotion are very clear and procedure straight forward, the process is abused and manipulated by those in power to shocking levels. Prison officers complain that promotions are done on ethnic basis, nepotism, politics and corruption amongst other considerations (Madoka, 2008). This can cause low self esteem leading to lack of staff motivation. Motivation is the desire to achieve beyond expectations, being driven by internal rather than external factors, and to be involved in a continuous striving for improvement (Torrington et al 2005). Human beings are motivated by needs which can be categorized in five broad categories namely; physiological, safety and social needs are referred to as lower order or deficiency needs because their absence make individuals deficient as existence human being is threatened (Cole 2002). Self esteem and actualization needs are referred to as a higher order or growth needs as they make an individual better at doing what they are expected to do. Failure to motivate prison officers can make them unable to fulfill their obligations and end up perpetuating crime such as smuggling contrabands into prisons. This makes officers a liability than an asset to administration and the reforms.

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

In most of the prisons in Kenya, the housing situation is still wanting, warders still live in absolutely inhumane conditions while convicts live in far much better conditions. Such areas include Lodwar and Wajir, (Mugambi, 2008; KNCHR, 2005). The government attempted to address the problem of overcrowding through the implementation of CSO as the sentencing policy for petty offenders and by periodically releasing prisoners through the presidential pardon. For instance, a total of 6,946 petty offenders were pardoned in 2004 (Daily Nation, 13th Dec 2004).

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

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

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

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

2.4.5 Causes of indiscipline

Life in prison was meant to deter people from committing crime as prisons ensure isolation from the public, the institutions are characterized by enforcement of rigid discipline provision of bare necessities, strict security arrangements and monotonous routine life (Paranjape 2005:364).

Life in prison therefore in most cases imposes restrictions on the inmates liberty against their will, this often makes the inmates' to be unwilling to comply with the prison rules and regulations; this in the end leads to various acts of indiscipline among inmates such as fights and scuffle between the inmates themselves, and the inmates and prison officers, breaking of prison rules, prison riots, among others.

Other causes of indiscipline among the inmates arise from complaints about poor and inadequate diet, sanitations and prisoners health provisions. Prisoners are indeed aware that it is the duty of the state to provide for them thus where this is not met it becomes a source of disquiet.

Compliance to prison rules and regulations by the inmates is also interfered with by the inmates' unmet sexual urge. The long absence from the normal society and the detachment from spouses and lovers deny the inmates sexual gratification which is a vital biological urge of all normal adult humans. Because they fail to control this sex desire, the inmates due to lack of conjugal visits resort to homosexuality and sodomy inside the prison walls, these can be by force or consented.

Another factor that negates on compliance to prison rules and regulations by inmates is the desire by the individual inmates to establish his or her superiority over other fellow inmates, because

they feel more superior; prisoners who committed capital offences look down on petty offenders. Another factor that make inmates to disobey prison rules and regulations include but not limited to mistrust and lack of faith on prison authorities whom they consider to be rough and tough with them. The top prison management do also resort to corrupt practices and often extend undue favours to some inmates in exchange for bribes, this causes resentment among other prisoners thus a kind of cold war between the inmates and prisons staff (Paranjape 2005:367)

Congestion and overcrowding is another factor that has led to indiscipline among prisoners in penal institutions across world, for instance in the United States of America where enormous prison overcrowding over the last two decades contributed significantly to the increase in prisoner's rights litigation. By 1992 the populations of institutions in 29 states exceeded the institutions capacity. All jurisdictions were nearing their breaking points. The National prison project of American Civil Liberties Union reported that as at January 1, 1992, forty states, including the District of Columbia, Puerto Rico, and the Virgin Island were under some form of court order to reduce prison populations (National Prison project, corrections Digest, 1992).

The introduction of prisoners self governance is another cause of prisoners' indiscipline. It has been observed that for instance in India, due to lack of general moral discipline among criminals, majority of whom are illiterate and from the lower class of the society when allowed to govern themselves conflict arises between them (Paranjape 2005:367)

In non-open prisons, where remand prisoners and capital offenders are not allowed to work but idle in their cells, it has been observed that conflict among inmates become common. This is unlike in open prisons where inmates go out to work in the forests, government institutions, agricultural farms, hospitals and construction sites.

According to Colvin (2000), coercion can also cause indiscipline among inmates. It exists in two types; one is direct coercion which involves the use of force, threats and intimidation, and or the removal or threatened removal of material and emotional supports. A prominent example of direct coercion is being victimized physically this involves being beaten up or threatened with beatings and or materially; being denied material needs for instance by having his or her materials or items stolen.

The second type is indirect coercion which involves witnessing others being victimized and living in what is perceived as a threatening environment, in which fear and intimidation become prevailing aspects of life. Colvin (2000; 50), explains that coercion creates a set of social psychological deficits which results into psychological distress that would make indiscipline to rise in prison institutions. Coercion the scholar asserts is a prominent form of negative stimuli that produce negative psychological and behavioral outcomes particularly in prisons because prisons are settings in which coercion may become a prominent feature. On top of this, victimization and perceptions of a threatening prison environment produced by perceived coercive actions of both inmates and correctional officers are experienced to varying degrees by the inmates.

Steiner B (2008:12-16), postulate that the traditional explanations of prison indiscipline include deprivations suffered by inmates as a result of incarceration, such as lose of autonomy, freedom of movement, access to goods and services, heterosexual relationships among others. He concurs with (Paranjape 2005:364) that other than deprivations, another source of disorder among inmates is differences that arise between them.

2.5 Theoretical Framework

All empirical studies should be grounded in theory (Singleton et al 1988: 40). A theory is a body of knowledge that attempt to explain a given social reality. It is a way of making sense of disturbing situation. It specifies the relationship between variables with the purpose of explaining the problem in question.

2.5.1 Rational choice theory

Rational choice theory states that man is by nature a rational person and makes his decisions after weighing all the consequences. Actors are rational in that they are purposive and intentional (Ritzer, 1996). In making choices people face risk and uncertainty. They have to choose between alternative potential benefits and are always faced with dilemma of choice (Health 1976)

Patterns in behaviour are a reflection of the individuals needs to maximize benefits and minimize costs. An assumption made under this theory is that an individual has full information to guide him in making this choice. Another assumption is that the individual has cognitive ability and time to weigh the options.

The decision by inmates to commit indiscipline acts or to abide by the prison rules and regulations is made after weighing the potential benefits and risks that the choice carries. The prison reforms aims to improve inmate reformation and rehabilitation which will make them to be law abiding citizens on release. Thus the reforms strive to put in place an approach of inducing the prisoner through a friendly admonition and encouragement, by relieving emotional tension, stimulating the inmates self respect and ambition, by establishing a professional relationship with them, by encouraging them to have insight into the basis of their maladjustment (Sutherland 1970). These are very noble goals however, inmates being rational beings, would be tempted to make a rational choice whether to be obedient in prison or not depending on their considered gain.

2.5.2 Social Learning Theory

This theory was developed by Albert Bandura (Zanden Vander J.W. 1987; 120). It postulates that behaviour, bad or good is learnt through observation and imitation. This implies that the inmates in prison custody can learn from each other to be indiscipline. They might also have learnt the indiscipline behaviours from friends and relatives before imprisonment.

It suggests that a combination of environment and psychological factors influence behaviours. There are three requirements for this theory to work. Socialization of people begins right from infancy and the role parents and the immediate family of infants is witnessed in early child care and development.

This theory assumes that when a role model to an individual is not law abiding, then there is a high likelihood that s/he will be just that. This begins with observation and imitation of specific behaviours, followed by social reinforcements such as encouragement to get into behaviours that are unlawful; this may apply to the inmates before their incarceration and can also apply to them while in prison custody.

Learning theory suggest that specific human behaviours are learned or forgotten as a result of the rewards or punishment associated with them. Watson argued that human behaviour and personalities are completely flexible and can be shaped in any direction. Social learning researchers such as B.F. Skinner continue emphasizing that behaviour that is rewarded gets reinforced because the action and the reward are associated together. Rewards are much more effective conditioners than punishments.

