

# **TREATMENT AND SOCIAL REINTEGRATION OF OFFENDERS: CASE STUDY OF SHIKUSA BORSTAL INSTITUTION**

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## **I. BACKGROUND**

Shikusa Borstal Institution is a Youth Corrective Training Centre that caters for boys in conflict with the law between the ages of 15-17 years. This institution was established in 1963 by an Act of Parliament (Cap 92 Laws of Kenya). There are only two such institutions in Kenya—Shikusa and Shimo La Tewa Borstal. The institution is under the Prisons Department and draws its mandate from the Constitution of Kenya 2010, cap 92, the Children’s Act 2001, the Probation Act cap 62 and cap 90 Laws of Kenya, United Nations Standard Minimum Rules for the Treatment of Prisoners (UN-SMR), the Rules on the Protection of Juveniles Deprived of their Liberty (RPJDL), and the African Charter on the Rights and Welfare of the Child (ACRWC).

Boys are committed for sentences of 3 years’ training and rehabilitation through children’s courts in consultation with the case probation officers who also plan the after-care programme. Through and aftercare guidelines are formulated for the reintegration of boys.

### **Statistics**

- Capacity 225 boys
- Average population 340
- 132 Members
- Range of crimes:
- Theft related 50%>, Sexual related 20%<
- Assaults <10%, Drugs 5%>, Others 15>
- Average annual admissions 260
- Average annual discharges 240

### **Key stakeholders**

- Criminal justice agencies (Probation department, Judiciary, Police)
- Children department and social services

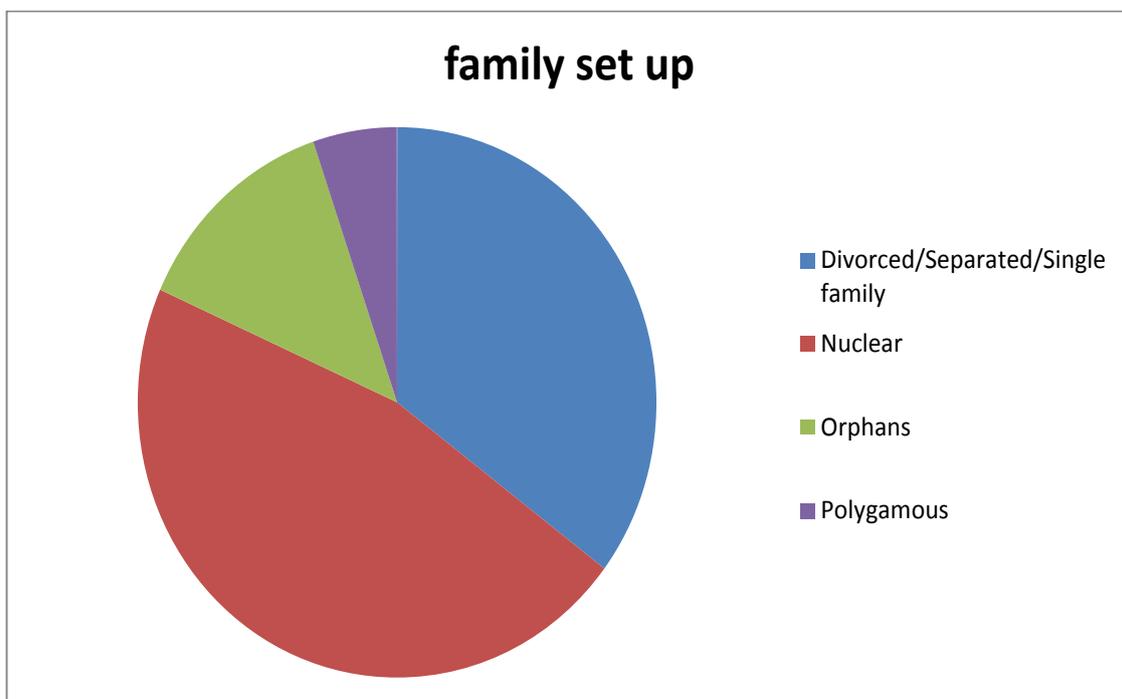
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- Non-Governmental Organizations (R.W.I)
- Community
- Offenders.

