

Effects Of Prison Reforms On Reformation Of Inmates In Nyandarua County Prisons, Kenya

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ABSTRACT

This paper uses data collected for an MA Thesis on effects of prison reforms on reformation of inmates in Nyandarua County prisons, Kenya. This study has been necessitated by the need to make the penal system fair and effective. As has been revealed by this study, despite undertaking prison reforms, the attempt to improve the harsh prison conditions has created other problems that negate the reformation and rehabilitation of offenders. The study sought to investigate the effects of prison reforms on reformation of inmates in prisons with a focus on examining the existing prison reforms that have been undertaken in prisons since 2001, the effects of prison reforms on the reformation of prisoners, how Prison reforms have negated the reformation of prisoners, and mechanisms that were in place in prisons to control the negative effects of prison reforms. Major research findings obtained revealed that, though reforms have been implemented, a good portion of the reforms remained un-implemented. This may be explained by the fact that the prison authorities themselves did not put in place deliberate measures to rehabilitate inmates. Besides, there were gaps in the marketability of the skills that the prisoners acquired while in prison. The study noted the upsurge of prison crimes such as substances and drug abuse, rape and sodomy, and prisoner violence/assaults against other prisoners. The study recommends promotion of prison staff because they are the first line of defense in terms of government reformation efforts. Their stronger good will counts in any prisons reformation agenda. The study recommends constant review of prison education and training programmes to conform them to current job market skills for smooth re-integration of prisoners back into the society.

Key words: Prison; inmates; reformation.

INTRODUCTION

This study sought to investigate the effects of prison reforms on reformation of inmates in prisons in Nyandarua County, Kenya. The study was motivated by the need for new interventions to help curb the negative effects of prison reforms on the reformation of inmates. Ideally, prison reforms are attempts at improving conditions inside prisons by enhancing fairness and effectiveness of the penal system, implementing alternatives to incarceration, ensuring offenders are held accountable, sentences are proportionate to the committed crime and offenders are not only punished but rehabilitated [1].

Prison reforms strategy bear a raft of initiatives that include noncustodial alternatives, improved prisons' conditions, eradicating prisoners' torture and cruelty, and instituting child-friendly criminal justice systems. The mostly colonial-era dated African prisons only bear basic features but suffer shortages of food, bedding, recreation facilities, medical care and supplies, and, in addition, treatment and/or torture of inmates [2].

In mitigation, the mid-1990s saw both the Non-Governmental and Governmental organizations push for prison reforms with a core concern on human rights abuses especially because overcrowded prisons were cited to escalate human rights abuses. In this regard, several strategies aimed at protecting prisoners' rights were rolled out throughout the continent, which included adoption of national mechanisms for alternative sentencing, collaboration between nations for oversight and policy commitments to reform [3].

Kenya's prison reforms were introduced in 2003 with an aim of improving the deplorable living conditions for both prisoners and wardens, and to reduce overcrowding [4]. The proceeding 10 years witnessed concerted efforts to achieve the reform agendas in form of decongesting prison [5], improving management of the justice sector, inter-agency collaboration, improving living conditions in prisons and embracing openness and collaboration among different stakeholders [6]. Arguably, partial reforms achieved are evidenced by prisons that are more open to the public, improved diet and introduction of new uniforms. Attempts have been made to decongest prisons too through committal to community service for petty offences [1]. However, according to (Omboto, 2013), [7] the concerted reform efforts from diverse stakeholders have led to unintended shortcomings that negate on the reformation agenda that include the rarely published crime within prison.

Kenya prison reforms agenda includes strategies such adequate food, clothing and housing for inmates, visiting of prisoners, and rights to consult lawyers, business associates and relatives without undue harassment and baseless suspicion [4]. However, seven years after the reforms, a report on Thika prison revealed persistent inhuman and degrading treatment as well as overcrowding under deplorable prison conditions, without internal toilet or shower. Prison Cells lacked a drainage system, floors had potholes that trapped water and bred insects, and there was poor ventilation while toilet paper, soap, toothbrush, or towels were not supplied [8].

