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**THE EFFECTIVENESS OF THE PRISONS SERVICE IN
THE REHABILITATION OF OFFENDERS IN
KENYA**

BY

MUTETI STEPHEN MASANGO

UNIVERSITY OF NAIROBI

2008

TITLE

**THE EFFECTIVENESS OF THE PRISONS SERVICE IN THE
REHABILITATION OF OFFENDERS IN KENYA**

BY

MUTETI STEPHEN MASANGO

*A THESIS SUBMITTED AS A PART FULFILMENT OF THE
REQUIREMENTS FOR THE DEGREE OF MASTER OF ARTS AT
THE DEPARTMENT OF SOCIOLOGY IN THE UNIVERSITY OF
NAIROBI*

2008

DECLARATION

THIS THESIS IS MY ORIGINAL WORK.
IT HAS NEVER BEEN PRESENTED FOR A DEGREE IN ANY OTHER
UNIVERSITY.

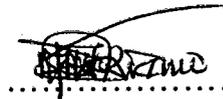


.....
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THIS THESIS HAS BEEN SUBMITTED FOR EXAMINATION WITH
MY APPROVAL AS UNIVERSITY SUPERVISOR.



.....
DR. KARATU KIEMO

DEDICATION

To all those interested in prison reforms in Kenya.

TABLE OF CONTENTS

	Page
TITLE.....	i
DECLARATION.....	ii
DEDICATION.....	iv
TABLE OF CONTENTS.....	v
LIST OF TABLES.....	vii
ACKNOWLEDGEMENT.....	x
ABSTRACT.....	xii
CHAPTER ONE.....	1
1.0 INTRODUCTION.....	1
1.1 Problem Statement.....	7
1.2 Objectives of the Study.....	9
1.3 Scope of the Study.....	9
1.4 Justification of the Study.....	10
1.5 Disposition.....	11
CHAPTER TWO.....	13
2.1 Introduction.....	13
2.2 An Overview of the Crime Problem.....	13
2.3 Approaches to Crime Prevention in Society.....	15
2.3.1 Crime Prevention and/or Management Process by the Criminal Justice System.....	15
2.3.2 The Nature and the Overreach of the Criminal Law.....	18
2.3.3 The Historical Evolution of Prisons and Imprisonment.....	21
2.3.4 Rehabilitation Programmes in Kenyan Prisons.....	27
2.3.5 Functions of Prisons.....	31
2.4 Theoretical Framework of the Study.....	34
2.4.1 Personnel Motivation Theories.....	34
2.4.2 Theories about Work.....	36
2.5 Research Assumptions and Definition of Key Terms.....	41
2.5.1 Research Assumptions.....	41
2.5.2 Definition of Key Terms.....	41

CHAPTER THREE.....	44
3.0 RESEARCH METHODOLOGY.....	44
3.1 Introduction.....	44
3.2 Site of the Study.....	44
3.2.1 Selection of the site of the study.....	44
3.2.2 Description of the Study Site.....	45
3.3 Study Sample and Selection Methods.....	47
3.3.1 Sampling.....	47
3.3.2 Study Sample.....	47
3.3.3 Selection Methods.....	48
3.4 Methods of Data Collection.....	50
3.4.1 Survey.....	50
3.4.2 Observation.....	52
3.4.3 Secondary Source of Data.....	52
3.5 The Data Collection Process.....	53
3.5.1 Data Collection Process with Ex-prisoners.....	53
3.5.2 Data Collection Process with Prison officers.....	55
3.6 Techniques of Data Analysis.....	58
3.7 Problems Encountered During the Study.....	59
CHAPTER FOUR.....	61
4.0 DATA PRESENTATION.....	61
Introduction.....	61
4.1 Socio-Demographic Characteristics of Study Sample.....	61
4.1.1 Socio-demographic Characteristics of Ex-prisoners.....	61
4.1.2 Socio-Demographic Characteristics of Prison Warders.....	69
4.2 Supervision/Services in Prisons and their Effectiveness.....	75
4.2.1 Supervision/services offered to Prisoners.....	75
4.2.2 The Effectiveness of the Prisons Service in the Rehabilitation of Offenders.....	78
4.3 Factors Influencing the Effectiveness of Prison Officers.....	81
4.3.1 Financial Resources Problems.....	83
4.3.2 Physical Resources Problems.....	85

4.3.3 Human Resources Problems.....	89
4.3.4 Problems within the Police and Courts Which Affect the Performance of Prisons Officers.....	99
CHAPTER FIVE.....	102
5.0 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS.....	102
5.1 Summary of Findings.....	102
5.2 Discussion of Findings.....	103
5.2.1 Supervision and/or services offered to Prisoners.....	103
5.2.2 The Effectiveness of the Prisons Service in the Rehabilitation of Offenders.....	104
5.2.3 Factors Influencing the Effectiveness of Prison Officers.....	106
5.3 Conclusions.....	115
5.4 Recommendations.....	117
5.5 Areas of Further Research.....	122
REFERENCES.....	123
APPENDICES.....	130

LIST OF TABLES

Table	Page
Table 3.1 Taita Taveta District Population by Age Bracket.....	45
Table 3.2 Distributions of Ex-prisoner Respondents by their Current Residential Divisions.....	49
Table 3.3 Distribution of Correctional Officer/Ordinary Prison Officer Respondents By the Prisons they were working in.....	50
Table 4.1 Tribe of Ex-Prisoner Respondents.....	62
Table 4.2 Current Age and Age at time of imprisonment of the Respondents.....	63
Table 4.3 Marital Status at time of interview and at time of imprisonment.....	64
Table 4.4 Size of household at time of interview and at time of imprisonment.....	65
Table 4.5 Number of children supported by respondents at time of interview and at the time of imprisonment.....	66
Table 4.6 Occupations of Respondents at time of interview and at time of Imprisonment.....	68
Table 4.7 Levels of Income of Respondents at Time of Interview and At Time of Imprisonment.....	69
Table 4.8 Age of Ordinary Prison Officer Respondents.....	70
Table 4.9 Number of Children Supported by Ordinary Prison Officer Respondents.....	71
Table 4.10 Province of Permanent Residence of Ordinary Prison Officer Respondents.....	72
Table 4.11 Substantive Ranks and Level of Formal Education of the Ordinary Prison Officer Respondents.....	74
Table 4.12 Substantive Ranks of Ordinary Prison Officer Respondents.....	75
Table 4.13 Distribution of 72 Ex-prisoner Respondents by kind of supervision/services Received.....	76
Table 4.14 Roles of a Prison Officer as Indicated by Ordinary Prison Officers Respondents.....	76
Table 4.15 Prison of Work and Responses of the Ordinary Prison Officer Respondents on Effectiveness of Kenyan Prisons.....	79
Table 4.16 Distribution of Ex-prisoner Respondents by their Offences of Conviction.....	81
Table 4.17 Voi Prison Recurrent Financial Allocation in 2000/2001.....	84

Table 4.18 Distribution of Ordinary Prison Officer Respondents by the Year of Employment.....	90
Table 4.19 Average Number of Inmates Supervised by One Prison Officer as Indicated by Ex-Prisoner Respondents.....	91
Table 4.20 Distribution of Ex-prisoner Respondents by their Responses on the General Qualifications of Prison Officers.....	92
Table 4.21 Substantive Ranks and Year of Employment of the Ordinary Officer Respondents.....	97

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ABSTRACT

The problem of crime in Kenya is reported to be worsening and it needs to be addressed in the most effective way especially by the Government of Kenya. The imprisonment approach has continued to be used as a major way of rehabilitating offenders in the hope of reducing if not eliminating the crime problem. Some critics of the approach argue that prisons have not achieved their objective of rehabilitating offenders since there is increase in crime rates both in the rural and the urban settings where most crimes are reported to be committed by offenders who have been imprisoned more than once. Our prisons are also filled by this category of offenders. This implies that there is a problem in the functioning of the Prisons Service.

The mass media highlights a few reforms in the Prisons Service mainly focusing on the improvements in the living conditions of inmates. However, little (if any) appears to be reported on the conditions of the prison officers, yet the officers have a major stake in the alleged failure of the Prisons Service. There is limited information on the factors undermining the effectiveness of prison officers in the rehabilitation of offenders due to the long history of closed boundaries of prisons.

It was therefore against this background that the main objective of this study was to examine the factors undermining the effectiveness of prison officers in the rehabilitation of offenders. The study assumed that constraints/problems in the work environment of prison officers affected the officers' effectiveness in the rehabilitation of offenders. It also assumed that prisons were not effective in the rehabilitation of offenders in Kenya.

To achieve the objectives of the study, a research was conducted among ex-prisoners living in Taita Taveta district in the Coast Province of the Republic of Kenya and prison officers working in the four prisons in the district. The district was chosen as the study site mainly for its convenience and advantage to the researcher especially in terms of increased mobility and easier tracing of the key respondents since he resides in the district. The survey was the primary method of data collection. Both qualitative and quantitative data was collected using interview schedules consisting of fixed and open-

ended-questions administered in mainly structured face-to-face individual interviews. A sample of 120 ex-prisoners drawn from the district's former large divisions of Wundanyi, Voi, Mwatate and Taveta, a sample of 60 ordinary prison officers in warder and chief officer grade and four heads of prisons (to make 64 prison officers) drawn from the four prisons namely Manyani, Wundanyi, Voi and Taveta was utilized. Purposive, snowball/mud ball and convenience sampling methods were used in this study. More data was also collected through the unstructured approach interviews, direct and simple observation of phenomena and review of relevant secondary data materials such as theses and books. The quantitative data were analysed using the Statistical Package for Social Sciences (SPSS) computer package while the qualitative data were analysed manually.

A major result in this study was that most ex-prisoner respondents had been imprisoned more than once as evidenced by the high rate of recidivism of 66.7 per cent. The prisons were also dominated by inmates convicted of petty offences who also believed that they were serving prison sentences for offences they had not committed. Most of the respondents in this study argued that prisons lacked essential financial, physical infrastructural and human resources for rehabilitation of offenders and that problems in the other components of the Criminal Justice System affected the Prisons Service negatively. The study concluded that the Prisons Service was not effective and that there were factors undermining the effectiveness of prison officers in the rehabilitation of offenders. The key factors were found to be inadequate financial, physical infrastructural and human resources.

This study recommends that prisons be maintained but be well funded and equipped with the necessary financial, physical and human resources in order to cater for only serious offenders. There is also need for constitutional, prison and penal reforms to be undertaken in order to improve the coordination of all the departments in the Criminal Justice System possibly by putting them under one ministry. The reforms could also be undertaken to adequately finance, equip and mandate the Community Service Orders (CSO) and Probation and After Care Services Department to handle the rehabilitation of all petty offenders who currently constitute the majority of today's prison population.

CHAPTER ONE

1.0 INTRODUCTION

Many countries of the world are grappling with the problem of increased crime rates, both within and outside their national boundaries. The crime vice has been known to affect almost all societies adversely in their social, economic and political spheres. For example, crime affects the general economy of nations especially when it scares away potential investors. Even the developed countries like the United States of America and Britain allocate huge resources to counter local and international criminal activities such as those of terrorists and world renowned criminals like Noriega (Adler, Muller and Laufer, 1991). Kenya is not exempted from social problems and among the crucial ones is that of increased crime rates. In view of this phenomenon, many governments have examined means of reducing crime rates to manageable levels.

One of the widely advocated options of dealing with the increase in crime rates is the use of imprisonment of offenders (Leger and Stratton, 1977; Ohlin, 1956). Prisons are at best described as the core of our penal system, not only in the eyes of the general public, but also to penologists. Some governments in the developed and less developed world such as the United States and Kenya respectively have capitalized on this with the belief that it has a potential of rehabilitating offenders in the final end apart from being an institution for punishing the offenders (Blom- Cooper, 1974).

In East Africa, in general and Kenya in particular, the prison system was introduced by the European colonialists and imprisonment was used as a method of punishment. Today, prisons are spread all over East Africa. Through imprisonment, the offender is incapacitated, that is, he/she is physically unable to commit new offences in the free, wider community during the period of imprisonment. The use of imprisonment appeared to have been a very convenient method of getting free labour for the colonialists (Mushanga, 1976).

When the prison system was imported into Kenya by the European colonialists in the nineteenth and early twentieth century, the colonialists introduced imprisonment as a method of punishment, to humiliate the natives and ensure their submission to the colonial rule. Colonial powers perceived the African as a sub-human being and therefore the treatment and nature of punishment had nothing to do with rehabilitation (O'Kubasu, 1996). Today in Kenya, the emphasis on prisons appears in past and present Ministry of Home Affairs (MOHA) annual prison reports (for example, MOHA, 1968; 1969; 1978; 1979; 1998) which prioritise imprisonment as an important tool of rehabilitation in the struggle to prevent crime and check the rising crime rates both in towns and rural areas.

The Prisons Service in Kenya has the primary obligation to the nation of protecting the general populace. For this reason, the department, at all time, insists upon the implementation of stringent measures of security in each institution entrusted to its care. The Service is scattered throughout the country and it operates under the umbrella body of the Criminal Justice System in general and the tent of penal institutions in particular. In 1970, there were 77 institutions in Kenya with a daily average of 20,252 inmates (Mushanga, 1976). By the end of 1998, there were 78 prisons in Kenya holding 40,000 inmates instead of the official capacity of 19,000 inmates (Daily Nation, December 11th, 1998). Today, there are about 100 prisons throughout the country with a daily population of about 50,000 inmates instead of the official capacity of 19,000 inmates. This is a clear evidence of overcrowding in Kenya's prisons (Bundeh, 1991; Daily Nation, June 14th 2005; The Press, April 10-14, 1997).

According to Mushanga (1976), the aim of imprisonment is the protection of society, deterrence of potential offenders from committing crimes, punishment and reformation of offenders. These constitute the four major functions of prisons. To this effect, the major goal of imprisonment is the rehabilitation of offenders, whereby, rehabilitation is defined as the restoration of criminals to a law-abiding way of life through treatment programs such as training in different skills such as masonry for employment after release (Conklin, 1995).

According to Odegi-Awuondo (1978), the aim of any penal institution is to prevent and cure crime. The question of whether imprisonment does reform, correct, rehabilitate or reintegrate

criminals is a question on which leading world authorities on the topic are not agreed (Becker, 1963). Although some offenders have been rehabilitated through imprisonment, what is known worldwide is that most prisons harden the offenders. What a sociologist can confirm is that some of the prison sentences contribute to the disintegration of some of the offenders' families and to the delinquency of their dependant minors thereby increasing the crime rate (Leger and Stratton, 1977).

The prisons of many countries including Kenya are under sharp attack and while such criticisms are hardly new, their extent and intensity have risen to levels not known in recent decades. The sources of the criticisms are wide, ranging from professionals within the country (lawyers, criminologists, sociologists, etcetera) to outsiders such as international and local Non governmental organisations (NGOs) like the Kenya Human Rights Commission, but conclusions have been uniform: prisons fail to rehabilitate, they are inhuman, and they contribute to the exacerbation of the problem of crime rather than to its abatement and for this reason, they are said to be ineffective (Duffee, 1975; King and Morgan, 1976). Much blame on the ineffectiveness of prisons is laid on problems/constraints in the work environment of prison officers (Daily Nation, December 12th 1998; Hall-Williams, 1975; Mushanga, 1976; Seashore, 1976).

The Kenya Human Rights Commission (KHRC), in its report on prisons conditions, blames the rise of crime and failure of rehabilitation of offenders on the pathetic conditions, and poor functioning of the Kenyan prisons. These conditions affect both the inmates and the prison staff. For example, cells are overcrowded leading to quick spread of communicable diseases such as tuberculosis. Food served to inmates is both nutritionally unbalanced and quantitatively insufficient. Its unhygienic state sometimes leads to stomach complications such as typhoid, diarrhoea and dysentery. The situation is aggravated by the mysterious disappearance of medicines. Inmates are also ruthlessly punished and tortured (Daily Nation, May 7th, 1999). For this reason, O'Kubasu (1996) stated that "going to prison these days has become a sure way of asking for a death certificate...." Emphasis appears to have shifted from guidance and counselling of the prisoners to exploitative hard labour and brutal

punishment leading to deaths. For example, prison deaths (excluding executions) rose from 331 in 1988 to 1229 in 1995 (Kenya, 1995; 1996).

Studies done on Kenya's prisons indicated that prisoners were treated like objects and had no say in their rehabilitation process (Daily Nation, December 11th, 1998). Exposing prisoners to such brutal conditions was of no rehabilitative value to them at all and the more likely event was that prisons became training grounds for inmates to hone their criminal skills. This only led to increased crime in society and high rates of recidivism in Kenya. In this regard, prisons became industries of crime and dungeons of death.

The conditions for prison staff were not better in any way, attesting to their inhuman treatment of prisoners. For example, the warders' conditions were pathetic and characterised by poor remuneration and lack of motivation which led to rampant corruption in prisons. Their frustrations found expression in the mistreatment of prisoners. This hindered the warders from discharging their duties as expected (Daily Nation, December 12th, 1998).

The released offender confronted a situation at release from prison that virtually ensured failure of the rehabilitation process, particularly when failure was measured not simply in terms of recidivism (that is, once in prison, ever in prison) but in terms of adequacy and meaningfulness of post-release lives. It was a situation that seemed to guarantee considerable personal stress (turmoil), limited access to conventional social roles and little control over personal destiny. It was a situation created in large part by the negligence of the public agencies for managing re-entry (for example, the information, the corrections department, probation and parole), and it raised far more serious questions about the behaviour of these agencies than it did about the intentions and personal limitations of the individual offender. Studies had indicated that the negligence of the correctional agencies had cost them heavy financial expenses with little returns and at the same time perpetuating and even exacerbating the very problems they were purportedly attempting to solve (McArthur, 1974).

Arguments such as these pose a dilemma familiar to the reformer: to what degree were efforts to be made to improve prisons at all? One runs the risk that any such efforts at prison

improvement are likely to be no more than cosmetic and would simply prolong the general use of such correctional institutions without any meaningful rehabilitative value. For example, while answering questions from the press on the rehabilitation of prisoners during the 25th Annual Anniversary meeting of Magereza SACCO Society at Prison Officers Mess in Nairobi on Thursday, April 8th, 1999, a former Commissioner of Prisons had to say that: "To some extent, I fully agree we have not achieved that but all the same it is our goal to attain it." (Kenya Times, April 9th, 1999). The probability was strong that prisons would remain part of the Kenyan social profile for many years perpetuating crime, although efforts directed toward their improvement remained a part of a realistic agenda for correctional reform. The general force of these criticisms had been to encourage community-based alternatives to supplement present-day prisons (Daily Nation, December 12th, 1998; Duffee, 1975).

This study zeroed- in on the possible structural organizational causes of prisons' ineffectiveness. This was specifically with regard to the work environment of prison officers which appeared to have a direct influence on the successful rehabilitation of offenders. The prisons' administration in particular and the Criminal Justice System in general are in a position to influence these causes in the desired direction. In fact, scholars outside Kenya such as Duffee (1975), McArthur (1974) and Seashore (1976) and those in Kenya such as Mushanga (1976), Odegi- Awuondo (1993,1994,1996) and the Kenya Human Rights Commission (KHRC) in it's report on prisons' conditions in Kenya 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 (and especially when it comes to majority of prison officers who are mainly in warder grade). They have to live within the prisons for purposes of safe custody of inmates who have the potential to escape from the prisons.

The ineffectiveness of prisons in many parts of the world is possibly traceable to two categories of problems which affect the work environment of prison officers. There are problems emanating from the other organizational components of the Criminal Justice System, that is, the police, prosecution and the courts. These problems include delayed

police investigations, numerous postponement of cases, loss of police files, denial of bonds to petty offenders where these should have been granted and prolonged and/ 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 meager 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 prisons organization itself. Prisons with limited infrastructural facilities such as transport and communication facilities, inmate training facilities in the workshops and industries and limited and/ or overcrowded staff and inmate housing are bound to be ineffective. Performancemanagement, which is concerned with performance improvement in order to achieve organizational, team and individual employees' effectiveness, would require that top prison administrators ensure that junior prison officers have an enabling environment through provision of the necessary physical infrastructural facilities such as good staff housing, uncrowded inmate wards, machines and equipment in workshops to train prisoners in useful and relevant skills for use during their post release lives (Bateman and Zeithaml,1996; Huse, 1980; Ministry of Home Affairs, 1998).

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 prison officers 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 counseling and training, they will be equipped by the officers with inadequate and/or obsolete knowledge and skills while the prison officers may become frustrated, demotivated, and/ or demoralized and engage in vices such as corruption and mistreatment of prisoners. The problem of inadequate financial resources would generally lead to a scrappy rehabilitation programme far from being effective in reforming offenders. Performance management also deals with employee development and therefore the key undertaking here is to ensure that prison officers have the capacity and competency required

to perform rehabilitation activities more effectively (Armstrong, 2001; Bateman and Zeithaml, 1996; Hill and Egan, 1967; Marquies, 1972).

It is worth noting that the above-mentioned possible structural organizational causes of prisons ineffectiveness may not apply universally to all prisons systems in the world. Where they are showed to occur in the work environment of prison officers in the African setting, the prisons in question will most likely be ineffective in their rehabilitation of offenders. Mushanga (1976) argued that the effectiveness of the Prisons Service in Kenya had been given little attention by researchers and even the government because of the tendency to maintain closed boundaries to the general public. This formed the basis of this study. The aim was to examine the factors undermining the effectiveness of prison officers in the rehabilitation of offenders using the work environment of prison officers as a case.

1.1 Problem Statement

The ineffective performance of the Prisons Service in Kenya in realizing the goal of successful rehabilitation of offenders through prison officers has raised concern among advocates of prison reforms. The prison system had been assumed to be beneficial to the offenders in particular and the public in general. But due to, for instance the rising recidivism rates of about 60- 80%, there is an apparently increasing concern over the working environment of those charged with the responsibility of offenders' rehabilitation, that is, prison officers in relation to their performance that has a direct and indirect relation to the performance of the prison organization.

While in prisons, prisoners are offered services such as training in different skills such as carpentry, masonry and animal husbandry all geared towards making the prisoners self-reliant during their post release lives in order to avoid committing further offences. However, the offenders commit further offences and are socio-economically disadvantaged soon or later after release from prisons. One wonders whether the training the prisoners received was relevant, sufficient and applicable to modern times sophisticated job market. One also wonders whether the prisoners were allowed to undertake training of their choice or they were forced into training not of their interest. The matter is complicated by the fact that

it is not known whether the training facilities in prison farms, workshops and industries are relevant, modern and/ or up to date and adequate to the prison population and whether the trainers are themselves qualified and well trained to offer the desired training to inmates.

Prisons offer prisoners' welfare services such as religious teachings, guidance and counseling in the attempt to change the behaviour of offenders. However, the same recipients of these services do not reform and revert to further crimes. This leads one to question the relevance and adequacy of the rehabilitation services and adequacy and qualification and/ or training of the prison officers offering the services to inmates.

Sources such as the mass media allege that prison officers are a frustrated, demoralized and/ or demotivated lot of rehabilitators of offenders in many parts of the world leading to their mistreatment of offenders/ prisoners and the officers engaging as a result in illicit behaviour and practices such as corruption, alcoholism and irresponsible sexual behaviour. One is driven to placing a larger portion of the blame on the living and working environment conditions of the prison officers because these have an impact on the motivation and performance levels of any employee. An advocate of prison reforms and/ or a critic of the prison system would be tempted to examine the effectiveness of prisons and prison officers in light of the work conditions and terms of service for the officers. An important issue to consider here would be whether prison staff and inmate housing, working tools/ facilities such as uniform and equipment, prison officers' remuneration, recruitment, promotion and transfer and training practices, work/case load, management styles and activities of other stakeholders in the rehabilitation process such as the police, courts and prison staff themselves help to encourage or discourage the effective performance of the prisons organization. More often than not, limitations in these factors have been blamed for the unsuccessful performance of prisons.

While prisons had continued to be criticized as being ineffective in the rehabilitation of offenders, there still appeared to be limited information and knowledge about them among interested parties because of the prisons' long history of closed boundaries. This study was

therefore necessitated by the need to reduce the existing knowledge gap on the subject under investigation.

The study attempted to examine the structural organizational forces within and without the prison organization which impinged upon the work environment of prison officers to determine the effectiveness of any prison system. The thesis in this study was that there were factors undermining the effectiveness of prison officers in the rehabilitation of offenders. The Kenyan Prisons Service could not be said to be effective in the rehabilitation of offenders if there were high recidivism rates among offenders and if the work environment of the prison officers was showed to suffer from financial, physical, human resource and other constraining factors which negatively undermined the effectiveness of prison officers in the rehabilitation of offenders.

1.2 Objectives of the Study

The general objective of this study was to examine the factors undermining the effectiveness of prison officers in the rehabilitation of offenders.

The specific objectives of the study were:

- 1) To establish whether the supervision and/or services in prisons and imprisonment of offenders lead to their rehabilitation.
- 2). To determine the recidivism rates among offenders as an indicator of prisons effectiveness.
- 3). To establish whether there are physical infrastructural, financial, human resources and other constraints in the work environment of prison officers undermining the effectiveness of the officers in the rehabilitation of offenders.
- 4). To examine how the work environment of prison officers affects their performance in terms of rehabilitating the offenders.

1.3 Scope of the Study

The main scope of the study was on the factors undermining the effectiveness of prison officers in the rehabilitation of offenders by way of examining recidivism rates among offenders and factors in the work environment of prison officers.

1.4 Justification of the Study

There were a number of reasons that made the Study justifiable. First, the Study provided useful data for understanding the Prisons Service. The Service was not well known to a majority of the general public and to researchers because of the long history of closed boundaries in prisons. The Study also assessed the effectiveness of the Service in rehabilitating offenders. Such an attempt had been given very little attention by previous researches especially in the field of criminology. The Study therefore filled the gap in knowledge by providing the essential data on the factors undermining the effectiveness of prison officers in the rehabilitation of offenders in Kenya. Importantly, the challenges in the prison system had not been documented in Taita Taveta district even though there seemed to be a widespread use of the four prisons in the region. The Study was geared towards achieving this goal and added to the existing literature on Kenya's prisons.

In addition to its contribution to knowledge, the findings from the Study were to be useful to the Prisons Service in Kenya in evaluating its performance given the fact that the research section of the Service lacked facilities and staff and was almost dormant. A study on prisons in Taita Taveta district exemplified the functions of prisons and the experience and results could be borrowed in other places of the country where imprisonment was currently practiced. The findings would enable the Prisons Service make the necessary adjustments accordingly. Further, they would perhaps help policy makers, planners and implementers in formulating appropriate policies and programs to ameliorate the problems inherent among prison officers, prisons and ex prisoners. If improved, greater heights in rehabilitation were to be attained.

Kenyan prisons had been reported to be ineffective in the rehabilitation of offenders because crime and recidivism rates were reported to be rising. This provided empirical evidence on the effectiveness of the prisons by providing relevant data on the same which was collected from and using valid and reliable sources and instruments.

Further, the performance of the Prisons Service was currently a focus of discussion and research by penologists and human rights activists who had argued that prisons in Kenya had

been operating as paramilitary organizations where offenders were brutally punished for wrongdoing. There was a great debate going on among these researchers on viability of prisons as a better alternative to other forms of crime reduction mechanisms. Imperatively, the data collected could be useful in establishing the current status of the prison system in the Criminal Justice System. The information obtained would more likely help to justify the improvement, continuity or discontinuity of the use of prisons as mechanisms of crime control in Kenya.

Crime is one of the vices the Government of Kenya has invested a lot of resources to fight because it has been proved to hinder the smooth development of a country. Any attempt aimed at understanding any of the many aspects of crime and crime reduction stand justified. This study covered some of these aspects and it is justified on this basis.

Finally, there was need to carry out the study on the effectiveness of the Prisons Service in Kenya because prisons were the core of our penal system not only in the eyes of the general public but also to penologists. They were therefore worth studying. Understanding the progress and challenges of the Prisons Service was vital for future crime and criminal rehabilitation interventions.

1.5 Disposition

Chapter one introduces the field of the study, states the problem, and lays down the objectives, scope, as well as justification of the study. Effectiveness of prisons as the central focus of this study is not lost throughout this Chapter while the structural organizational causes of prisons ineffectiveness and especially factors in the work environment of prison officers are examined.