The development of social learning theory continued with psychologists who argued that people learn through observation, even if they are not always rewarded. Observational learning is more likely to occur in some situations than others. For example the inmates are more likely to imitate the behaviour of people that they think are prestigious (Persell 1987).

2.5.3 Social Control Theory

Social Control Theory was developed by French sociologist Emile Durkheim who explained that anomie; a state of lawlessness causes social disintegration that may lead individuals to commit suicide. (Williams K.S. 2001:343).Latter sociologists have used this theory to explain why people deviate from the laws of their society, and the rules and regulations of organizations.

According to Adler. F.et.al (1995; 171), Social Control Theory postulate that people break the rules and regulations of their society or organization when they have not developed attachments to the society or the organization. Further, Williams K.S. (2001; 377-378) explains that the extent of an individual's social bond in his or her society for instance, attachment to other people determines, his or her propensity to be disobedient. In this case an inmate with a wife and children, parents and other dependants will refrain from being indisciplin for fear of getting more charges or losing remission thus extending his/her stay in jail to the suffering of dependants. This theory also explains that the extent of one's social and self-control will dictate whether she will break the laws and regulations or not. Self-control refers to an individual's ability to resist breaking rules. Low social and self-control lead to breaking of rules and regulations, and vice versa. Social control is also about the belief in the moral validity of rules, commitment to achievement of society's or organization's goals, and involvement in conventional activities of the society or organization where the individual belongs. Control

theory also explains that self-regulation or control will restrain an individual from going against the norms of his or her own organization, or the laws of his or her society.

Siegel L.J. (1983; 198) explains that commitment to conformity refers to a real, present and logical reason to obey the rules of the society or organization. For instance, a prisoner may feel that breaking the rules of prison will deny him/her the chances for early release due to loss of remission.

This theory argues that involvement in conventional activities of the society or organization leaves little time for illegal behaviour. It is believed that involvement insulates a person from the potential lure of bad behaviour, while idleness enhances it; this implies that inmates who are adequately involved in the achievement of the goals of their incarceration will not be indisciplined.

2.6 Conceptual Framework

The conceptualization of this study led to an understanding of the problem of inmates' indiscipline within the prison institutions in Kenya. The researcher aimed to establish the effects of reforms on inmates, indiscipline in prison institutions.

This study postulated that reformation and rehabilitation of prisoners can not be achieved when they are indisciplined. According to Haralambos and Holborn (2007; 560) imprisonment serves a variety of functions, for example in an ideal situation putting an offender in prison incapacitates him/her from committing more crime by removing him/her from the society, and this is not the case where they can still commit crimes by use of gadgets such as mobile phones due to indiscipline.

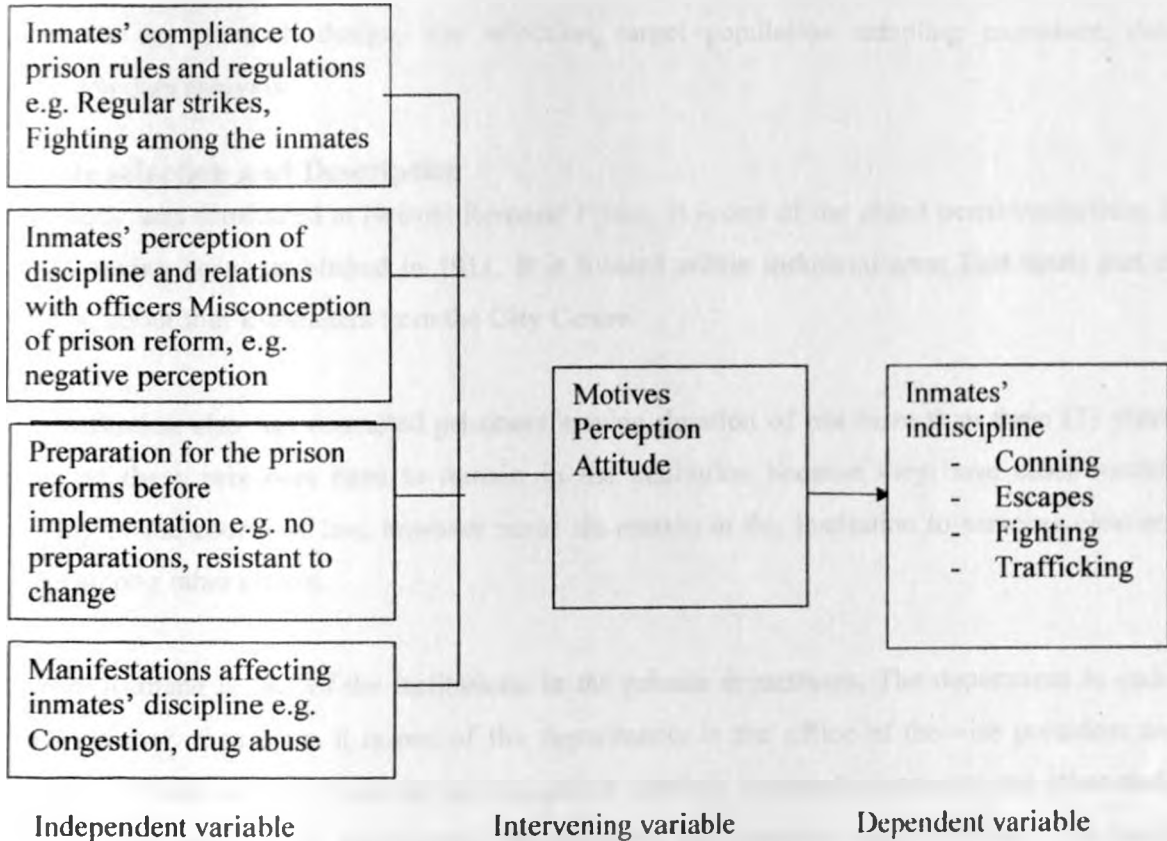
The societal effect of inmates' indiscipline in prisons include negative interference with the reformation of inmates which has a multiplier effect because it leads to recidivism as the offenders leave prisons unreformed, this will further result into overcrowding in penal institutions as released offenders are rearrested.

The factors that influence inmates' indiscipline in prison include but not limited to the rewards and punishments that they get for discipline and indiscipline respectively. For prisoners, such rewards are promotion to special stage and remission on their sentences among others.

2.7 The Conceptual Model

The model below explains the effects of prison reforms on inmates' discipline, and the impacts of inmates' indiscipline on prison institutions and the society at large.

Figure 1 Conceptual Model



Source: Author, (2011)

The independent variable were the inmates' compliance to prison rules and regulations, inmates perception of discipline and relations with officers, preparation for the prisons reforms and the manifestations of inmates' discipline and the dependent variable was inmates' discipline.

The inmates preparation to reforms has led to intervening variable which included motives, perception and attitude, thus influenced the dependent variable which was inmates discipline. If inmates were adequately prepared for the reforms then they would understand motives of prison reforms' new approach and thus few cases of indiscipline. Manifestation of discipline such as congestion, drug abuse, pending cases in court creates negative motives, perception and attitude which if not eliminated would bring inmate indiscipline.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter discusses the methods the researcher uses to generate the data. The chapter highlights the research design, site selection, target population sampling procedure, data collection data analysis.

3.2 Site selection and Description

This study was conducted at Nairobi Remand Prison; it is one of the oldest penal institutions in Kenya having been established in 1911. It is located within industrial area; East lands part of Nairobi, about four kilometers from the City Centre.

The institution also has convicted prisoners serving duration of not more than three (3) years. Some of these prisoners have to remain in the institution because they have other matters pending in the courts of law, however some do remain in the institution to serve as cleaners, cooks among other chores.

Nairobi Remand is one of the institutions in the prisons department. The department is under commissioner of prisons. It is one of the departments in the office of the vice president and ministry of home affairs. There are several prison warders, corporals, sergeants and other ranks who together take care of the inmates' rehabilitation and custodial responsibilities. The health needs are offered by trained civilian staffs while there are also spiritual leaders and social welfare officers for the spiritual welfare of both the staff and inmates.

On the administrative issues pertaining to the institution, through the officer in charge at times report directly to the commissioner of prisons (cp) on matters that are either too urgent or confidential, this is normally done through the provincial prisons commander.