**Causes of Crime in relation to family  
Family Information Breakdown**

S/NO	FAMILY TYPE	NUMBER	Percentage%
1	Divorced/Separated	108	35.3%
2.	Nuclear	142	46.4%
4.	Orphan	40	13.1%
5	Polygamous	16	5.2%
	Total	306	100%



Juvenile offending has a number of underlying characteristics, such as poverty, education disadvantage, child abuse, lack of family support and drug/alcohol problems. Those who offend tend to be marginalized with regard to their families, their community and/or society in general. Efforts to prevent offending must involve engaging with young people at all levels.

It is very difficult to know which risks actually cause young offenders to be involved in crime, and of course, this varies between individuals unless one is influenced by protective factors. The assumption was that most young offenders that offended came from broken or dysfunctional families, but we realized that approximately 46% come from the nuclear family (Both parents are alive).

It's true that presence of multiple risk factors increases the likelihood of someone committing an offence; the extent to which those risk factors can be said to cause the offending cannot only be determined by the family background. But at the population level, the best information we can produce is a study of risk factors for offending, and an understanding that the more risk factors an individual possesses, the more likely they are to commit offences.

## II. REHABILITATION PROGRAMS

The rehabilitation of boys admitted into the institution starts at the very beginning of the admission process right from the reception board to discharge.

### A. Composition of Reception Board

- Superintendent in-Charge of the institution
- Technical personnel
- Welfare officer
- Spiritual leaders

- Human Rights Officer
- Documentation officers

The process begins from admission of young offenders in custody up to and including community re-integration. At first the reception board was not adequately addressing offender needs, so we started one to ensure that on admission the young offender is introduced to and welcomed to the Borstal environment. At this stage his expectations are addressed, fears are allayed, and treatment and the opportunities available for training are considered. Both spiritual and social counselling to stabilize the inmate in the new environment commence at this point, the inmate is introduced to his rights, obligations, the disciplinary requirements and procedures, the complaints mechanisms available and authorities both internal and external and the rules of the institution, his management plan is developed with a view to identifying the most suitable rehabilitation program for placement and start of the reintegration process.

### **B. Assessment and Classification**

Assessment facilitates accommodation and allocation programs for young offenders. Where applicable, specific risk tools are also used to measure the extent of substance abuse, violence and sexual offence. Currently most of our resources target young offenders with moderate risks and needs who are less likely to re-offend unless intensive rehabilitation is given.

The rehabilitation regime comprises several intervention mechanisms that are employed to provide purposeful and corrective measures or activities for young offenders. These measures challenge prisoners' offending behaviour, providing them with basic education to tackle illiteracy, empowering them with knowledge, and work skills for support and sustainability once they are released from the institution.

### **C. Literacy Education**

This is offered to enhance and accelerate the literacy levels such as literacy and numerical courses before placement in various courses.

### **D. Vocational Training**

This is offered to young offenders where various forms of vocational apprenticeship such as upholstery, carpentry, tailoring, metal work, polishing and masonry among others. We have begun assessment of these courses, and we developed new courses to be in line with other market oriented trades such as barber shop, car wash and shoe shining.

### **E. Formal Education**

We have class 7 and 8 and form one and two; this is to give prisoners who want to pursue education the opportunity to do so. A number of prisoners are registered yearly for different levels of national examinations, KCPE and KCSE. The curriculum for formal education is the same used by mainstream schools and colleges. The examination is accredited by the national government just like that outside of the prison set up.

Boys who attend secondary education in Kenya are aged 13-15 years. Taking consideration of the fact that there was no established system in place, we started secondary education to cater for boys who fall in the age category. The system of education is the same as the one used in the mainstream schools. Most of the young offenders who are discharged from the institution (approximately 66%) transit back smoothly to the society. Formal education is significantly

contributing to prisoners' rehabilitation and creating an enabling environment for their community resettlement. Computer literacy classes are also offered to boys interested in Information and Communication Technology.

#### **F. Psychosocial Programs**

We offer counselling services to target specific behaviours. These are strategies to prevent and address the underlying problems. We also provide support to those with mental health problems and provide addiction and counselling programmes for those with alcohol or drug problems. Specialized treatment programs are offered to target needs in:

- Pro-social thinking
- Anger and emotional management
- Substance abuse treatment
- Managing and overcoming violence
- Sexual offending treatment

#### **G. Recreation Facilities and Services**

We have a wide range of recreational facilities and services of particular interest to young people, and we have made it easily accessible. In addition, the boys are involved in designing and running of these programs.

#### **H. Sports and Positive Entertainment**

Sport as a co-curricular activity is undertaken in the institution. Boys take part in indoor and outdoor sporting activities. To date many activities/sporting programmes have increased tremendously. Some of the activities are volleyball, football basketball, handball, athletics and tug of war.