Studies related to prison reforms in Kenya exposed challenges of rehabilitation and reformation mandate of prisons due to abuse of drugs and substances by inmates, and the consequential indiscipline and infractions [7]. Prison indiscipline and riots are common too and these have been occasioned by impromptu searches on inmates' belongings, inhumane living conditions and delayed

justice, poor management style by the prison authorities and strict punishment imposed on prisoners by the prison authorities [9].

A 2009 prison assessment report by Kenya National Commission on Human Rights [10] pointed to torture, degrading and inhuman treatment, unsanitary conditions and extreme overcrowding in prisons. The prison staff routinely beat and assaulted prisoners while prisoners were sometimes kept in solitary confinement far longer than the legal maximum of 90 days [11]. The Bureau of Democracy, Human Rights and Labour's 2013 report on prisons showed that incidences of human rights abuses persisted with some staff working and living in deplorable conditions while overcrowding was prevalent in prisons [11].

Prison officers who are entrusted with the responsibility of reforming the prisoners are another major factor that contributes to prison reforms. Prison staff should be people of integrity, well-educated and specifically trained for their job [4]. Further, they should have an in-depth understanding of human behavior, human motivation, human worth and human destiny for them to rehabilitate the offenders [4].

Professionals such as psychiatrists, psychologists, pastors, professional counselors, social workers, sociologists, criminologists and other social scientists should comprise the uniformed officers in order to make positive changes in the human mind where criminality is fostered [12]. Prisoners' reformation, therefore, entails a multi-disciplinary approach by various professionals. This study aimed at establishing the levels of education, skills and training of prison officers entrusted with responsibility of reforming the prisoners.

These statuses at a time when reforms have been on for close to two decades cast an image of a drifted reform process and thus the need to conduct a study on the problem so as to provide much needed empirical insight and to alleviate any more undesirable outcome. This study, therefore, aimed at investigating the effects of prison reforms on reformation of inmates in the two prisons in Nyandarua County, Kenya. These prisons are the colonial era's Nyahururu Thompson's Falls Prison in Nyahururu Town and a very recent Nyandarua Salient Prison in Nyandarua west Sub County formed after the devolved county units.

PROBLEM ANALYSIS

Prison crimes and indiscipline take various forms such as arrogance by the inmates and disobedience towards prisons staff, strikes, food boycotts, refusal to be searched, disobeying other lawful orders, fighting Prison staff, and rampant drug and substance abuse particularly the abuse of cannabis sativa. They are global phenomenon that affect both developing and developed countries. This is against a background of prison reforms, which though were envisioned to improve harsh prison conditions, have resulted into unexpected outcomes that negate on the reformation and rehabilitation of offenders.

In some situations, inmates' indiscipline spikes beyond pre-reforms eras in terms of both severity and the frequency, a situation made worse by use of smuggled mobile phones that inmates use to communicate with the outside world and subsequently commit crimes related to mobile telephony. Research findings indicate that cases of inmate indiscipline in Kenya that were non-existent in the pre-reform era preceding the year 2000 became day to day occurrences in the reform era extending

from 2008 to the present. This paradoxical turn of events has rendered the situation a research matter requiring a determination of whether the prison reform process is on course or whether it has drifted onto an un-anticipated tangent and thus needing corrective measures.

There is, however, limited and inconclusive empirical research on the impact of prison reforms on reformation of prisoners in Kenya generally, and within Nyandarua County in particular. This study, therefore, investigated the effects of prison reforms programs by examining the current status of prison reforms in Prisons in Nyandarua County, Kenya post 2001 when reforms began, the study explored the effects of prison reforms on the reformation of prisoners, assessed possible existence of negative outcomes on reformation of prisoners and examined mechanisms that were in place to control the negative effects of prison reforms.

METHODOLOGY

Descriptive survey design was adopted for the study. The target population of this study was both uniformed and non-uniformed 242 prison staff members, as well as 674 inmates incarcerated in the two prisons in Nyandarua County, Kenya. Out of these, a sample of 63 prison staff and 165 inmates was drawn. Researcher administered questionnaires and key informant interview guide were used to collect primary data.