The deputy officer in charge does take over when the officer in charge is out of the institution and on a daily basis get delegated duties from him. Under the deputy officer in charge is the security officer who is a chief officer I. He is in charge of all security matters and disciplinary

issues of the staff and inmates. He works in liaison with the officer in charge and the deputy officer in charge. He also performs any other duty delegated by the officer in charge.

Under the security officer are the duty officers and the documentation officer. The duty officers are chief officers I and II (CO I's & CO II's) who are in charge of supervision and allocation of duties. The duty officers man the duty office in shifts and they consult with the officer in charge on a daily basis. The documentation officer authenticates the documents used for prisoners' admission, admits and discharges prisoners. He also takes charge of prisoners' properties. Under the duty officer is the senior sergeant in charge discipline who is in charge of junior officers' and inmates disciplinary matters, he works closely with the officer in charge to whom he reports daily.

Under the senior sergeant of discipline are other senior sergeants or sergeants in charge of shifts, the prison work is done on four (4) shifts; the main shift begin at 7.00 am -5.00 pm, early shift begins 06.30 am-1.00 pm, late shift 1.00 pm-6.30 pm and night shift 6.30 pm-6.30 am. The shifts in charges are deputized by sergeants and corporals.

This institution was selected because it is one of the largest prison institutions in Kenya. It also contains both remandees and prisoners on both minor and capital offences whose indiscipline cases have been reported in the press. The site is also accessible to the researcher who resides in Nairobi.

3.3 Research design

The research adopted descriptive type of design. This method was appropriate as the researcher went to the population of interest and they described the effects of reform on inmates' discipline.

3.4 Target Population

According to Mugenda and Mugenda (2003) target population is the set of individuals, cases or objects with some common characteristics, from which a researcher wants to generalize the results of the study. The target population of the study was made of Inmates and prison officers at the Nairobi remand prison. There were 2407 inmates and 810 prison officers. However the study targeted those inmates and prison officers who have been in prison during pre-reform and

post-reform period. Therefore there were 300 prison officers who have worked and 400 inmates who have been in jail during the period.

3.5 Unit of analysis

According to Mugenda and Mugenda (2003:4) units of analysis are units that are designed for the purpose of aggregating their characteristics in order to describe some larger group or abstract phenomenon. Nachmias and Nachmias (1996:53) describe the units of analysis as the most elementary part of the phenomenon to be studied. To Singleton et. al (1988; 69) they are “what or whom to be analyzed”. In this study therefore, the units of analysis were the prison institution before and after reforms. The researcher also analyzed the inmates and staff members’ accounts on inmates’ indiscipline during these two periods.

3.6 Sampling Procedure

From the 300 population of prison staff and 400 inmates, a sample of 30 prison officers was obtained and 40 inmates using simple random sampling. According to Uma, 1992, when 10% is drawn from the population, it is most likely that one is interested in investigating, are likewise distributed in the subject drawn from the sample. The simple random method has list bias and offers most reliability.

3.7 Data collection procedure

The study used both primary data and secondary data. Primary data was collected directly from the prisons staff and inmates through questionnaire and interview guide. Secondary data was randomly retrieved from the chief officers’ journal (prisons occurrence book) where on various dates and several entries on inmates’ indiscipline cases were made most of them during the reform period.

3.8 Methods and tools of data collection

The researcher used Quantitative method as the main method of data collection supplemented by Qualitative method. The quantitative method used were the questionnaires which were filled by the respondents, while the qualitative methods employed were direct observation and key informant interviews.

3.8.1 Key Informants’ interview

This method was used to explore the subject matter and helped to verify issues noted in the questionnaires, it ensured a detailed qualitative data. The key informants were two senior prison

officers at the institution, two prison warders with 23 and 18 years work experience, and two inmates who have been in the prison for 8 and 10 years.

3.8.2 Direct observation

According to Sjoberg .G and Nett. R (1968:160), the advantages of direct observation is that the researcher witnesses or experiences events or phenomena first hand and thus do not rely upon his/her interpretation of impressions of informants. The researcher observed the inmates discipline during this study at the institution. For instance on Thursday, 11th August, 2011 as the researcher was collecting back the questionnaires he encountered a case of indiscipline of two inmates who had fought being questioned in the duty office, they were latter taken to the police to record statements since one of them was seriously injured.

3.8.3 The use of Questionnaire

The researcher used both open and close-ended questions in one questionnaire. All the staff and the inmates selected for the study were subjected to the closed and open ended questions. The questionnaires were designed to cover the background of the respondents; their age, sex, level of education, marital status and detailed inmates' discipline related issues.

3.9 Data processing and analysis

The results were presented using descriptive statistics. The data was analyzed using statistical package for social sciences and presented in tables, pie chart and graphs. Interpretation was then made based on the frequencies and percentages.

3.10 Problems encountered

The study was constrained and therefore took over one and a half months to complete because the researcher was called up to take a development course at Prisons Staff Training College which compelled him to use only afternoon hours and Saturdays for the study. The study was further slowed down because a few illiterate inmates requested the researcher to take them through the questionnaire and fill them himself.

It was not possible to obtain the list of all staff and inmates to enable the researcher to effectively use simple random sampling method. It was also not possible to have all the inmates and the staff at the institution at the same time; this is because some were out to the courts and hospitals.

Finally, the staff and the inmates whom the study left out due to the probability sampling method employed, but were enthusiastic to participate in the study felt discriminated against because they do not understand the essence of this method.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

4.0 Introduction

The purpose of analysis is to summarize the completed observations in such a manner that they yield answers to the research questions in line with the main objective of the study, which in this study was to study the various aspects of how inmates' discipline has been affected by prison reforms. It is the purpose of interpretation to search for the broader meanings of those answers by linking them to other available knowledge (Seltz C.J. et al 1959). This chapter focuses on the findings of the study undertaken through various methods of data collection. The presentation and analysis of the data collected from the staff and inmates are as shown below. A total of 40 questionnaires were issued to inmates and 30 staff and the response rate was 100% successful.

4.1 Demographics characteristics of the respondents

The social demographic data of respondent were categorized from the age, marital status, staff year of service, inmates' period in prison and level of education.

4.1.1 Staff gender

The study sought to find out the gender of staff to determine whether they are affected by the indiscipline of the inmates. Out of the 30 respondents, 80% were male and 20% were females. This data show that majority of prison staff in this institution were male given that it is a male prison. This is illustrated on the table 4.1 below.

Table 4.1 staff gender

Gender	Frequency	percentage
Male	24	80
Female	6	20
Total	30	100

Source: Survey data, (2011)

4.1.2 Staff Educational level

The level of education is very important for the efficiency of staff in every organization. For rehabilitation of inmates to be effective the prisons department need skill and high level of education of workers. At Nairobi remand it was found that 10% had primary education, 50%

secondary, 30% colleges while 10% university level. This data show majority of prison staff had secondary education. This is illustrated on the table 4.2 below.

Table 4.2 Staff Education Level

Education Level	Frequency	Percentage
Primary	3	10
Secondary	15	50
College	9	30
University	3	10
TOTAL	30	100%

Source: Survey, (2011)

4.1.3 Inmates' Educational level

The level of education was important as it was used to determine whether they know their rights while in prison. The study found that 37.5% had primary education, 35% secondary, 17.5% colleges and 10% had university education. This illustrated in table 4.3 below

Table 4.3 Inmates' level of Education

Education Level	Frequency	Percentage
Primary	15	37.5%
Secondary	14	35%
College	7	17.5
University	4	10
None	0	
TOTAL	40	100%

Source, survey data (2011)

4.1.4 Age of the staff

Majority of the staff respondents were aged between 31-40 years, this was indicated by 40%, 27% were between 18-30 years, while 20% were aged between 41-50 years and 13% of the staff respondents were aged 50-60 years. This implies that a majority of prison staffs are in the most productive age bracket of 18-40 years at 67%. This data show that majority of respondent had worked during the pre and post reform periods. This illustrated in the table 4.4 below.