Chapter two offers explanations about prisons effectiveness. Specifically, literature is reviewed on the overview of the crime problem, approaches to crime prevention in society and relevant theories explaining prison officers' effectiveness in the rehabilitation of offenders. The Chapter ends with the postulation of the study's assumptions and definition of the key terms.

Chapter three deals with site of the study, study sample and selection methods, methods of data collection, the data collection process, techniques of data analysis and problems encountered during the Study.

Chapter four presents the data collected from the field from prison officers and ex-prisoners. The data presents the services in prisons and the factors within and without the prison organization which impact upon the work environment of prison officers and how these factors affect the officers' performance and effectiveness of the Prisons Service in the rehabilitation of offenders.

Chapter five concludes on the factors undermining the effectiveness of prison officers in the rehabilitation of offenders and suggests some ways of improvement based on the results of the study. The way forward in improving the effectiveness of prisons is to improve the work environment of prison officers through the provision of adequate physical, financial and human resources and the use of non-custodial sentences for petty offenders as well as minimizing the shortcomings emanating from the police and courts.

CHAPTER TWO

2.0 LITERATURE REVIEW

2.1 Introduction

The main objective of this section (chapter) was to review the available literature on the factors undermining the effectiveness of prison officers in the rehabilitation of offenders. The review was done while cognizant of the fact that systematic studies on the work environment and performance of prison officers in the context of Prisons Service organization effectiveness were limited. The review of the literature in this chapter took the following format.

2.2 An Overview of the Crime Problem

2.3 Approaches to Crime Prevention in Society

2.4 Theoretical Framework

2.5 Study Assumptions

2.6 Operational Definition of Terms

2.2 An Overview of the Crime Problem

According to Odegi-Awuondo (1993), in law, crime is the contravention of the penal code of the state. O'Hare (1976) gives an apparently more sociological perspective by arguing that most people simply generalize and say that crime is an act producing a bad, sinful, unethical or anti-social effect. Many countries have to deal with the many types of crimes such as robberies, assault, rape, corruption, murder, attempted suicide and stealing and the many types of criminals such as legalistic, moralistic, psychopathic, institutional, situational, habitual and professional criminals (Adler et al, 1991; Mushanga, 1976; Odegi-Awuondo, 1993).

Whatever its definition, crime and its rapid growth is a major problem in our society today and needs to be addressed. In fact, Odegi-Awuondo (1996) says that run-away crime is a worse enemy of development and social order than rapid population growth. According to the scholar, crime control especially in Kenya is bedeviled with a number of issues including

the lack of sufficient studies and the consequent little understanding of the problem, the lack of books or publication on Kenya, lack of some relevant degree courses (such as in corrections, applied criminology and forensic investigation) and high quality research at the university level, lack of an institute for crime studies and unavailability of funds for research into crime control and management.

Scholars such as Adler et al (1991) and Mushanga (1976) argue that determining the changing trends in crime rates in many countries of the world including the developed ones has always been difficult because “statistics regarding crime are most suspect government that one can think of”. However, the mass media constantly portrays a picture of increasing crime rates in most countries of the world. For example, crimes such as murder and suicide bombings are ever reported in countries such as Iraq, India and Pakistan. In Africa, the rates of crime have been reported to be all high in countries such as Sudan, Nigeria and South Africa.

The crime situation in Kenya is worsening. According to Kenya (1996), statistics that indicate that crime known to the police that were also penal code cases rose from 85,094 in 1988 to 94,702 in 1994. Conviction rates rose from 15,533 to 22,103 during the same period. Cases filed for hearing rose from 380, 198 in 1983 to 433,353 in 1991 while the daily average prison population rose from 29,201 in 1988 to 34,069 in 1995. This implies that Kenya’s prisons are suffering from constrained resources since the prisons themselves are not expanding in line with the increase of cases to be handled by the Service.

Statistics indicate that, like in the entire country, the crime situation in Coast Province (where this study was conducted) had been worsening in spite of the presence of various prisons such as Shimo-la-Tewa, Manyani, Wundanyi, Voi and Taveta among others. For example in 1991, 8368 cases of crime were reported in the province, 11,779 cases in 1992, 11,983 cases in 1993 and 11,835 cases in 1994 (Kenya, 1996). It was expected that these rates were still rising given the economic hardships the country was experiencing.

The continuous illumination of criminal activities and the operations of the Prisons Service seemed to have played an unimportant role in the reduction of crime and correction of criminals. The problem of crime still persisted and escalated at alarming rates. The question one would ask was why? Was it because factors within the prisons militate against the intended functions or was it because factors outside the prison organization were taking a heavy toll in the success of the rehabilitation process? Or better still, was it because there were factors in the work environment of prison officers undermining the effectiveness of the officers in the rehabilitation of offenders? Those questions demonstrated the need for studies focussing on the factors in the work environment of prison officers undermining the effectiveness of the officers in the rehabilitation of offenders. This was because past studies had primarily focussed on crime causation and crime trends in towns (Muga, 1980, 1975; Okola 1996) but not on effectiveness of penal institutions in Kenya.

2.3 Approaches to Crime Prevention in Society

2.3.1 Crime Prevention and/or Management Process by the Criminal Justice System

A study dealing with criminals (offenders) has to understand the Criminal Justice System. This is because it is the same system which applies criminal law to create criminals and to cure the same. Therefore, the Criminal Justice System can prevent crime or contribute to it. This section briefly discussed what the Criminal Justice System is, its components and critically examined the various stages (phases) of the system through which an individual passed to be 'baptized' a criminal or an offender and finally, a prisoner and ex-prisoner.

The Criminal Justice System can be defined as an apparatus, of the government (or any other modern society) consisting of different law enforcement agencies and the linkages among them, by which products such as justice and /or reduction of crime are produced (Adler et al, 1991; Conklin, 1995). In Kenya, the above statement is true especially in determining who owns which property or wins an election, or apprehending offenders.

The law enforcement agencies, which are also the components of the Criminal Justice System, include the police, the courts and the prisons. According to Adler et al (1991) the Criminal Justice System focuses on decision making processes, operations and such justice-

related concerns as the efficiency of the police, courts and correctional systems, the just treatment of offenders, and the needs of victims and the effects of changes in sentencing philosophy.

When a crime of any type such as treason, felony or misdemeanor appears to have been committed and authorities such as the police or prosecutors have been notified, the legal apparatus known as the Criminal Justice System is set in motion to deal with the crime. The police are by far the most visible and costly component because it employs the largest proportion of all personnel working in the entire system. For example, police officers in the grade of constable are recruited almost every year in Kenya.

Much blame for high crime rates in many countries including Kenya is bestowed justly as well as unjustly, on the third component of the Criminal Justice System (that is, the corrections). Corrections include institutional correction namely prisons and jails, juvenile institutions and community based facilities, as well as non-institutional correctional responses such as fines, community service sentences, probation and parole. Increasingly, mixtures of such correctional devices, some of them rather punitive are being used today (Adler et al, 1991; Cressey, 1961; Sykes, 1958).

Criminology has revealed that the process in the criminal justice has a logical structure, but one that could be tolerant of bias arbitrariness, mistake and caprice. Moreover, in many large and congested urban areas like Nairobi, this system of criminal justice suffers from delay; overcrowding, indifference and budget short fall. The shortcomings of the system are manifested in all the five phases of criminal justice process.

In the first phase called "entry into the system", criminal activities are brought to the attention of the police by the citizens. The police then play the crucial role of investigating the case and identifying suspects. In Kenya, even the first phase is corrupted when the police abuse their discretion and fail to arrest the politically and economically influential criminals nicknamed "The sacred cows". Reliable studies such as those conducted by Transparency International have shown that there is rampant corruption among police officers that has

occasionally led to the arrest of some innocent persons who end up in courts and later in prisons (Daily Nation, December 18th, 1998; Daily Nation January 2nd, 1999).

The second phase, prosecution and pretrial services, is dominated by prosecutors who prepare the charges; Juries who indict dependants; and judges who conduct a series of hearings, including the initial appearance of an arrested person at court and a preliminary hearing. In Kenya, this phase has been accused of causing delays in remand periods and consequently, long periods before a case is determined. The result has been the overcrowding of Prison Remand Homes.

According to Adler et al (1991), the third phase, adjudication begins with the arraignment, at which the officially accused person pleads (to answer) the indictment or information (formal charges) against him or her and ends with a judgement of or not guilty. This phase is conducted by a judge with or without a jury. The prosecutor, representing the state and the people and the defense lawyer play the most active roles in this phase. At this stage, if one is found guilty, he/she may be punished for the offence by a court sentence that may be capital punishment, corporal punishment, fine, imprisonment, creative restitution, parole or serving a probation or a community service order of unpaid work for a specified period in a public institution as a way of paying back to the community (Mushanga, 1976). Some Kenyan lawyers (and advocates) have been accused of irregularly and illegally soliciting for funds from their clients while some sitting judges have been accused of receiving bribery so as to manipulate cases. For example a High Court Judge had been accused by a lawyer of receiving a bribe of five million Kenya shillings from a businessman so as to manipulate a Duty Free complex case (Daily Nation, January 6th, 1999).

The fourth phase according to Adler et al (1991) consists of sentencing and sanctions. In most cases and in most countries, jurors do not participate in sentencing. The judge alone imposes the sentence, usually after hearing an investigation report prepared by a probation officer. Prosecutors, defense lawyers and defendants contribute in the case, and in some states, victims as well. In Kenya, the judiciary has been accused of both corruption and incompetence among the judges and magistrates. In a report submitted to the then Chief

Justice in Kenya Mr Zacchaeus Chesoni in late 1998, Mr. Justice Richard Kwach had said that there was a lot of rot in the judiciary. The study had found evidence of corruption, incompetence, neglect of duty, theft, drunkenness, lateness, sexual harassment and racketeering involving magistrates, the police, advocates and employees of the judiciary (Daily Nation, March 10th, 1999; Kenya Times, November 3rd, 1998). These shortcomings hinder the process of arriving at fair and just sentences. A person may therefore suffer one or more of the sentences and especially imprisonment if this phase is compromised.

The fifth and final phase, corrections, is in the hands of the executive branch of government whose department of corrections executes the sentence imposed by the court. When called upon to do so, courts do play a considerable role in probing compliance with law in the correctional phase. In Kenya, correctional departments (for example the prisons) have been accused of brutality and having shortcomings in their human, financial and physical infrastructural resources. The shortcomings have been reported to make prison officers unable to discharge their duties thus making them ineffective in the rehabilitation of offenders who then leave prisons while not reformed and/or socio-economically empowered.

In brief, these are the phases through which prisons get their inmate populations. Ex-prisoners become the end-product of the system of criminal justice through the prisons. If the rehabilitation of offenders is to be achieved, then this system in general and the prisons in particular has to be re-examined carefully and reformed. This can only be possible by an investigation into the areas of weaknesses.

2.3.2 The Nature and the Overreach of the Criminal Law

According to Odegi-Awuondo (1993), the state makes laws and gives the courts power to punish those that break the law. The saying cited by Sutherland (1970) that “an eye for an eye and a tooth for a tooth” shows that criminal law has been from time immemorial punitive for it always punishes. The reaction of societies to crime that criminals (offenders) must suffer for their wrong doing still persists today as it was adopted from Hammurabi the law giver in 1875 B.C. From Hammurabi, this doctrine had later found refuge in the classical

school of penology led by Cesare Baccaria, Rousseau, Montesquieu and Voltair (Odegi-Awuondo, 1993).

The overriding argument by classical theorists in the 1700s was that the criminal had to suffer pain because he/she had carefully planned, and using his free will in pursuit of pleasure, had injured the society. Therefore, punishment was to be proportional to the injury (social harm) caused to the society (Conklin, 1995). Obviously, it is very hard to administer punishment that equals an injury. The punishment could be less or more than the injury. For example, life imprisonment (such as that of Pio Gama Pinto's suspected killer a Mr Kisilu Mutua (East African standard, October 15th , 1998) can not be equated to loss of a life following a murder crime.

Odegi-Awuodo (1993) states that the principle on which our present criminal law is based developed about the time of the French Revolution at the end of the 18th Century and was first advanced by the neo-classical school. Although the punitive approach was maintained, certain concessions were to be allowed in favour of children and the insane that could not make calculations as to pleasures and pain before committing the crimes. This gave birth to the concepts of Mensrea and Mnghten Rules. Further developments to include factors surrounding crime commission that is, 'mitigating factors' and the criminals', responsibilities in society were made.

Factors surrounding the victim that helped the criminal to commit the crime were also to be considered by law implementers such as court magistrates and judges when passing judgements. This was the birth of victimization theory which reflects the provocative theme that individuals contribute to their own victimization through their characteristics (such as exposure, guardianship and attractiveness to potential offenders) and activities. Therefore, the backbone of criminal law still remained punitive with some elements which were non punitive such as the payment of fines for compensation. Odegi-Awuondo (1993) thinks that this is the nature of criminal law today.

Criminologists and theorists such as Merton (1957), Sellin (1938) and Sutherland (1970) among others argued that it is society that prepares crime to be committed by the criminal. This meant that it was criminal forces that ought to be dealt with and not the individual criminal. Whatever the argument, it had to be borne in mind that man would always exercise his will to act in some instances without necessarily having to follow what society dictated to him or her. For the criminal law to be effective in dealing with crime, factors unique to the individual offender in particular and the society in general had to be considered (that is micro and macro perspectives of law).

Many scholars and professionals such as lawyers, criminologists and sociologists argue that the nature and extent of operation of the criminal law has helped to exacerbate the problem of crime in Kenya and other parts of the world. They have argued that our criminal law now deals with areas of morality which it is not supposed to deal with. Hawkins and Morris (1969) call this tendency of the law to deal with issues outside its jurisdiction an "Overreach of the criminal law". To them, the prime function of the criminal law of protecting persons and property was now engulfed in a mass of other distracting inefficiently performed legislative duties. It is argued that when the criminal law invades the spheres of private morality and social welfare it exceeds proper limits at the cost of neglecting its primary tasks.

The unwarranted extension of the criminal law is expensive, ineffective and criminogenic. For example, the expenditure of the police and criminal justice resources involved in attempting to enforce statutes in relation to sexual behaviour, drug taking, gambling and other matters of private morality seriously depletes the time, energy and man power available for dealing with crimes involving violence which are the primary concern of the Criminal Justice System. This diversion and over-extension of resources results both in failure to deal adequately with current serious crime and, because of the increased chances of impunity, in encouraging further crime. Some of the crimes which the criminal law involves itself with lack victims in the sense of complainants asking for protection of the criminal law. A good example of these crimes is prostitution. Where such complainants are absent, it is particularly difficult for the police to enforce the law. Bribery tends to flourish; political corruption of the police is invited. It is peculiarly with reference to these victimless crimes that the police are

led to employ illegal means of law enforcement. For example, the police force in Mombasa had recently been accused of putting more efforts and time in arresting prostitutes instead of investigating serious white-collar crime among corrupt Kenya Ports Authority officials in Mombasa and perpetrators of violence in Coast Province (Daily Nation, October 1st and 2nd, 1998).

It follows therefore that any plan to deal with crime in any country, such as Kenya, had to first of all face this problem of the Overreach of the criminal law, state clearly the nature of its priorities in regard to the use of the criminal sanction and indicate what kinds of immoral and/or antisocial conduct need to be removed from the current calendar of crime. This would help improve the effectiveness of the Criminal Justice System in Kenya.

2.3.3 The Historical Evolution of Prisons and Imprisonment

The historical origins and to some extent, the current mode of operation of most of today's prisons and imprisonment appears to have been the classical school or theory of criminology. The classical school or theory refers to the writings of a number of European scholars in the 1700s particularly Cesare Beccaria in Germany and Jeremy Bentham in Britain. The core concepts of classical theorists are hedonism and freewill. The theory argues that criminal behaviour came up as a result of the desire for enjoyment of the immediate time (that is, hedonism). In free will, the theory argues that criminal behaviour is voluntary and rational. According to classical criminologists, individuals had free will to choose legal or illegal means to get what they wanted; the fear of punishment could deter people from committing crime; and society could control criminal behaviour by making the pain of punishment greater than the pleasure of the criminal gains (Adler et al, 1991).

Most historians credit the American Quakers of the 18th century with first implementing imprisonment as the major method for dealing with civil criminals. Prior to this, there had been dungeons and cells for religious, political and civil offenders, but these were places of detention until a persons's fate had been decoded. In the Anglo-Norman period of British history, major crimes were punished by execution, banishment and mutilation, and minor crimes by fines, the pillory, or the stocks (Adler et al, 1991).

In 1552, a workhouse, called the bridewell was built in London to provide compulsory labour for beggars, vagrants, and the unemployed. Eventually, such workhouses began to be used for petty offenders as well. Houses of detention were built in many parts of England and Europe over the next two centuries, but it fell to the Philadelphia Quakers to use them in an attempt to punish and reform offenders simultaneously. In 1787 the Philadelphia prison society was formed. It lobbied successfully for the construction of the walnut street jail, and eventually for penitentiaries in both Philadelphia and Pittsburg in America (Alder et al, 1991; Conklin, 1995; Mushanga, 1976; Somer, 1976).

In Africa, in general, imprisonment by use of jails and prisons was introduced by the European colonialists (Odera, 1985). There is no conclusive evidence that imprisonment was used in pre-colonial Africa (Mushanga, 1976). The same idea was also held by the Minister of Justice of Uganda, Mr. Katubeere. At a prison meeting in Uganda in 1996, he had emphasized that prisons were not indigenous to pre-colonial Africa but that Africans in all nations had continued to use them in the post-independence era and often abused them as means of controlling not only criminals but political opponents (O'Kubasu, 1996; Sommer, 1976). At the Uganda meeting, it had been observed that custodial sentences were the order of the day (during the colonial era) regardless of the seriousness of the offence since the colonialists believed that this was the only punishment that a native African would understand.

Scholars such as Mushanga (1976) argue that African states paid little attention to penal institutions after attaining their political independence. Hence, it was argued that there had been very few (if any) penal reforms. Prison conditions had continued to be pathetic especially due to constrained resources and overcrowding. For example, Gitarama Prison in Rwanda built for a capacity of 450 inmates was holding 7,000 inmates in 1995 (Daily Nation, April 12th, 1995). A typical prison block in Kenya such as the Nairobi Remand Prison would on average have between 100 to 250 people in a floor space ranging roughly from 700 to 2000 square feet. Each block was equipped with one or two toilets with some blocks having no running water. Sometimes, newcomer inmates would be forced to spend the

whole night in the toilet, standing up due to the limited space in living blocks (Sunday Nation, September 6th, 1998).

According to MOHA (1998), today, the Department of Prisons is established under a number of legislations which give thrust to its operations. Its headquarter offices are in Nairobi at Magereza House situated along Bishops Road off Ngong Road. The Department's policy and main objective is based on the rehabilitation and reformation of prisoners towards the achievement of development goals in Kenya. To this end, there are a number of legislations (Acts) enacted to mandate its functions and the most important of these is the Prisons Act (Cap. 90), which deals with the establishment and effective management of the Prisons Service.

The work operations of prisons are categorized into two broad categories each with two sub-categories as follows:

1. Administration work operations
 - (a) Administration at the Headquarters
 - (b) Administration at the field stations
2. Activity Implementation work operations
 - (a) Activity implementation at the Headquarters
 - (b) Activity implementation at the field stations

All prison officers are categorized as follows:

1. Warden/Wardress
2. Non-Commissioned Officers (that is, from the rank of corporal through sergeant to senior sergeant)
3. Chief Officer (that is, Chief Officer II and I).
4. Gazetted officer (that is, from the rank of Superintendent of Prison (SP) to the rank of Commissioner of Prisons).

The government's policy contained in the Prisons Act categorizes all prisons in Kenya as principal, medium and small prisons/institutions. For example Manyani and Wundanyi are

principal and medium prisons respectively. Voi and Taveta are small prisons. In the principal and medium prisons, Gazetted officers are administrators while in the small prisons, Chief Officers are the administrators. In all the categories of prisons, the main rehabilitation programmes implementers are officers in the warder grade and a few Chief Officers. Prisons are categorized as principal, medium and small prisons depending on the type of criminals in them. Principal prisons are mainly for the serious offenders (such as murder, manslaughter, robbery with violence and rape offenders) who have long prison sentences of more than 2 years. Petty or less serious offenders who normally have short prison sentences of less than 2 years are mainly imprisoned in the small and medium prisons. By the same prisons policy, each category of prisons has different operational rehabilitation programmes for its type of offenders. Long sentence offenders are trained in skills which need long durations of learning (such as mechanics) while short sentence prisoners are trained in simple skills such as repairs and simple tailoring which require short durations to learn (see Ministry of Home Affairs, 1979;1998).

The first administrative set-up of the Department is at the Headquarters and it is headed by a Commissioner of Prisons. The Commissioner is the overall head of the entire Department in Kenya and is assisted by a Senior Deputy Commissioner of Prisons, Deputy Commissioners, Senior Assistant Commissioners of Prisons and Assistant Commissioners of Prisons at the head office. Sections stationed at the headquarters are Research and Statistics, Inspection, Industries, Operations and Administration, Farms, Personnel, Signals, Accounts, Welfare, Chaplaincy, Women's and Sports section.

Administration at the field stations is the second administrative set up of the Prisons Department and is headed by Senior Assistant or Assistant Commissioners of Prisons who are Provincial Prisons Commanders (PPCs). Every PPC is in charge of all penal institutions in the province and is answerable to the Commissioner of Prisons for the Institutions proper administration, control, supervision and inspection. The officers in charge of the penal institutions assist the Provincial Prisons Commanders. Provincial institutions such as Manyani are headed by Senior Superintendent of Prisons (SSPs) and their deputies are usually Superintendent of Prisons (SPs).

The field stations also consist of District institutions such as Wundanyi Prison which are headed by Superintendent of Prisons and their deputies are the Chief Officers Grade I (C.O.I.). Smaller institutions such as Voi and Taveta Prisons are headed by Chief Officer IIs (C.O.IIs).

According to Ministry of Home Affairs (1998), the Prisons Service conducts its activities at the headquarters and field station levels. Development and recurrent activities are conducted at the Prison Headquarters by officers-in charge of the various sections. Development activities include the building of inmate wards and staff houses in the various prisons and the installation of radio communication systems and signals. The main recurrent activities at the Prisons Department Headquarters which aim at achieving the Departments' main objective of rehabilitation of prisoners are summarized as follows:

1. Coordination of the Department's activities at all levels.
2. Giving administrative and supervisory direction and advice to the field officers.
3. Administration and allocation of funds to the penal institutions and ensuring the proper utilization of the funds.
4. Planning and budgeting for the Department.
5. Procuring raw materials and tools for use in the prisons industries and farms.
6. Provision and coordination of transport facilities.
7. Ensuring for an effective administration system for the Prisons Department both at the Headquarters and in the field stations through the installation and or repair of the necessary equipment.
8. Promoting good public relations with other organizations.
9. Recruitment and training for the Service at the Prisons Service Training College at Ruiru which is headed by a Commandant.
10. Setting targets for the farms and industries under the coordination of the respective Senior Assistant Commissioner and Assistant Commissioners.

According to Ministry of Home Affairs (1998), the activities implemented at and by the field stations are assumed to be the backbone of the entire process of offenders' rehabilitation in particular and the rationale for the existence of the Department of Prisons in general. The

activities constitute the supervisory programmes (that is, training and treatment programmes) aimed at reforming the offender in order to make him/her better for the post-release life in the free wider community.

In all the field stations, the Prisons Department undertakes the following summarized five rehabilitation programmes all aimed at making the prisoner a useful and responsible person in the free community.

i.) Industrial and vocational training which involved training in carpentry and woodwork, metal work (welding, blacksmith, tinsmith, fabrication, panel beating and spray painting, motor vehicle mechanics), basketry, tailoring and dressmaking, embroidery, upholstery, wood carving, mat making, weaving, tannery and leather work, soap making.

ii) Farming which involved horticulture, animal husbandry, bee keeping or apiculture, floriculture, poultry, piggery, crop farming.

iii) Building which involved masonry, plumbing and electrical Installation and maintenance.

iv) Chaplaincy Services where prisoners received guidance and counseling and spiritual nourishment services from Protestant catechists, Roman Catholic catechists and Muslim maalims.

v) Welfare Services which involved guidance and counseling, attending to prisoners' personal and family problems, provision of formal education, operation of the hobbies and handcraft units, helping prisoners maintain contact with their families and outside prison world through letters, visits, etcetera; assisting in result suitable placements for prisoners' children, arranging for prisoners trade tests, supervising Christmas comforts and maintenance of the prisoners' library.

The prisons staff especially the correctional officers such as the warders are trained at the Prisons Staff Training College located in Ruiru, Nairobi. The College offers initial and/or promotional courses to prison staff. Newly recruited warders who are normally secondary

school certificate holders undergo an intensive nine months training. On completion of their training, they spend another two years on probation to further determine their suitability in the Prisons Service before confirmation in their ranks. Promotional courses are run for warders to corporals and corporal to sergeants. In addition to these initial courses, other courses are organized for those members of staff who, on appointment were posted to stations before having gone through their initial training at the college. These officers are sent to the college for four months before being posted at various institutions. There are also senior officers courses offered at the college.

2.3.4 Rehabilitation Programmes in Kenyan Prisons

According to the prison order, prisoners are supposed to be guided/supervised in rehabilitation programmes that include prison training and treatment programs. Therefore, the quality of supervision (that is, training and treatment) the prisoners get in the prisons (and after release from prisons) would determine the success of the rehabilitation process.

In Kenya, penal institutions include the prisons and youth institutions which are mainly the borstal institutions. The type of offense committed by each prisoner and the length of the sentence determine which penal institution the offender should undergo his/her term of imprisonment. Women prisoners are held separately from the men prisoners and so are the young offenders from adult offenders (MOHA, 1979).

Offenders who are incarcerated for committing very serious offenses such as robbery with violence are held in maximum long-term prisons such as Kamiti. While serving their sentences, the long sentence prisoners are supposed to be trained in various industrial trades such as carpentry and joinery, wood processing, leather work, taxidermy, soap manufacturing, mechanics, Blacksmith, upholstery, sign writing and other industries which are expected to be widely marketable. This kind of prisoners also sits for various trade tests in prison so that they can easily secure employment after release. The main objective is to equip them with useful skills which can be resourceful to them upon discharge. Prison authorities argue that inmates are given a chance to select the type of training they would like to settle on while in prison.

Prisoners sentenced for less serious offenses are held in short-term medium security prisons and are expected to train in agriculture, livestock rearing and simple industry involving carpentry, simple repairs and tailoring. Inmates are supposed to receive guidance and supervision from qualified personnel on the proper use of land as a resource both on a small scale and on a large scale where the weather conditions are favourable. Some of the tasks undertaken by these institutions are soil conservation, land use and livestock keeping. Farming characterizes one of the major activities going on in almost all of the institutions. This is because apart from learning to feed themselves from the farm produce while in prison, it is expected that by the time of their release, prisoners will have learned some techniques in commercial and subsistence farming which they would practise on release, taking into consideration that Kenya is mainly an agricultural country.

The actual operation of the prisons was being carefully scrutinized to determine whether prison conditions had worsened the problems of crime in Kenya. The widely held view among criminologists was that prisons had failed to rehabilitate offenders. When released, prisoners work on the outside world. Unfortunately, the ex-prisoners find that the equipment and techniques used in prison are obsolete and that few acquired skills were transferable in the world of sophisticated technology. Further more, their work habits are highly inappropriate. In the prisons, there are no qualified personnel to train prisoners in the needed skills which would enable ex-prisoners compete effectively in today's highly competitive job market.

The emptiness and dullness of the prison experience is debilitating in still other ways. The routines that are established are designed to meet the needs of convenient prison administration rather than those of its resident population (inmates). According to Odegi-Awuondo (1994), the state can not do without the prisons and the crime industry because it makes use of the exploitative labour provided by the prisoners. By deliberate policy, the prisoner's decision-making and the assumption of personal responsibility are kept at a minimum through a highly regimented prison code of order and a system in which authority rests exclusively with the top prison administrators. Living under such conditions (while

insuring control) inevitably affects the prisoner's ability to make his/her life decision and to assume responsibility after release.

It has been argued that inmates are kept occupied for at least eight hours a day performing productive tasks that will hopefully be useful to them in future upon release. Hard work is to be encouraged while relaxation is to be discouraged. It has however been noted by criminologists and penologists such as Bean (1976), Hall-Williams (1975) and Seashore (1976) that most prisoners are maintained in a state of enforced idleness. In the prison, where inmate labour is free and economic efficiency is one of the last concerns, prisoners work only a few hours a day (especially where the farms are small and the climate is agriculturally unfavourable), with three or four prisoners assigned tasks that normally require one.