Qualitative data focused on responses on the existing prison reforms, the effects of prison reforms on the reformation of prisoners, how prison reforms have negated the reformation of prisoners in Nyandarua County prisons, and the mechanisms in place aimed at controlling the negative effects of prison reforms.

Quantitative data collected from the closed-ended interview items were tallied and analyzed using the Statistical Package for Social Sciences (SPSS) version 23 to generate percentage, frequencies, descriptive and inferential statistics.

ANALYSIS

The study revealed that prisons had undergone a number of reforms. Following these reforms, inmates had increased access to three meals a day. In addition, almost half of the inmates reported that prisoners are now treated in a humane and dignified manner, 70 percent revealed that prisoners have access to legal aid in support of their cases, prisoners are visited regularly by friends and relatives (67.3%). However, this contradicts Chepkemai (2011) [13] study findings that showed most female inmates in the prisons had no personal visits from their children since their admission and as such.

The forced separation between mother and child resulted in permanent termination of the parent-child relationship. It was also noted that the public is regularly invited to prison events (65.5%) a finding that supports Ngare (2009) [14] that due to participation of community members and implementation of the open door policy, notable reforms were experienced in education and recreational programs.

Further, prison reforms had brought about training in employable skills for the inmates (39.4%), inmates engagement in recreational activities and engagement in trade exhibitions and trade shows

for the inmates among other benefits. Table 1 presents the nature of reforms in prisons domicile in Nyandarua County.

Table 1: Nature of prison reforms

Statement		Strongly Disagree	Disagree	Not Sure	Agree	Strongly agree
Prisoners access three meals a day	%	7.3	16.4	38.2	29.1	9.1
	f	12	27	63	48	15
Prisoners access adequate clothing	%	0.0	61.8	23	9.1	6.1
	f	0	102	38	15	10
Prisoners are treated in a humane and dignified manner	%	0.0	17.6	32.7	39.4	10.3
	f	0	29	54	65	17
Inmates are engaged in recreational activities	%	24.8	18.2	28.5	26.7	1.8
	f	41	30	47	44	3
Prisoners access timely medical assistance for injuries and ailments	%	21.2	30.3	26.7	21.8	0
	f	35	50	44	36	0
Prison staff and inmates access adequate housing	%	17.6	21.8	35.8	17	7.9
	f	29	36	59	28	13
Prisoners access legal aid in support of their cases	%	8.5	11.5	9.7	40	30.3
	f	14	19	16	66	50
Prisoners access training in employable skills in this prison	%	10.3	42.4	7.9	31.5	7.9
	f	17	70	13	52	13
Prisoners are visited regularly by friends and relatives	%	3.6	26.7	2.4	40.6	26.7
	f	6	44	4	67	44
The public are regularly invited to prison events	%	7.9	12.1	14.5	58.2	7.3
	f	13	20	24	96	12
Prisoners engage in trade exhibitions and trade shows	%	20.6	43	12.7	20.6	3
	f	34	71	21	34	5

There was general agreement among the prison staff that there were reforms in the prisons. Most notable were the access to timely medical care (57.1%), improved medical care for prisoners (61.9%) and that prison inmate visits are now conducted in an orderly and civilized manner (73%). On the other hand, 61.9% indicated that prisons have not been able to significantly boost the supply of housing for staff members, that housing for prison staff is not supplied with utilities such as water, electricity and sanitation facilities (50.8 %) and prison staff are unable to access training and skills development (74.6%).

The second objective sought to explore the effects of prison reforms on the reformation of prisoners in the prisons in Nyandarua County, the findings revealed that prisoners still lack conducive living conditions as reported by 44.4% of the prison staff and 32.7% of the inmates. Though some physical infrastructure have been put up, it is not adequate. This further suggests that there is need for the prison authorities to consider putting up more physical infrastructure. This finding collaborates with an earlier study by Nyawira (2019)[15] that found that Kenyan prisons are characteristic of overcrowding, inadequate cells and facilities, poor and monotonous diet, shortage of water and washing facilities, limited training and educational facilities as well as poor health conditions.