Table 4.4 Age of the staff

Age	Frequency	Percentage
18-30yrs	8	27
31-40yrs	12	40
41-50yrs	6	20
50yrs and above	4	13
Total	30	100

Source: survey data, (2011)

4.1.5 Age of the inmates

Majority of the inmates involved in the study were aged between 18-30 years at 42.5% followed by 31-40 years at 27.5% then 41-50 years at 20% and those above 50 years were 10%. This implies that the most productive people aged between 18-50 years required for the development of this nation are in prisons. This is illustrated on the table below.

Table 4.5: Inmates' age

Age of inmates	Frequency	Percentage
18-30 yrs	17	42.5%
31-40 yrs	11	27.5%
41-50 yrs	8	20%
51-60 yrs	4	10%
TOTAL	40	100%

Source, survey data (2011)

4.1.6 Distribution of inmates by marital status

On marital status the inmates, 37.5% were married, 35% single, 20% were divorced while 7.5% were widowed. This data show that majority of the inmate were single and divorced. This illustrated on the table 6 below.

Table 4.6 Inmates' Marital status

Marital Status	Frequency	Percentage
Married	15	37.5%
Single	14	35%
Divorced	8	20%
widowed	3	7.5%
TOTAL	40	100%

Source, survey data (2011)

4.2 Staff opinion on inmates' compliance to prison rules and regulations.

On compliance to prison rules and regulations, 55% of staff members indicated that the compliance was very poor, 37.5% indicated that the compliance is average while 7.5% said it was very good. This data indicated that majority of inmates do not comply with the prison rules and regulations and staff was not happy with the compliance of prisons rules and regulations. This is illustrated on the table below.

Table 4.7 Compliance to prison rules

Response	Frequency	Percentages
Very poor	22	55%
average	15	37.5%
Very good	3	7.5%
Total	40	100%

Source: Survey data, (2011)

Inmates perception of discipline the prison officers indicated during the personal interviews, key informants interviews and in the questionnaires that the reforms have made the inmates to demand and stand up for their rights, and to refuse to obey orders they consider "colonial and inappropriate."

The officers opine that inmates demand more freedom which is contrary to the government instruments governing prisons which have not been appealed to be in line with the new constitution. However the 37.5% who indicated that the compliance is average argued that the reforms have made the inmates compliance and perception of discipline better for fear of being

subjected to the cold punishment cells which is worst compared to the reform installed better conditions.

4.2.1 Inmates' opinion on compliance to prison rules and regulations.

The study sought to find compliance to prison rules and regulations, and inmates' perception on discipline. The study indicated that 20% said the perception of discipline was very poor, 17.5% average, while 7.5% indicated that the perception was very good and 15% did not respond. This data show that prisoners believe they are compliance to the prison rules and regulations. This is illustrated on the table below.

Table 4.8: Inmates on Inmates' Compliance to Rules and Regulations

Inmates opinion	Frequency	Percentages
Very poor	8	20%
Average	7	17.5%
Very good	19	47.5%
No response	6	15%
Total	40	100%

Source, Survey data (2011)

4.2.2 Cases of indiscipline before reform

Different months were randomly selected during the pre-reform era as recorded in the chief journal indicating indiscipline committed. From the records collected in the prison journal between 1995- 2000 there were three hundred incidences recorded. There were only forty cases of indiscipline which was indicated by 13.3%, while 86.7% were indicated as compliance incidents. This show that there were very minimal cases of indiscipline and this could be attributed to instant corporal punishment which were never documented but confirmed by respondents.

Table 4.9 Cases of indiscipline before reforms

1995 -2000	Frequency	Percentage
Indiscipline cases reported	40	13.3%
Compliance recorded	260	86.7%
Total	300	100%

Source, survey data (2011)

4.2.3 Cases of indiscipline during reforms period

From the chief officer journal, questionnaires and key informants cases of indiscipline increased during the time of reforms. The indiscipline was recorded on daily and was unique. Out of 300 occurrences reported 83.3% were indiscipline cases recorded while 16.7% were compliance occurrences. This could be attributed the abuse of prison reforms and soft approach to curb cases of indiscipline. This is illustrated by the table below.

Table 4.10 Cases of indiscipline during reform

2006-2011	Frequency	Percentage
Indiscipline reported	250	83.3%
Compliance recorded	50	16.7%
Total	300	100

Source, Survey data (2011)

4.2.4 Kinds of indiscipline cases before Reforms (1995 – 2000)

The table 4.11 shows that cases of indiscipline were few. Although there was variation of cases of indiscipline before prison reforms period, offence of possession of mobile phones was unheard of. This was attributed low / lack of mobile technology in the years before 2000. Cases of inmates fighting officers were non existence. This could be attributed to fear of severe punishments an inmate would face if he ever attempted. Sexual misbehaviors (3.3%) were the most committed indiscipline. This could be attributed to lack of heterosexual partner, a way of leisure, and a way of killing boredom.

Table 4.11 Kinds of indiscipline cases before reforms (1995 – 2000)

Kinds of indiscipline	Frequency	Percentage
Fights with officers	0	0%
Drug abuse	6	2%
Escapes	8	2.7%
Possession of mobile phones	0	0%
Fights with other inmates	3	1%
Destruction of property	3	1%
Incitement of other inmates	2	0.7%
Sexual misbehaviors like homosexuality	10	3.3%
Possession contrabands e.g. cigarettes, knives, cash,	5	1.7%
Stealing from other prisoners	3	1%
Not applicable (Compliance)	260	86.7%
Total	300	100

Source, Survey data (2011)

4.2.5 Kinds of indiscipline cases after reforms (2006 – 2011)

From the table 4.12 the researcher noted that incidences of inmates possession of mobile phones is the leading kind of indiscipline among inmates. It was recorded at 26.7%. This can be attributed to mobile technology in our society and collaboration with some dishonest prison officers who aid smuggling of these gadgets. This then leads to inmate continued behavior of conning unsuspecting members of public while in custody.

Drug abuse usage has increased in prison at 11.7 %. This can be attributed to prisoners resistance to search and also collaboration of some dishonest prison officers. Homosexuality is still a big problem at 8.3% which can be as a result of lack heterosexual partners. A facilitation of conjugal visitation can be a solution to this vice. It is very clear that compliance is very poor during reform era.

Table 4.12 Kinds of indiscipline cases after reforms (2006 – 2011)

Kinds of indiscipline	Frequency	Percentage
Fights with officers	5	1.7%
Drug abuse	35	11.7%
Escapes	20	6.7%
Possession of mobile phones	80	26.7%
Fights with other inmates	15	5%
Destruction of property	10	3.3%
Incitement of other inmates	10	3.3%
Sexual misbehaviors like homosexuality	25	8.3%
Possession contrabands e.g. cigarettes, knives, cash,	20	6.7%
Stealing from other prisoners	20	6.7%
Not applicable (compliance)	50	16.7%
Total	300	100

Source, Survey data (2011)

4.2.6 Awareness of measures taken by prison administration

Majority of inmates were aware of how prison administration deals with inmates' indiscipline.

This was indicated by 80% who said yes while 20% said No they were not aware.

4.2.7 Measures taken during reform period

During the reform period prisons department has shifted from corporal punishment to correctional services. The study found punishments awarded were 50% loss of remission, 30% penal diet, 10% corporal punishment and 10% stated confinement for seven days. This illustrated below.

Table 4.13. Measures taken

Measures taken by prison administration.	Frequency	Percentages
Penal diet	12	30
Loss of remission	20	50
Corporal punishment/torture	4	10
Confinement	4	10
Total	40	100

Source, Survey data (2011)

4.2.8 Other measures

Other measures included, 60% said that they were taken to court to be charged with the offences committed, 15% said they were transferred to other prisons, 15% were left to work in the prisons compound while 10% changed by prison rules. This illustrated on the table below,

Table 4.14 Other disciplinary measures

Other measures	Frequency	Percentages
Taken to court	24	60
Transferred to other prisons	6	15
Left to work in compound	6	15
Charged by prison rules	4	10
Total	40	100

Source, Survey data (2011)

4.2.9 Disciplinary measures before reforms

This study sought to find out the measures that prisons administration took in order to deal with indiscipline of inmates. The study indicated that 70% mentioned corporal punishment, 20% loss of remission and other 10% penal diet. This data indicates that prison administration had confidence with corporal punishment to maintain discipline. This is illustrated in the table below.