Boys are encouraged to take part in daily exercises and at least take part in one sport. Inter-house competition is done weekly and crowned by end of quarter completion where individuals and teams are awarded. Boys are also involved in inter-primary competitions with other mainstream schools; they also play friendly matches with the local youth groups, polytechnics and churches.

#### **I. Importance of Sports to the Borstal Boys**

- It makes participants mentally, physically and socially healthy.
- It enhances chances of boy's placement to best performing schools in academic and sports in the region and nationally.
- It results in professional utilization of the boy's talent in the future, e.g., some boys are employed by premier league clubs.
- It inculcates adherence to rules and regulations governing a given sport which directly translates to real life.

## **J. Music Festival**

Music is part of our extra-curricular activities that is meant to nurture boys' talents as well as inculcate competitiveness and teamwork. This helps boys in the reintegration process upon release. The Institution choir participated in the inter-primary schools which included mainstream schools from the Zonal level to the national music festivals held on 3rd August 2014 at Kenya School of Government, Mombasa county.

## **K. Importance of Music Festival to Borstal Boys**

- It helps boys to discover their talents and making temporary improvement on the same.
- It leads to purposeful interaction between Borstal boys, music participants and other primary school pupils
- It helps them manage their leisure time prudently by composing, practising and rehearsing of songs.
- It exposes boy's creative talents and abilities to the outside world, hence opening up sponsorship opportunities from different organizations, e.g, Faraja trust.
- It enhances academic exchange programmes during residential music events.
- It is a form of entertainment to participants, the entire Borstal community, surrounding community, thus creating cohesive social interaction.
- It creates opportunities for the boys to give back to the community by participating during public holidays and graduation ceremonies.

## **L. Significance of Music to the Participants**

- Helps improve health and behavioural outcomes of those who participated by providing social experiences as well as addressing problematic attitudes and perceptions.
- Music interventions are a means of building resilience and supporting well-being and preventing delinquency.
- Helps boys promote identity development through life skills acquisition which is an essential component to a peaceful co-existence in the society upon their release; hence very few reoffend as compared to non-music participants.

## **M. President's Award**

It's an award for young people to help them develop psychological, intellectual and physical activities. Boys are involved in social responsibility by engaging in volunteer activities to help build communities; this is done to encourage contact with the outside world and also to encourage good discipline while in the institution.

The President's Award Kenya (P.A.K) is an exciting self-development programme available to all adolescents transitioning into adulthood; the participants are usually of the ages between 14-25 years.

The programme is open to all young persons who join it voluntarily and offer their service and skill voluntarily for the benefit of humanity. They also undertake a lot of expeditions and adventurous journeys as a requirement for them to develop resilience and endurance as they work as a team. Residential projects undertaken by the participants enable them to contribute their service and skills for the benefit of unfamiliar persons who need that kind of assistance.

It enhances lifelong communication skills, problem solving, decision making, critical and creative thinking, negotiation and presentation skills as participants take part in challenging activities in their expeditions and residential projects with other participants drawn from varied backgrounds and levels.



#### **N. The Impact of Award and Transition to the Mainstream Schools and Reoffending**

We have found that boys who are involved in the President's Award Programme are more engaged in both community and church activities and report significantly less serious delinquency as well as problems of drinking and risky sexual behaviour; they seem to minimize risky behaviours at home or in school.

The program helped deter delinquency by reducing unstructured time, providing incentive to conform and creating avenues for attachment to pro-social peers and adults. Most of the time available is focused on school programs. President's Award participants transition to secondary and tertiary institutions as follows:

**President's Award Transition Rate Tabulation 2011-2014**

YEAR	LEVEL	P.A POPULATION	TRANSITION	TRANSITION RATE
2011	BRONZE	56	53	95%
	SILVER	-	-	-
	GOLD	-	-	-
2012	BRONZE	71	67	94%
	SILVER	36	33	92%
	GOLD	7 (primary)	6 (secondary)	86%
2013	BRONZE	71	67	94%
	SILVER	36	32	89%
	GOLD	6 (primary)	6 (secondary)	100%
2014	BRONZE	69	65	94%
	SILVER	48	44	92%
	GOLD	10 (primary)	9 (secondary)	90%

**O. Interpretation**

From the above tabulation it is evident that P.A-K holders and participants do transition at a higher rate cumulatively of about 92% from primary to secondary school. Those in secondary schools within the region report back to the institution to finish other levels (programme continuation).