Access to health for prisoners is a critical service for the prison service. Prisoners in the institutions under study reported that they are not able to access medical assistance for injuries and ailments in a timely manner. Majority of inmates are able to access training in skills even though there are reservations on the applicability and employability of the skills acquired in prison. As noted, prison education should also provide employment opportunities, hence help in transformation of inmates' life, and as a result enhance smooth transition to society [16].

The third objective aimed at assessing how prison reforms have negated the reformation of prisoners in the prisons. Generally, prison reforms have had some negative effects on the reformation of inmates. For instance, the effect of prison reforms on the rate of drugs and substance abuse according to the results was increasing (65%). On rape/sodomy, 53.3% of the inmate respondents were not sure if the reforms had affected the rates of rape and sodomy in the prisons while 45.5% claimed that the rate had not changed despite the reforms. Moreover, staff and inmates agreed that the rate of absconding searches during inspections had not changed even with the prison reforms.

The rate of disobeying lawful orders by prisoners was on the rise according to 71.4% of the staff despite the inmates observing that occurrences of prisoners disobeying lawful orders had decreased. Majority of staff responses showed that there was no change on the rate of violence within the prisons while inmates' responses indicated that the rate of violence in prison was increasing. The assaults towards staff in prison had dropped according to 36.5% of the staff and 55.2% of the inmates.

There was a feeling that prison reforms had not effected any changes in the cases of violence of prisoners against fellow inmates with 36.5% of the staff and 17.6% of the inmate observing that the reforms had resulted in a rise in cases of inmate violence towards fellow inmates. Instances of refusal by prisoners to eat food provided to them majorly had remained the same. Table 2 presents the status of prison crime after reforms.

Table 2: Status of Prison Crime after Reforms (inmates' perceptions)

Statement		Not Sure	Decrease	No change	Increased
Substances and drugs abuse	%	17	25.5	18.2	39.4
	f	28	42	30	65
Rape/sodomy	%	53.3	6	45.5	0.6
	f	88	1	75	1
Fights	%	41.2	15.2	27.9	15.8
	f	68	25	46	26
Assaults towards Staff	%	17.6	55.2	13.3	13.9
	f	29	91	22	23
Violence towards fellow inmates	%	26.7	38.2	17.6	17.6
	f	44	63	29	29
Food boycott	%	44.8	1.2	53.9	0
	f	74	2	89	0
Training boycott	%	31.5	3.6	52.1	12.7
	f	52	6	86	21

The fourth objective of the study aimed at examining mechanisms in place in Nyandarua County prisons, Kenya to control the negative effects of Prison reforms. On the question whether the prison authorities are promoting rehabilitation programmes, 61.9% of the staff and 48.5% of the inmate disagreed meaning that the prison authorities are not putting in place deliberate measures to rehabilitate the inmates.

The findings further, showed that counseling is not provided to most of the prisoners as 43.1% of the inmates disagreed with the opinion that Prisoners access counseling programmes from prison workers, religious counselors, social workers, psychologists and psychiatrists. The findings however suggest that prisoners are accessing education and training as a result of the prison reforms (43.6%).

The study established that provision of incentives such as promotion to be a welfare officer for good behaviour has limited effect or appreciation among prisoners. Majority of the respondents (52.4% of the staff and 82.4% of the inmates) disagreed that prisoners' transfers are done after some time implying that prisoners' transfers programs, a subset of the reforms, have not been implemented or were delayed. Similarly, 46% of the inmates reported that there is consideration for non-custodial sentence for prisoners that perform better in terms of reformation. Besides, 70.3% of the inmates indicated that the prison acts to control the prison crime as shown in Table 3.