Table 4.15 Disciplinary measures

Measures taken by prison administration	Frequency	Percentages
Penal diet	4	10%
Loss of remission	8	20%
Corporal punishment/torture	28	70%
Confinement	-	0
TOTAL	40	100%

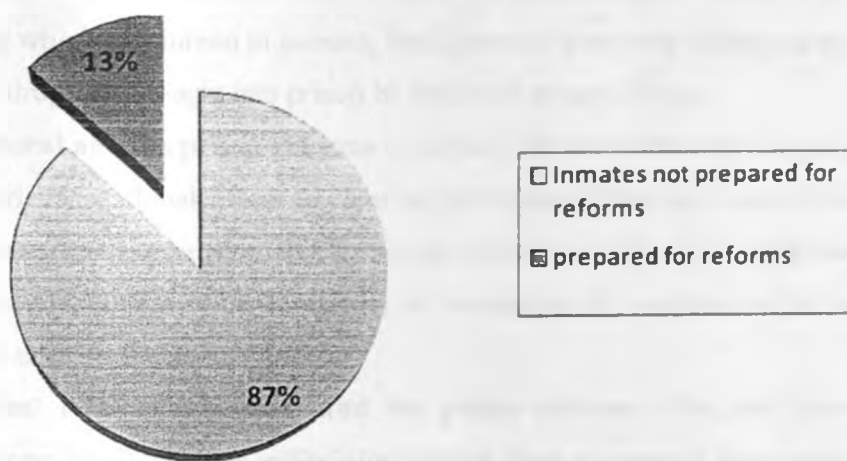
Source, Survey data (2011)

When the study sought whether there were any other measures, the inmates indicated that they were transferred to other stations and denied to write letters or get visitation from the families.

4.3 The staff on the inmates' preparation for the prison reforms

From the staff respondents, 87% indicated that the inmates were not prepared in any way for the reforms taking place in prisons while 13% indicated that the inmates were prepared for the reforms.

Figure 2: Staff on Inmates Preparation for Reforms



Source: Survey data, (2011)

4.4 The Inmates' opinion on preparation for the prison reforms

On the Inmates' preparation for the prison reforms, the study indicated that 32% the inmates were prepared through the radios, NGOs etc just like other Kenyan while 68% indicated that there were no preparation at all.

Table 4.16 Inmates opinion on preparation for the prison reforms

Inmate opinion	Frequency	Percentages
Prepared for reforms	6	32
Not prepared for reforms	34	68
	40	100

4.4.1 The staff and key informant opinion on the manifest of inmates' discipline

The members of staff who participated in the study, as key informants and by filling the questionnaires opined that the following manifestations which are responsible for inmates' indiscipline;-

Congestion –The Staff observed that due to overcrowding quarrels emerge among the inmates that could otherwise be avoided for instance they indicated that at times inmates fight when on by pass others in the queue to use toilets, bathrooms etc

Drug abuse-It was observed that many a times the inmates fight when they are high on drugs such as bang which is common in prisons, the fights also arise over difference occasioned by the drugs; these drugs are brought into prison by dishonest prison officers.

Low staff moral and the prison reforms –The staff members observed that the poor conditions of work of prisons staff make them to come to work stressed thus they many a times provoke the inmates in transferred aggression, this forces the inmates to fight back. The prisons officers also feel that the government is concentrating on improving the welfare on the inmates at their expense thus take the inmates as rivals.

Poor inmates' level of education and the prison reforms –The staff also observed that illiteracy among inmates causes indiscipline among them as some of them misinterpret that the reforms are meant to let them do what they want in disregard to prison rules and regulations.

Stress over pending cases in court –There are inmates who have taken as much as seven years in jail yet their cases have not been determined in courts of law due to backlog. Because of this, these inmates are stressed and agitated, thus are easily provoked by others and they over react to situations; this results into verbal abuses and fights.

Corruption-Some rich inmates the staffs observed misbehave and are not punished due to corruption among officers in the duty officer who are supposed to punish them; these inmates provoke fellow inmates, and disregard prison rules with impunity.

Trafficking by prison staff –Some prison staff who traffic in contrabands when they cheat on the deals provoke inmates to react negatively. The contrabands such as drugs' responsibility to inmates' indiscipline is as explained above.

Sodomy/Homosexuality in prison -Lack of heterosexual gratification for inmates in prisons due to lack of conjugal visits by loved ones forces some to get into consented homosexual relations; given the few males who are willing to play the female role, there is always fights over them. Related to this, some inmates forcefully sodomise others in prison.

Tribalism – Tribalism is also rampant in prison. It is practiced by both the staff and the inmates. Tribal discriminations among inmates by the dominant tribes, and the prison staff who favour inmates from their ethnic extractions causes disquiet and tensions that lead to fights and other acts of indiscipline according to the staff respondents.

4.4.2 The manifests of inmates' discipline- Opinion of inmates

The study sought to seek opinion of the inmates on the manifestations of inmate's discipline. The study found that 50% indicated that prison officers have resisted change, 20 % cited lack of enough counseling among the younger criminal who dominate prisons, 10% said illiteracy among the inmates while 20% said the rude callous prison staff. This illustrated in the table below

Table 4.17 Opinion on manifestations of discipline of inmates

Inmates opinion	frequency	Percentage
The rude callous prison staff	8	20
Resistance to change by prison officers	20	50
Lack of counseling among the younger criminals	8	20
Illiteracy among the inmates	4	10
Total	40	100

Source: Survey data (2011)

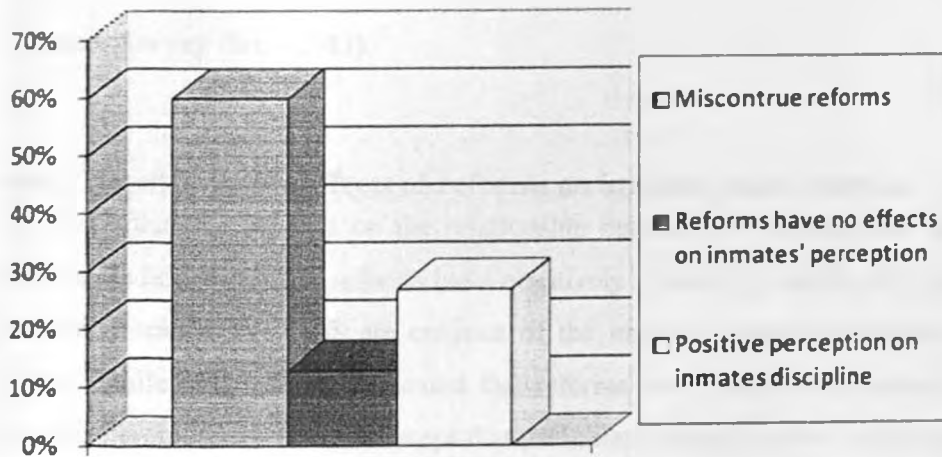
Other manifestations included Poor diet, beddings, clothing and sanitation, Influx of drugs and other substances and their abuse by inmates, Staff –inmates competition, Envy of prison officers on the prisoners because of their improved conditions, Discrimination of the prison staff against the poor inmates who can't bribe them and tribalism, Illiteracy among the inmates, Restrictive prison conditions on the inmates e.g. being lock-up so early for the night, Lack of proper dispute resolution avenues, Prejudiced treatment ,close scrutiny and supervision by prison administration, Lack of sexual heterosexual intercourse, Home sick, Brutality and needless harassment by the warders, Lack of adequate leisure and recreational facilities, Poor staff-inmates communications, Congestion, poor visitation programme and dehumanizing searches,

Over stay in prison due to backlog of cases in court especially for murder cases and Increased level of awareness of the inmates on their rights

4.4.3 The opinion of staff on effects of reforms on inmates' perception of discipline

On the effects of reforms on inmates' perception of discipline, 60% indicated that most of the inmates misconstrue reforms to imply that the prison rules, procedures and routines are less important as they stress on their rights this makes the level of indiscipline to rise among the inmates, 13% indicated that the reforms have no effects on inmates' perception of discipline while 27% indicated that reforms have a positive effect on inmates' perception of discipline because it has enabled them to know their rights. This illustrated in fig 3 below