Prisoners become less technically and socially competent than they were when they entered confinement (Hall-Williams, 1975). This is because there exist relatively few resources, services or programs that would enable prisoners to make constructive use of their time. In addition to the limited resources, the actual work experience which is provided is inadequate. Most prisons involve at least some prisoners in work activities necessary to operate and maintain the institution; crop growing, animal husbandry and carpentry among other activities. But because of the nature and structure of this work, it has few benefits to prisoners beyond keeping some busy.

Kenya's prisoners are entitled to receive social welfare services from correctional officers. They are entitled to religious, recreational, medical and counselling services. 'Social engineering' is seen as one of the most valuable tools of prisoner reformation. The tool employs the technique of group counselling which would involve the use of non-medical staff to run discussion groups with prisoners along certain agreed lines. In this approach, a member of the prison staff acts as counsellor and prisoners are encouraged to face up to their personal problems by interaction and self-criticism in the group setting. Hall-Williams (1975) suggests that the greatest single factor connected with rehabilitation is the amount of time and attention devoted to listening to an individual prisoner and sorting out his/her problems.

In Kenya, this caring approach is not effective because of the lack of qualified social psychologists, sociologists, social workers or criminologists. MOHA (1998) indicates that there were only five civilian welfare officers and counsellors at the headquarters as at June 1998 who were degree holders. Prisoners leave prisons with problems of social maladjustment.

Prisons' reports indicate that hygiene is stressed and prisoners are expected to bath daily, cut their hair short and wash their clothes. However, this is not the reality in Kenya's prisons because most of the prisons do not have sufficient running water. The cells which are holding inmates who are double their capacity are very filthy and unhygienic leading to outbreaks of epidemics. For example, Bunde (1991) in his book "Birds of Kamiti" talks of human filth in the living cells, poor ventilation and sanitation at Kamiti Maximum Prison where he had served his sentence. Overcrowding is rampant and living conditions are pathetic.

Prison authorities further argue that on admission to prison, a prisoner is explained what rights and privileges he/she has during the term of imprisonment. Although rights could be explained to prisoners, these rights are usually violated when prison officers subject the inmates to severe and brutal beatings (Daily Nation, May 7th, 1999). At this point, the explanation of the rights to the prisoners becomes a farce.

Although the goal of training and treatment in prisons is to maximize the opportunities for new and helpful experiences for prisoners and to increase the challenge to fixed and settled behaviour patterns, many ex-prisoners seem to fare worse after confinement rather than coping better with the obligations and responsibilities of being a law-abiding citizen. It has been observed that the longer one spends in jail or prison, the greater the difficulty an ex-offender appears to have making the necessary arrangement back into society (Hall-Williams, 1975; Seashore, 1976).

Early and recent criminologists and sociologists have noted that jails and prisons are in effect "schools of crime". Studies have concluded that the effect of being segregated with other criminals to the virtual exclusion of all other contacts has the effect of deeply immersing a

person into criminal (or prison) value and belief systems. Clemmer (1958) called this absorption of prison culture “prisonization”.

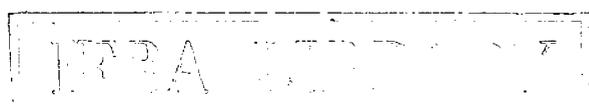
Finally, prisoners find upon release that ties with family friends and community have been seriously weakened if not completely severed partly due to the separation, labeling and stigmatization. Without such emotional and social support, ex-prisoners are completely done during the initial, critical period to readjustment. For many, this can make the difference between “making it” or returning to prison. It is the totality of a prisoner’s experiences while in custody (confinement) which may be expected to contribute towards his/her reform and rehabilitation.

Hall-Williams (1975) states clearly that every effort must be made to reduce the isolation which imprisonment entails and increase the normalcy of daily life. To him, this means encouraging the maintenance of family ties, and not promoting the disruption of marriages (see Daily Nation, December 20th, 1998). It also means the removal of unnecessary restrictions on visiting, letters, privileges, and the provision of as many constructive experiences as possible, both at work and during leisure hours if there are any. According to this view, treatment is not something which is added on to punishment and provided only for those who need it but it is everything which is happening to a prisoner while in the institution.

In brief, rehabilitation of offenders in Kenya’s prisons has many shortcomings. Although there have been a few positive values of the rehabilitation, scholars have argued that it is more stated on paper than applied. When applied, it is not of a maximum rehabilitative value to the offender in particular and the wider community in general. The quality of the prison rehabilitation has therefore to be improved the soonest time possible.

2.3.5 Functions of Prisons

As stated earlier, any penal institution aims at “curing” criminals and preventing crime. The prison’s general aim is to reform the offender. Whether this objective is achieved or not is



arguable. Most critics say the prison system is a failure (Daily Nation, December 11th, 12th, 1998; April 8th, 1999).

The Kenya Prisons Service is an establishment that has been mandated to rehabilitate and reform prisoners so as to make them acceptable by the society upon their release. Its major objectives, therefore, lie in the rehabilitation and reformation programmes designed to meet societal needs. The functions and responsibilities of the Department of Prisons include the construction and maintenance of prison facilities; containing in safe custody all convicted prisoners; holding in remand all un-convicted prisoners; holding in safe custody all other categories of prisoners as ordered by the courts; and training and disciplining, for rehabilitation, all convicted offenders, as well as youthful and young offenders.

The prison system in Kenya and in many other places in the world is meant to fulfill at least four major functions. The first of these is the protection of society. It is evident that there are criminals who are too dangerous to be left at large. If not removed from society, they are likely to be a menace to the public. They must be kept out of free circulation. This group includes certain types of murderers, rapists, and violent robbers. Ample evidence from empirical researches carried out in other countries shows that as a general rule only a small percentage of criminals are in this category. For example in Kenya, in 1994, there were only 652 rape cases and 4,593 robbery and allied offence cases out of the total 85, 186 cases (Kenya, 1996). This means that the bulk of the inmates are not dangerous at all. According to Mushanga (1974), 95 percent of all people we keep in prisons are not there because we need to protect society for they are not dangerous. Otherwise if they were we would expect many warders guarding prisoners while in the field which is not the case.

Deterrence is another function of prisons. Imprisonment is assumed to deter against crime; first in the offender himself who experiences the prison situation, then the public who come to know of imprisonment for wrong doing. It is possible to see statements in newspapers made by magistrates and High Court judges saying: "This kind of criminal behaviour is on the increase in the country and therefore calls for a deterrent sentence". The sentencing judge means a long prison sentence, say of five or ten years (Mushanga, 1974; 1976). For

this reason, some people argue that the conditions of prisons should be such that no one would like to go back to prison. Once a prisoner said: "I do not say that the prison is either good or bad. I just do not see what it has to do at all with my crime" (Mushanga, 1976).

Many people believe that prisoners (or criminals) must be punished for their criminal acts. Punishment is an intentional infliction of pain and suffering either physically or mentally or both upon the offender by the State just for the sake of making the individual suffer for his wrongs. In most cases punishment involves blatant use of extreme violence, inhumanity and brutality. If corporal punishment leads to death and being maimed, this implies that the goal of correction (reformation) has not been achieved.

Criminals are imprisoned in the name of reformation. In 1965, the Tanzania Annual Prison Report stated that: "This service, as mentioned in previous reports, is in process of evolving policy which would make the prison administration service not only for a punitive but essentially a reformatory one, capable of converting prisoners into good citizens after release from custody" (Mushanga, 1976). Mushanga argued that there was a general agreement that prisons on the whole served no useful purpose. Mushanga (1976) argued that the penal system of our times did not correspond to present and future evolution of society and it was generally obsolete and a contributing factor to the increase of crime. This is the situation in East Africa where the penal system has been superimposed on heterogeneous indigenous penal institutions, none of which provided for incarceration of offenders. Mushanga (1976) has stated that: "prisons are largely failures; recidivism turns between 60 to 80 percent.... in prisons men are trained in more sophisticated crimes at the State expense..." The high rate of recidivism implies that prisons have not been able to reform criminals.

In summary, the Prisons Service system in Kenya as in many other places has not been able to achieve its stated goals. There is need for penal reforms to enable the Prisons Department perform effectively the four major functions geared towards reformation and rehabilitation of the offender and the reduction of crime rates in society. This main objective is possible to achieve through a research undertaking into the factors undermining the effectiveness of prison officers in the rehabilitation of offenders. Only when we have identified the areas of

weakness in the Service can we be able to make any tangible suggestions towards solving the problems by way of penal reforms.

2.4 Theoretical Framework of the Study

The purpose of this section was to discuss briefly the theoretical framework adopted in this study. A number of scholars such as Armstrong (2001), Bateman and Zeithaml (1996); Bolman and Deal (1984); Filley and House (1969); Hill and Egan (1967); Huse (1980) and Miller (1976) have propounded very interesting reasons that may be used to explain the factors undermining the effectiveness of prison officers in the rehabilitation of offenders. This study adopted the organization development theories as its theoretical framework.

According to Huse (1980) and Margulies and Raia (1972), organizations that want to succeed in their goals and performance of their functions must embrace organization development approaches. Organization development is a process by which behavioural science principles and practices are used in an ongoing organization (such as a prison in this case) in a planned and systematic way to attain such goals as developing greater organizational competence, bringing about organizational improvement, improving the quality of work life and improving organization effectiveness. Organization development focuses on the motivation, utilization and integration of human resources within the organization (Jun, 1973). This involves employee participation also termed as shop floor democracy; goal agreement by employees; acquisition of skills and diffusion of change; improving productivity and morale; team building; changing management culture; improving the quality of work life and providing for positive feedback.

Two major categories of the organization development theories namely personnel motivation theories and theories about work are discussed below and their relevance in the study of prison system effectiveness explored in relation to the work environment of prison officers.

2.4.1 Personnel Motivation Theories

According to Armstrong (2001), all organizations are concerned with what should be done to achieve sustained high levels of performance through people. One of those ways to ensure

that workers/employees (such as prison officers) give the best of their mental and body effort is to motivate them. Hill and Egan (1967) argue “the material and psychic returns to organizational members constitute major determinants, not only of the level of effectiveness of the organizational functioning but also of the very existence of the organization”.

Bateman and Zeithaml (1996) further argue that for the organization and its employees (for example the Prisons Service Department and prison officers) to have the incentive to achieve high performance (in this case, the effective rehabilitation of offenders); managers must identify the factors that motivate employees and build those factors in the work environment. Bateman and Zeithaml (1996) argues that managers must provide professionals (such as prison warders / officers) with the opportunity to communicate regularly with their peers, provide frequent positive feedback, provide a diverse set of interesting assignments and rewards such as pay raises and promotions that enhance their professional standing and reputation.

The Instrumentality and Two Factor theories of the personnel motivation theories state that rewards and job satisfiers such as recognition, responsibility and opportunities for advancement serve as a means of ensuring that people behave or act in desired ways (Margulies and Raia, 1972). The Equity theory states that people will be better motivated if they are treated equitably and demotivated if they are treated inequitably. Latham's and Locke's Goal theory states that motivation and performance are higher when there is a positive feedback on performance. The Classical theory which is an off shoot of the scientific principles of management also argues that organizational members (in this case prison officers) are primarily motivated by opportunities of economic gains and therefore, are induced to perform better by conditions where such gain is a direct result of increased productivity (Armstrong, 2001; Bateman and Zeithaml, 1996; Filley and House, 1969).

Personnel motivation theories are relevant in this study in a number of ways. Past studies such as those of the Kenya Human Rights Commission (see Daily Nation, December 12th 1998; May 7th 1999) have shown that prison warders in Kenya and the United Kingdom are held with lower esteem than police officers and are normally given less publicity in their

work, a factor which demoralizes the prison officers. Critics argue that the living conditions for warder grade officers are distressing and pathetic. The prison staff houses are ugly, tiny, congested and have no privacy. For example, two families occupy a ten by ten feet cube meant for one family. The houses are unhygienic for they have no provision for electricity, sanitary or water facilities. These living conditions expose prison officers to health hazards, lower their self-esteem and demoralize them at work. Furthermore, prison officers are reported to be poorly remunerated, their promotions delayed, their scheme of service is itself faulted for being unable to attract, retain and motivate the prison staff and malpractices such as favouritism, nepotism, tribalism and corruption by some senior prison officers in promoting junior officers characterize the work environment of prison officers. The frustrations of the officers find expression in the mistreatment of prisoners. Following Abraham Maslow's Content (Needs) theory, the unsatisfied needs of the officers creates anomie and the disregard for social norms/rules and the workers/ officers will do their job badly (Sunday Nation, June 22nd 2003; Daily Nation, March 14th 2005; May 19th 2005; July 4th 2005; July 22nd 2005; August 1st 2005).

2.4.2 Theories about Work

One of the concerns of performance management (that is, a means of getting better results from the organization, teams and individuals by understanding and managing performance within an agreed framework of planned goals, standards and competency requirement) is performance improvement in order to achieve organizational, team and individual effectiveness. This implies that managers such as top/senior prison officers must ensure that workers (such as junior prison officers) are effective through an enabling work environment (Armstrong, 2001; Bolman and Deal, 1984).

Bateman and Zeithaml (1996) argue that an effective manager (for example a senior prison officer) creates a positive work environment. Such an environment exists when the manager has done everything possible to establish the conditions that encourage success and to remove the causes of failure. The managers must structure work units so that employees have no alternative but high performance (and in this case, it is the effective rehabilitation of

offenders by prison officers). This implies creating an environment in which the talent of a worker can flourish to put the worker/employee in a position to win in his/her duties.

Bateman and Zeithaml (1996) argue further that a winning position for employees can be achieved if employees are given the opportunity to achieve high performance. This involves ensuring worker participation in the development and refinement of the jobs they perform. Here, strategies would perhaps include employee meetings, organizing employee task forces, focusing attention on key problems and getting information flowing smoothly. Another way to provide employees with the opportunity to achieve high performance is to ensure that employees have all the resources they need to complete their tasks successfully and also to remove the impediments to an employee's affective performance for example by getting the employee a new piece of equipment eliminating unnecessary demand on the employee's time or working out a difficult interpersonal relationship.

Theories about work are relevant in this study especially when discussing constraints in the work environment of prison officers which hinder the effective rehabilitation of offenders by prisons. Organization development approaches emphasize on the need for effective teamwork (Huse, 1980). Rehabilitation of offenders has to enlist the participation of all the components of the Criminal Justice System. Blame on the unsuccessfully rehabilitation of offenders by prisons has partly been placed on the lack of effective teamwork by police, prosecution, law courts and prisons. Delayed police investigations, loss of police files, denial of bonds to petty offenders in cases where these should have been awarded, numerous postponement of cases and prolonged and /or postponed mentions of cases have always led to continued maintenance of remandees for lengthy periods in prisons at the expense of limited space in prison wards and limited financial allocations which becomes a major constraint in the rehabilitation efforts. An effective Prisons Service has to be free from these problems. Prisons in Kenya have limited infrastructural facilities. For example, there are 93 prisons scattered throughout the country with a total population of about 50,000 prisoner inmates instead of the official capacity of 19,000 inmates. This is a clear evidence of over crowding and overstretching of inmate accommodation facilities. The living and working facilities of prison officers are similarly overstretched, filthy and unhygienic leading to outbreaks of

epidemics such as cholera, dysentery and typhoid. Bunde (1991) shows the seriousness of the conditions in Kenya's prisons when he writes in his book "Birds of Kamiti" about human filth in the living cells, poor ventilation and sanitation at Kamiti Maximum Prison where he had served his sentence. This is a clear indication of a negative work environment for prison officers which would no doubt negatively affect the performance of the officers/ warders (Bunde, 1991; Daily Nation, December 11th 1998; June 14th 2005).

Transport and communication facilities are limited in prisons. Poor communication network has been identified as a major constraint in as far as relaying or transfer of messages and its consequent feedback is concerned. It has been argued that continued disconnections of telephones has always hindered the quick relay of information from the lowest institutions to the headquarter and vice versa. Delayed communication implies delayed activities and incapacitated rehabilitation programmes in prisons (Ministry of Home Affairs, 1998).

The Agency theory of work emphasizes on the need for managers to develop ways of monitoring and controlling the activities of their staff (Armstrong, 2001). In the prison context, this important activity has been adversely affected by a biting problem of lack of transport facilities such as vehicles. The most affected areas are those of research and inspection by senior prison authorities and visits by important persons. The research and the inspection sections of the Prisons Service have been inactive because of lack of sufficient transport facilities and funds. There is needed to be visits to individual prisons by senior officers from the Prisons Service headquarters and from provincial level, and visits by judges and human rights officials. The reports of these officers would help in identifying the problems faced by the various penal institutions for purposes of suggestion of solutions from Prisons Service Headquarters. According to the Open Systems theory developed by Katz and Kahn to analyze the social psychology of organizations, systems (in this case, the prisons) cannot survive in the absence of negative feedback, which is the information that enables them to detect deviations from course (Bollman and Deal, 1984). Visits by Very Important Persons (V.I.P) are also few. In 1996, during a prisons reforms forum in Uganda, it had been observed that the key to good prison practice was inspection (O'kubasu, 1996).

Past studies have shown that prisons in Kenya have very limited and poor training facilities. For example, most of the industries and workshops do not have modern equipment and machines. Even in cases where these are, they are insufficient and very obsolete. The result is that prisoners come out half-baked because they get obsolete skills that are inadequate to compete in a world of sophisticated technology. For example, ex-prisoners have problems in getting jobs for their survival, a factor which may drive them back to criminal behaviour. The poor training facilities and strategies employed by prisons and prison officers have contributed to the dismal performance of the Prisons Service (Ministry of Home Affairs, 1998).

The human resource is the most important and the number one asset an effective organization can have (Armstrong, 2001). There has to be sufficient employees to undertake the activities and/or functions of the organization. Past studies have shown that prisons in Kenya have been crippled by the problem of shortage of staff in warder grade and chief officers' grade for a long time. For example in 1979, the 1:3 ratios of prison correctional staff to prisoner was seen as unrealistic for rehabilitation purposes. Lack of correctional officers implies that most prisoners and ex-prisoners have no access to rehabilitation services such as guidance and counseling and training in various skills useful to them after release. The staff shortage also explains some of the reasons for the inexistence of the After Care Service section which used to help ex-prisoners settle down well in life by identifying opportunities such as employment for ex-prisoners (Ministry of Home Affairs, 1979).

Armstrong (2001), Bateman and Zeithaml (1996) and Huse (1980) argue that a positive work environment which works to improve the performance of employees is characterized by continuous acquisition of useful knowledge and skill through training for the jobs being undertaken by employees. However, studies have shown that the limited staff available in prisons is also poorly trained. For example, there are very few (if any) psychologists, sociologists, criminologists, social workers, economists, engineers, mechanics and agriculturalists to mention just but a few. The implication of this shortcoming is that prisoners face release with few skills. This incapacitates them when seeking jobs or other means of earning a living. A former Commissioner of Prisons (CP) in Kenya Mr. Abraham

Kamakil stressed the need to train prison warders in specialized areas when he took over as the commissioner in late year 2000. Crusaders of prisons reforms have observed that any improvements in conditions for prisoners will be dependent on staff having a proper level of competence and this will only happen if prison staff is properly trained (Daily Nation, July 1st 2005; Kenya Times, December 14th 2000).

The Human Relations theory asserts that organizations with a high level of success are characterized by favourable attitudes on the part of each member towards all aspects of his job, including other workers, supervisors, the work and the organization (Filley and House, 1969). Prison system observers have argued that prison warders are not involved by their seniors in decision making processes in issues affecting the warders, their clients and their institutions in general. In fact, warders cannot channel freely their complaints on their problems lest they be reprimanded, transferred or sacked. Although prisons are disciplinarian institutions, employees' effectiveness cannot be achieved through adherence to a chain of command only. This is because rehabilitation requires team spirit among the rehabilitators and favourable attitudes among themselves. A meeting held in Kampala in 1996 on prisons conditions observed that any improvements in conditions for prisoners would be dependent on prison staff having a pride in their work. Rehabilitators need to be in harmonious relations with one another (O'kubasu, 1996). The prison officers and prisoners should not be seen to operate as different, distant and uncooperative entities in the rehabilitation and reform process (Daily Nation, March 14th 2005).

The Rational Systems Theory is relevant in the study on prison system effectiveness. The theory looks for ways to develop organizational structures that best fit organizational purpose and the demands of the environment (Bollman and Deal, 1984). Like other prisons in the world, Kenyan prisons are structured like paramilitary institutions. They embrace custodial goals at the expense of rehabilitation/treatment goals and that is why prisoners leave prisons hardened and worse in terms of behaviour than they were before imprisonment. Effective prisons must embrace rehabilitation goals more than punishment and/or custodial goals. According to Miller (1976), the more treatment/rehabilitation the institution is, the more likely it is that inmates will show positive change and cooperative attitudes to prison staff.

2.5 Research Assumptions and Definition of Key Terms

2.5.1 Research Assumptions

The major objective of this study was to examine the factors undermining the effectiveness of prison officers in the rehabilitation of offenders.

Two major assumptions were made.

- 1– Imprisonment of offenders is not effective in their rehabilitation in Kenya.
- 2- There are constraints/problems in the work environment of prison officers undermining the effectiveness of the officers in the rehabilitation of offenders in Kenya.

2.5.2 Definition of Key Terms

1. Effectiveness of prisons

Hall (1991) defines an organizational effectiveness as the degree to which an organization is doing well. Doing well is therefore effectiveness. Etzioni (1965) defines organization effectiveness as the degree to which the organization realizes its goals. Hazelrigg (1968) argues that an effective correctional institution has specific objectives for the short-run confinement period and for the long-run period after release. These objectives must be based on adequate conditions of delinquency and crime occurrence. For the Kenya Prisons Service, the short-run objective is the rehabilitation of offenders/criminals while the long-run objective is the reduction of crime rate in Kenya (Ministry of Home Affairs, 1998; Mushanga, 1974; Mushanga, 1976). In this study, the variable “effectiveness” was used to define the degree to which prisons were producing the intended result of rehabilitating offenders in order to “cure” crime in Kenya. Hence, rehabilitation of offenders indicated the prisons’ effectiveness.

2. Rehabilitation of offenders

Adler et al (1991) argue that rehabilitation has been broadly defined as the result of any social or psychological intervention intended to reduce an offenders’ further criminal activity. By this standard, the true test of successful rehabilitation is non-involvement in crime following an offender’s participation in an intervention programme (such as programmes offered in prisons). Conklin (1995) defines rehabilitation as the restoration of

criminals to a law-abiding way of life through prisons' treatment programmes. Therefore, rehabilitation is the result of any planned intervention on the offender that reduces criminal activity, whether that reduction is achieved by changes in personality, abilities, attitudes, values or behavior.

3. Constraints/problems in the work environment

In this study, constraints/ problems referred to factors within and/or without the work environment of prison officers that inhibited good performance of the intended roles or functions of prisons. Constraints/problems in the work environment were asked in questions relating to issues such as information and /or feedback flow; availability of finances; availability of work infrastructure facilities; adequacy of well trained, experienced and qualified staff; promotions; pay raises; work/case load; delay of cases; living and working conditions of prison officers; team work among warders; prison management styles; training opportunities.

4. Performance of prison officers

Kane in Armstrong (2001) argues that performance is something that a person leaves behind and that exists apart from the purpose. Performance is simply the record of outcomes achieved and it is also about doing the work as well as being about the results achieved. In the case of prison officers, their performance was about their success in rehabilitating offenders. Questions on performance of prison officers related to what work activities the warders undertook towards rehabilitating offenders and whether the end result of rehabilitation was achieved.

5. Work environment of prison officers

Work is simply defined as an activity in which effort of the body and /or mind is used to produce something or gain a result. Armstrong (2001) defines work as the exertion of effort and the application of knowledge and skills to achieve a purpose. Environment is defined as the physical and social conditions in which people undertake activities through their efforts of the mind or body to produce the results they have purposed to achieve. In this study, the work environment of prison warders referred to the social and physical conditions in which

prison officers undertook activities through their mind and /or body efforts to rehabilitate offenders in prisons. Questions were asked on whether the work and living social and physical conditions were conducive to the successful undertaking of rehabilitation activities. According to Bateman and Zeithaml (1996), a positive work environment existed when the manager had done everything possible to establish the conditions that encouraged success and removed the causes of failure.

6. Services in prisons

In this study, services in prisons referred to rehabilitation services/programmes offered to prisoners. These include training in different skills, chaplaincy and welfare services which include guidance and counselling and recreation services.

CHAPTER THREE

3.0 RESEARCH METHODOLOGY

3.1 Introduction

This Chapter dealt with site of the study, study sample and selection methods, methods of data collection, the data collection process, techniques of data analysis and problems encountered during the study.

3.2 Site of the Study

3.2.1 Selection of the site of the study

The study on the factors undermining the effectiveness of prison officers in the rehabilitation of offenders was done in the former four large divisions of Taita Taveta district, that is, Wundanyi, Mwatate, Voi and Taveta. The district now has six divisions following a subdivision which created the new divisions of Tausa and Mwambirwa.

The main reason justifying the selection of the District was its convenience to the researcher. The researcher is a resident of Taita Taveta district for many years and knew most of the key areas of the district. This factor was useful for it increased the researcher's mobility and enabled the easier tracing of the key respondents, that is, ex-prisoners during the study period and/or exercise. Availability of accommodation at the researcher's home in the district and the ability to walk and/or cycle from the home to some of the research venues/points and back helped in saving on the limited financial and time resources available to the researcher. Being a resident of the district, the researcher also understood the culture of the locals. This factor helped in establishing rapport with the respondents with less difficulties and this also helped reduce their suspicion on the study and the researcher.

It is important to note that Taita Taveta District alone has four prisons of the Kenya's about 90 prisons in Kenya's almost 70 districts. However, there appears to be neither a rational explanation nor any documented criminological significance for it. It is interesting to note that Kenya's classification of prisons into principal, medium and small prisons is represented

by the district's four prisons. Manyani is a principal prison; Wundanyi is a medium prison, while Voi and Taveta are small district prisons.

3.2.2 Description of the Study Site

According to the Kenya (2002) document where the 1999 Census results are highlighted, Taita Taveta district had a total population of 246,671 people comprising 123,342 females and 123,329 males. The district's population projection for the year 2002 was 259,889. The same Census indicated that there were 57,538 households in the district. The population density was shown to be 40.3 excluding the National Park and 14.0 with the National Park included. As shown in the extract presented on Table 3.1 below, the majority of the population in the district was in the youth-age bracket (that is, below 45 years). This implies that the majority of offenders, ex-prisoners and even prison officers in the district are in the youthful ages.

Table 3.1 Taita Taveta District Population by Age Bracket

Age (In Years)	No. of Persons	Percentage
0 - 4	33,848	13.7
5 - 9	31,933	12.9
10 - 14	35,181	14.3
14 - 19	30,148	12.2
20 - 24	22,052	8.9
25 - 29	18,675	7.6
30 - 34	14,915	6.0
35 - 39	12,886	5.2
40 - 44	9,944	4.0
45 - 49	8,660	3.5
50 - 54	7,088	2.9
55 - 59	5,361	2.2
60 - 64	4,699	1.9
65 - 69	3,574	1.4
70 - 74	2,668	1.1
75 - 79	1,635	0.7
80+	1,689	0.7
N/S Age	1,715	0.7
Total	246,671	99.9

Source: 1999 Population Census

An effective prison system will need to address the needs of this special category of offenders who are in the productive and reproductive age group and who are trying to earn a

living, some of them through illegal means. Prison inmates in this category require modern skills to enable them eke out a living upon their release from prison. Similarly, prison officers in this age group are probably starting or in their middle of the careers and will need to be enabled and /or motivated to develop their careers effectively through provision of training skills, facilities and sound remuneration to enable them meet basic human needs.

The district has a literacy level of 73.7% for the male and 87.8% for the female thus implying that there are more women than men who are educated since the population of the two sexes is almost equal in the district. There are 128 literacy classes in the district contributing to the varying literacy levels among the sexes.

The implication for this study is that most respondents are literate although they are not highly educated. Effective prisons do not just need literate but highly educated officers with sound rehabilitation knowledge and training. Offenders/prisoners with high education levels acquire training skills offered in prisons easily unlike the lowly educated ones. A good example is in the training in Mechanics and engineering which require knowledge in physics and chemistry, and not just primary school level education.