Table 3: Mechanisms in Place to Control the Negative Effects of Prison Reforms

Statement		Strongly Disagree	Diagree	Not Sure	Agree	Strongly Agree
The prison authorities promote rehabilitation programmes	%	3	45.5	17.6	21.8	12.1
	F	5	75	29	36	20
Prisoners access counselling programmes	%	7.9	35.2	27.3	29.7	0.0
	F	13	58	45	49	0
Prisoners access appropriate education and training	%	19.4	7.9	29.1	43.6	0.0
	F	32	13	48	72	0
There is provision of incentives to inmates such as promotion to be a welfare officer	%	15.8	15.8	40.0	28.5	0.0
	F	26	26	66	47	0
There is consideration for non-custodial sentence for prisoners that perform better in terms of reformation	%	13.9	58.2	0.0	27.9	0.0
	F	23	96	0	46	0
Prisoners transfers are done after some time	%	11.5	70.9	0.0	17.6	0.0
	F	19	117	0	29	0
The prison uses technology to monitor the inmates	%	0	58.8	3.0	38.2	0.0
	F	0	97	5	63	0
The prison programmes ability to control the prison crime	%	7.9	21.8	0.0	60.0	10.3
	F	13	36	0	99	17

CONCLUSIONS

The study found that though reforms have been implemented, a good portion of the reforms remained un-executed. Successes of reforms included adequate diet, humane and dignified treatment of prisoners, and access to education and training. Friends and relatives regularly visited prisoners in an orderly and civilized manner while public and prisoners' relatives were regularly invited to participate in prison activities and events. However, reforms had not enabled prisoners to access adequate clothing and engagement in recreational activities or physical fitness exercises. On the effect of prison reforms on prisoners, the inmates' living conditions in terms of their housing had not improved and more physical infrastructure was needed. Additionally, prisoners in the institutions under study were not able to access medical assistance for injuries and ailments in a timely manner as well as improved medical care. They were however granted bail and accessed legal aid as a right to them. There were gaps in the marketability of the skills they acquired while not all the prisoners participated in sporting activities. They were visited by friends and relatives in an orderly manner and were able to interact with the outside world too. There were improved public perceptions and relations with the prisons service.

The study further revealed that the prison reforms had negated the reformation of prisoners. For instance, proportion and severity of some vices had remained the same or increased despite the reforms. Those whose levels increased include substances and drug abuse, rape and sodomy, refusal to be charged, inmates' arrogance and disobeying lawful orders.

Crimes which levels remained the same included fighting, violence towards fellow inmates and boycotting food. Other undesirable outcomes included the thought that making the penal institutions less punitive was drawback since ex-convicts would prefer getting back to prisons since they were more humane and friendly. Another issue cited was increased human rights activism that could result to more inmates' violence, strikes and boycotts and some inmates taking advantage of the available privileges, to abscond duties tactfully. There was increased staff-inmate conflicts and poor reintegration of ex-convicts into the society.

In order to control the negative effects of prison reforms, it was suggested that counseling education and training be put in place. Other suggestions included provision of incentives to prisoners, non-custodial sentencing and prisoners' transfers and the active involvement of prison staff in the control of prison crimes. Others include routine creation of awareness on prison reforms, administrative changes, putting a check on corruption, increasing funding, personnel and equipment, enforcement of removal of corporal punishment and prisoners' timely transfers.

It was further noted that there was need for job promotion of prison staff and their training and development, providing tools and equipment for their work and gaining of a stronger good will and extra emphasis on both staff and inmate welfare.

The study recommended that the prison administrators should encourage prisoners to engage in recreational, health and physical fitness and sporting activities; ensure that inmates are able to access medical assistance for injuries and ailments in a timely manner, as well as provide more housing to both inmates and staff members, ensuring that staff houses have adequate utilities such as water, lighting and sanitation.

The study further recommended that the government and prison administrators should ensure that training on skills that target the prisoners are continuously improved and that they are responsive to the prisoners' interests and modern market needs and facilitate prisoners' participation in trade exhibitions.

In order to control the negative effects of reforms in prisons, prison administrators should enhance surveillance and enforcement of control of substances and drug abuse, rape and sodomy, fighting and violence towards fellow inmates. They should embrace conflict resolution strategies in order to resolve conflicts between inmates as well as inmates and staff, be proactive by putting in place compliance strategies to ensure inmates obey lawful orders.

Prison administrators should enhance counseling to inmates to help them psychologically realize the undesirable effect of incarceration on their lives so that they do not desire to get back to prison after completing their term, restrict the influence of activists inside the prison so to avoid prisoners' management challenges, and put in place prisoners' reintegration programme to support resettlement of ex-convicts.

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