Figure 3: Staff opinion of Reforms on Inmates Perception of Discipline

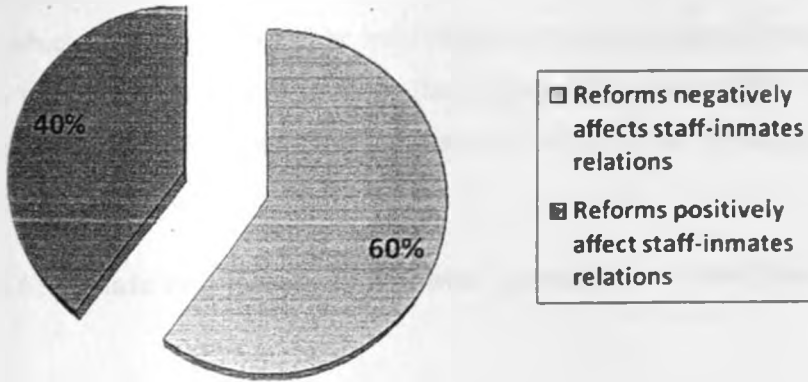


Source: Survey data (2011)

4.4.4 Opinion of staff on the effects of reform on inmates - staff relation

On the effects of reforms on the relationship between the inmates and the staff 60% of the staff respondents indicated that the reforms have negatively affected the relationship between the staff and inmates While 40% of the staff believe that reforms have positively impacted on this relations. This is illustrated below.

Figure 4: Staff opinion on staff-inmates relations

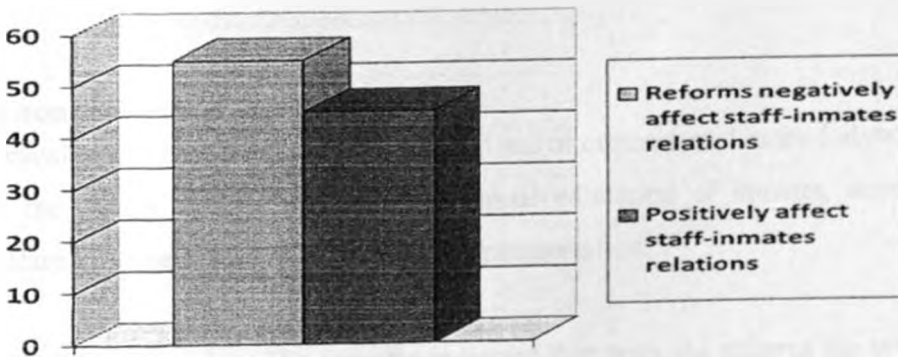


Source: Survey data (2011)

4.4.5 Inmates on the effects of reforms on inmates- staff relations

On the effects of reforms on the relationship between the inmates and the staff, 55% of the inmates indicated that the reforms have negatively affected the relationship between the staff and inmates because the staffs are envious of the inmates' improved conditions, and entrenched rights. While 45% of them indicated that reforms have positively impacted on this relations as the prisons staff have come to accept that the inmates must be treated with respect.

Figure 5: Inmates opinion on the effect of reforms on staff-inmates relations

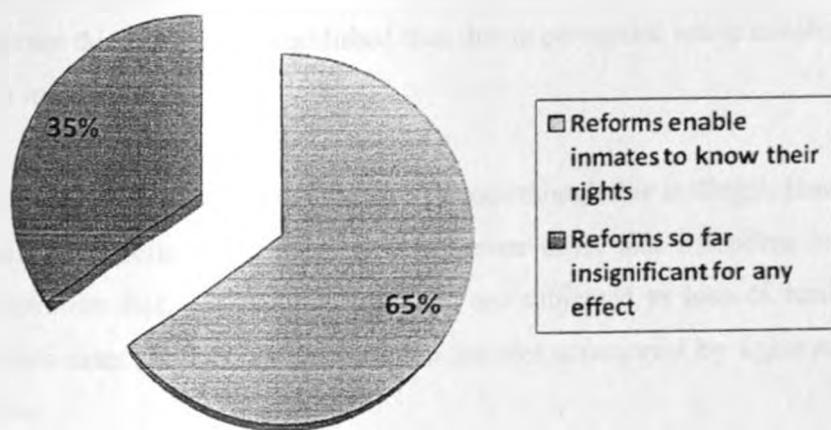


Source: Survey data (2011)

4.4.6 Inmates opinion on the effects of reforms on inmates' perception of discipline

Majority of the inmates indicated that reforms has enabled them to know their rights and obligations unlike in the previously thus should the prison staff breach on the rights the inmate protest which is misconceived to be indiscipline by the prison administration. This was indicated by 65% who said it enabled them know their rights, 35% indicated that the reforms that have so far taken place are quite insignificant to have any effect on the perception on discipline. This is illustrated on the fig 6 below.

Figure 6: Inmate on reforms on inmates' perception of discipline



Source: Survey data (2011)

4.5 The Prison Reforms Target Areas

The study revealed that prison reforms has targeted and or concentrated in the following areas:- Hygiene in the prison facility, diet and the formal education of inmates, accommodation, spiritual welfare, prisoners' health and prisoners' transportation.

Reduction in beatings/canning:-The inmates indicated that with the reforms the prison officers fear molesting the least they are prosecuted in courts of law, thus some officers these days are lenient in dealing with the inmates. At times some officers ignore inmates' misbehavior.

4.6 The Frequency, Types of Inmates' Indiscipline and Prison Authorities' Responses

The study revealed that inmates' indiscipline has increased by about 60%, this was also confirmed by the entries in the prison records during the periods before reforms and after. The following are what the study established, are as common acts of indiscipline among the inmates which are committed by different inmates daily, the acts are:- Fights and bullying of weak inmates by fellow inmates, Theft of inmates property by fellow inmates, conning of the public through mobile phones and trafficking in contrabands, sodomy/Homosexuality, drug and substance abuse particularly the abuse of cannabis, Quarrels and verbal abuse between inmates

The rare and occasional indiscipline acts mentioned were:-Fights with prisons staff and quarrels with the staff, escapes from custody, riots and food boycotts, this study established that the response of prisons authorities to indiscipline acts vary depending on the severity of the offence, however this study also established that due to corruption some inmates commit indiscipline acts with impunity.

At times the indiscipline inmates are canded though this is illegal, however several are placed in punishment cells for a maximum of seven days, and offenders in these cells also receive punishment diet. Indiscipline prisoners are subjected to loss of remission on their sentences. Serious cases such as injuries between inmates occasioned by fights are normally referred to the police.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter focuses on the research questions as to what extent of inmates' compliance with prisons rules and regulations, how reforms have affected the inmates' perception of discipline and relation with prison officers, and as to whether the inmates were prepared for reforms before implementation and manifestations of inmates' discipline.

5.2 Summary of findings

5.2.1 Background information of prison staff and inmates

Majority of prison staff at Nairobi remand were male. This was revealed by 80% of the respondent who were sampled, the reason being the prison was a male prison. The study found that these staff had secondary education and this was revealed by 50% of the respondent, but 10% of the prison staff still had primary education. They were aged between 31-40 yrs and this was indicated by 40% of the respondent. On inmates majority had primary education. This was indicated by 37.5% who said they had primary education, while 35% had secondary education. The inmates were between 31-40 yrs and 18-30 yrs of age. This indicated by 40% and 27% respectively. This study revealed that most of those who commit crime were youthful and had primary education. They were also single; this was revealed by 35% of the inmates.

5.2.2 Compliance to prisons rule and regulations

On inmates' compliance to prisons rule and regulations, majority of staff indicated that compliance was very poor and majority of inmates do not comply with the prison rules. This was revealed by 55% of the respondents, while 37.5% argued that the compliance was average.

The inmates' opinion on compliance to prison rules and regulation was that, compliance was very good, this was revealed by 7.5% of the respondent. The finding revealed that the prisoners believed they were compliance to prison rules and regulations.

From the secondary data the findings revealed that there were few cases of inmates' indiscipline before the reform period. This was between 1995 to the year 2000. The cases of indiscipline clearly indicate that there was rise in prison after the introduction of the reforms. Indiscipline related with possession of mobile phones was the leading. This was between the years 2006 to

2011. This was as result of measures taken by the prison administration after the reform period. Before the reforms there was a lot of corporal punishment and torture. This was revealed by 70% of the respondent before reforms as compared to 50% loss of remission during the reforms period. Other measures that were also taken during the reform period were being taken to court and this was indicated by 60%.