The district is generally dry with an exception of only the highland Wundanyi division which is a high rainfall area. The other divisions are arid and semi-arid areas. The long rains which come from March to June range between 481.7 – 1516.1 millimeters while the short rains which come from October to December range from 125 – 481.7 millimeters. The rains are unreliable in most parts of the district. Effective prisons in this district will have to get adequate physical and financial resources in order to have reliable sources of water such as boreholes for inmates and officers' consumption. They will also need sufficient water for agricultural purposes for them to be self sufficient in food production for inmates and even for practical agricultural training in terms of irrigation.

Infrastructural facilities in Taita Taveta district are poor and lowly developed. For example, the transport networks are still underdeveloped. There is only 151.8 kilometres of bitumen (tarmac) road. Gravel roads stretch for 311.3 kilometres while earth roads stretch for 491.4

kilometres making the roads almost impassable/inaccessible during heavy rains. There are four airstrips and fourteen railway stations in a rail line of 203.9 kilometers. Communication network is also undeveloped. The 2002-2008 Taita Taveta District Development Plan based on the 1999 Census indicates that there were only 996 telephone lines in households and 1028 telephone lines in private and public organizations in the whole district. Mobile telephone coverage was accessible mainly in Voi division. This scenario implies that the prisons in the district lack adequate transport and communication infrastructure. Maintenance and repair costs of the available facilities are bound to be high and more funding is needed to improve and manage the situation.

3.3 Study Sample and Selection Methods

3.3.1 Sampling

The main objective of undertaking sampling in a study is to obtain representativeness of the information and/or data derived from the selected respondents/samples (Schutt, 1996; Singleton, 1993). Since this study needed representative data/ information from ex-prisoners and prison officers in Taita Taveta District, sampling was done between the two broad categories of respondents in order to get their two perspectives on the effectiveness of the Prisons Service in the rehabilitation of offenders.

3.3.2 Study Sample

The study sample for ex-prisoners respondents included only those ex-prisoners who had served in whichever year prison sentences of any lengths in any prison in Kenya and who were present in the district at the times of interviews but excluded ex-prisoners resident in the district who were out of the district at the times of interviews. The study sample for prison officers included only the four heads of the four prisons in the district and the prison officers in the warder and chief officers grade who were present in the prisons at the times of interviews but excluded those warder and chief officer grade prison officers who were present in the prisons at the times of interviews but who could not be available for the interviews due to various crucial commitments (such as guarding prisoners in work gangs or escorting remandees for court mentions and trials and to hospital).

The unavailability of a known population size of ex-prisoners in Taita Taveta district (who were still alive and who could be present for the research) did not enable a mathematical calculation of their sample size. Again, the small number of correctional officers in each of the four district prisons and the definite number of four heads of the four prisons did not warrant a mathematical calculation of their sample size. Furthermore, there were no complete lists of the correctional officers at the time of the interviews because some were on leave; others were on escort of prisoners and remandees to courts and hospitals, or work gangs. There were those who were reported to be sick and in hospital while others had just died (such as in Manyani prison where four had died a few days before the interviews). Some prison officers were also in assignments which made them totally unavailable for the interviews (such as those in signals and control rooms). These factors made it difficult to construct complete lists of prison officers at the times of interviews. Therefore, a predetermined number of the sample size for the two units of observation (that is, the ex-prisoners and the prison officers/authorities) was adopted and assumed that the samples corresponded to the populations of interest.

This study targeted to interview a maximum of 200 ex-prisoners living in Taita Taveta district. The sample size of the ex-prisoners was adopted in order to cater for unforeseen circumstances in the field such as missing cases due to death, change of residence, normal absenteeism or refusal to provide information (non-response), and to guard against interviewing respondents who were below the recommended minimal size, that is, 100 respondents (see Kathuri and Pals 1993). The study managed to interview only 120 ex-prisoners and was unable to interview a higher number because of several limitations including shortage of funds and time for the research's fieldwork. A predetermined number of 64 prison officers/authorities (that is, 60 correctional officers in warder and chief officer grade and 4 heads of the prisons) was targeted and all of them interviewed.

3.3.3 Selection Methods

Non-probability sampling was adopted in selecting the sample for ex-prisoners. Ex-prisoners were a rare category and it was not easy to construct a complete list of them for purposes of probability sampling. This study drew samples of ex-prisoner respondents from the four

former divisions in the district (that is, Wundanyi, Voi, Mwatate and Taveta) since the boundaries of the new six divisions (that is, the former four and Tausa and Mwambirwa) were not very well known or clear to the researcher and to most of the local residents. It was important to draw a sample from all the four divisions in order to get a representative sample with a district outlook. The researcher adopted Snowball/Mud ball sampling in identifying and selecting ex-prisoners in Voi, Mwatate and Wundanyi divisions. In Taveta division, the researcher combined both Purposive and Snowball Sampling. This study managed to select a sample of 120 ex-prisoners from the four divisions as shown on Table 3.2 below.

Table 3.2 Distributions of Ex-prisoner Respondents by their Current Residential Divisions

Current Residential Divisions	Frequency	Percentage
Taveta	76	63.3
Voi	20	16.7
Wundanyi	16	13.3
Mwatate	8	6.7
Total	120	100.0

The prison officer respondents were also selected using non-probability sampling. The officers were purposively divided into two broad categories, one comprising of the four heads of the four prisons in the district and another comprising of the other prison officers who were in real sense the correctional officers. The correctional officers' category was further purposively subdivided into two sub-categories to comprise officers at Warder Grade and officers at Chief Officers' grade. The two sub-categories were assumed to be different in some aspects and to hold specific information to their areas of jurisdiction. For purposes of this study, all officers below the rank of Chief Officer II were categorized in the warder grade. This meant that the group comprised the Non-commissioned officers (that is, corporal to senior sergeant) and their juniors. The sample of the ordinary prison officer respondents was as shown on Table 3.3 below.

Table 3.3 Distribution of Correctional Officer/Ordinary Prison Officer Respondents by the Prisons they were working in.

Prison	Frequency	Percentage
Manyani	29	48.3
Wundanyi	14	23.3
Voi	10	16.7
Taveta	7	11.7
Total	60	100.0

3.4 Methods of Data Collection

Methods of data collection are the ways to obtain relevant data or information for a particular study from the relevant sources. This study made use of three main techniques of data collection namely, the Survey, observation and secondary data (available data).

3.4.1 Survey

The survey was the primary method of data collection for this study. The study employed the two approaches/forms of survey namely the descriptive survey research and the analytic survey research. The descriptive survey research which aims at describing phenomena or narrating how various behaviors and events occur was instrumental in among others, describing the conditions of prisons and prisoners in the district. It was also crucial in narrating the supervision of prisoners by correctional officers. The analytic survey research which seeks to establish relationships among phenomena or variables by asking ‘why’ certain behaviors occur and ‘how’ these behaviours relate to other types of behaviors was used to explain among others, the relationship between imprisonment and the socio-economic status of offenders and ex-offenders and the relationship between the quality of supervision of prisons and prisoners and the success in the rehabilitation of offenders.

The survey collected data from the two units of observation by using mainly structured face-to-face individual interviews (that is, interviewing one respondent at a time) which were conducted in places such as in secluded rooms where the respondents’ confidentiality of

responses was secured. This approach helped in the creation of rapport and ensured validity of the data collected. The 'group interview' approach was avoided because it was feared that interviewees would hesitate to reveal certain facts or experiences in the presence of others. The fear of victimization of ex-prisoners and ordinary prison officers also necessitated individual interviews for them and concealing their identity by failing to record their names against their responses. The unstructured interview approach was used at the end of each interview session to allow each respondent to give any other relevant comments or additional information on the subject of the research.

An interview schedule (which is appended on this document) consisting of both fixed and open-ended type of questions was used. To ensure validity of the interview schedule, all its questions were related to the topic under investigation. To ensure comparability and reliability of the responses and information of the respondents, each respondent was asked the same questions and in the same order and wording. This approach was instrumental in ensuring consistency, accuracy and comparison of the accuracy of the question responses. While this study used an interview schedule written in English, the interviews were conducted in both English and Kiswahili languages depending on which language a particular respondent understood better. The researcher was conversant with the two languages and had minimal problems interpreting the languages.

From the formal interviews of the survey, qualitative data like the types of crimes committed by offenders, the socio-economic profile of offenders, ex-offenders and their families, the conditions of prisons in the district and the impact of imprisonment on ex-prisoners and their families was obtained. Quantitative data like inmate population in the prisons in the district, prison staff population, lengths of prison sentences served by the ex-prisoner respondents, financial allocations of some prisons, size of households of ex-prisoners, prisoners and correctional officers and estimates of income levels of ex-prisoners and correctional officers was also obtained. Informal Interviews with people who were not part of the samples for example the District Probation Officer, the District security Intelligence Officer, the Officer Commanding Police Division, other prison and police officers and members of the general

public who were eager to contribute their ideas to the research also provided mainly qualitative data which enriched information collected through the interview schedules.

3.4.2 Observation

The Observational Technique as a primary tool of scientific inquiry for data collection was also used to supplement the survey. This study employed the simple observation technique to collect data mainly on the quality, quantity, type and physical status of infrastructural facilities available in the four prisons in the district; activities carried out by inmates, correctional officers and ex-prisoners; and other indicators of the general conditions and standard of living of prisoners/inmates, prison officers and ex-prisoners. For example, the researcher observed some ex-prisoners who were in tattered clothing and living in semi-permanent and dilapidated houses; some ex-prisoners living in squatter lands; some children of ex-prisoners who were not attending school; aged and un-maintained prison premises including prison staff houses and inmates wards; inmates who were in tattered clothing and walking barefooted; inmates who looked unhealthy (sickly); inmates being transported to courts in crowded vehicles; grounded prison vehicles; prison officers who wore tattered and/or patched uniform and slanted-heeled shoes and some prisons which did not have workshops/industries or adequate rehabilitation tools in the workshops. This data collected through observation reinforced the data collected through the interviews and helped in the validation of information collected from the interviews.

3.4.3 Secondary Source of Data

Secondary data or available data included or related to the use by the researcher of this study of ready prepared material called data materials. The data materials included statistical records, personal documents, Government records, books, journals and mass medial communication. There were three types of available data which were used namely, statistical records, public or private written documents and mass communication. For example, the Central Bureau of Statistics' library at the Ministry of Planning and Development in Nairobi provided useful sources of data on the trends and statistics of crimes committed every year in Kenya as per province; prison population over the years; statistics on infrastructural facilities in Taita Taveta district and lengths of prison sentences meted out on offenders over the years.

A review of theses and books in Criminology and Sociology provided data on the functional status of prisons and general information on imprisonment and crime in Kenya and the world over. Public written documents on crime and imprisonment compiled from workshops, seminars and conferences were also useful sources of data for this study. Radio and Television news broadcasts and newspapers and magazine reports in the wider subject of Criminology were also used to collect data on the past and current status of the crime problem and on the reforms being undertaken in the field of penology and correctional policy in Kenya.

3.5 The Data Collection Process

3.5.1 Data Collection Process with Ex-prisoners

This study went to collect the views and opinions of prison officers and ex-prisoners concerning the factors undermining the effectiveness of prison officers in the rehabilitation of offenders. The data collection process took place between May 2000 and June 2003. The data was to establish whether there were problems / constraints in the work environment of prison officers both within and without the prison organization. The data examined how the work environment of prison officers affected their performance in terms of rehabilitating offenders. Recidivism rates as an indicator of prisons effectiveness and other issues relevant to the work environment of prison officers on prisons effectiveness were also examined.

The researcher began the process of tracing and selecting ex-prisoners for the study by first paying courtesy calls to the area District Commissioner and the area District Education Officer as per the research permit's regulations and then visiting the four prisons in the district in the hope of getting records which could facilitate constructing adequate sampling frames for ex-prisoners. The initial plans which later changed on reaching the field were to interview only ex-prisoners who were living in Taita Taveta district and who had been imprisoned in the district's four prisons. However, due to administrative reasons at that time, the Heads of the four prisons could not avail the records of ex-prisoners at their disposal. The Heads of prisons also argued that it was difficult to construct the sampling frame of ex-prisoners from the records in the prisons because it was possible that some ex-prisoners had either died or relocated to unknown areas after release. It was also possible that those

released at one time in a particular prison had returned to other prisons because recidivism was high.

Faced with such a situation, the researcher abandoned the plans of using probability sampling in selecting a sample of ex-prisoners because an accurate and adequate sampling frame could not be obtained or constructed. Non-probability sampling was adopted in selecting the sample. This was also because the study was mainly a descriptive study and not a quantitative one and needed only the views of ex-prisoners.

This study drew samples of ex-prisoner respondents from the four former divisions in the district (that is, Wundanyi, Voi, Mwatate and Taveta) since the boundaries of the new six divisions (that is, the former four and Tausa and Mwambirwa) were not very well known or clear to the researcher and to most of the local residents. It was important to draw a sample from all the four divisions in order to get a representative sample with a district outlook.

The process of identifying, selecting and interviewing of ex-prisoner respondents began with the researcher paying courtesy calls to the District Probation officer, the District Security Intelligence Officer and the area Officer Commanding Police Division (OCPD) in order to inform them of the research activity in their areas of jurisdiction. The researcher informed the three officers of the intentions to locate ex-prisoners for the study. The three officers observed that most offenders and ex-prisoners in a particular location tended to know one another through their criminal career. The researcher therefore adopted Snowball Mud ball sampling as the appropriate technique for identifying and selecting ex-prisoners in the district. Ex-prisoners were hard to reach due to their tendency to be suspicious of any enquiries (about criminals) by strange people but any referral to them by one of their own was treated with less suspicion.

In Voi, Mwatate and Wundanyi, the researcher was directed to one ex-prisoner by a government official and/ or member of public, introduced himself and the subject of the study and managed to create a rapport with that particular ex-prisoner. This first respondent agreed to the interview and gave the information required and then directed the researcher to

other ex-prisoners in the division who did the same. However, some of the ex-prisoners the researcher was directed to could not be traced easily for they had changed their residences. Others were in prisons for further prison sentences while others were unwilling to be interviewed by the stranger researcher who was not a known resident of their divisions and shied away from the interviews.

In Taveta division, the researcher made use of both Purposive and Snowball Sampling. Being a well-known resident of the division, the researcher knew some ex-prisoners without having to be directed. Purposive sampling was employed on these ex-prisoners who were already known to the researcher. The known cases were interviewed first and then they, with other residents who were not ex-prisoners, directed the researcher to other ex-prisoners who were in the division at the times of the research. There was little resistance for the research from the ex-prisoners in Taveta because majority of them had known the researcher in person or the researcher's immediate family members for more than twenty years. They were less suspicious of the study especially because they knew some of the researcher's relatives who had been victims of imprisonment. A total of 120 ex-prisoners from the four divisions were traced, selected and interviewed.

3.5.2 Data Collection Process with Prison officers

Before going for the fieldwork, the researcher planned which prison officers to involve in the study. Prison authorities/officers were purposively divided into two broad categories in this study. The first category comprised the four heads of the four prisons in the district while the second category comprised the other prison officers who were in the real sense the correctional officers. The first category was referred to as "Heads of prisons respondents" while the second was referred to as "Ordinary prison officer respondents" for the purposes of distinguishing the two broad categories. The prison officers were categorized in that manner because the prison system comprised administrators/managers of prison programmes and implementers of prison programmes and the two groups were different in some aspects. The administrators were senior to the implementers and held some information which could not be obtained from the ordinary prison officers. For example, administrative and policy matters/decisions such as appraisal of prison programmes, the number of officers required in

each prison and budgetary requirements for each prison were only better understood by the heads and not the ordinary prison officers.

The correctional officers' category was further purposively subdivided into two sub-categories to comprise officers at Warder Grade and officers at Chief Officer's grade. The two sub-categories were assumed to be different in some aspects and to hold specific information to their areas of jurisdiction. For example, in the small prisons such as Voi and Taveta, Chief Officers were the heads/administrators of the prisons. In the large prisons, they were the second in rank after the gazetted officers. Chief Officers were thought to hold some different information from the warder grade officers who were junior to them. Again, in all prisons, the warder grade officers remained to be the implementers of the prisons programmes. For purposes of this study, all officers below the rank of Chief Officer II were categorized in the warder grade. This meant that the group comprised the Non-commissioned officers (that is, corporal to senior sergeant) and their juniors.

After planning and deciding which categories of prison officers to involve in the study, the researcher set out for the field work and visited the four prisons in the district with a view to getting information which would enable the construction of relevant samples of prison officers for the study. Unfortunately, the researcher could neither access any information from the prisons nor interview prison officers due to prisons' closed boundaries at that time. The researcher then suspended the interviewing of prison officers and embarked on interviewing ex-prisoners.

At a later date, the researcher obtained the required permits from the Prisons Headquarters and the Ministry of Education and proceeded to find and interview all the four heads of the prisons in the district because they were a special category of individuals who were believed to hold specific information about their areas of jurisdiction/administration. Due to the fact that the four heads were clearly known individuals, their population size was small and the specificity of the required information did not require or warrant the use of complex probability sampling procedures in the selection of their sample, they (heads of prisons) were selected purposively. The researcher visited each prison starting with Manyani Prison,

obtained the name of the head of the prison and located him in his office. In the office of each head, the researcher introduced himself and the study and requested for an interview with the head. All heads of the prisons consented to the interviews especially because the office of the Commissioner of Prisons had authorized them in writing.

After interviewing the head of Manyani Prison, the researcher indicated to him that the study wished to compile complete lists of all officers at Warder and Chief Officer Grade in the district in all the four prisons and then undertake simple random sampling of the total warder grade officers and that of the chief officer grade. The head pointed out that at any particular moment in any prison, it was difficult to compile a complete list of all officers of most of the ranks mainly because of their unavailability due to various reasons. The head cited being on annual leave, transfers, off duty for various reasons, escorting inmates outside the prisons, being in meetings or work gangs and guarding prisoners as some of the reasons which made all prison officers or their complete lists unavailable any particular moment. Chief Officers in all the prisons were also extremely few for they were only five in the whole district at that time. The Head said that he was reporting from his experience with his Manyani prison and that the situation was likely to be the same in the other prisons.

Following these revelations, the researcher changed the strategy to deal with correctional officers who were readily available (in each prison at a time) by drawing a prison-specific sample and interviewing this sample before moving on to another prison and doing the same. Plans for random sampling of warders and chief officers in isolation were discarded because the latter group was extremely small in each prison. As it later emerged, there were only two chief officers in Manyani prison and one each in Wundanyi, Voi and Taveta prisons at that time. In Voi and Taveta, the only Chief Officers available were also the heads of the prisons. Convenience Sampling Technique (that is, selection of conveniently available cases) was adopted to draw samples of correctional officers in all the prisons in the district. As indicated earlier on Table 3.3, 29 correctional officers from Manyani prison, 14 from Wundanyi prison, 10 from Voi prison and 7 from Taveta prison were conveniently available and were interviewed. All the 64 prison officers (that is, heads of prisons and correctional officers) who were interviewed comprised one Senior Superintendent of Prisons, one Superintendent

of Prisons, four Chief Officer II, Seven Senior Sergeants, four Sergeants, six Corporals and forty-one warders/wardresses.

Interviews started with Manyani prison followed by Wundanyi and then Taveta and Voi. From the onset of the study interviews of correctional officers, Manyani prison was planned to contribute more correctional officers required followed by Wundanyi Prison, with Voi and Taveta Prisons sharing the remaining respondents almost equally because they were almost of the same size in terms of inmate population. From interviews with the heads of the prisons, it had been revealed that there were 208 correctional officers in Manyani, 81 in Wundanyi, 28 in Voi and 27 in Taveta making a total of 344. With three gazetted officers and two heads of prisons who were chief officers, the total number of prison officers as at May 2001 was 349 at the times of interviews with prison officers.

3.6 Techniques of Data Analysis

This study was a descriptive research study which was designed to obtain pertinent and precise information concerning the factors undermining the effectiveness of the prison officers in the rehabilitation of offenders in Kenya from the facts discovered. As clearly put by Koul (1984), descriptive studies provide three types of information: first, of what exists with respect to variables or conditions in a situation; secondly, of what we want by identifying standards of norms with which to compare the present conditions or what experts consider to be desirable, and thirdly, of how to achieve goals by exploring possible ways and means on the basis of the experience of others or the opinions of experts. The study therefore, employed both the qualitative and quantitative techniques of data analysis.

Data obtained from the open and closed-ended questions was first coded in a code sheet and then the computer was used in organizing, interpreting and presenting the data for the purpose of analysis. In particular, the Statistical Package for Social Sciences (SPSS) technique was used to organize, interpret and present descriptive statistics. The data was presented in form of frequency and percentage tables. Some calculations involved were done using a scientific calculator. The information obtained from the fieldwork was integrated

with available secondary data for the purpose of interpretation and was then presented in themes/topics guided by the objectives of the study.

3.7 Problems Encountered During the Study

There were a number of problems that were experienced by the researcher during this study. As it has always been with studies in crime, this study was bedeviled with suspicion from ex-prisoner and ordinary prison officer respondents. The ex-prisoner respondents as was reported by some of them feared that the research was an attempt by the Government security machinery to trace and eventually arrest them for various offences committed in their villages because ex-prisoners were labeled and stigmatized and were therefore the first suspects when crimes were committed. Some of the ordinary prison officer respondents reported that they feared that the research was a Government attempt to identify prison officers who needed to be retrenched from the Prisons Service since the Government was reducing its staff in all departments. This suspicion made some of the respondents in the two categories of units of observation to shy away from the interviews. To solve this problem of suspicion, the researcher spent about five minutes to convince and establish rapport with each respondent and inform them that the research was a purely academic exercise which could not lead to arrests (for ex-prisoners) and dismissal from the Service (for the prison officers). This meant that interviews took longer time than had been expected. The names of all the respondents were also not recorded against their responses in order to conceal their identities and to clear the suspicion.

Closed boundaries and red tape at the Prisons Department both at the Headquarters and field stations in Taita Taveta district were problems which led to wastage of a lot of time and financial resources by the researcher. The researcher obtained a research permit for the study from the Ministry of Education and proceeded to the Prisons Department Headquarters to obtain further authority to penetrate prisons in the district. At the Headquarters, the researcher was not granted authority to interview prison officers in the district and get information which could help in tracing ex-prisoners living in the district. At the individual prisons in the district, the researcher could not conduct interviews with prison officers or obtain information without authority from Prisons Service Headquarters in Nairobi. To solve

the problem partially, the researcher changed the strategy of tracing ex-prisoners and traced them without using any information from the prisons. The researcher also managed to return to the Prisons Department Headquarters at a later date and managed to obtain authority from the Commissioner's office after spending more resources. The interviews with prison officers were eventually delayed by almost a year.

The lack of adequate funds to carry out this study was a major problem especially at the initial stages of the study. After the successful defense of the study's proposal at the University of Nairobi, the fieldwork could not be undertaken until after several years because of lack of funds. Fewer ex-prisoners than expected were therefore studied. The interviews with prison officers were also undertaken three months after obtaining the Commissioner's authority also because of lack of funds. The problem of lack of funds was partially solved following the partial sponsorship of the research by a research sponsoring organization after the researcher successfully presented the study's proposal to the sponsor.

The other problem was that the population of ex-prisoners was scattered all over the district and tracing them was difficult and time consuming. The ex-prisoners were not easily and readily available. Some of the ex-prisoners were not easily available because they were busy in their occupations in distant locations. To solve this problem, the researcher literally traced them to their locations and interviewed some of them even during the odd hours of the evening. The researcher also attended public meetings and used them to trace and book appointments with ex-prisoners for interviews. Some villagers also approached the researcher to help in securing the release of their friends and relatives from police cells and prisons thinking the researcher was in a position to do so. They were disappointed when their expectations could not be fulfilled. The researcher solved this problem by informing the villagers that he was only a student on an academic exercise which was likely to influence positively the dispensing of justice and rehabilitation of offenders in Kenya.

CHAPTER FOUR

4.0 DATA PRESENTATION

This Chapter made use of quantitative and descriptive statistics to present data gathered from the field. The data which was mainly presented in frequency and percentages touched on demographic attributes and socio-economic characteristics of the respondents as well as on the thematic areas of the study such as on the work environment factors undermining the effectiveness of prison officers in the rehabilitation of offenders.

4.1 Socio-Demographic Characteristics of Study Sample

As indicated earlier, the study utilized two major categories of respondents; ex-prisoners and prison officials. Concerning the former, a total of 120 respondents were interviewed while 60 prison warders (also referred to as “ordinary prison officers”) and four (4) prison heads comprised the respondents for the latter category. The socio-demographic characteristics of the two groups are profiled in this section commencing with those of ex-prisoners. For both categories of respondents, the presentation keys on the demographic attributes of gender, age and ethnicity as well as socio-economic characteristics such as marital status, level of formal education, occupation and income.

4.1.1 Socio-demographic Characteristics of Ex-prisoners

Gender

Out of the 120 respondents interviewed, 96.7% were males while 3.3% were females. This indicates that there are more male prisoners than there are female prisoners. One possible explanation for high number of males is that males traditionally commit more crimes than females. In the African traditional society men are assumed to be the family’s breadwinners. It is through the breadwinning activities that they may probably commit crimes. Scholars such as Adler et al (1991) agree that the crimes women commit are much lower and are closely associated with their socio-economic position in society.

Ethnicity

The Majority of respondents (33.3%) were from the Taita ethnic group while the Kamba and Taveta tribes contributed 26.7% each towards the population of interviewed respondents as shown on Table 4.1 below. The result that most respondents are Taita is likely because the Taitas are the majority ethnic group in the district and also occupy all the divisions in the district. The high number of Kambas and Tavetas is likely because the two tribes are the two main residents in Taveta division which contributed 63.3% of the sample. Other tribes constitute the minority.

Table 4.1 Tribe of Ex-Prisoner Respondents

Tribe	Frequency	Percentage
Kamba	32	26.7
Taita	40	33.3
Kikuyu	8	6.7
Taveta	32	26.7
Chagga	4	3.3
Luo	4	3.3
Total	120	100.0

Age

The age distribution of respondents showed that the majority (36.6%) of ex-prisoners were aged between 40-49 years. Most (83.3%) of the respondents were within the productive age bracket of 20-49 years and only 16.7% were above 50 years. The measures of central tendency indicated that the average age of ex-prisoners was 40.2 years; the median was 40.4 while the true mode was 41.7. The result that most respondents were within the economically productive age called for more economic opportunities to the formal and informal sectors of the economy in order to absorb the potentially would-be offenders who may be driven to criminal behaviour by difficult economic circumstances.

An examination of the age distribution of prisoners showed that the majority (50.0%) were aged between 30-39 years, 26.7% were between 20-29 years while 3.3% were aged 50 years and above as shown on Table 4.2 below. Measures of central tendency indicated that the average age was 33.5 years while the median and the true mode were 33.5 and 33.6 respectively.

Table 4.2 Current Age and Age at time of imprisonment of the Respondents

Age (years)	Current		At time of Imprisonment	
	Frequency	Percentage	Frequency	Percentage
10-19	0	0.0	4	3.3
20-29	20	16.7	32	26.7
30-39	36	30.0	60	50.0
40-49	44	36.6	20	16.7
50-59	16	13.3	4	3.3
60-69	4	3.3	0	0.0
Total	120	100.0	120	100.0

The result that most offenders and hence prisoners were young people was explained by the fact that they were able bodied people seeking conventional means of livelihood but who in the process may have been frustrated by lack of the same due to prevailing economic hardships. To make ends meet, they may have ventured into illegal means of surviving. The reason why there were a few prisoners in the very young age of below 19 years was because this category was dealt with at the borstal and approved schools level and not the prison. Some of the sources which confirm that there are more offenders and/or prisoners in the young ages than in the older ones are Adler et al (1991) and Ministry of Home Affairs (1979).

With the imprisonment of the young people, the community is denied crucial labour for the farm activities especially in agricultural areas such as Taita Taveta district.

Marital Status

Out of the 120 respondents interviewed, 83.4% were married, 13.3% were single or not married and 3.3% had either divorced or separated at the time of interview as shown on Table 4.3 below. The result showed that ex-prisoners (or ex-convicts) valued the marriage and family institutions.

