

# OVERVIEW OF THE KENYAN CRIMINAL JUSTICE SYSTEM (CORRECTIONS)

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## I. INTRODUCTION

Kenya's criminal justice system establishes the flow of criminal procedure among partners and defines the role of each of them in the management of offenders. The purpose is to attain societal peace and posterity by advocating for respect of the rule of law. The main partners in the criminal justice system in Kenya are the community, the police (investigation and arrest); the judiciary (judicial procedure); the probation and aftercare service (community treatment), the prison service (reformation, rehabilitation and reintegration).

The Kenya Prison Service traces its origin to the colonial programmes that were designed to pacify the restive and recalcitrant African natives. The system inflicted some of the harshest punishments and was hardly concerned with any concrete rehabilitation and subsequent reintegration of offenders. However, the philosophy has shifted from retributive to restorative justice, and today Kenya is implementing programmes for humane containment and social rehabilitation of offenders.

## II. THE KENYA PRISON SERVICE

The Kenya Prison Service is a department in the office of the Vice President and Ministry of Home Affairs and functions under the Prison Service Act (CAP. 90) and Borstal Acts (CAP. 92) Laws of Kenya. The department's primary responsibility within the criminal justice system is to contribute to public safety and security by ensuring safe custody and social rehabilitation of offenders for community reintegration.

In the implementation of this mandate, the Kenya Prison Service has ratified several international conventions and treaties including the Universal Declarations of Human Rights (1948) and the UN Standard Minimum Rules for the Treatment of Prisoners. Kenya has also ratified continental and regional conventions, such as the Kampala Declaration (1992) and the Ouagadougou Protocol of 2004 on the treatment of offenders.

## III. STATISTICAL INFORMATION

The Kenya Prison Service has one hundred and eight (108) prison institutions of which eighteen (18) are women's prisons, eighty-seven (87) are for male offenders, while three (3) are for juvenile male offenders — two Borstal Institutions and one Youth Corrective Training Centre (YCTC). The current inmate population is about 55,800 against established capacity for 18,600. There are a total of 18,400 members of staff out of which 4,812 are female officers.

## IV. CLASSIFICATION OF KENYAN PRISONS

The classification of Kenyan prisons is detailed in the Kenya Prison Standing Orders Chapter 69, which specifies prisons as Closed, Semi-Closed, Borstal Institutions or Youth Corrective Training Centres. Closed Prisons (also known as Main Prisons) are Maximum Security Prisons containing offenders serving long terms of imprisonment or convicted of serious subversion or violent offences.

Prisoners are classified and assessed on the basis of the level of security needs, the age of the

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inmates and length of sentence of offenders. The semi-closed prisons contain prisoners serving medium terms of imprisonment with less-serious offences of subversion and violent nature.

Kenyan Correctional Institutions are also divided by gender (i.e. male and female prisons). These prisons are further subdivided depending on which dominant rehabilitation programme (farm or industrial) is being administered.

## **V. PARTNERSHIPS**

The Kenya Prison Service has crucial membership and linkages which contribute largely on policy directions and capacity requirements in the treatment of offenders. These include memberships in various regional correctional organizations and linkages with NGOs and governments. African Correctional Services Association (ACSA), International Corrections and Prisons Association (ICPA), United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) among others.