5.2.3 How reforms have affected inmates' perception of discipline and relation with prison officers

On the effects of the reforms on the relationship, it was revealed that the reforms have affected the staff negatively with the inmates. This was revealed by 60% of the prison staff who said they were affected negatively, while 40% believed they were affected positively. The inmates believed that the reforms have affected them positively as compared before reforms. This was revealed 65% of the inmates who indicated that reforms have enabled them know their rights and this was misconceived to be indiscipline. From the secondary data it was revealed that there was increase of contrabands in prisons this could be as a result of improved relationship between prison officers and inmates.

5.2.4 Inmates preparation for prison reforms

According to human resource management in organization experts people must be prepared for change. This was indicated by 87% of the prison staff who said that the inmates were not prepared for the reforms taking place in jails. The inmates also confirmed they were not prepared for the reforms in the prison. This was revealed by 68% of the inmates. The study revealed that prisons reforms targeted and concentrated on human rights and the accommodation of the prisoners. The reform also concentrated on the spiritual welfare and accommodation.

5.2.5. Manifestations of inmates' indiscipline

The prison officers who participated in the study indicated several manifestations of inmates' discipline. The staff observed that due to overcrowding quarrels emerge among the inmates. This is influenced by increase in the drug abuse among prisoners. The study also established that the response of prison authorities to indiscipline acts vary depending on the severity of the offence.

5.3 Conclusions

The Kenya prisons service has done a lot to improve the well being of the prisoners while in jails. This was initiated in the year 2001. From the findings it can be concluded that; there is an increase in indiscipline cases in the reform period this was from the personal interviews and key informants. Inmates' indiscipline has increased from what it was before reforms both in terms of

the severity and the frequency of the acts. The respondents observed that these days cases of inmates involved in indiscipline acts is an everyday incident and conning of the public by use of mobile phones. This is also confirmed by the entries in the journals which the researcher checked.

It can also be concluded that the acts of indiscipline are unique to the period. There are some acts of indiscipline among inmates that were not in existence during the pre reform period, the acts as mentioned during the study are:-Arrogance by the inmates and disobedience towards prisons staff; the staff respondents attributed to the ban of canning and other forms of physical punishment to the inmates. Strikes by inmates, Food boycotts Refusal to be searched and disobeying other lawful orders, fighting the staff, rampant drug and substance abuse particularly the abuse of cannabis.

There are manifest responsible for inmates' indiscipline in the reform era. The study established that the following factors as responsible for inmates' indiscipline during this reform period;-

Congestion –From the findings it has been established that the reforms in place has not eased the problem of overcrowding ,thus quarrels emerge among the inmates due to congestion that could otherwise be avoided, for instance at times inmates fight when one by pass others in the queue to use toilets, bathrooms etc

Drug abuse - Because of rampant drug abuse the respondents observed that many a times the inmates fight when they are high on drugs such as bang which is common in prisons, the fights also arise over difference occasioned by the drugs; these drugs are brought into prison by dishonest prison officers.

Low staff moral and the prison reforms –Findings indicate that the poor conditions of work of prisons staff make them to come to work stressed thus they many a times provoke the inmates in transferred aggression, this forces the inmates to fight back. The prisons officers also feel that the government is concentrating on improving the welfare on the inmates at their expense thus they consider the inmates to be rivals.

Stress over pending cases in court –There are inmates who have taken as much as seven years in jail yet their cases have not been determined in courts of law due to backlog. Because of this, these inmates are stressed and agitated, thus are easily provoked by others, and they also over react to situations; this results into verbal abuses and fights.

Corruption-Some rich inmates the respondents observed misbehave and are not punished due to corruption among officers in the duty office whom they bribe to escape; these inmates provoke others, and disregard prison rules with impunity.

Trafficking by prison staff –Some prison staff who traffic in contrabands; when they cheat on the deals provoke inmates to react negatively. The contrabands such as drugs' responsibility to inmates' indiscipline is as explained above.

Sodomy/Homosexuality in prison -Lack of heterosexual gratification for inmates in prisons due to lack of conjugal visits by loved ones forces some to get into consented homosexual relations; given the few males who are willing to play the female role, there is always fights over them. Related to this, some inmates forcefully sodomise others in prison.

Tribalism – Tribalism is also rampant in prison. It is practiced by both the staff and the inmates. Tribal discriminations among inmates by the dominant tribes, and the prison staff who favour inmates from their ethnic extractions causes disquiet and tensions that lead to fights and other acts of indiscipline.

5.4 Recommendations

The study came up with several recommendation which if implemented will help the prison department reduce the cases of indiscipline. These included; Given that the drugs abused by the inmates are smuggled by some of the prison staff members, the government must put measures in place to curtail this vice.

Based on the findings that the most commonly used method by the prison authorities to control inmates' indiscipline is punishment, which has not improved the state of discipline; it is high time the authorities employed other techniques such as counseling the inmates.

Other factors responsible for increased inmates' indiscipline must also be eradicated for instance; congestion should be reduced by building other prisons and expanding the existing ones to accommodate the increased number of inmates

The poor conditions of work of prisons staff which make them to come to work stressed thus they many a times provoke the inmates in transferred aggression, should be addressed as soon as possible.

The backlog of inmates 'cases pending in court which make them to be stressed should be concluded as soon as possible. This will also alleviate congestion in jails. Corruption, tribalism and trafficking by prison staff indicated to rampant in prisons must also be addressed, this will go a long way to stem the conflicts they create.

Jamming of mobile communication within prisons: As noted from the study, the leading indiscipline in prisons is inmates possession of mobile phones. These gadgets can be used to command criminal activities by prisoners while in custody and defraud unsuspecting members of public. They are also a security risk as they can be used to plan an escape.

5.5 Suggestion for further studies

The researcher suggests that further studies should be carried out to establish effects of Prison reforms on prison officer discipline.

This study concentrated on male inmates therefore studies should also be done about the female inmates' discipline.

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APPENDICES

APPENDIX I: PRISONS' DEPARTMENT LETTER OF PERMISSION FOR RESEARCH

OFFICE OF THE VICE PRESIDENT AND MINISTRY OF HOME AFFAIRS

KENYA PRISONS SERVICE

Telephone: COMPRISONS 344 44
Telephone: 254 02 2729444
E-mail: comprisons@kenya.go.ke
Website: www.comprisons.go.ke



POSTAL ADDRESS
P.O. BOX 95
THIKA
NAIROBI

Ref PRIS 1/21/VOL.II/28

Date 29th October, 2010

James Miringu Mbugua
Thika Prison
P.O. BOX 95
THIKA

RE: REQUEST FOR FIELDWORK STUDY

Reference is made to your letter Ref P/No. 22193/00040602 dated 20th October, 2010 on the above subject.

Your request to conduct field work at Nairobi Remand & Allocation has been approved by the Commissioner of Prisons.

You are expected to abide by the rules and regulations laid by Kenya Prison Service as you embark on the fieldwork. Upon completion of the attachment, you will be required to submit a copy of your report to this office.

By copy of this letter the officer in charge Nairobi Remand is required to accord you the necessary assistance.

Thank you and good luck in field study!

B.O. Njoga, OGW ndc (K) Ag.SDCP
For: **COMMISSIONER OF PRISONS**

C.C.

The Officer in charge
Thika Prison
P.O. BOX 95
THIKA

The officer in charge
Nairobi Remand Prison
P.O. BOX 1836
NAIROBI

APPENDIX II: PRISON STAFF QUESTIONNAIRE

Respondent no _____

Dear Respondent,

My name is James Miring'u Mbugua. I am a Master of Arts student in Criminology and Social Order at the University of Nairobi.

The purpose of this questionnaire is to collect information on the effects of prison reforms on the inmates' discipline in Kenya. The information received from you will be treated with utmost confidentiality. Your identity will be kept anonymous because you are not required to reveal your name both during the interview and on the questionnaire. Your honesty in answering the questions in this questionnaire and during personal interview is vital in helping to understand how the reforms taking place in prisons has affected the administration of discipline among the inmates; this in the end will assist in the improvement of prison management in Kenya.