Table 4.3 Marital Status at time of interview and at time of imprisonment

Marital Status	Current		At time of imprisonment	
	Frequency	Percentage	Frequency	Percentage
Single/Never Married	16	13.3	16	13.3
Married	100	83.4	104	86.7
Divorced/Separated	4	3.3	0	0.0
Widowed	0	0.0	0	0.0
Total	120	100.0	120	100.0

Further probing into the respondents' marital status at the time of imprisonment revealed that majority of them (86.7%) were married and only 13.3% were single or had never married. This result showed that the majority of offenders were family people with various family responsibilities such as bringing up children. The result also revealed that imprisonment had led to family problems among some of the respondents. In fact, further probing revealed that the number of divorces or separations shown by the current marital status was lower because some of the respondents had remarried after their release following the escape of their first wives due to imprisonment.

Size of Household

On the current size of household, the majority (40%) mentioned that they had households of between 7-9 people, 36.7% of the respondents had households of 4-6 people and only 3.3% of the respondents had households of more than 13 people as shown on Table 4.4 below. The average size of household at the time of interview of the respondents was 7.0 people while the median was 7.0 and the true mode was also 7.0. This result showed that ex-

prisoners had large families when compared to the average size of household of 4 in the district as per the 1999 Census (that is, a population of 246671 against 57538 households).

Table 4.4 Size of household at time of interview and at time of imprisonment

Size of Household	Current		At time of Imprisonment	
	Frequency	Percentage	Frequency	Percentage
1-3	8	6.7	24	20.0
4-6	44	36.7	44	36.7
7-9	48	40.0	40	33.3
10-12	16	13.3	8	6.7
13-15	4	3.3	4	3.3
Total	120	100.0	120	100.0

Results on the size of household at the time of imprisonment showed that 36.7% of the respondents had households of 4-6 people followed by 3.3% with 7-9 people. Again only 3.3% had households with more than 13 members. The measures of central tendency indicated that the average size of a household at the time of imprisonment was 6.0 people while the median and true mode was all 6.0. These results showed that offenders had relatively large families and hence a relatively heavy family needs burden to grapple with. The results also revealed that the confinement of one prisoner breadwinner was affecting at least 5 other people of the immediate family.

Number of children supported by respondents

Most respondents were supporting children at the time of interview. The majority of the respondents (53.3%) were supporting between 3-5 children while 20% were supporting 6-8 children. Only 3.3% were supporting between 0-2 children. These results showed that ex-prisoners had young families and high fertility rates. The two factors translated to a possible high demand for social amenities such as schools and health centres. When measures of central tendency were considered, the average number of children supported, the median number and the true mode were all showed to be 4.0. The assertion that ex-prisoners had

young families was supported by the 2002-2008 Taita Taveta District Development Plan (1999 Census data), which indicated that 53.2% of the total population comprised those below 19 years.

On the number of children supported before imprisonment, most (46.7%) of respondents supported between 0-2 children. The majority (53.3%) supported more than 3 children. The average number of children supported and the median number of children supported before imprisonment was 3.0. It could be explained that for every one offender imprisoned there were 3 children (dependant minors) who were affected. It was also likely that the imprisonment led to the delinquency of the dependant minors. Table 4.5 below shows the number of children supported by ex-prisoner respondents at time of interview and at the time of imprisonment.

Table 4.5 Number of children supported by respondents at time of interview and at the time of imprisonment

Number of supported children	Current		At time of imprisonment	
	Frequency	Percentage	Frequency	Percentage
0-2	28	23.3	56	46.7
3-5	64	53.3	44	36.7
6-8	24	20.0	16	13.3
9-11	4	3.3	4	3.3
Total	120	100.0	120	100.0

Level of Formal Education

The level of formal education was investigated in order to establish whether prisons offered formal education to majority of prisoners during their incarceration. Most of the respondents interviewed had acquired formal education up to secondary school level at the time of interview. The majority (86.7%) had acquired primary education, 3.3% had acquired secondary education to the fourth form (Form 1-4) and the rest had not been to any formal school at the time of the interview. This study showed that the respondents had the same levels of formal education at time of imprisonment. These results showed that most prisoners did not further their formal education while in the prisons and after release.

From the results of the study, the level of literacy among offenders and ex-offenders was generally high in the district. The 2002-2008 Taita Taveta District Development Plan which put the literacy level in the district for males at 73.7% and 87.8% for females confirmed this result. The results of this study collaborate those of studies such as Okola (1996) which argue that majority of those convicted of criminal charges are either illiterate or are not highly educated. As indicated elsewhere in this study, most crimes that were committed by the respondents or the crimes respondents were convicted of by the ruling courts were the blue collar type traditionally committed by people whose educational background was not sound enough. Relatively highly educated people committed only white-collar crimes.

Religious Denomination of Respondents

All the respondents were of Christian affiliation both at the time of interview and even at the time of their imprisonment. The majority (53.3%) of the respondents were Protestants while 46.7% were Roman Catholics at the time of interview. At the time of their imprisonment, Roman Catholics and Protestants shared equal percentages. These results showed that the religious teachings the respondents may have received in or out of prison did not help them avoid criminal behaviour. From another perspective, Max Weber's "Protestant Ethic" principle on the need to acquire wealth in order to enter Heaven might have played a role in increased criminality. The need to acquire wealth and the obstructed legitimate means to acquire the wealth could have the effect of law breaking among many community members.

Occupation and Sources of Income of Respondents

Of all the respondents interviewed, the majority (53.4%) had more than one occupation at the time of interview while 59.9% had more than one occupation at the time of imprisonment. This result showed a reduction in the number of occupations. Taken individually, peasant farming occupied majority of respondents (30.0%) at the time of interview while business or trade in the informal sector occupied only a minority 6.7% of the respondents at the time of interview. At the time of imprisonment, the majority of respondents (30.0%) were occupied by peasant farming and casual or temporary employment as indicated on Table 4.6 below.

Table 4.6 Occupations of Respondents at time of interview and at time of imprisonment

Occupation	Current		At time of Imprisonment	
	Frequency	Percentage	Frequency	Percentage
Casual Temporary Employment	12	10.0	8	6.7
Peasant Farming	36	30.0	24	20.0
Peasant farming, casual or temporary employment and business/trading in informal sector	0	0.0	4	3.3
Peasant farming and business trading in informal sector	32	26.7	28	23.3
Business/trading in informal sector	8	6.7	8	6.7
Permanent formal employment	0	0.0	8	6.7
Peasant farming, permanent formal employment and business/trading in informal sector	0	0.0	4	3.3
Peasant farming and casual or temporary employment	32	26.7	36	30.0
Total	120	100.0	120	100.0

These results confirmed those of the District's Development Plan that agricultural activities were the mainstay in the region. The results also showed that there was a possible scarcity of land and agriculture alone could not be relied on to meet all life's demands. Further probing showed that the occupations listed formed the sources of income for the respondents both at the time of interview and at the time of imprisonment. Farming was mainly in food crops while temporary employment was in farms as gardeners. Business in the informal sector was hawking of sweets, biscuits and juices in the bus stage. Formal permanent employment was in a factory, Cereals Board and a church as a gardener.

Level of Monthly Income of Respondents

On the level of monthly income of respondents, the majority (80.0%) earned incomes of between 0-4,999 Kenya shillings while 20.0% earned between 5,000 – 9999 Kenya shillings at the time of interview. This result showed that ex-prisoners were low-income earners when their incomes were compared against the high prevailing standards of living in Kenya.

Unlike the time of interview, the majority of the respondents (80.0%) earned more than 5000 Kenya shillings with 10.0% earning over 20,000 Kenya shillings before imprisonment. These results showed that imprisonment might have led to reduced incomes and increased tendency towards poverty as shown on Table 4.7 below.

Table 4.7- Levels of Income of Respondents at Time of Interview and At Time of Imprisonment

Level of Income (in Kshs)	Current		At time of Imprisonment	
	Frequency	Percentage	Frequency	Percentage
0-4999	96	80.0	24	20.0
5000-9999	24	20.0	48	40.0
10,000-14,999	0	0.0	28	23.3
15,000-19,999	0	0.0	8	6.7
Over 20,000	0	0.0	12	10.0
Total	120	100.0	120	100.0

4.1.2 Socio-Demographic Characteristics of Prison Warders

Sex

The study revealed a shortage of female prison officers. Out of the 60 ordinary prison officers interviewed, the majority (95.0%) were males. During the interview process and direct observation of prison officers as they went about their duties in the prisons, only very few female officers could be traced in the offices, prisons wards and work gangs. An informal visit to the Law Courts during the mention and trial of cases also revealed the same. One possible explanation for the lower number of female officers could be the corresponding lower female criminality in Kenya in general and the district in particular.

Age

The age distribution of the interviewed ordinary prison officers showed that the majority (45.0%) were aged between 30-39 years. Only 13.3% were aged between 50-59 years as indicated on Table 4.8 below. The lower percentage in the 50-59-age bracket was explained by the fact that most Kenyan civil servants normally retired from age 50 to 55. The lower percentage in the younger age bracket of 20-29 was explained by the fact that the Government had frozen the employment of fresh school leavers (who finish secondary education from about age 19 years) for about five years as shown elsewhere in this report.

Table 4.8 – Age of Ordinary Prison Officer Respondents

Age (years)	Frequency	Percentage
20-29	7	11.7
30-39	27	45.0
40-49	18	30.0
50-59	8	13.3
Total	60	100.0

Measures of central tendency showed that the average age of the interviewed ordinary prison officers was 39 years. This result showed that the district's prisons were assured of the officers' service for at least the next 21 years holding other factors constant. An interesting result was that the majority of ordinary prison officers appeared to be serving majority of age mate inmates as already indicated on Table 4.2. Under normal circumstances, peer group interaction between the officers and the inmates (prisoners) was expected to be high. This implied that officers' behaviour needed to be good if prisoners were going to emulate them.

Marital Status

One's marital status is sometimes used to indicate whether or not he/she is responsible in whatever he/she does. Married people are assumed to be responsible in their community. On marital status, the majority (95.0%) of the officers were married and 1(1.7%) was widowed. Only 2(3.3%) were single or were never married at the time of interview. This result showed that officers were family people and traditionally, they were expected to be responsible in all their activities including the duty entrusted to them of rehabilitating offenders since the adage "Charity begins at home" still stood. For example, a married prison officer would most likely know how and what to address in a counselling session with a married prisoner.

Size of Households of Respondents

The majority of officers (48.3%) had households of between 4-6 people, 26.7% had 7-9, 23.3% had 1-3 and 1.7% had 13-15 people. The average size of household was 5 people for the ordinary prison officers. This result suggested that for every one prison officer, the government was responsible for the welfare of five people (that is, the officer and four other members of the immediate family). Therefore, the living conditions of prison officers'

families have to be improved by the government as an integral effort towards improving the officers' working environment.

Number of Children Supported

As shown on Table 4.9 below, the majority (43.3%) of the respondents supported between 1-3 children, 38.3% supported 4-6 children and 1.7% had no children to support. Overall, 98.3% of the respondents had at least a child to support.

Table 4.9 – Number of Children Supported by Ordinary Prison Officer Respondents

Number of children Supported	Frequency	Percentage
None	1	1.7
1-3	26	43.3
4-6	23	38.3
7-9	8	13.3
10-12	1	1.7
13-15	1	1.7
Total	60	100.0

The average number of children supported was 4. This result suggested that the officers needed to have adequate financial and other resources such as spacious housing to cater for the number of children supported. The results also showed that there was a likely high demand for social amenities such as hospitals and schools provided by the government for the officers' children. The 60 interviewed officers qualified to have their own children's school of 240 students (that is 60 officers each with 4 children).

Tribe of Respondents

The study gathered that the 60 ordinary prison officers were from the Kalenjin, Mijikenda and eleven other ethnic groups in Kenya. The Kamba were the majority with 31.7% followed by the Taita with 23.3%. The Kikuyu and Luo accounted for 10.0% each while the Kalenjin and Luhya accounted for 6.7% and 5.0% respectively. Other tribes represented included the Somali with 3.3% and the Samburu, Taveta, Orma, Kuria, Meru and Mijikenda with 1.7% each. These results implied that the officers were in positions to understand the socio-cultural contexts of prisoners from these ethnic groups while rehabilitating them. The cultural and/or

ethnic heterogeneity of the district also called for ethnic heterogeneity of those who delivered offender rehabilitation services.

Province and District of Permanent Residence

As shown on Table 4.10 below, the majority (31.7%) of respondents were permanent residents of Eastern Province. Coast Province was second with 30.0% while Nairobi was not represented. The high percentages of Eastern and Coast could be explained by the fact that the two provinces bordered each other and some of their districts either hosted the prisons or closely bordered the host district (that is, Taita Taveta).

Table 4.10 Province of Permanent Residence of Ordinary Prison Officer Respondents

Province	Frequency	Percentage
Nyanza	7	11.7
Eastern	19	31.7
Western	3	5.0
Rift Valley	5	8.3
Coast	18	30.0
Central	6	10.0
North Eastern	2	3.3
Nairobi	0	0.0
Total	60	100.0

From the results indicated on the table above, Nairobi was not represented because no ethnic group claims to be solely and permanently resident in Nairobi. Nairobi is normally classified as a meeting point for all ethnic groups thus the Capital City of Kenya.

When respondents were classified on the basis of district or permanent residence, the prison officers represented 37.3% of Kenya's more than 67 districts. Taita Taveta district led with 26.7% followed by Makueni and Machakos which had 11.7% each. The majority (73.3%) of the respondents came from outside the district of work (i.e. Taita Taveta). These results suggested that the Government had to plan for adequate leave and transport allowances of at least 73.3% of the respondents. The results also suggested a likely separation of officers from their families, a fact that was confirmed by both respondents and non-sample respondents through formal and informal interviews. The separation of prison officers from their families

may lead to stress among the officers and this may negatively affect their performance especially when they resort to illicit behaviors such as absenteeism from duty, alcoholism, corruption and irresponsible sex.

Religious Denomination of Respondents

Out of the 60 respondents interviewed, the majority (95.0%) were Christians while 5.0% were Muslims. Protestant religion dominated with 70.0% of adherents while Roman Catholic had 25.0% of adherents. The high number of Christians supported other studies which indicated that majority of Kenyans were Christians. The results indicated the presence of chaplaincy services in the four prisons of the district, a crucial component in the rehabilitation of offenders.

Level of Formal Education of Respondents

The majority (75.0%) of the respondents interviewed had acquired formal education to the fourth form of secondary education, 3.3% had acquired A-Level Secondary education (that is, forms 5-6) and 21.7% had only acquired primary education. These results suggested a likely high literacy level among prison officers in the district. The results indicated that rehabilitators (prison officers) were better educated than the prisoners (those to be rehabilitated) when the two groups were compared. They also suggested that the highly educated people above A-Level shied away from jobs in the Prison Department, a trend that needed to be reversed by recruiting college and university graduates. The cross-tabulation on Table 4.11 below indicates that the Prisons Service has a low number of officers holding A-Level and above academic qualifications. In fact, informal interviews with some prison officers indicated that there was only one university graduate prison officer in the district and he was in the level of a gazzetted officer (Officer from the rank of a superintendent and above).

Table 4.11 Substantive Ranks and Level of Formal Education of the Ordinary Prison Officer Respondents

Rank	Level of Formal Education							Total
	None	Primary	Secondary 1-4	Secondary 5-6	University/ College	Adult Literacy	Other	
Chief Officer II	–	–	–	2(100.0)	–	–	–	2
Senior Sergeant	–	3(42.9%)	4 (57.1%)	–	–	–	–	7
Sergeant	–	3(75.0%)	1 (25.0%)	–	–	–	–	4
Corporal	–	3(50.0%)	3 (50.0%)	–	–	–	–	6
Warder/ Wardress	–	4 (9.8%)	37 (90.2%)	–	–	–	–	41
Total	0	13	45	2	0	0	0	60

N.B-The blanks mean that there were no respondents of the specified ranks who had attained the corresponding levels of formal education.

Monthly Income of Respondents

The study showed that the majority (75.0%) of the ordinary prison officers earned between 5,000 – 9,999 Kenya Shillings per month as average gross income. Only 25.0% earned an income of 10,000-14,999. Further probing indicated that the monthly government salary was the only source of income for the officers. This result on salary incomes suggested that most prison officers were low-income earners who were probably financially stressed and who probably could not adequately meet their basic needs.

Rank/Level of Service of the Respondents

All the respondents interviewed were in the grade of warder and chief officer. The grade of warder stretched from warder to chief warder. Substantive ranks in this category included Warder or Wardress, Corporal, Sergeant and Senior Sergeant/Sergeant major. The grade of chief officer stretched from Chief Officer II to Chief Officer I (i.e. 2 levels only). The majority (68.3%) of those interviewed were in the substantive rank of warder/wardress while 11.7% were in the rank of Senior Sergeant as shown on Table 4.12 below.

Table 4.12 Substantive Ranks of Ordinary Prison Officer Respondents

Rank	Frequency	Percentage
Chief Officer II	2	3.3
Senior Sergeant	7	11.7
Sergeant	4	6.7
Corporal	6	10.0
Warder/Wardress	41	68.3
Total	60	100.0

The results showed above indicated that the majority of rehabilitators in the Prison Department were in the substantive rank of warder, the lowest job position in the Prisons Service. Low position may sometimes lead to low self-esteem which may negatively affect the performance of an employee.

4.2 Supervision/Services in Prisons and their Effectiveness

This section presents data on supervision/services aspects of prisons and their effectiveness. The section commences with data presentation on supervision/services in prisons before presenting data on effectiveness. On supervision/services, data is captured on the services offered to prisoners, roles of prison officers, functions of prisons and the roles played by prisons to assist people keep away from criminal behaviour.

4.2.1 Supervision/services offered to Prisoners

The majority (60.0%) of ex-prisoner respondents confirmed that they had received supervision /services while in prison while the rest said they had not probably because of their short prison sentences and/or lack of the services in the prisons they served their sentences. Out of all the 72 ex-prisoner respondents who confirmed having received some supervision/services, the majority (55.5%) had received supervision in Industrial and Vocational training, 11.1% had received supervision in farming and another 11.1% had received supervision in the area of Industrial and Vocational Training, Welfare and Chaplaincy services as shown on Table 4.13 below.

Table 4.13 Distribution of 72 Ex-prisoner Respondents by kind of supervision/services Received

Kind of Supervision/service(s) received	Frequency	Percentage
Industrial and vocational training	40	55.5
Farming	8	11.1
Farming and industrial and vocational training	4	5.6
Building	4	5.6
Building and industrial and vocational training	4	5.6
Farming and Chaplaincy services Industrial and vocational training	4	5.6
Welfare and Chaplaincy services	8	11.1
Total	72	100.0

With regard to the roles of prison officers, the majority (80.0%) of the respondents mentioned training, guiding and counseling inmates, 10.0% mentioned protecting inmates, and 6.7% said training, guiding and counseling and protecting inmates while only 3.3% mentioned training, guiding, counseling and disciplining offenders. One of the ex-prisoner respondents in Taveta Division once said “I got information from home through a prison officer that my mother had passed away and I was deeply disturbed for a number of days until one officer noted my situation and held a counseling session with me after which I was able to accept and cope with the loss ...” When ordinary prison officers were asked the roles of a prison officer, the majority (58.3%) pointed to the training of inmates while only 1.7% mentioned general supervision of inmates and staff as shown on Table 4.14 below.

Table 4.14 Roles of a Prison Officer as Indicated by Ordinary Prison Officers Respondents

Role	Frequency	Percentage
Protecting inmates	6	10.0
Training inmates	35	58.3
Protecting inmates guidance, counseling and chaplaincy services	8	13.3
General supervision of inmates and staff	1	1.7
Protecting and training inmates	10	16.7
Total	60	100.0

From Table 4.13 and 4.14 above, it was clear that most of the supervision/services of prisons centred on training of inmates in different skills.

When ordinary prison officers were asked to describe the work done by prison officers, all of them repeated the roles listed on Table 4.13. Through formal and informal interviews with the respondents, this study showed that prison officers had other roles in the wider Criminal Justice System in Kenya. These roles were subsidiary to their main roles as prison officers. The study indicated that most of the ordinary prison officers performed the subsidiary roles unconsciously and could not state them when they were asked to mention their roles as prison officers. For example, when the ordinary prison officer respondents were asked whether or not a prison officer had a role in the present set-up of the Kenyan Judicial System of deciding the prisoners to be released before completion of their jail terms, the majority (61.7%) of them said they did not have a role. Only 38.3% said that they had a role in such a decision. Reports from available literature indicated that prison officers were instrumental in deciding those prisoners to be released before completion of their sentences. All Heads of prisons confirmed that prison officers played such a role. They argued that the Commissioner of Prisons had powers to release a rehabilitated prisoner three months in advance of the end of his/her sentence. The Commissioner also sat in the Board of Review of Sentences and his/her recommendations emanating from his/her juniors were normally considered. It was also the prison officers who decided the prisoners to be released through Presidential Amnesty.

When ex-prisoner respondents were asked the roles or responsibilities played by prisons to assist people keep away from criminal behaviour, most (43.3%) of them mentioned the training of inmates in useful skills such as masonry and carpentry, 23.3% mentioned training, guidance and counseling of inmates while 8(6.7%) said prisons deterred would be offenders. However, 26.7% said prisons did not play any role to assist people keep away from criminal behaviour. This category of respondents argued that the majority of prisoners returned to crime because the prison rehabilitation programmes did not reform them.

Ex-prisoner respondents were asked to enumerate the functions of prisons, as they knew them. Three of the four main functions of prisons in Kenya were mentioned. The majority

(63.3%) of the respondents mentioned reformation of offenders, 20.0% mentioned punishment of offenders and 16.7% mentioned the protection of society including inmates.

When ordinary prison officers were asked to enumerate the functions of prisons, most of them (50.0%) mentioned reformation, protection of society and punishment of offenders, 32(26.7%) of the respondents mentioned the reformation of offenders, 14(11.7%) mentioned the protection of society and reformation of offenders while 6(5.0%) mentioned the reformation and punishment of offenders. Only 2(1.7%) mentioned the reformation of offenders and generation of revenue to the government and 6(5.0%) mentioned the protection of society and punishment of offenders.

4.2.2 The Effectiveness of the Prisons Service in the Rehabilitation of Offenders

Ex-prisoner respondents were asked whether or not they thought Kenyan prisons were effective in curing crime and rehabilitating offenders. The majority (96.7%) of them said prisons were not effective while 4(3.3%) said they did not know whether or not prisons were effective. All the ordinary prison officer respondents and the four Heads of Prisons were first asked what the main goal or objective of imprisonment was before being directly asked the questions on effectiveness. All the prison officers knew that the main goal of imprisonment was rehabilitation of offenders.

Drawing from their experiences, the majority (61.7%) of ordinary prison officer respondents said Kenyan prisons were not effective in achieving the main goal of rehabilitation while 38.3% said Kenyan prisons were effective thus suggesting that an institution could not be totally dysfunctional. All the ordinary prison officer respondents gave reasons for their responses. Most (46.7%) of them argued that most offenders were not rehabilitated and returned to crime, 15.0% argued that prisons lacked adequate physical and human resources necessary for rehabilitation programmes while 38.3% said that most offenders were rehabilitated and did not return to crime. The four Heads of Prisons held the opinion of the other categories of respondents. Three Heads of Prisons drew from their experience and said that Kenyan prisons were not effective. They argued that the prisons lacked rehabilitation

facilities for prisoners and ex-prisoners and that prisons had poor training and supervision. Only one Head of a prison said Kenyan prisons were effective and argued that prisoners gained useful skills from prisons. Ordinary prison officer respondents were then asked how effective Kenyan prisons (including their prisons of work) were in curing crime and rehabilitating offenders. The majority (61.7%) of them said prisons were not effective, 35.0% said they were effective and 2(3.3%) said they were very effective. Three Heads of Prisons said prisons were not effective while one Head said they were effective.

When ordinary prison officer respondents' answers on whether or not Kenyan prisons were effective were cross tabulated with their prisons of work (working stations) as shown in Table 4.15 below, the majority of the respondents in each of three prisons said Kenyan prisons including their prisons were not effective. Only the majority of respondents in one prison said Kenyan prisons including their own prison were effective. From the results, only Taveta Prison appeared to be effective.

Table 4.15 Prison of Work and Responses of the Ordinary Prison Officer Respondents on Effectiveness of Kenyan Prisons

Prison of Work	Whether Effective		TOTAL
	Yes	No	
Manyani	11 (37.9%)	18 (62.1%)	29
Wundanyi	5 (35.7%)	9 (64.3%)	14
Voi	3 (30.0%)	7 (70.0%)	10
Taveta	4 (57.1%)	3 (42.9%)	7
TOTAL	23	37	60

Further, when the ordinary prison officers were asked whether or not their prisons performed the enumerated functions, the majority (93.3%) of them said their prisons performed the functions while 4(6.7%) said they did not perform. The major issue/concern was how well and effectively the functions were performed by the prisons in the district. The majority (60.0%) of ex-prisoner respondents said prisons did not perform the functions, 36.7% said the prisons performed the functions while 4(3.3%) said they did not know whether or not the prisons performed the functions.

According to the data obtained by this study, the 116 ex-prisoner respondents who said prisons performed or did not perform the functions gave varied reasons. The majority (55.2%) said offenders were not rehabilitated by imprisonment, 4(3.4%) said prisoners were trained in irrelevant skills and 3.4% said prisons lacked essential facilities and resources. However, 34.5% of the 116 respondents said prisons performed the function of punishment and some rehabilitation while 4(3.4%) said prisons performed the functions because prisoners were not attacked from outside (that is, the protection function).

The effectiveness of the Kenya Prisons Service was also tested using the rate of recidivism among the ex-prisoner respondents, that is, the number of offenders who returned to crime again and were consequently imprisoned. A high rate of recidivism was a pointer to failed rehabilitation. Of all the 120 ex-prisoner respondents, the majority (66.7%) had been imprisoned more than once and only 33.3% had been imprisoned once. As already indicated, most prisoners experienced economic losses resulting from imprisonment. Faced with this scenario, it was likely that they would commit further offences upon release as they tried to make ends meet.

Another indicator of the effectiveness of prisons was the type of offenders in the prisons. Prisons found to hold mainly petty offenders were reported to be ineffective because the offenders were likely to leave the institutions with little or no training at all above being exposed to more sophisticated criminal skills of the few hardcore offenders found in the prisons. Most of the ordinary prison officer respondents reported that their prisons were holding mainly petty offenders. The majority (53.3%) of the ordinary prison officer respondents reported that majority of prisoners in their four district prisons were petty criminal offenders. Only 46.7% reported that the majority of their prisoners were serious criminals. An equal number of the Heads of prisons reported that their prisons were holding petty and serious criminals. The narrow differences reported by both the Heads of prisons and the ordinary prison officer respondents could be attributed to the fact that Manyani and Wundanyi prisons were meant for serious, medium and long term prisoners while Voi and Taveta Prisons were for the petty and short term prisoners and hence the bias in reporting by the respondents who were drawn from the four prisons. As shown on Table 4.16 below, most

ex-prisoner respondents had been convicted of petty offences most of which carried short prison sentences.

Table 4.16 Distribution of Ex-prisoner Respondents by their Offences of Conviction

Offence	Frequency	Percentage
Manslaughter	8	6.7
Rape (Including attempt)	4	3.3
Assault	8	6.7
Cattle Theft	20	16.7
Theft of other Stock	4	3.3
Theft of Bicycles/Motorcycle	4	3.3
Theft by Servant	4	3.3
Receiving stolen property	8	6.7
General Stealing	20	16.7
Other penal Code Offences (e.g. Fraud, illegal migration, trespass)	16	13.3
Non-cognizable offences (e.g. drugs, illicit brewing and drinking)	24	20.0
TOTAL	120	100.0

N.B. Classification of offences from Criminal Investigation Department.

The common petty offences included non-cognizable offences such as trafficking bhang, drugs, illicit brewing and drinking (20.0%), general stealing (16.7%) cattle theft (16.7%), and other penal code offences which included fraud, illegal immigration and trespass (13.3%). As shown on Table 4.16 above, there were only three serious offences, that is, manslaughter, rape and assault. The three offences accounted for 16.7% of the respondents. The results indicated that the majority (83.3%) of the ex-prisoner respondents had been convicted of petty offences.

In conclusion, how effective the supervision/services of prisons were in the performance of the functions of the Kenyan Prisons Service depended on the work environment- related problems/constraints that were affecting prison officers in particular and the Service in general.