## **VI. CHALLENGES**

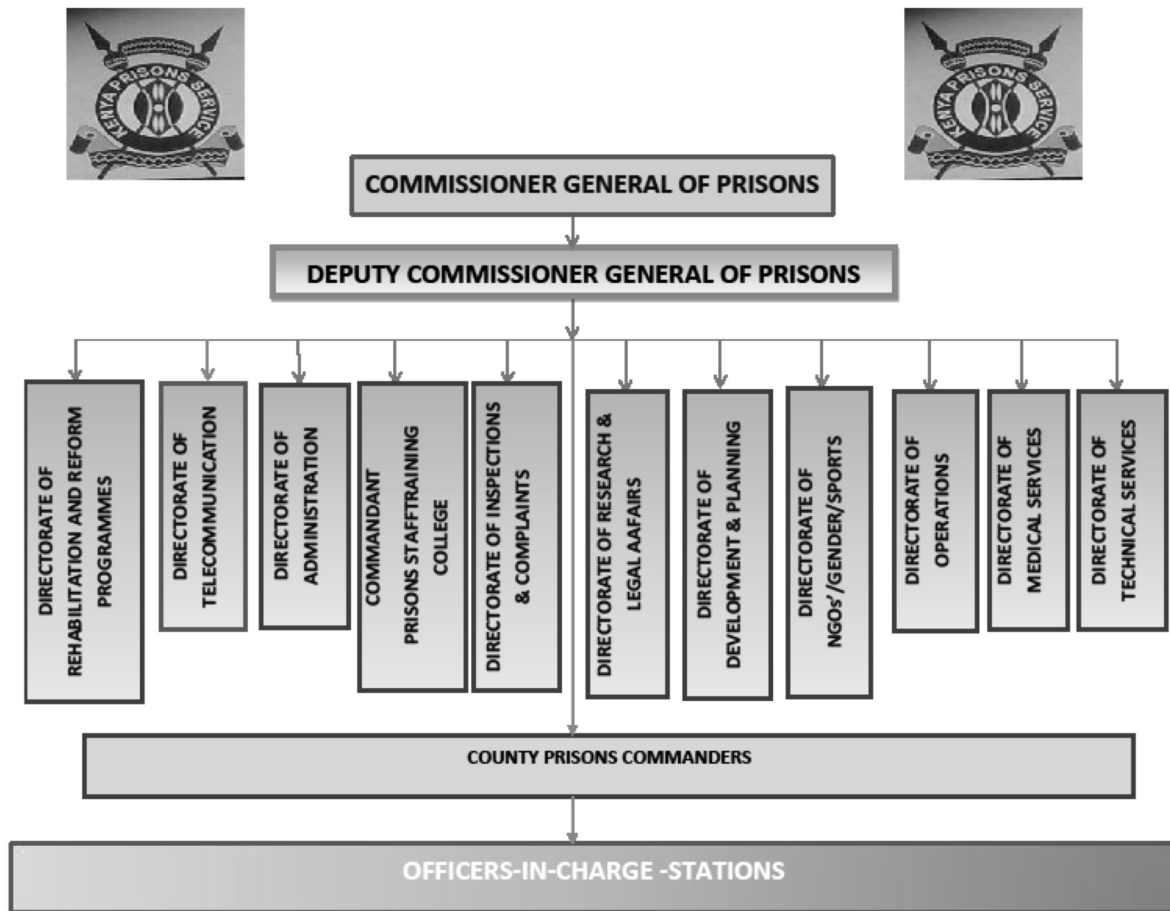
A number of challenges have been experienced within the prison service. These include: congestion, inadequate resources, uncoordinated linkages with other criminal justice systems, and inadequate female-responsive programmes.

## **VII. CONCLUSION**

The role of corrections as a vital pillar in the delivery of the criminal justice system needs to be reassessed in terms of relevant programmes for offenders and sound partnerships with all stakeholders, including the immediate community. These programmes, while espousing the virtues and tenets of various conventions on human rights and prison practices, should ensure sustained social reintegration of offenders into society with a hope of peaceful and prosperous nations.

## APPENDIX A

### The Organization of the Kenya Prison Service



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**APPENDIX B**

**Kenya's Convicted Prison Population by Gender**

AGES	2004		2005		2006	
	Male	Female	Male	Female	Male	Female
Under 16	166	-	2	0	1,077	2
16-17	3,706	351	3,293	548	4,455	367
18-20	19,134	2,874	16,685	2,198	20,710	2,797
21-25	27,921	3,780	30,440	4,333	27,838	3,894
26-50	19,846	3,290	33,339	4,298	37,005	5,666
50+	8,559	562	5,936	624	6,700	613
<b>TOTAL</b>	<b>78,432</b>	<b>10,857</b>	<b>89,689</b>	<b>12,001</b>	<b>97,785</b>	<b>13,349</b>
<b>GRAND TOTAL</b>	<b>89,289</b>		<b>101,696</b>		<b>111,134</b>	

AGES	2007		2008		2009	
	Male	Female	Male	Female	Male	Female
Under 16	38	9	154	0	24	25
16-17	5,115	414	1,959	263	2,890	207
18-20	22,621	3,212	16,225	2,690	21,770	2,453
21-25	30,122	4,011	20,471	2,472	30,822	4,247
26-50	35,102	6,223	29,339	3,257	32,970	3,856
50+	6,549	671	11,301	283	8,286	482
<b>TOTAL</b>	<b>99,547</b>	<b>14,540</b>	<b>79,449</b>	<b>8,965</b>	<b>96,762</b>	<b>11,270</b>
<b>GRAND TOTAL</b>	<b>114,087</b>		<b>88,414</b>		<b>108,032</b>	

AGES	2010 (provisional)	
	Male	Female
Under 16	43	17
16-17	2,139	413
18-20	17,605	1,784
21-25	24,499	3,526
26-50	27,519	3,901
50+	6,557	628
<b>TOTAL</b>	<b>78,362</b>	<b>10,269</b>

Source: Kenya Prisons Service Department

**APPENDIX C**  
**Classification of Kenya Prisons**

**Classification Mode and Prison Types by Numbers (Kenya)**

	<b>Classification</b>	<b>Particulars/ Basis/method</b>	<b>Number</b>
1	Closed prisons (main security prisons)	High risk and long sentence offenders	5
2	Semi-Closed (medium security prisons)	Sentences from 6 months to 5 years	100
3	Borstal institutions	Juvenile offenders	2
4	Youth Training and Correctional Centres	For non-convicted offenders	1
	<b>Total</b>		<b>108</b>