Instructions;

- Do not write your name on this questionnaire.
- The information given will be treated with strict confidentiality.
- Please give honest and correct answers to the questions asked in this questionnaire.

Thank you.

BACKGROUND INFORMATION

Tick for the appropriate information in the box

1. Gender

Male Female

2. Age in years

Below 18 yrs 18-30 31-40 41-50 51-60

3. Marital Status

Married Single Divorced widowed

4. Highest formal education level

Primary Secondary College University None

EMPLOYMENT INFORMATION

5. Are you serving the prisons department as a uniformed or civilian staff?

Uniformed Civilian

6. Kindly state your rank/position in this institution

7. How long have you worked in prison service?

Less than 5 years 6-10years 11-15years 16-20years 21-25years 26-30years
above 30 years

INFORMATION ON INMATES' DISCIPLINE

8. What is the level of inmates' compliance to prison rules and regulations?

Very bad Bad Good Very good

9. Has prison reforms affected the inmates perception of discipline?

Yes No If yes what factors below do you think affect the perception of discipline?

Violation of human rights [] Denial of rights [] mistreatment from prisons officers []

Normal prisons rule []

10. Has prison reforms affected the prison officers perception of inmates' discipline?

Yes No If yes, how?

11. Were the inmates prepared for the prison reforms before implementation?

Yes No If yes, how?

12. Which are manifestations of inmates' discipline in prison?

13. How has prison reforms affected the relationship between the inmates and the prison officers, and the inmates attitude towards prison rules and regulations?

14. Have you ever come across a case of inmate indiscipline?

Yes No If yes, which one and when?

15. How frequently do you encounter indiscipline acts among the inmates?

Several times a day several times a week several times a month Rarely None

16. Which indiscipline acts do you encounter among the inmates now which were not there during the pre-reform period based on your work experience?

17. How does the prison administration deal with the cases of inmates' indiscipline?

18. Is it any different from the measures that were in place during the pre-reform period?

19. Do you in any way attribute the inmates' indiscipline case to the reforms taking place in prisons? Yes No

20. Kindly explain your answer in 19 above.

21. Has the reforms affected the relationship between the staff and the inmates, and the inmates attitude towards prison rules and regulations?

Positively affected Negatively affected Has not affected

22. Kindly explain your answer in 21 above

23. Has prison reforms brought any changes in the administration of discipline among the inmates? Yes No

24. Kindly explain your answer in 23 above

25. Were the inmates adequately prepared for the changes that the reforms would bring before the implementation of the reforms? Yes No

26. Kindly explain your answer in 25 above

27. Which specific area or areas of the inmates' life has the reforms targeted?

28. In your opinion has the inmates discipline increased or decreased due to the reforms? Explain your answer?

APPENDIX III: INMATES QUESTIONNAIRE

Respondent no _____

Dear Respondent,

My name is James Miring'u Mbugua. I am a Master of Arts student in Criminology and Social Order at the University of Nairobi.

The purpose of this questionnaire is to collect information on the effects of prison reforms on the inmates' discipline in Kenya. The information received from you will be treated with utmost confidentiality. Your identity will be kept anonymous because you are not required to reveal your name both during the interview and on the questionnaire. Your honesty in answering the questions in this questionnaire and during personal interview is vital in helping to understand how the reforms taking place in prisons has affected the administration of discipline among the inmates; this in the end will assist in the improvement of prison management in Kenya.

Instructions;

- Do not write your name on this questionnaire.
- The information given will be treated with strict confidentiality.
- Please give honest and correct answers to the questions asked in this questionnaire.

Thank you.

BACKGROUND INFORMATION

Tick for the appropriate information in the box

1. Gender

Male

Female

2. Age in years

Below 18 yrs

18-30

31-40

41-50

51-60

3. Marital Status

Married

Single

Divorced

widowed

4. Highest formal education level

Primary

Secondary

College

University

None

INFORMATION ON INMATES' DISCIPLINE

5. For how long have you been in prisons?

6. Have you ever witnessed any act of indiscipline in prisons? If yes, which one and why?

7. Have you ever come across a case of indiscipline among fellow inmates?

Yes

No

If Yes, which one and when?

8. In your opinion how can you describe the inmate's compliance to prisons rule? Tick one in the box.

Very bad Bad Good Very good

9. Has prison reforms affected the inmates perception of discipline?

Yes No

If yes , what are their view on the prisons rule and regulation. Please tick one in the box

Violation of human rights

Denial of their rights

Mistreatment from prison officers

Normal prison rule

10. Has prison reforms affected the prison officers perception of inmates' discipline?

Yes No

If yes, how? _____

11. Were the inmates prepared for the prison reforms before implementation?

Yes No If yes, how?

12. Which factors affect inmates' discipline in prison?

13. How has prison reforms affected the relationship between the inmates and the prison officers, and the inmates attitude towards prison rules and regulations?

14. How frequently do you encounter the indiscipline acts?

Several times a day several times a week several times a month Rarely None

15. How does the prison administration deal with the cases of inmates' indiscipline?

16. Is it any different from the measures that were in place during the pre-reform period?

17. Do you in any way attribute the inmates' indiscipline cases and infractions to the reforms taking place in prisons? Yes No

18. Kindly explain your answer in 17 above.

19. Has the reforms affected the relationship between the staff and the inmates, and the inmates attitude towards prison rules and regulations?

Positively affected Negatively affected Has not affected

20. Kindly explain your answer in 19 above

21. Has prison reforms brought any changes in the administration of discipline among the inmates? Yes No

22. Kindly explain your answer in 21 above.

23. Were the inmates adequately prepared for the changes that the reforms would bring before the implementation of the reforms? Yes No

24. Kindly explain your answer in 23 above.

25. Which specific area or areas of the inmates' life has the reforms targeted?

26. In your opinion has the inmates discipline increased or decreased due to the reforms? Explain your answer?

APPENDIX IV: KEY INFORMANTS INTERVIEW GUIDE

We are aware that there is a problem of indiscipline among inmates in several prison institutions. I request that we discuss this problem in regard to Nairobi Remand prison under the following topics:

- The effects of prison reforms on the inmates' compliance to prison rules and regulations
- Prison reforms and the inmates perception of discipline
- Factors affecting inmates' discipline in prison
- The effects of prison reforms on the relationship between the inmates and the prison officers, and the inmates attitude towards prison rules and regulations
- The impact of prison reforms on the prison officers perception of inmates' discipline
- The effects of prison reforms on the relationship between the inmates and the prison officers, and the inmates' attitude towards prison rules and regulations
- The types and the frequency of indiscipline cases among the inmates before and after reforms
- The prison administration response to the cases of inmates' indiscipline before and after reforms.
- The relationship between prison reforms and inmates' discipline
- The inmates' preparation for the reforms before the implementation.
- The specific area or areas of the inmates' life that the reforms has targeted

APPENDIX V: PERSONAL INTERVIEW GUIDE

I thank you so much for your continued participation in this study. I however request that you respond to the following questions to clarify important issues.

1. How has prison reforms affected the inmates' compliance to prison rules and regulations?
2. Has prison reforms affected the inmates perception of discipline?
3. Which factors affect inmates' discipline in prison?
4. What is the effect of prison reforms on the relationship between the inmates and the prison officers, and the inmates' attitude towards prison rules and regulations?
5. In your opinion what is the impact of prison reforms on the prison officers' perception of inmates' discipline?
6. Are there any effects of prison reforms on the relationship between the inmates and the prison officers, and the inmates' attitude towards prison rules and regulations?
7. Comment on the types and the frequency of indiscipline cases among the inmates before and after reforms
8. Comment on the prison administration response to the cases of inmates' indiscipline before and after reforms.
9. Is there a relationship between prison reforms and inmates' discipline?
10. Are there any effects of reforms on the relationship between the staff and the inmates, and the inmates' attitude towards prison rules and regulations?
11. Were the inmates' prepared for the reforms before the implementation?
12. Which specific area or areas of the inmates' life has the reforms has targeted?

APPENDIX VII: NAIROBI REMAND PRISON