**Comparison of PA-Award participant's transition rate with the transition rate of Non-P.A boys**

YEAR	BORSTAL BOYS	CASE POPULATION	TRANSITION	RATE
2012	P.A-Holders	56	40	71%
	NON-PA	160	51	32%
2013	P.A-holders	113	95	84%
	Non-P.A	210	70	33%
2014	P.A-Holders	125	86	69%
	Non-P.A	170	58	36%

### III. ANALYSIS

The transition rate for pupils in Kenya's primary schools to secondary schools stands at 74% according to a UNDAF-UNICEF Report. The orderly and disciplined self-routine by the participants is transmitted into their area of study leading to marked academic improvement and high achievement by Borstal boys on the national examination and therefore guaranteed continuation of their studies when they are released. Over 98% of alumni who were in primary education furthered their education and are currently in good high schools. The P.A-K Borstal boy's transition rate cumulatively for three years is 75% as compared with the transition rate of non-P.A Borstal boys which stands at 34% and also the mainstream schools with a rate of 74%. Borstal P.A participants depict a 40% higher margin of continuing with their educational and other training programmes than non-P.A Borstal boys.

#### A. Reintegration Processes

We have strengthened family and community-based support by putting in place measures to provide families with the opportunity to learn about child development and child care,

promote parent-child relationships, make parents aware of young people and encourage their involvement in family and community-based activities.

#### **B. Visitation**

Mentoring and linking families with appropriate support is important in helping families to cope with children's risky behaviour as well as promote the favourable development of the child, secure his best interest and ensure views are taken into account. We ensure parents visit the boy several times and also come and pick up their son during release to promote child-parent relationship

#### **C. Open Day/Parents' Day**

The institution organizes open days and parents' day for family visits to enable young offenders to meet with family members and establish family relationships; parents monitor their children's performance as well as address some of their urgent needs; Facilitate and promote prisoners' family contact and relationships during the incarceration of the child since most offenders offended against their parents and close relatives; Strengthens support system as young offender's parents have an opportunity to advise their children as well as give them psychological and emotional support for moral and social upbringing during absence of parents; Promotes acceptability of parent by nuclear family and community at large which consequently leads to smooth reintegration of offenders and the community as well as reduces stigmatization; Enables young offenders to monitor their children's performance in school and provides guidance on career related issues to them where this may become necessary.

#### **D. Communication**

We facilitate boys making phone calls immediately when they are admitted to the institution to inform the parents and relatives that the boy arrived safely. Furthermore, we make calls on a weekly basis to ensure that the boys maintain their family contacts and initiate the reconciliation process. In addition we also allow the offenders to call the victims as part of reconciliation.

#### **E. Discharge**

Law governing the institution provides for a board of visitors. This board is mandated to review cases of boys, with the intention of offering early discharge from the institution to serve the remaining period in the community. The board meets four times in a year and considers cases of boys who have stayed in the institution for more than 12 months. The board gets recommendations from the institution's officers, probation officers, the community, families and, most importantly, the victims are consulted and their fears and roles in reintegration are addressed. Upon early release the boys are placed under the supervision of probation officers. Before discharge boys are taken through pre-release counselling and life skills training. In addition, depending on their needs, provisions are made for help in continuance of formal education and vocational skills gained. The government provides school fees and tools for discharged boys in order to ensure successful completion of rehabilitation and to prevent reoffending.

#### **IV. RECOMMENDATIONS**

- Divert boys from the institutions through use of non custodial rehabilitation (Restorative justice)
- Capacity enhancement and building of Institution staff in best practices in juvenile offenders management
- More resources to be provided for reintegration and aftercare services
- Open young-person prisons to cater for boys who attain the age of 18 while at the institution
- Enhance the use of modern communication methods in maintaining family contact (video links, video conferencing)
- Review and amendment of laws dealing with juvenile offenders to conform to UNRPJ and international standards on treatment of offenders (Revised Cap 92 will be in place by September 2015)

#### **V. CONCLUSION**

Shikusa Borstal Institution was established to shield juvenile offenders from contamination and abuse by adult offenders. Together with other criminal justice agencies and non-state actors it helps in crime prevention, community safety and social reintegration through various programs offered to offenders. New crime trends like cybercrime, terrorism and the increase in sexual offenders will pose unique challenges to the institution but will add more linkages, cooperation with international partners and additional resources earmarked for the institution by the government. As a result, these challenges will be faced with optimism and confidence.