4.3 Factors Influencing the Effectiveness of Prison Officers

This study showed that there were two major categories of work environment-related problems/constraints that undermined the effectiveness of prison officers in the rehabilitation

of offenders. The first category comprised problems/constraints inherent in the prison organization. In this category, problems centered on poor and inadequate financial, physical and human resources factors. The problems affected the prison institutions, prison staff and prisoners. The second category comprised those problems caused by the other two organizations in the Criminal Justice System, that is, the police and the courts. Prisons got their populations of inmates after sentencing processes conducted by the Police and Courts.

Ex-prisoner respondents were asked to identify problems facing prisons in Kenya today based on their personal experiences and knowledge and most of them identified problems in the two major categories. Some of the 60 interviewed ordinary prison officers and the 4 heads of prisons in the district and other respondents through informal interviews held the same sentiments.

When the ex-prisoner respondents were asked to suggest possible solutions to the problems, most of them proposed that the sentencing process in the Police and Courts be reviewed. The majority (76.7%) of them also suggested the increase and proper management of the Prisons Department finances and the improvement of the physical and human resources/facilities factors while 23.3% suggested the improvement of physical and human resources/facilities factors. When the ordinary prison officer respondents and the heads were asked to suggest possible solutions to the problems, all of them asked for the increase of the Prisons Department finances which would in turn lead to the improvement of the physical and human resources.

When the ordinary prison officers were asked to identify the problems that faced prison officers in doing their work, there was little variance in the problems mentioned as affecting prisons institutions per se. The majority (93.3%) of the respondents said officers had problems of poor and inadequate financial, physical and human resources. Only 4(6.7%) mentioned the problem of harsh environmental conditions coupled with poor and inadequate financial, physical and human resources. When the ordinary prison officers were asked to suggest possible solutions to the mentioned problems affecting prison officers, the majority (98.3%) suggested the increase and proper management of the Prisons Department finances

and the improvement of the physical and human resources. Only 1(1.7%) suggested the relocation of the prison to another area. The suggestion to relocate the prison was made by one respondent in Manyani prison who said the prison was located inside Tsavo National Park and thus posed a security danger to the officers from the wild animals. Informal interviews revealed that it was dangerous to walk in the prison compound after 7 p.m. because elephants and lions crossed from the Park to the prison's compound.

The study probed further to find out the specific financial, physical and human resources and other problems caused by other agencies of the Criminal Justice System that were affecting the prisons as discussed below.

4.3.1 Financial Resources Problems

The concern here was whether or not the financial allocations to the respective prisons were adequate to meet the requirement for the rehabilitation process. All the Heads of the Prisons said the financial allocations to their prisons were inadequate to meet the recurrent (daily) operations and prison development activities. They complained of low funding in essential provisions such as inmates food, medicine, uniform and bedding and staff uniforms.

The study showed that in Taveta Prison, food for inmates had been supplied on credit. According to the Head of Wundanyi Prison, he had only received an allocation of 10 million Kenya shillings during the 2000/2001 financial year which he said was inadequate for the essential recurrent services and that the prison had not been allocated any development funds. In Manyani Prison, food had also been supplied on credit and had not been allocated any development funds. In all the prisons, development funds were needed for the construction of inmate wards and staff houses and the installation of essential equipment such as radio communication and telephone system. Funds were also needed for the purchase of equipment and machines used in the industries, workshops and farms. As all respondents in this study reported it, the After Care-Services were non-existent in all the prisons because of lack of funds. Voi Prison had received about 5 million shillings as shown on Table 4.17 below for only essential recurrent requirements during the financial year and needed more funds for

inmates' food and medicine. The prison had also not received development funds for three consecutive years.

Table 4.17 Voi Prison Recurrent Financial Allocation in 2000/2001

Expenditure Description	Amount Allocated In Million of Kenya Shillings
Transport Operating Expenses	0.4
Food and Rations	1.5
Travelling and Accommodation Expenses	0.5
Maintenance of Building and Stations	0.5
Inmate Medicine	0.3
Provision of Stores	0.5
Telephone expenses	0.4
Water and Conservancy Expenses	0.2
Electricity Expenses	0.4
Maintenance of Plant & Equipment	0.05
Leave and Passage Expenses	0.15
Postage and Telegrams Expenses	0.02
Total	4.92

Source: Voi Prison Financial Records 2000/2001

From Table 4.17 above, the most essential expense was that of inmate medicine and food, that is inmate medicine and food and rations. When the amount allocated for food was calculated against the prisons' daily population of about 150 inmates, each inmate was entitled to food costing about 833 shillings in a month assuming the inmates served one-year sentences. This was further translated as food of less than 30 shillings per day per inmate.

All the Heads of prisons argued that the problem of inadequate financial resources also affected the provincial and headquarters offices. They argued that due to inadequate funds for transport operating expenses, traveling and accommodation expenses, transfers and visits of inspection to the prisons by senior officers from the provincial and Head office were very rare. Recruitment of new officers and the promotions of existing staff were almost non-existent or delayed for too long due to inadequacy of finances. The organization of workshops and seminars and further training of officers by the head offices was a rare undertaking due to budgetary deficiencies under the relevant budgetary heads. The heads of

prisons argued for increased funding to the Prisons Department in order to meet most of the prisoner rehabilitation requirements.

4.3.2 Physical Resources Problems

The major concern here was the adequacy and quality of the physical facilities/resources in the prisons. All heads of the prisons said that the physical facilities were inadequate. All the prisons experienced the problem of lack of transport facilities. They did not have vehicles at all or they had vehicles that were in unserviceable conditions. Wundanyi, Voi and Taveta prisons did not have vehicles while Manyani had an unserviceable lorry.

All the prisons faced the problem of poor communication network which resulted from frequent telephone disconnections as a result of delayed or non-payment of bills. The communication breakdown was reported by the respondents to constrain the effective relaying or transfer of essential and urgent information from the prisons to the headquarters and vice versa or between partners in the rehabilitation programmes. The problem of communication was said to have been compounded by the fact that the mobile telephone network had not covered all the prisons by the time of the research. However, all the prisons were now covered by mobile telephony network.

Physical facilities in the prison industries and workshops were key resources in the rehabilitation process and it was important to know their status. According to the Heads of Prisons, their industries and workshops lacked modern equipment and machines. Where they existed, the facilities were inadequate and/or obsolete. For example, most of the prisons lacked mechanical facilities, a problem that was compounded by lack of vehicles as a result of inadequate funding. Results of the study showed that Taveta prison did not have even a workshop.

Ex-prisoner respondents were asked questions with regard to their satisfaction levels on the different aspects of the prisons' physical facilities. The responses were intended to be indicators to the physical resources problems. The results indicated that the majority (70.0%) of ex-prisoner respondents were generally not satisfied with the training offered by prison

officers, 46.7% said that they were not satisfied at all while 23.3% said that they were not satisfied. The unsatisfied respondents argued that there were inadequate training facilities and unqualified trainers (26.7%) inmates were forced into skill training not of their interest and choice (20.0%), training was inadequate and selective for a few inmates (16.7%), and some inmates were not trained in anything (6.7%). However, 30.0% of the respondents said that they were satisfied with the training because training was adequate (16.7%); that some interested long term sentence inmates got essential skills (10.0%) and that trainers were qualified (3.3%). Of all the 120 ex-prisoner respondents, the majority (90.0%) were not satisfied at all with the recreation for inmates, 8(6.7%) were not satisfied while 4(3.3%) were satisfied with the recreation for inmates. Those who were satisfied argued that there was time for recreation activities such as playing darts and singing in the prison church choir. The majority (96.7%) of the respondents were generally not satisfied because there were no adequate facilities and sufficient time for recreation apart from the Sunday Church services.

Another key area in the rehabilitation of prisoners affecting the morale of prison officers was the food, clothing and medicine for both the inmates and the officers. According to most of the respondents, all the prisons did not have well-established medical facilities in their compounds. What existed were only first aid facilities not manned by qualified doctors. Manyani and Voi prisons depended on Voi hospital while Wundanyi prison depended on Wesu District Hospital. Taveta prison depended on Taveta Sub-district hospital for its medical requirements. Most of the ex-prisoner respondents were not satisfied with food and clothing provided to inmates in prisons. The majority (96.7%) of the ex-prisoner respondents were not satisfied at all with the food given to inmates and argued that the food was always poorly cooked, nutritionally unbalanced and inadequate while 3.3% were not satisfied and argued that the food was sometimes well cooked, nutritionally balanced and adequate but it was more often the contrary. The majority (96.7%) of ex-prisoner respondents was not satisfied at all and 3.3% were not satisfied with the clothing for inmates.

Accommodation problems were a major phenomenon in all the prisons. Inmate accommodation was found to be inadequate in at least three prisons leading to congestion and/or overcrowding of inmates' wards. Asked whether or not their prisons were holding the

right and acceptable capacity of inmates, three heads said their prisons were holding more than the expected numbers. Only the head of Manyani prison said that his prison had no congestion. He argued that there were rare transfers of inmates to the prisons and that the courts did not serve him with inmates frequently. The Head of Wundanyi prison said he had only one building for remandees and that he required more buildings because of what he termed as surging numbers of convicted inmates and remandees. Voi prison required three more wards for the convicted inmates. Taveta Prison had only one ward for male prisoners and required two more wards and a women's wing. On prison staff housing, all Heads of prisons said that the houses were inadequate in terms of numbers and size and that more spacious staff houses were required. The Heads argued that the houses were few and tiny leading to congestion and lack of privacy. This had helped the faster spread of infectious diseases such as Tuberculosis (T.B.), a disease which caused most of the deaths that were reported in all the prisons by the Heads of the prisons. Other common diseases were Pneumonia and Skin diseases.

Heads of the prisons were asked how satisfied they were with the quality of physical facilities in their prisons. Three of them said that they were not satisfied, while one head of prison said he was satisfied because his prison had secure buildings and enough inmate accommodation. Those who were not satisfied cited the old age and poorly maintained prison wards and staff houses. For example, Manyani prison was established in the early 1950's while Taveta was established in 1966. Wundanyi and Voi prisons were established at a time that was not exactly known by the heads of prisons but was guessed to be before Kenya's independence in 1963. All ex-prisoner respondents were generally not satisfied with accommodation for inmates. The majority (93.3%) was not satisfied at all while 6.7% were not satisfied. All respondents reported that the inmate wards were few, overcrowded and poorly ventilated. Considering the time when the prisons were established and the prevailing lack of adequate maintenance and development funds, the building facilities for the prison wards and staff houses were not expected to be satisfying to the Heads of prisons and other ordinary prison officers. The researcher's direct observation technique noted that most of the prison wards and staff houses conditions were pathetic. The facilities were dilapidated with worn-out roofs and walls. In fact, prison officers alleged that the staff houses were assessed

by Ministry of Public Works and Housing officials and were declared condemned. For instance, one ordinary prison officer respondent observed: "Would you call that structure over there a house for a human being or a shed for goats? This is a serious joke; let them build good houses or give us good house allowances if they expect us to work better than we are doing..." The old age of other facilities such as vehicles and workshop equipment and outdated model facilities such as the circular dialing telephone heads might have led to the dissatisfaction with the quality of physical facilities. Prisons such as Manyani continued to use the outdated manual typewriters because they were not served with electricity. The prison used an electricity- producing generator for its lighting requirements at night.

Water shortage was also a problem that contributed to the dissatisfaction among the Heads of prisons. In fact, in almost all the prisons, prisoners used buckets to dispose of their human waste because of the problem of water. According to the heads and some ordinary prison officers, prisoners had to make queues in bathrooms because the bathrooms were few compared to the number of inmates. The bathrooms also had little flowing water and most inmates had to store water in containers in their wards. An interview with some ex-prisoners revealed that water was at times a very scarce resource. Prisoners who kept water in big containers made a fortune out of it by selling the water for money or exchanged it for a meal or cigarettes. According to the Head of Voi prison, he was not satisfied because the prison lavatories had a poor sewerage system and was not water borne (that is, not supplied with flowing water). According to all the respondents, the problem of water shortage resulted in epidemics such as typhoid, diarrhoea, cholera and dysentery which sometimes proved costly to eliminate or contain as a result of the poor hygienic conditions in the prisons coupled with the problem of inadequate medical facilities.

In an attempt to get more information on aspects of supervision and ex-prisoners' level of satisfaction on the aspects, the ex-prisoner respondents were asked to describe the general conditions of the prisons where they served their sentences. All respondents were not satisfied with the various aspects and conditions of the prisons. The respondents argued that prison conditions were pathetic. They pointed out that physical facilities such as toilets, bathrooms, inmate wards, clothing and recreation facilities were very few and in deplorable

conditions. Water shortage was rampant and cell/inmate wards were overcrowded and poorly ventilated. Disease outbreaks were common yet medicines were rare or inadequate leading to deaths of inmates. Inmate food was not admirable because of a monotonous meal of “ugali” and beans that was more often poorly cooked, nutritionally unbalanced and quantitatively inadequate.

4.3.3 Human Resources Problems

In this research study, particular emphasis was placed on the construct of a rehabilitation programme being human resource-centred, that is, the role prison officers played in the rehabilitation of offenders. Central to the study was the contention that there were three key human resource factors underlying the successful implementation of rehabilitation programmes namely:

1. The adequacy of prison officers.
2. The qualifications of the prison officers.
3. The terms of service of prison officers.

Adequacy of Prison Officers

This study sought to determine the number of prison officers in terms of adequacy for the rehabilitation programmes. The majority of ex-prisoner respondents (66.7%) said the officers were very inadequate while 33.3% said the officers were inadequate. One ex-prisoner respondent had this to say: “While in prison, many of us had social and psychological problems emanating from our homes and prison environments. Many a times there was no prison officer to assist us. Other officers just could not understand our problems and only told us to learn to bear with situations boldly like men and not like women”. According to the respondents, inmates were more than thrice the number of officers. The respondents said work gangs of about 10 inmates or more were normally guarded by two officers. When Heads of prisons were asked on the adequacy of prison officers in their prisons, all of them said the officers were inadequate and that they needed more. Manyani prison had a total of 210 officers who included 2 gazetted officers, 2 Chief Officers II and 206 other officers in the ranks of Warder to Chief Warder. According to the Head, more officers were required

because the prison had lost officers (without any replacement) through transfers and deaths and had also not received new officer recruits for five consecutive years. As shown on Table 4.18 below, no ordinary prison officer respondent joined the Prisons Service between 1997 and 2001.

Table 4.18 Distribution of Ordinary Prison Officer Respondents by the Year of Employment

Year of Employment	Frequency	Percentage
1961 – 1966	2	3.3
1967 – 1972	3	5.0
1973 – 1978	9	15.0
1979 – 1984	9	15.0
1985 – 1990	25	41.7
1991 – 1996	12	20.0
Total	60	100.0

These results suggested that the Prisons Department suspended the recruitment of new officers for five years. As shown on the Table, the majority (80.0%) of the respondents was employed/recruited before 1990 and only 20.0% were employed after 1990.

The number of prison officers in the other prisons was also reported to be inadequate. Wundanyi prison had a total of 82 officers who included 1 gazetted officer, 1 chief officer II and 80 officers in warder to chief warder ranks. The Head required 15 more officers. Voi prison had a total of 29 officers who included 1 Chief Officer II and 28 officers in warder to chief warder ranks. The prison needed 10 more officers for escort of inmates to hospitals and courts because the available officers were “just enough for custodial duties”. Taveta prison had a total of 28 officers who included 1 Chief Officer II and 27 officers in warder to chief warder ranks. Its Head needed more officers especially for the envisaged women wing and what he termed a surging number of prisoners.

An attempt was made to determine the average/approximate number of prisoners supervised by one prison officer. This was aimed at knowing the average caseload in the rehabilitation process. As shown on Table 4.19 below, most (40.0%) of the ex-prisoner respondents

indicated that one prison officer supervised 5-10 prisoners/inmates, 33.3 % indicated that one officer supervised 17–22 prisoners most most (39.2%) of the 51 ordinary prison officer respondents who had inmates to supervise indicated that one officer supervised over 35 prisoners and 35.3% indicated that one prison officer supervised 5 -10 prisoners.

Table 4.19 Average Number of Inmates Supervised by One Prison Officer as Indicated by Ex-Prisoner Respondents

Number of Inmates Under one Prison Officer	Ex-prisoner Respondents		Ordinary Prison Officer Respondents	
	Frequency	Percentage	Frequency	Percentage
5-10	48	40.0	18	35.3
11-16	24	20.0	6	11.7
17-22	40	33.3	3	5.9
23-28	4	3.3	3	5.9
29-34	4	3.3	1	2.0
35+	0	0.0	20	39.2
Total	120	100.0	51	100.0

N.B-The nine missing cases in ordinary prison officers are those who did not supervise any inmate.

The above results showed that the two categories of respondents had varied views on the concept of supervision. This was further highlighted by the fact that all ex-prisoner respondents indicated that all officers had inmates to supervise, a view that was disputed by 9 (15.0%) of the ordinary prison officer respondents who indicated that they had no inmates to supervise. This small group consisted of officers who did not deal directly with prisoners. An example was the radio communication and signal operator, driver and secretary to the officer-in-charge of a particular prison.

Further probing clarified why the two categories of respondents responded the way they did. While the ex-prisoner respondents assessed the number of prisoners supervised by one prison officer on the basis of the number of officers who guarded or escorted inmate work gangs, the ordinary prison officer respondents considered all the duties involved in the rehabilitation process. For example, prison gatekeepers, catechists and maalims, stores and kitchen officers and general duty officers were assumed to be supervising all inmates in their prisons.

Specialist officers such as mechanics were few and only supervised prisoners taking courses in those areas of specialization. Most prison officers were not in the specialist category but the general duty category. When the number of total prison officers in the four prisons (that is 349 officers) was compared with the total inmate population of 1,143 (that is, 611 inmates in Manyani, 200 in Wundanyi, 194 in Voi and 138 in Taveta prisons), the ratio of officers to inmates was showed to be 1:3. The study gathered that the problem of inadequate prison staff was worsened by deaths of the officers. Unofficial records at the Ministry of Home Affairs Headquarters indicated that the Prisons Department was losing about 30 officers every month through deaths allegedly resulting from HIV/AIDS. An informal discussion with prison officers in Manyani revealed that there were four funerals at the time of interview for Manyani prison officers who had died of HIV/AIDS-related complications.

General Qualifications of Prison Officers

On the general qualifications of prison officers, the majority (40.0%) of the ex-prisoner respondents said that prison officers were not qualified, 30.0% said the officers were not qualified and the rest (30.0%) of the respondents said the officers were just qualified as shown on Table 4.20 below.

Table 4.20 Distribution of Ex-prisoner Respondents by their Responses on the General Qualifications of Prison Officers

Response on Qualifications of Prison officers	Frequency	Percentage
Not qualified at all	36	30.0
Not qualified	48	40.0
Just qualified	36	30.0
Qualified	0	0.0
Very Qualified	0	0.0
Total	120	100.0

To support their comments, the majority (66.7%) of these respondents said the officers were unqualified because they handled inmates inhumanly and unprofessionally. According to the respondents, the officers were part of Kenya's disciplined forces and did not live by the profession's demands which required avoiding the beating and torture of inmates. According to 4(3.3%) of the ex-prisoner respondents, the training duration of 9 months or less for the

prison officers was excessively short to make them qualified. An ex-prisoner respondent once said: "I used to show my fellow prisoners how to do professional joinery work because our carpentry instructor appeared to know very little in this area". According to 23.3% of the respondents, prison officers were just qualified because they were able to control inmates and guard against escape of inmates while 8(6.7%) said the officers were just qualified because the officers were able to train inmates in different skills such as masonry, carpentry, plumbing and mechanics.

When the Heads of prisons were asked to rate prison officers in terms of general qualifications, all the Heads said prison officers were qualified. The heads argued that the officers were able to control inmates and guard against the escape of inmates. They also argued that the officers were well educated and managed to train inmates in useful and different skills. They further said that they were satisfied with the work done by the officers in their prisons.

An in-depth analysis of the qualifications of prison officers disapproved the Head's assertion that prison officers were qualified and well educated. An examination of the officers' level of formal education indicated that the majority (96.7%) had acquired formal education up to the fourth form in secondary education with 21.7% attaining only primary school education. Although the officers may have held the minimum standards for recruitment in the Service, their qualifications could not be termed as adequate for rehabilitation of offenders. Informal discussions with prison officers outside the research sample indicated that there was only one prison officer in the district who was a degree holder.

This study showed that the majority (71.7%) of the officers did not have relevant experience at the time of employment and majority (58.3%) had not attended any refresher course, further professional training or seminars. The majority (73.3%) of the officers also had difficulties in making prisoners understand their positions (rights and obligations) in the prisons. All the Heads agreed that refresher training was rare in prisons. The Heads also proposed further training of the prison officers as an effort towards achieving higher heights in the rehabilitation of offenders in Kenya.

The level of satisfaction with guidance and counseling offered by prison officers among ex-prisoners was also an indicator of the general qualifications of the officers. The majority (60.0%) of the ex-prisoner respondents were generally not satisfied with the guidance and counseling offered by prison officers. Most (40.0%) of the 120 respondents were not satisfied at all while 20.0% were not satisfied. However, 33.3% were satisfied and 6.7% were very satisfied with guidance and counselling offered in the prisons. Those who were generally not satisfied said there were no sufficient guidance and counselling sessions due to inadequacy of the guidance and counselling experts (40.0%), prison officers (including catechists and maalims) were not qualified psychologists and guidance and counselling experts (13.3%), catechists were prison officers who were also unfair in the treatment of inmates (3.3%) and some of them said that they were not guided and counselled at all (3.3%). Those respondents who were generally satisfied with the guidance and counselling in prisons (40.0%) said that religious teachings by catechists, maalims, Father Grol Ministry and Visiting Bishops helped offenders in changing attitude towards crime (26.7%) and that catechists and Provincial Prisons Heads offered good guidance and counseling (13.3%).

Terms of Service of Prison Officers

All the ordinary prison officer respondents and the heads of Prisons felt uneasy in giving information regarding the terms of service for prison officers. Doubting the true aim of this study, it was possible that the officers thought by giving the information they would have jeopardized their jobs. For example, a positive image of the terms would have indicated that they were satisfied/contented and no remedial intervention was necessary or urgent. Going by reports in the mass media on the poor terms of service for civil servants, the prison officers were not expected to be satisfied/contented. The other side of the coin was neither favourable. By giving a negative image of the terms, the officers knew that they would be dissenting towards their employer, violating the official Secrets Act and possibly inviting a sack should the research results land on the hands of a malicious senior officer. However, the respondents were protected by intentionally hiding their true identity.

Information on salaries and allowances earned, annual leave, staff housing, promotional vacancies, further training opportunities and retirement and other benefits helped to express the terms of service for prison officers.

Salaries and Allowances

The amount of salaries and allowances earned by prison officers were showed to influence the morale level of officers and hence the performance of the Prisons Department. The salaries and allowances formed the only sources of income for the officers. The majority of the ordinary prison officers (75.0%) earned between 5,000 and 9,999 Kenya shillings. According to these respondents and the Heads of the prisons, these salaries were very low compared to the current living standards. They (respondents) also complained that the leave allowance (claimed by officers when they travel for their annual leave), the transport allowance (claimed by officers when they transport their belongings following a transfer), the transfer allowance (a one month's salary equivalent claimed by a transferred officer) and the uniform allowance (issued to officers for purchase of work clothing and shoes) were very low. For example, one prison officer respondent said: "Look at how my uniform is old and patched because I can not afford new one due to my little salary and uniform allowance. I also need risk allowance because I work in an environment of deadly diseases and dangerous criminals where I can easily lose my life..."

All the Heads of the prisons said the morale ebb of the officers was at its lowest level because of the poor salaries and allowances. They proposed an increase of the salaries, an introduction of an enhanced leave and transport allowance not pegged on mileage covered, an introduction of risk allowance due to the potential harm risk from violent prisoners, enhanced hardship allowance and a minimum annual uniform allowance of 10,000 Kenya shillings. The Heads particularly observed that the staff uniform and shoes for junior rank officers was in deplorable conditions. Uniform was not provided regularly yet they did not have enough money to buy for themselves. The researcher observed officers (during the interview process) who were in tattered and patched uniform and slanting heeled shoes thus confirming the statements by the Heads on staff uniform.

Annual Leave Days

The study showed that most prison officers were entitled to between 24 and 30 days annual leave to enable them rest from their formal employment duties. All the ordinary prison officer respondents and the Heads of prisons said the annual leave days were inadequate when compared to stressing workload in the prisons. The Heads proposed an extension of the annual leave by five days. As already indicated, the majority (73.3%) of the ordinary prison officers were not permanent residents of Taita Taveta district (the district of work/work station). The majority (70.0%) of the officers was permanently resident outside Coast Province as already indicated.

Staff Housing

The study showed that all prison officers were housed within the prison institution. The strict vigilance of inmates to guard against escape demanded that officers be near their clients. Prison officers were not entitled to house allowances because the employer already housed them. All the ordinary prison officer respondents and the Heads proposed that decent houses be constructed or they be accorded house allowances and permission to rent houses outside but within the vicinity of their prison institutions.

Promotions in the Prisons Service

It was important to establish how regularly prison officers were promoted since regular promotions among other factors were associated with increased pay and higher job positions which in turn worked to improve the self-esteem and morale of employees.

When data on substantive ranks of the interviewed ordinary prison officers was cross-tabulated with that of their years when they joined the Service (that is, year of employment), the results indicated that the majority of the warders (73.2%) had joined the Service between 1985 and 1996. The majority (66.7%) of the corporals had joined before 1985 and the majority (75.0%) of Sergeants and the majority (71.4%) of Senior Sergeants had joined before 1979. The Chief Officers had joined after 1984 as shown on Table 4.21 below.

Table 4.21 Substantive Ranks and Year of Employment of the Ordinary Officer Respondents

Rank	Year of Employment						Total
	1961-66	1967-72	1973-78	1979-84	1985-90	1991-96	
Chief Officer II	–	–	–	–	2 (100.0%)	–	2
Senior Sergeant	1(14.3%))	1(14.3%))	3(42.9%))	–	2 (28.6%)	–	7
Sergeant	–	–	3(75.0%))	–	1 (25.0%)	–	4
Corporal	–	2(33.3%))	1(16.7%))	1(16.7%))	2 (33.3%)	–	6
Warder/Wardresses	1 (2.4%)	–	2 (4.9%)	8(19.5%))	18 (43.9%)	12 (29.3%)	41
Total	2	3	9	9	25	12	60

N.B-The blanks mean that there were no respondents of the specified ranks who were employed during the corresponding periods.

The ordinary prison officers and all the Heads of the prisons argued that promotions of officers in the Prisons Department were delayed thus demoralizing the officers who had to stagnate in one rank for years. They argued for increased promotional opportunities to all prison officers in Kenya. As shown on the Table above, the promotion of officers appeared to have become a serious problem from 1979. Of all the 9 recruits of between 1979 and 1984, the majority (88.9%) had not been promoted at the time of interview in 2001, about 20 years down the line. The majority (72.0%) of those recruited between 1985 and 1990 and all of those who were recruited between 1991 and 1996 had also not been promoted.

Further probing revealed that promotions were discriminative and guided by tribalism and nepotism. One officer in the level of a Chief Officer II complained that he had been denied promotions for no genuine reasons. He argued that two of his colleagues with whom they had joined the Service together the same day and had the same qualifications had been promoted to the ranks of Senior Assistant Commissioner and Deputy Commissioner respectively. The officer said angrily: “Just imagine I was employed about 20 years ago the same day and with the same qualifications with Mr. who is today a Deputy Commissioner of Prisons and I am just a Chief Officer II...”

Further Training of Prison Officers

Although all of the ordinary prison officer respondents had acquired the basic 6 months professional training pertaining to their job from the Prisons Service Training College (PSTC), the majority (58.3%) of them had never attended any refresher course, further professional training or seminars. The remaining 41.7% had attended courses and/or seminars such as rank and file (development) course, 2-months Senior officers course, promotional course, carpentry refresher course, gate keeping, signals, secretarial, management in counseling, trumpet and instructor course, farming and civil aviation (teleprinter) courses and religious seminars.

The study showed that the majority (94.3%) of those who had not attended any refresher course wanted further training. Only 5.7% said they did not require further training because they were about to leave the Prisons Service either through normal retirement or resignation for greener pastures. The majority (71.7%) did not have relevant experience at the time of employment. Of all the 28.3% ordinary prison officer respondents who had relevant experience at the time of employment, the majority (35.3%) had experience in Industry and Vocational activities, 23.5% had experience in Chaplaincy Services as church elders and/or pastors, 17.6% had experience in building and 17.6% had experience in Welfare Services and 5.9% had experience in farming activities. All Heads proposed further training for all officers.

Retirement and Other Benefits for Prison Officers

A few ordinary prison officer respondents, who were about to retire from the Service, mainly discussed the subject of retirement and other benefits. As already indicated, Civil Servants were due for normal retirement from age 50. The few respondents who had reached retirement age complained that they were retiring at the apex of their careers. They argued that they were still strong and capable of serving for more years. They proposed that retirement age be increased to 65 years to enable them qualify for higher retirement and/or pension benefits since their salaries were low. Retirement and pension benefits were calculated on the basis of the years served and the amount of salary at the time of retirement. According to a 7.00 p.m. Nation Radio News Bulletin of July 1st 2003, the Government was

considering rising the retirement age of civil servants from 55 to 60 years. Speaking on the basis of the experiences of their retired colleagues, the ordinary prison officer respondents argued that the Government delayed the release of the normally low retirement and/or pension benefits to former prison officer pensioners/retirees. They also alleged that death gratuity for officers took long to process. The respondents proposed a review in the administration of prison officers' retirement and other benefits.

4.3.4 Problems within the Police and Courts which affect the Performance of Prisons Officers

In its operations, the Prisons Department liaises closely with other agencies/organizations such as the Judiciary, the Police, Probation and Children Department (Ministry of Home Affairs, 1998). This study gathered (mainly through interviews) that the problems inherent within the Prisons Service were worsened by some problems inherent in the Police and Courts (Judiciary).

Some of the interviewed respondents accused the police of delayed investigations into the reported offences and arrested offenders. An acquitted murder suspect in Taveta Division confirmed these sentiments. The suspect was arrested on 26th November 1998 but the police completed their investigations in August 1999 and committal bundles were finalized in late 2000 leading to his acquittal on 18th December 2000. The suspect was therefore in remand for about two years. The delay in the investigations led to frequent postponement of cases by the prosecution (and courts) to allow for the compilation of the committal bundles (charges). Loss of court and police files and doctored statements (See Daily Nation, September 15th, 2000) were also cited as common problems in many court cases. These problems led to the extension of the trial period and longer remand periods. During the interviews with ex-prisoners, relatives of a murder suspect who was in remand in Shimo la Tewa prison approached the researcher seeking assistance in a court case where the suspect's file had disappeared from Taveta Police Station for more than four years. Another relative of a remandee in one of the prisons in the district had this to say: "... has been in remand at Manyani Prison for about two years now. The Court in Voi has been postponing the case because the Taveta police officers keep on saying that investigations are not complete. Please

assist him because you appear to have influence in court matters". The suspect was later acquitted after spending that period in prison remand.

Denial of bonds even in cases where these should have been awarded for example on petty offences was cited as another problem among Kenyan police stations and courts. During the interviews with Heads of Prisons, the Head of Voi Prison said that he was not satisfied with the life patterns and living standards of remandees in his prison. He said that most of the remandees who were also petty offenders had been denied police and court bonds and had been in remand for long periods of time.

The study noted that court mentions were usually delayed prolonged and/or postponed thus prolonging the remand period and increasing congestion in prisons (and police cells). The researcher's visit to Voi Magistrate's court and Mombasa High Court in August 1999 and November 1st 2000 respectively showed that most court mentions were conducted fortnightly. However, some pre-trials were conducted after periods going beyond two weeks. In-depth interviews with Heads of Prisons and ex-prisoner respondents confirmed that the problem of remandees was real and common in the district's prisons. The study showed that Manyani Prison Remand had 11 remandees, Wundanyi Prison Remand had 10, and Voi and Taveta Prison Remand had 44 and 39 remandees respectively at the time of interview. As already indicated, some of the Heads of Prisons complained of congestion in prisons and proposed for the construction of more prison wards to cater for accommodation needs of convicted prisoners and remandees.

Interviews with ex-prisoner respondents revealed that the majority (66.7%) of them had been remanded before trial and only 33.3% were not remanded. The majority (65.0%) of those who were remanded served their remand periods in Taveta Prison Remand, 15.0% served in Voi Prison Remand, 10.0% were remanded in Manyani, 5.0% in Nakuru and another 5.0% served their remand periods in both Taveta and Wundanyi Prison Remand. This study probed further to know the length of the remand periods spent by those who were remanded. The results showed that the majority (75.0%) spent between one day and two months in remand,

5.0% spent three to five months in remand, 10.0% spend six to eight months and another 10.0% spent twelve months and above in remand.

The majority (83.3%) of ex-prisoner respondents and the majority (83.3%) of the ordinary prison officer respondents said that the other ways to reduce crime rate in Kenya other than using imprisonment was to create more economic opportunities and increase the use of community policing and community-based criminal rehabilitation services and procedures. All the four Heads of Prisons in the district held the same opinion and added that the period spent in remand by the suspects needed to be considered during the sentencing process. Their views were also consistent with the views of 3.3% and 6.7% of ex-prisoner and ordinary prison officer respondents respectively who said crime rate could be reduced by creating an improved and reliable investigative Police Force. A further 6.7% and 1.7% of the ex-prisoner and ordinary prison officer respondents respectively suggested the decriminalization of petty offences as an attempt to reduce the burden in the police, courts and prisons in the struggle towards reducing crime rate in Kenya and 3.3% of ex-prisoner respondents thought that educating the public on dangers of crime would reduce the rate of crime. A further 3.3% thought eliminating corruption in all sections would also reduce crime rate in Kenya. Among the ordinary prison officer respondents, 8.3% suggested the expansion of education, industrial and vocational training programmes for the youth as one of the other ways to reduce the rate of crime in Kenya.

CHAPTER FIVE

5.0 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The purpose of this chapter was to discuss the major findings of this study and to draw conclusions based on the same results. It also provided some recommendations thought to be useful in policy formulation and implementation and proposed some areas of further research.

5.1 Summary of Findings

This study set out to examine the factors undermining the effectiveness of prison officers in the rehabilitation of offenders. The general assumptions were that imprisonment of offenders was not effective in their rehabilitation and that there were constraints/problems in the work environment of prison officers undermining the effectiveness of the officers in the rehabilitation of offenders in Kenya.

The findings of this study indicated that prisons performed a number of functions and offered supervision/services such as training of prisoners in various vocational skills like carpentry and masonry, all geared towards rehabilitating them. However, the same results showed that most prisoners were not assisted by the functions and supervision/services to live a crime-free life for they committed further offences soon after release from prison. This was one of the indicators that prison officers and the Prisons Service were not effective in the rehabilitation of offenders. The findings of the study further showed that the ineffectiveness of the officers and their organization was traceable to problems inherent within the prison organization itself such as poor and inadequate financial, physical and human resources and to the constraints and/or problems within some of the other components/departments of the Criminal Justice System (that is, the police and courts) especially in terms of delayed and prolonged investigations and trials leading to congestion in prisons and expenses in maintaining remandees for long periods.

5.2 Discussion of Findings

This part of the research study discusses the major findings of the study based on the specific objectives and in line with the literature that was reviewed on the subject.

5.2.1 Supervision and/or services offered to Prisoners

This study purposed to establish the supervision/services in prisons and whether the supervision/services and imprisonment of offenders led to their rehabilitation. In particular, the study examined the roles/responsibilities and functions of prisons aimed at assisting people keep away from criminal behaviour. Data collected from the field showed that prisons in Taita Taveta district offered supervision/services aspect(s) to most of their prisoners but more offenders needed to be reached if maximum rehabilitation was to be achieved. Results from this study revealed that prisons played a number of roles. As was noted by most of the ex-prisoner respondents, training of inmates in skills such as masonry and carpentry was the main role of prisons. These results suggested that the training component of the supervision/services was the most popular among inmates and that it needed to be strengthened through provision of more resources if prisons were to be more effective. Prisons and Prison Officers also offered guidance and counselling to offenders. This finding suggested the need for adequate officers trained in this area in order to assist offenders who had psychological problems leading them into crime.

According to the results of the study, some of the ex-prisoner respondents believed that prisons did not play any role to assist people keep away from criminal behaviour because the majority of prisoners returned to crime and were not reformed by prison programmes. This result suggested that some ex-prisoners did not see the importance of imprisonment in the rehabilitation of offenders thus pointing out that not all offenders benefited from prison sentences. Keeping in prison the category of offenders who had a negative attitude towards the services of prisons was bound to be a waste of resources.

The study revealed that reformation of offenders was the function of prisons known by the majority of the ordinary prison officer respondents thus indicating that it was the major function of prisons in Kenya. Hence, the effectiveness of prisons and prison officers needed

to be gauged against this function. Most ordinary prison officer respondent knew punishment of offenders as one of their roles and a function of prisons but they were hesitant to mention it. The reservations among the ordinary prison officer respondents to talk about the punishment function/role suggested that prison officers were afraid of criticizing themselves as they had been accused of torturing inmates in the name of punishing them. This result concurred with the views in Kenya Human Rights Commission Report of 1999 on prison conditions and O'Kubasu (1996) that inmates were ruthlessly punished and tortured and that prisons have become death chambers. Good quality supervision of prisoners remained at most, in the minds of the prison officers and not the offenders to be supervised. This result showed that the relationship between offenders and prison officers was severed. This factor was a minus to the success of the rehabilitation of offenders. These findings were important because it showed that the Prisons Service needed to change its inhuman practices and adhere strictly to the observance of prisoners' human rights during the supervision of offenders.

5.2.2 The Effectiveness of the Prisons Service in the Rehabilitation of Offenders

This study went further to establish the effectiveness of the Kenya Prisons Service in the rehabilitation of offenders using recidivism rates as an indicator. The study observed a high rate of recidivism. The finding supported studies by Mushanga (1974; 1976) that prisons were largely failures in that recidivism turned between 60 to 80 percent. This result helped to show that prisons did not perform the function of deterring the offenders from further criminal behaviour. This implied that prisons needed to put in place programmes that would help reduce and/or prevent further criminal behaviour.

The results of this study showed that most prisons were not effective in that most offenders who had once been imprisoned returned to crime soon after release and because prisons lacked adequate resources required for rehabilitation. The findings supported the sentiments of a former Commissioner of Prisons that the Prisons Service had not achieved the rehabilitation objective.

This study showed that Kenyan prisons were attempting to rehabilitate people who in the first place were not convinced that they were offenders. The lack of psychological preparedness for rehabilitation among the majority of inmates could be a cause in the failure in the rehabilitation process. The results implied that the Kenyan Prisons Service was wasting resources in trying to rehabilitate the majority of people who did not require prison rehabilitation. According to Mushanga (1974), the Kenya Prisons Service was devoted to transforming self-willed outcasts into useful citizens. This could be interpreted to mean that in the absence of self-willingness on the part of the offender, rehabilitation efforts would be affected negatively.

Going by the findings that most of the ex-prisoner respondents had not committed the offences which had led to their imprisonment and assuming that the respondents were not afraid of being criminalized or victimized by this study at the time of interview, it could be argued that Kenyan prisons were not dealing with real offenders. This result was a pointer to a possible failure in the investigative function of the Police Department in the wider Criminal Justice System. The implication of this study was that the Kenya Criminal Justice System especially the Police Department needed to improve on its investigative function in order to apprehend the criminal proper. This would help in reducing the number of innocent people sent to remands and prisons where they learn sophisticated criminal skills from the true and serious criminals. The end result of improving the police investigation function would be the improving of the effectiveness of the Prisons Service in Kenya.

The findings of this study showed that the majority of the ex-prisoner respondents had been convicted and imprisoned for petty offences such as general stealing and cattle theft. Most of the prisons were also holding mainly petty offenders. The implication of the results of this study was that the Prisons Service was spending its resources mainly on petty offenders/criminals. The results were consistent with the results by Ministry of Home Affairs (1979) that in 1978, Kenyan prisons were holding 85.53% of petty offenders. Mushanga (1974) argued that 95.0% of Kenyan prisoners were not dangerous thus implying that they were petty offenders. These results suggested that the Kenya Prisons Service had not changed with time to be in line with the modern correctional policy. Modern correctional

policy would insist on confining the most serious offenders in the prisons and rehabilitating the less serious ones in the other correctional institutions. The results of this study called for a review of the Kenya Prisons Service policy on rehabilitation of offenders to be in line with the demands of modern criminality. Recent penologists, criminologists and sociologists have argued that an effective Prisons Service was one that dealt with only the serious crimes and criminals (Glaser, 1964).

An analysis of the data in this study showed that both petty and serious offenders were confined in the same prisons. This practice was likely to contribute to the hardening of the petty ones through the acquisition of sophisticated criminal skills from the hardcore criminals (Carlson, 1976). The mixing of the two categories of offenders was therefore negating the purpose of effective rehabilitation of offenders and reduction of crime in Kenya. As noted by Odegi-Awuondo (1996), prisons had become “Schools of Crime”. On the basis of these results, the assumption that “*Imprisonment of offenders is not effective in their rehabilitation in Kenya*” was confirmed.

5.2.3 Factors Influencing the Effectiveness of Prison Officers

Financial Resources Problems

Most of the respondents in this study reported that prisons lacked adequate funds for essential recurrent activities and essentials such as inmates’ food, medicine, inmate uniform, bedding and prison staff uniform. These results were a pointer to acute shortages of funds in the prisons and severe malnourishment and disease among prisoners. The Kenya Human Rights Commission Report of 1999 on prison conditions had also observed this problem. The results also suggested that prisoners lacked decent clothing and bedding facilities. The lack of essential equipment implied that prisoners left prisons after their sentences with substandard skills and were unable to compete effectively in the sophisticated and competitive job market. It also meant that prison industries and farms could not generate revenue as expected.

The study showed that the problem of inadequate funds had led to a host of other shortcomings. The After-Care Services normally associated with the reduction of recidivism (see Ministry of Home Affairs, 1998; Davies, 1974) was also non-existent due to lack of

funds, there were inadequate transfers of officers and visits of inspection of prisons by senior officers from the provincial and head offices, there were limited recruitments of new officers, the promotions of officers were either non-existent or delayed for long periods, and workshops, seminars and further training for officers were also rare undertakings. Other sections of the Prisons Service which needed adequate funding were the industries and farms. The industries needed to be equipped with modern facilities in order to equip inmates with essential saleable skills. The industries would even produce low cost building and construction materials capable of generating revenue to the Government in terms of Appropriation-In-Aid. The materials would also be used to construct houses for the prison staff thus reducing the problem of inadequate and indecent staff housing. If adequately funded, the prisons farms would diversify their farming activities and in the long run produce enough food to feed the inmates. This would help to reduce the problem of inadequate inmate food and would cut on the prisons' recurrent budget.

As a result of inadequate funds in the Prisons Service, the Inspection Section of the Prisons Department was reported to be inactive and that monitoring and evaluation of the operations of the prisons was unsatisfactory. Ideally, the visits of inspection were intended to generate reports on the operations of the prisons and to identify problems and solutions to the problems affecting the prisons. As was noted by the Kampala Prison Meeting in 1996, the key to good prison practice was inspection of the prisons services (O'kubasu, 1996). These results suggested the need to capacitate the Inspection Section through increased funding and provision of adequate physical and human resources. The solution to the problem of inadequate funding laid in the increased and proper management of the Prisons Department financial allocations.

Physical Resources Problems

Another result of the study was that most physical facilities in most prisons were inadequate, of poor quality and in deplorable conditions. Most prisons did not have transport facilities such as vehicles and where they existed, they were in unserviceable conditions. The problem of transportation meant a delay in taking action whenever it was timely required such as transporting inmates for Court mentions and trials and to hospitals.

All prisons faced the problem of poor communication network as a result of frequent telephone disconnections arising from delayed or non-payment of bills. The lack of sufficient radio communication and mobile telephone network coverage in most areas where the prisons were located aggravated the problem of communication. The communication breakdown constrained the effective relay or transfer of essential and urgent information from the source to the receiver and vice versa and hence affecting the sound management of prisons. The implication of the shortcoming in communication was that key issues affecting both the inmates and prison officers could not be acted on in a timely manner by the concerned parties in order to make life in prisons normal.

The prisons in the district were found to lack modern equipment and machines in their industries and workshops. Where they existed, they were reported to be inadequate and/or obsolete leading to prisoners receiving only theoretical and substandard skill training. The small prisons did not have industries and workshops at all and their inmates did not get training in any skills. This result implied that inmates received only theoretical and substandard training unsuitable for the competitive open job market. This result was indicative of the poor quality supervision in the training component of the prisons. The findings supported the views held in Ministry of Home Affairs (1998) that the poor training facilities and strategies had contributed to the dismal performance of the prisons and had made the released offender unable to compete effectively in a world of sophisticated technology. The results of this study called for the need to equip industries and workshops in prisons with adequate and modern technology infrastructural facilities as opposed to the obsolete ones being used in the training of inmates.

Another result of the study was that all prisons in the district did not have well established medical facilities in their compounds and what existed were only first-aid facilities which were not manned by qualified medics. Most prisons depended on public medical facilities in their locations for their medical requirements. These results helped to confirm the Commissioner of Prisons' sentiments on inadequate financial allocations. While addressing a workshop on *HIV/Aids Information Dissemination* at the Agricultural Finance Corporation Centre in Karen, Nairobi on December 14th 2000, the then Commissioner of Prisons said that

the yearly medical financial allocation given to the 93 prisons in the country with a population of 30,000 inmates was grossly inadequate in coping with HIV/AIDS. An intervention in the area of inmate food and medicine was urgently needed if prisons were to be habitable as opposed to the status referred as “dungeons of death” by O’kubasu (1996). This result suggested the need for increased medical expenses funds and infrastructure.

As had been noted by the Kenya Human Rights Commission, the study found that inmate uniform (initially white short trouser and white short sleeved shirt popularly known as “Kunguru” but now blue striped) was tattered with some inmates walking half-naked. Beddings (sheets, blankets and mattresses) were reported to be few, dirty and tattered with some inmates sleeping on bare floors and contracting respiratory diseases such as pneumonia, tuberculosis and coughs. This result was a pointer to the need to improve the quality of clothing for inmates. Addressing the clothing problem in Kamiti Prison, the Minister for Home Affairs had in July 2003 said that all the 1,157 convicts at Kamiti Maximum Prison would get new stripped uniform and hats instead of the old “Kunguru” uniform. He said that they would also get two blankets and a mattress each and that the other prisons in Kenya would also improve the clothing of inmates.

The study revealed that inmate accommodation in most of the prisons was inadequate leading to congestion and/or overcrowding of inmates. Most of the prisons were found to be holding beyond the accepted capacity of inmates thus making the ground fertile for the faster spread of infectious diseases such as tuberculosis which caused most of the deaths that were reported in all the prisons. Prison staff housing was equally inadequate in terms of the number of housing units, size and quality. The staff houses were aged, few and tiny leading to congestion and lack of privacy. The problem of housing was compounded by the fact that they (prison officers) were not allowed to seek for rental houses only available outside the prisons and were not entitled to house allowances like other public servants in other departments. According to Odegi-Awuondo (1996), these conditions lowered the morale of prison officers making them a negatively charged lot whose difference with the inmates was zero. Under such frustrating circumstances, prison officers and especially the warders treated inmates inhumanly. The result was important because it suggested the need for the

Government to decongest Kenya's prisons and improve the prison accommodation facilities in order to make them habitable by decongesting prison wards and constructing more decent houses for the officers. As highlighted in some of the local news papers of June 2003, the Kenya Government was intending to decongest prisons by re-allocating 9000 petty offenders to the Probation and Community Service Order Department.

Water shortage was reported to be a common problem in most prisons, a factor which had precipitated epidemics such as typhoid, diarrhoea, cholera and dysentery that had also proved costly to contain. A good case was in Shimo la Tewa Prison in Mombasa in early 2002 when several prisoners died from stomach problems resulting from contaminated food and water. These circumstances confirmed the statement that prisons were chambers of death (Mushanga, 1976; O'kubasu, 1996; Toch, 1977). There was need to ensure that prisons were supplied with adequate and clean water for use by the prisoners and prison officers in order to minimize incidents of water borne diseases. The problem could be addressed by procuring tapped and borehole water within the prison institutions.

This study found that recreation was inadequate mainly because of inadequate recreational facilities. This result concurred with the views of Hall-Williams (1975) and Seashore (1976) that most prisoners were maintained in a state of enforced idleness. The result was a further pointer to poor quality supervision of inmates by prison officers. It suggested the need for installation of adequate recreational facilities in the prisons. This could be achieved through installation of entertainment, games and sports facilities and programmes for both the prisoners and the staff in the prisons.

The above results reinforced the report of the Prisons Department (see Ministry of Home Affairs, 1998) and that of the Kenya Human Rights Commission of 1999 on prisons conditions which blamed the rise of crime and failure of rehabilitation of offenders on the pathetic conditions affecting both the inmates and the prison staff. This had been reported to lead to the poor functioning of the Kenyan prisons, a problem which resulted from poor and inadequate physical facilities.

Human Resources Problems

Prisons in the district were reported to face human resource problems. The discussion in this section therefore centered on the adequacy of prison officers for the rehabilitation task, the qualifications and terms of service of the officers as indicators of human resource problems.

Adequacy of Prison Officers

The results of this study showed that the number of prison officers was inadequate for rehabilitation purposes because it compared unfavourably with that of prisoners. The findings of this study showed that the ratio of staff to prisoners was 1:3 and this ratio had been reported not functional in the rehabilitation process as early as 1979 (see Ministry of Home Affairs, 1979). These results indicated that the Prisons Service did not change with time despite the widespread call and outcry for prison reform in the 1990s (Mushanga, 1976; Nzyuko, 1987; O'kubasu, 1996). The interpretation of this aspect was that the present prison system was out-dated and a review was necessary. The implication of these findings was that prison officers had a heavy workload and that the prisons were understaffed, a statement that was supported by the Heads of prisons who argued that the heavy workload demoralized some officers some of whom had resorted to illicit behaviour such as excessive drinking of alcohol. Staff shortage was attributed to transfer of officers to prisons outside the district without replacement; deaths of prison officers especially from HIV/AIDS and non-recruitment of new officers for a number of years. These findings suggested the need for a clear policy and review of prison transfers and recruitment in order to address staff shortages in some prisons. It also called for changes in the prison staff medical policy in order to cater for a medical cover and/or provision of medicine for HIV/AIDS and other illnesses to the officers.

The results of this study indicated some critical areas of staff shortage. The area of rehabilitation which clearly indicated the inadequacy of prison officers was the Welfare and Chaplaincy sections. Other sections of the Prisons Service with staff shortage were the farms and industries. The shortage of staff implied that the training and social welfare component of the rehabilitation of each prisoner could not be addressed satisfactorily. Hall-Williams (1975) argued that the greatest single factor connected with rehabilitation was the amount of

time and attention devoted to listening to an individual prisoner and sorting out his/her problems and that this called for adequate rehabilitators. This study also showed that staff shortage was also detrimental to the officers in terms of their security. It implied that prison officers were insecure because it was easy for prisoners to overpower officers should there occur a prisoners' riot as it had happened in prisons in other areas.

Overall, the results on inadequacy of prison officers indicated that the quality of supervision of prisons and prisoners by prison officers was unsatisfactory because it was inadequate. This left prisoners with problems of socio-economic maladjustment due to the shortage of correctional officers. The findings reinforced the need for recruitment of more prison officers capable of addressing the needs of individual prisoners.

General Qualifications of Prison Officers

Another result of the study was that prison officers were generally not qualified to effectively perform their duties. Although all prison officers had acquired nine months professional training from the Ruiru based Prisons Service Training College (PSTC), the results of this study suggested that either the training was lacking in rehabilitation content or the officers failed to apply what they had learnt from the College. More weight leaned on the first case as observed by Mushanga (1976) who argued that officers were mainly trained on how to iron their uniform and handling the gun and little time was spent on learning rehabilitation skills. As noted by Ministry of Home Affairs (1998), the Prisons Department had poor training facilities and strategies which had contributed to the dismal performance of the Department. According to the report, most of the mechanics were not well trained; hence their production faced a greater challenge on the open market. Again, people who had insufficient training in crop and animal production and management managed most of the prisons farms. The results of this study also reinforced earlier results and concur with the views expressed in Ministry of Home Affairs (1998) that the Prisons Service lacked adequate and well trained guidance and counseling personnel. The findings suggested that there was need for recruitment and retraining of more officers in the relevant fields if the quality of supervision/services in prisons was to be improved.

Terms of Service of Prison Officers

The terms of service for prison officers were showed to be poor. The study found that the annual leave days for prison officers were few considering the heavy workload the officers had to contend with. Prison staff housing was showed to be far from being motivating since it was indecent, inadequate in number and size of the units and it also lacked privacy. Promotions in the Prisons Service were reported to be rare and delayed for long periods. It was also reported that the promotions were discriminative and guided by tribalism and nepotism and not by merit. These results pointed to a poor and subjectively implemented Scheme of Service. This was probably a pointer that the higher offices were unable to originate a better Scheme of Service capable of availing promotion opportunities to the correctional officers. The multiplier effect of this problem was the poor quality supervision of offenders by the correctional officers who were demoralized.

More human resource issues were reported to bedevil the Kenya Prisons Service. The Service was showed to be handicapped in offering further training to its officers. Data from the few ordinary prison officer respondents who discussed the subject of retirement indicated that the Government delayed the processing and release of the retirement, death gratuity and other pension benefits to former prison officers. From the study, it was revealed that prison officers wanted the normal retirement age of 50 to 55 years raised to 65 years mainly for them to benefit from higher retirement and/or pension benefits. This proposal was prompted by the fact that prison officers' salaries were very low to guarantee them better retirement packages. The results of this study showed that the majority of prison officers in the district had not began thinking consciously about their retirement. As noted by Thompson Education Direct (2002), it was a grave mistake to start acting towards and/or thinking about your retirement towards the end of your career because you would have so little to show for it financially and materially.

These results called for the Government's intervention on improving the terms of service for the officers. The interventions could be made in the salaries and allowances in order to boost their morale towards improving their current dismal performance. The results of this study expressed the need for prison officers to be accorded more annual leave and off duty days for

them to have the energy to offer services more effectively. There was need for decent staff houses to be constructed and/or prison officers to be accorded better house allowances and permission to rent houses outside the prisons but within the localities of their prison institutions. As was also observed by the Minister for Home Affairs, it was imperative to revise the Scheme and the Staff Establishment Structure of the Prisons Services for it to attract highly educated personnel and to motivate the existing prison staff for purposes of improving the performance of Kenyan prisons. The Prisons Service needed to review its retraining policy if it was to be more effective in its activities. This observation was in line with the sentiments by Ministry of Home Affairs (1998), O'kubasu (1996) and the Kenya Human Rights Commission that personnel training and development was of essence to any given institution since training was associated with improved productivity and/or service delivery. The Kenya Human Rights Commission recommended the training of prison officers in the humane treatment of inmates. These results implied that the Prisons Department needed to take its officers for further training if it was to be more effective.

The findings of this study called for the need for the Government to undertake other key improvements in the human resource development aspects. There was need to consider rising the retirement age for the prison officers as another way of boosting their morale. From these results, and as was noted by the Kenya Human rights Commission, it was important to integrate the campaigns to improve the welfare and rehabilitation of prisoners with those aimed at improving the welfare, working and living conditions and human rights of prison officers. Studies had shown that abused prison officers were likely to abuse prisoners. The findings suggested the need for the Prisons Service to organize forums for its officers aimed at educating them on career development and exit issues. The young generation prison officers are bound to perform their duties poorly if they see their older colleagues exiting service with problems that could have been managed by senior prison authorities.

Problems within the Police and Courts which affect the Performance of Prison Officers

The study indicated that there were problems within the Police and Law Courts departments which affected the performance of the Prisons Service. The problems included delayed

investigations, frequent postponement of cases by the prosecution and law courts, loss of court and police files, police-doctored statements and denial of bonds even on petty offences/offenders which led to prolonged remand periods and which led to increased congestion in the prisons handling the remandees. The remandees were constraining the inadequate physical, human and financial resources allocated to the Prisons Department. This implied that prisons with many remandees required enhanced resources to cater for them. The results also suggested that courts in the district needed to improve their services in order to help reduce the problem of remandees in the district's prisons. The problem of prolonged and/or postponed court mentions had been blamed on understaffing in the Judiciary Department.

As was noted by Ministry of Home Affairs (1998), there was need to counter the problems within the police and the courts in order to guard against their negative impact on the Prisons Service. The results of this study expressed the need for the police and courts to embrace favourable bond terms especially to petty offenders as a way of cutting down on the prison costs of maintaining the offenders during the remand periods. Free bonds and surety bonds could be implemented and enhanced to avoid prison congestion and proper databases could be established in courts and police stations to guard against loss or misplacement of files. Further, the results of the study suggested that the police needed to speed up their investigations and record objective statements from offenders and witnesses as opposed to doctored ones while the courts needed to recruit more judges and magistrates and to conduct trials faster than they were doing in order to reduce the remand period. As was highlighted in some local news papers in June 2003, the Chief Justice had disclosed that the Government was going to recruit and deploy more Magistrates and judges in order to ease the workload in some stations.

5.3 Conclusions

The results of the study indicated that prison officers tortured and mistreated inmates in the name of punishing them. The prisons' functions of reformation of offenders and deterrence of offenders and/or would-be offenders were found to be ineffectively performed since offenders continued to commit further offences even after going through earlier prison

experiences. Prisons were found to utilize their meager resources in trying to rehabilitate non-criminal inmates and/or inmates who were not psychologically prepared for the rehabilitation programmes. To complicate the matter further, prisons were found to deal with inmates, majority of who had been convicted of petty offences and who could have been sentenced otherwise by the courts. The mixing of the petty offenders with the serious ones was a practice in most prisons and this was not proper as the former group could easily learn more sophisticated criminal skills from the latter group. Although prisons were reported to offer supervision/services to inmates such as training in vocational skills and guidance and counseling, most of the services were generally unsatisfactory and inadequate. Furthermore, most ex-prisoner respondents lost socially and economically as a result of imprisonment. Based on these findings, this study concluded that imprisonment of offenders was not effective in their rehabilitation.

The findings of this study indicated that prisons suffered from the problems of poor and inadequate financial, physical and human resources. The financial allocations to meet essential expenses such as purchase of equipment for the prison industries and farms, purchase of inmates' food, medicine, clothing and bedding and purchase of staff uniform and payment of staff salaries and allowances were found to be inadequate. Funds for the construction of adequate and decent prison staff houses and inmate wards were also not available or adequate. Physical resources such as inmates' wards, prison staff housing, inmate recreation facilities, equipment for the industries and farms, transport and communication facilities were found to be unavailable and/or inadequate and generally unsatisfactory. The number of prison officers in most of the sections of the prisons was found to be inadequate resulting to heavy workloads and reduced morale levels among the officers. The majority of the officers were found to be of generally low academic and professional qualifications. The officers' terms of service with regard to salaries and allowances, annual leave days, staff housing, promotions, further training opportunities, retirement and other benefits were found to be wanting. Cases of delayed police investigations; frequent postponement of cases by police prosecutors and courts' state counsels, Magistrate's and judges; loss of police files, denial of bonds especially to petty offenders; and prolonged and/or postponed court mentions and trials were found to impact negatively on the smooth

working of prison officers. Therefore, drawing from the above results, this study inevitably concluded that there were factors in the work environment of prison officers undermining their effectiveness in the rehabilitation of offenders.

Given these findings, this work confirms Organization Development Theories which emphasize on the use of behavioural science principles and practices in a planned and systematic way to attain goals such as developing greater organizational competence, bringing about organizational improvement, improving the quality of work life and improving organization effectiveness. One of the ways to achieve these goals is to motivate employees (for example prison officers) with incentives, rewards (such as pay raises and promotions that enhance their professional standing and reputation) and job satisfiers (such as recognition, responsibility and opportunities for advancement). The employees need to be treated equitably and cases of favouritism, nepotism, tribalism and corruption among some senior officers in promoting junior officers be eliminated. The senior officers must ensure that they create a positive work environment and that workers (such as junior prison officers) are given an enabling work environment by ensuring worker participation in the development and refinement of the jobs they perform, organizing employee meetings, organizing employee task forces, focusing attention on key problems and getting information flowing smoothly and ensuring that employees have all the resources they require to undertake their work successfully.

5.4 Recommendations

Based on the results of this study, several recommendations and suggestions are made in the attempt to achieve successful rehabilitation of offenders by the prisons and prison officers.

First, it is recommended that prisons institutions be maintained to cater for the dangerous and very serious offenders such as murderers, rapists and robbery with violence offenders who pose serious threats to the well-being of the society. The Prisons Department should, if possible, be well funded and equipped with the necessary and adequate physical and human resources since its failure to achieve its main objective appears to emanate from inadequacy in the required resources.

In addition to maintaining prisons institutions, it is recommended that constitutional and penal reforms be undertaken in order to adequately finance, equip and mandate Community Service Order and Probation and After-Care Services Department to handle the rehabilitation of all petty offenders who constitute the largest prisoner population. In the present set up of the Kenya Criminal Justice System, it is the sentencing magistrate or judge who decides where to commit the offender, that is, to imprisonment or to a community service or a probation sentence. However, most magistrates and judges opt for imprisonment for most of the offenders irrespective of the seriousness of the offence.

This study therefore makes the following suggestions:

1. The Government should ensure that the Prisons Department gets enhanced funding in order to improve its resources and working facilities and conditions for prison officers and by extension, for the prisoners. Improvement in the Prisons Department could come from the following undertakings:
 - a) Ensuring that more funds are allocated to the Prisons Department during the Government's budgetary process and attracting donor and non-Governmental organization participation and funding to the Department's rehabilitation programmes.
 - b) Ensuring that prison industries and farms are equipped with adequate and modern equipment for training of prisoners in useful skills. A dog section and walkie talkie radio communication for prison officers is also necessary because prisons are security institutions.
 - c) Ensuring that salaries for prison officers are increased and preferably quadrupled and all allowances and retirement benefits enhanced to be consistent with the current high costs of living. Uniform allowance in particular should be raised to a minimum of ten thousand Kenya shillings in a year for every prison officer. Leave days for officers should be increased to a minimum of forty-five days to enable the officers regain energy lost in their stressful working schedules and/or environments. The retirement age for prison officers could be raised to at least

sixty years. The retirement benefits for the officers should also be released soon enough without any delay.

- d) Proper housing for prison officers should be constructed and the officers should also be allowed the option of drawing market-determined house allowances if proper housing is not available in the prisons' premises.
- e) An improved Scheme of Service and Establishment Structure for the Prisons Department needs to be put in place to facilitate the recruitment, promotion and retention of adequate and relevantly trained/skilled personnel. The two working tools should ensure that the promotions of prison officers are not guided by tribalism and nepotism but by merit and they should not be delayed for long periods. They should also ensure that more vacancies are created for recruitment of more expert prison officers to reduce the current heavy workload on prison officers. The Scheme of Service should provide for further professional training and refresher courses and for retraining of prison officers in relevant skills and disciplines such as counseling, psychology, psychiatry, sociology, penology, law, investigation, human rights, criminology and the technical subjects for the industries and farms. The training would enable the officers to handle and/or cope with the dynamic criminal behaviour of modern offenders. The majority of our present prison staff does not have proper ideas of how to go about with the proper rehabilitation of offenders.
- f) There is need to deploy a resident doctor in every prison and equip the prisons with sufficient medical supplies in order to cater for the medical needs of prisoners and prison officers. The present scenario in most prisons is that of First-Aid Kits and Sick Bays which are manned by unqualified personnel. The result of this shortcoming has been the rampant disease outbreaks and unwarranted deaths of prison officers and prisoners which could otherwise have been avoided.
- g) The After-Care Services Section which used to be under the Prisons Service/Department and which is currently dormant needs to be revived, placed under the Probation and Aftercare Services Department and be fully funded

because it served to reduce the rate of recidivism among offenders. The section would need to be manned by a special team of well trained probation officers to attend to ex-prisoners' population needs such as intervening with employers to ensure that rehabilitated offenders who were formally employed before imprisonment reclaim their jobs. With relevant stakeholders, the team could facilitate the formation of Ex-prisoners Welfare Associations. Further, prisoners released on Presidential Amnesty or remission of sentences before they take their Trade Tests could be assisted by the proposed After-Care probation officers to continue with training and take the tests in order to save on resources already utilized on the ex-prisoners while they were in prison.

2. There is need for constitutional reforms which will encompass prison and penal reforms. The following could be instrumental in this proposal.

- h) There is an ardent need for all departments in the Kenyan Criminal Justice System to work hand in hand in the sentencing and reformation processes. A team comprising all the departments would need to be established to be constantly assessing rehabilitation of offenders with a view to releasing the imprisoned innocent people and rehabilitated offenders before the completion of these prisoners' jail terms in order to reduce prison congestion, save on the Government's funds and reduce the chances of the less serious offenders learning more and serious criminal behaviour. The team should be assisted in its work (of identifying those to be released) by another team of high integrity prison and probation officers. This study proposes the redefinition of the role(s) of prison officers in light of the emerging challenges in the rehabilitation of offenders and reduction of crime in Kenya and recommends the formation of a new section at the Prisons Department to deal with prison intelligence and investigative matters from which section the high integrity prison officers could be drawn.
- i) The Police Department should improve in its investigation function in order to facilitate the arrest, prosecution, conviction and consequent imprisonment of the proper and hardcore offender and not the innocent people.

- j) All sentencing magistrates and judges should consider the remand period as part of the confinement period for those offenders who will have to be committed to prison. This would help to compel the Police and Prosecution Departments to hasten their usually slow investigations and compilation of charges and would also save on resources spent in maintaining remandees and prisoners for long periods.
- k) Non-custodial sentences such as fines, community service, probation sentences and parole and bonding at least of petty offenders and elderly offenders should be popularized among magistrates and judges. Only hardcore criminals should be sentenced to imprisonment. These undertakings would help in decongesting the currently overcrowded Kenyan prisons. Under any circumstances, there should be no mixing of petty and serious offenders in the prisons.
- l) The Commissioner of Prisons should be allowed to reinstate the remission of prisoners sentenced for robbery cases (under Section 296(1) and 297(1) of the Penal Code). The Commissioner should also be empowered to increase the remission period and to release prisoners on medical and other justified grounds. This practice does not occur in the present set up and if implemented, it would help to decongest the prisons and reduce Government expenditure incurred especially on petty offenders.
- m) The Government should review its policy on prisoners labour so that prisoner's labour is mainstreamed to generate revenue for the Government. Work normally contracted out to the private sector by Government departments could be managed by technical persons and prison officers and undertaken by prisoners. The earned revenue and/or saved funds should then be spent in among others, improving the terms for prison officers and Earning Scheme for well behaved and/or rehabilitated prisoners in order to provide them with income and source of livelihood immediately after their release from prison. This would help to guard against their returning to crime due to economic difficulties.

3. Community customary ways of settling disputes, rehabilitating offenders and preventing crime (as it happens with the Meru Supreme Court of Elders, the “Njuri Ncheke”) should be utilized to supplement the efforts of the Criminal Justice System in Kenya. Community policing should be encouraged in the fight against crime.
4. For proper coordination and cooperation of the departments involved in fighting crime and rehabilitating offenders, it is suggested that the departments of Judiciary (courts), Police, Prisons and Probation be put under one Government Ministry.

5.5 Areas of Further Research

The performance of prisons in the rehabilitation of offenders was found to be affected by the activities of the Courts and Police departments. It would be of interest to sociologists, criminologists and other social scientists to conduct a research study in order to determine the extent of the impact of the two departments on the success or failure of the Prisons Department in the rehabilitation of offenders and reduction of crime in Kenya. There is also an argument in some circles of the correction realms to the effect that Community Service Orders and Probation and After Care Services are achieving better results than the prisons in the rehabilitation of offenders. It would therefore be important to undertake a comparative research and/or a cost-benefit analysis research of the two approaches of rehabilitating offenders (that is, imprisonment on one side and community service and probation on the other side) with a view to advising policy makers on the appropriate approaches in the rehabilitation of the different categories of offenders in Kenya.

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APPENDIX 1

DEPARTMENT OF SOCIOLOGY

UNIVERSITY OF NAIROBI

TOPIC: THE EFFECTIVENESS OF THE PRISONS SERVICE IN THE
REHABILITATION OF OFFENDERS IN KENYA.

INTERVIEW SCHEDULE FOR EXPRISONERS

Field Research Centre: _____

Respondent Number: _____

Date of Interview: _____

Time of Interview: _____

Introduction

How are you today? My name is Muteti. I am a student of the University of Nairobi. I am undertaking a research study on **“The Effectiveness of the Prisons Service in the Rehabilitation of Offenders in Kenya.”**The Office of the President/Ministry of Education has cleared the research. I would like to ask you some questions related to **the Prisons Service**. In particular, I would like to know your experiences before, during and after your imprisonment. The information I will collect from you will enable me to **compile** my University Thesis. It could also be used to advise policy makers on appropriate **measures** to make Kenya’s prisons more effective in curing the problem of crime. All the **information** you give will be treated in confidence and you will not be quoted in my report. I would highly appreciate if you can spare some time for an interview.

**A. Respondent's Background Information at the Time of Interview
and Also before Any of His/Her Imprisonment**

1. Respondent's Name: _____
2. (a) Current Residential Division: _____
(b) Location: _____ Sub Location _____
Village: _____
3. (a) Current age: _____
(b) Age before imprisonment: _____
4. Respondent's Sex: 1. Male 2. Female
5. Respondent's Tribe: _____
6. (a) Current Marital Status:
 1. Single/Never Married
 2. Married
 3. Divorced/Separated
 4. Widowed(b) Marital Status before imprisonment:
 1. Single/Never Married
 2. Married
 3. Divorced/Separated
 4. Widowed
7. (a) Current Level of Education:
 1. None
 2. Primary
 3. Secondary 1-4
 4. Secondary 5-6
 5. University/College (Specify) _____
 6. Adult Literacy
 7. Other (Specify) _____(b) Level of Education before imprisonment:
 1. None
 2. Primary
 3. Secondary 1-4
 4. Secondary 5-6
 5. University/College (Specify) _____
 6. Adult Literacy
 7. Other (Specify) _____
8. (a) Current Religion:
 1. Traditionalism
 2. Roman Catholic
 3. Protestant
 4. Islam
 5. Other (Specify)(b) Religion before imprisonment
 1. Traditionalism
 2. Roman Catholic

3. Protestant
 4. Islam
 5. Other (Specify) _____
9. (a) Current Size of household: _____
- (b) Size of household before imprisonment _____
10. (a) Current number of children supported: _____
- (b) Number of Children supported before imprisonment _____
11. (a) Current Occupation
1. Permanent employment – Private Sector (specify) _____
 2. Permanent employment – Public Sector (specify) _____
 3. Casual/temporary employment (specify) _____
 4. Business/trading in Formal Sector
 5. Business/trading in informal (jua kali) Sector
 6. Progressive farmer
 7. Peasant farmer
 8. Other (specify) _____
- (b) Occupation before imprisonment:
1. Permanent employment – Private Sector (specify) _____
 2. Permanent employment – Public Sector (specify) _____
 3. Casual/temporary employment (specify) _____
 4. Business/trading in Formal Sector
 5. Business/trading in informal (jua kali) Sector
 6. Progressive farmer
 7. Peasant farmer
 8. Other (specify) _____
12. (a) Current source of income
1. Formal employment
 2. Business
 3. Farming – Large scale/small scale
 4. Other (specify) _____
- (b) Source of income before imprisonment:
1. Formal employment
 2. Business
 3. Farming – Large scale/small scale
 4. Other (specify) _____
13. (a) Current average monthly income (in Kenya Shillings):
1. 0 – 4,999
 2. 5,000 – 9,999
 3. 10,000 – 14,999
 4. 15,000 – 19,999
 5. Over 20,000
- (b) (i) Average monthly income (in Kenya Shillings) before imprisonment
1. 0 – 4,999
 2. 5,000 – 9,999
 3. 10,000 – 14,999

4. 15,000 – 19,999
5. Over 20,000

(ii) How were you spending the income? _____

B. Respondent's Knowledge About Prisons Before His/Her Imprisonment

14. (a) What kind of public image did you know Kenyan Prisons to have?

1. Excellent
2. Good
3. Fair
4. Poor
5. Very poor
6. Didn't know

(b) Please explain _____

15. Did you wish to be imprisoned any time in your life? 1. Yes 2. No. Please explain: _____

C. Respondent's Information About His/Her Imprisonment And Release

16. How many times have you been imprisoned?

1. Once
2. More than once

(i) Information On The Most Recent Prison Sentence

17. How long was your prison sentence? _____

18. How long did you actually stay in prison? _____ (From _____ To _____)

19. In which prison(s) did you serve your sentence? _____

20. In which court(s) were you tried and convicted? _____

21. For what offence(s) were you convicted? _____

22. Did you actually commit the offence(s) that led to your conviction? 1. Yes 2. No
Please explain the circumstances surrounding the conviction _____

23. Before the imprisonment, were you remanded? 1. Yes 2. No. If yes, for how long? _____ and where? _____

24. On a scale of 1 to 5, how would you rate your treatment in the remand by the prison authorities in terms of fairness?

1. Very unfair
2. Unfair
3. Neutral
4. Fair
5. Very fair

Please explain: _____

25. Were friends and relatives allowed to visit you in prison? 1. Yes 2. No.

Please explain: _____

26. If yes in Q.28, how often were you visited by friends and relatives while in jail?

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

27. Did you get any support from friends and relatives while in jail? 1. Yes 2. No.

Please explain: _____

28. How would you rate your relationship with the prison authorities while in jail?

1. Excellent
2. Good
3. Fair
4. Poor
5. Very poor

Please explain _____

29. Were you mistreated (eg. beaten, tortured, etc) by prison authorities during your imprisonment? 1. Yes 2. No. Please explain: _____

30. If yes in Q32, how frequent were the mistreatments?

1. Very frequent
2. Frequent
3. Rare
4. Very rare

31. While in prison, did you receive any supervision from prison authorities? 1. Yes 2. No.

Explain: _____

32. How satisfied were you with the following aspects of the supervision? Use the following CODES 1. Very satisfied 2. Satisfied 3. Not satisfied 4. Not satisfied at all.

(a) Guidance and Counselling? 1 2 3 4

Please explain: _____

(b) Disciplining of prisoners? 1 2 3 4

(c) Training of Prisoners? 1 2 3 4

Please explain _____

(d) Provision of good quality food? 1 2 3 4

Please explain: _____

(e) Provision of good – quality accommodation (e.g. sleeping, sanitary, etc) facilities? 1 2 3 4

Please explain: _____

(f) Provision of good quality clothing? 1 2 3 4

Please explain: _____

(G) Provision of good quality and sufficient recreation activities and facilities?

1 2 3 4

Please explain: _____

33. How would you rate the prison officers who supervised you in terms of their numbers?

1. Very adequate
2. Adequate
3. Inadequate
4. Very inadequate

Please explain: _____

34. Generally, how would you describe the prison officers/authorities who supervised you in terms of their general qualifications?

1. Not qualified at all
2. Not qualified
3. Just qualified
4. Very qualified

Please explain: _____

35. Describe the conditions of the prison(s) where you served your jail term. _____

36. (a) What do you understand the functions of a prison to be? _____

(b) Explain whether or not Kenyan prisons perform these functions. _____

37. (a) Do you think Kenyan prisons are effective in curing crime and rehabilitating offenders? 1. Yes 2. No. Please explain _____

(b) If yes, how effective are Kenyan Prisons in curing crime and rehabilitating Offenders? _____

1. Very effective
2. Effective
3. Not effective
4. Not effective at all

38. Drawing from your experience, please identify and explain the key problems facing prisons in Kenya today _____

39. Please suggest viable strategies of solving some of these problems to make the prisons more effective _____

40. Would you prefer imprisonment to other rehabilitation alternatives such as Community based and probation services? 1. Yes 2. No. Please explain _____

41. Drawing from your experience, what role(s) do the prisons play to assist people keep away from criminal behaviours and so become law abiding citizens? _____

42. What other ways can help to reduce the rate of crime in Kenya? _____

43. Have you ever received any After-Care Services since your release from jail? 1. Yes 2. No. Please explain: _____

44. Please give any other relevant comments _____

Thank you very much and stay well.

APPENDIX 2

DEPARTMENT OF SOCIOLOGY

UNIVERSITY OF NAIROBI

TOPIC: THE EFFECTIVENESS OF THE PRISONS SERVICE IN THE
REHABILITATION OF OFFENDERS IN KENYA.

INTERVIEW SCHEDULE FOR PRISON OFFICERS

Field Research Centre: _____
Respondent Number: _____
Date of Interview: _____
Time of Interview: _____

Introduction

How are you today? My name is Muteti. I am a student of the University of Nairobi. I am undertaking a research study on **“The Effectiveness of the Prisons Service in the Rehabilitation of Offenders in Kenya”** The Office of the President/Ministry of Education has cleared the research. You have been selected from the population of prison officers in Taita Taveta District Prisons. I would like to ask you some questions related to your work in particular and to the Prisons Service in general. The information I will get from you will enable me to compile my University Thesis. The information could also be used to advise policy makers on appropriate measures to take towards achieving higher levels of success in the rehabilitation process. All the information you give will be treated with the strictest confidence and you will not be quoted in my report. I would highly appreciate if you can spare some time for an interview.

Background Information

1. Respondent's Name: _____
2. Respondent's Sex: 1. Male 2. Female
3. Respondent's Age: _____
4. Marital Status:
 1. Single/Never Married
 2. Married
 3. Divorced/Separated
 4. Widowed
5. Size of household: _____
6. Number of Children Supported: _____
7. Respondent's Tribe: _____
8. District of Permanent residence: _____
9. Religion:
 1. Traditionalism
 2. Roman Catholic
 3. Protestant
 4. Islam
 5. Other (Specify) _____
10. Level of Education:
 1. None
 2. Primary
 3. Secondary 1-4
 4. Secondary 5-6
 5. University/College (specify) _____
 6. Adult Literacy
 7. Other (specify) _____
11. What is your average monthly income (in Kenya Shillings)?
 1. 0 – 4,999
 2. 5,000 – 9,999
 3. 10,000 – 14,999
 4. 15,000 – 19,999
 5. Over 20,000
12. Present rank/level of Service (eg. Warder, Chief Officer, etc): _____

Specific Information on the Profession

13. When did you join the Prisons Service/Department? _____
 14. At what level or rank of service were you engaged? _____
 15. What were your qualifications at the time of engagement? _____
 16. Did you have any relevant experience at the time of engagement? 1. Yes 2. No.
Please explain _____
 17. Do you have any professional training pertaining to your present job? 1. Yes 2 No
Please explain _____
-

18. Have you ever attended any refresher course, further professional training or professional seminars in the course of your service? 1. Yes 2. No

Please explain _____

19. Do you face any difficulties in making the prisoners understand their place in the prison?

1. Yes 2. No.

Please explain _____

20. What is the average number of prisoners under your supervision (i.e., average case load)?

21. What do you take to be your role as a prison officer? _____

22. Please describe the work done by prison officers in your prison _____

23. What problems face prison officers in doing their work? _____

24. Please suggest how the problems can be solved. _____

25. What do you understand the functions of a prison to be? _____

26. Explain whether or not the prison you work in performs these functions _____

27.(a) Do you think prisoners benefit from the Prisons Service System in Kenya?

1. Yes 2. No

Please explain _____

(b) Please explain whether or not prisoners benefit from the Services offered in your prison _____

28. What is the main goal/objective of imprisonment of offenders?

29. Drawing from your experience, do you think Kenyan prisons (including your prison) are effective in achieving the main goal? 1. Yes 2. No

Please explain _____

30. (a) How effective are Kenyan prisons (including your prison) in curing crime and rehabilitating offenders?

1. Very effective

2. Effective

3. Not effective

4. Not effective at all

(b) Would you say that most of the prisoners in your prison have been imprisoned more than once? 1. Yes 2. No

31. (a) Drawing from your experience, please identify and explain the key problems facing the prison you work in _____

(b) Please suggest some of the possible solutions to the problems _____

(c) What are the senior prison authorities doing at the moment to solve some of the problems? _____

32. (a) In the present set up of the Kenyan judicial system, does a prison officer have a role in deciding who is to be released before the completion of the jail term? 1. Yes 2. No.

Please Explain _____

(b) Do you think the prison officer should be involved in the sentencing process?

1. Yes 2. No

Please Explain _____

33. Are there any types of crimes or criminals which you think the Prisons Department should not handle as far as the rehabilitation of offenders is concerned? 1. Yes 2. No
Please Explain _____

34. (a) Between the two choices of imprisonment and Community Service Orders/Probation Services, which one would you prefer for the majority of offenders you are currently holding in your prison? _____

Give reasons for your answer _____

(b) Please state whether or not a majority of your prisoners are petty criminals or serious (hardcore) criminals? _____

35. Please explain whether or not your prison offers After-Care services to its former inmates (ex-prisoners)? _____

36. Please suggest other ways which can help to reduce the rate of crime in Kenya.

Extra information to be collected from Heads of the District Prisons

37. When was the prison you head established? _____

38. What is the total population of prisoners in your prison? _____

39. How many remandees are in your Prison? _____

40. Do you think your prison is holding the right and acceptable capacity of inmates?

1. Yes 2. No. Please explain _____

41. How does your prison operate in its attempt to perform its functions? _____

42. Generally, how does the Prisons Department in Kenya operate? _____

43. (a) How many prison officers are in your prison? _____

(b) Give the numerical size of the prison officers in your prison by their grades/ levels in the service (e.g. Chief Officers, Warders, etc) _____

44. How would you rate the prison officers in your prison in terms of their numbers?

1. Very adequate

2. Adequate

3. Inadequate

4. Very inadequate

Please explain _____

45. Generally how would you rate the prison officers in your prison in terms of their general qualifications?

1. Not qualified at all

2. Not qualified
3. Just qualified
4. Qualified
5. Very qualified

Please explain _____

46. How would you rate the physical facilities in your prison in terms of adequacy?

1. Very adequate
2. Adequate
3. Inadequate
4. Very inadequate

Please explain _____

47. How satisfied are you with the quality of physical facilities in your prison?

1. Very satisfied
2. Satisfied
3. Not satisfied
4. Not satisfied at all

Please explain _____

48. How satisfied are you with general life patterns and standards of your inmates inside the prison?

1. Very satisfied
2. Satisfied
3. Not satisfied
4. Not satisfied at all

Please explain _____

49. Do you think the financial allocations to your prison are adequate? 1. Yes 2. No

Please explain _____

50. (a) Does your prison experience disease outbreaks? 1. Yes 2. No

Please explain _____

(b) If yes, what are the possible causes of the diseases? _____

(c) If yes in Q65 (a), how would you rate the medicine for the diseases in terms of adequacy?

1. Very adequate
2. Adequate
3. Inadequate
4. Very inadequate

Please explain _____

51. (a) Does your prison experience deaths of inmates? 1. Yes 2. No

(b) If yes, please approximate the number of deaths of inmates in your prison in a year _____

(c) If yes, please state some of the causes of the deaths _____

52. As the Head of this prison, what would you suggest to be done on the Prisons Service in order to achieve heights in the rehabilitation of offenders in Kenya?

53. Please give any other relevant comments _____

Thank you very much and stay well.

Telegrams: "Education", Nairobi

Telephone: Nairobi 334411

When replying please quote

Ref. No. MOES&T 13/001/30C 35/2
and date



JOGOO HOUSE "B"
HARAMBEE AVENUE
P.O. Box 30040
NAIROBI

Date 22nd February, 2000

Stephen Masango Muteti
P.O. BOX 67374
NAIROBI

Dear Sir

RESEARCH AUTHORISATION

On the basis of your application for authority to conduct research on 'The effectiveness of the Prison Service in the Rehabilitation of Criminals in Kenya. A case study of prisons in Taita Taveta District. I am pleased to let you know that your application has been considered and approved.

Accordingly you are authorised to conduct research in Taita Taveta District in Coast Province for a period ending 30th June, 2001.

You are advised to pay courtesy calls to the District Commissioner Taita Taveta, the District Education Officer Taita Taveta and the respective Heads of the Prisons you will visit before commencing your research project.

Yours faithfully

A. G. KAARIA

FOR: PERMANENT SECRETARY/EDUCATION

CC.

The District Commissioner
Taita Taveta

The District Education Officer
Taita Taveta

