

ADMINISTRATION OF THE KENYA PRISONS ORGANIZATION

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I. BACKGROUND OF THE KENYA PRISONS SERVICE— EXECUTIVE SUMMARY

The prisons system was introduced in Kenya by the British East Africa protectorate with the enactment of East Africa Prisons Regulations in April, 1902. At independence, the reforms in the penal system were strengthened with the enactment of chapters 90 and 92 to establish the Kenya Prisons, and Act (Cap 90) has since been reviewed, the last being 1977. The Borstal Act (cap 92) has also been reviewed, the last being in 1967.

The Kenya Prisons Service has grown gradually since its inception on 1 April 1911. At inception the prisoners' population stood at six thousand five hundred and fifty-nine (6,559) with a staff strength of three hundred and nineteen (319). To-date there has been a gradual increase in both staff and prisoner population. There are 107 penal institutions, two Borstal institutions and one youth corrective Training Centre in the Republic with inmate population averaging 54,000. A girls' correction centre will also be opened during this year. These institutions are coordinated under Prisons Regional Commanders who are answerable to the commissioner General of Prisons based at Prisons Headquarters, Nairobi.

A. Organizational Structure of the Prisons

The Kenya Prisons Service is headed by a Commissioner General of Prisons assisted by a Deputy Commissioner General of Prisons. Under them are Assistant Commissioner General, Senior Deputy Commissioner, Deputy Commissioner of Prisons, Senior Assistant Commissioner of Prisons, Assistant Commissioner of Prisons, Senior Superintendent of Prisons, Superintendent of Prisons, chief inspectors, inspectors, senior sergeants, sergeants, corporals and constables.

The service is also supported by a civilian cadre of officers who are professionals in their areas of operation. These are Chaplains and Sheikhs, Counselors/welfare officers, medical personnel, finance and procurement personnel.

We have the following directorates that assist in effective governance of the prisons: Administration and Finance; Inspection; Legal, Human rights research and statistics; Planning and Development; Rehabilitation, welfare and Chaplaincy; Industries and Farms; Medical unit; Complaints; Gender, sports and NGOs.

B. Mandate of the Kenya Prisons Service

The Prisons Act (CAP 90) empowers the prisons service to perform the following functions:

1. Containment and safe custody of inmates
2. Rehabilitation and reformation of prisoners
3. Facilitation of administration of justice
4. Controlling and training of young offenders in Borstal institutions and Youth Corrective Training centers.
5. Provision of facilities for children aged between 4 years and below accompanying their mothers in prison.

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The service is also guided by other acts including Criminal Procedure Act, Children's Act and Mental Health Act.

Vision

A correctional service of excellence in Africa

Mission

To contain offenders in humane and safe conditions in order to facilitate responsive administration of justice, rehabilitation, social reintegration and community protection.

Motto

Kurekebisha na haki. (Rehabilitation and Justice)

**II. EFFECTIVE TRAINING FOR THE PREVENTION OF MISCONDUCT—
CORRUPTION, INAPPROPRIATE TREATMENT OF OFFENDERS**

The KPS has endeavoured to overcome the cancer of corruption in the department by not only establishing an anti-corruption committee at the prisons headquarters that has also been replicated in the counties and prison institutions but also adapted and domesticated other legal and regulatory frameworks to eliminate corruption.

A corruption prevention policy and code of conduct and ethics for the department was launched in 2009 which prevents corruption in all areas of service delivery. Sensitization of the same and formation of anti-corruption committees in all levels of prison governance has brought about reduction of corruption cases.

A. Other Legal Instruments Used to Promote Integrity

Anti-Corruption and Economic Crimes Act 2003, Public Officers Ethics Act 2003, Prevention of Corruption Act, Prisons Standing Orders, Code of Regulations, Public Procurement and Disposal Act, Government Financial Act 2004, Government performance contract. All these instruments are taken into account at all training sessions in the department's Training College.

B. Human Rights

KPS has launched a handbook on Human Rights in Kenya Prisons which was funded by the Embassy of Switzerland and the Institute of Education and Democracy. The handbook is intended for both male and female prisons personnel to aid them in their duties. It aims at developing a culture of respect for human rights for prison staff and other agencies in the justice sector to fulfill the core mandate of rehabilitating prisoners.

A permanent bill board enumerating the rights of prisoners and their duties has been erected in every prison. This enables every officer and prisoner to know their rights and duties while in prison. These endeavours have improved the relationship between staff and inmates and created a conducive environment for rehabilitation

III. PROMOTING INTERNATIONAL COOPERATION THROUGH TRAINING AND SEMINARS

The KPS has extended its networks in ensuring the personnel working in it are well trained in skills and knowledge to enable them to carry out their mandate effectively. Besides the government sponsored training, KPS also partners with other stakeholders to empower the staff. These organizations include the Raoul Wallenberg Institute Institute of Education and Democracy.

KPS also has seconded its uniformed officers to work in the United Nations as Consultant Correctional Officers in post-conflict African countries in reconstructing their prison systems, e.g., Liberia, Democratic Republic of Congo, South Sudan, Somalia and the DPKO office in New York, USA.

KPS is also a critical member of the 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). The KPS Catholic Chaplaincy is also a member of the International Commission for Catholic Prisons Pastoral Care (ICPPC)

IV. STRESS MANAGEMENT FOR CORRECTIONAL OFFICERS

The KPS has in its organizational structures a fully fledged directorate which is mandated to counsel and accompany correctional officers in their work. This is the directorate of welfare and rehabilitation of offenders. It is constituted of chaplains, psychological counsellors, welfare officers who oversee the officers' psycho/spiritual well-being. The officers also are entitled to leave breaks and compassionate leave when they are believed to enable them to unwind and take up their work with ease.

- i) Debriefing seminars, sports and motivational speakers' sessions are some of the activities undertaken to ensure the officers, well-being is guaranteed.

V. SUCCESSION PLANNING

The KPS has developed a career progression plan for its officer to ensure there is a regime that does not leave gaps in its rank and file. There is an established scheme of service for the uniformed officers and draft scheme for the civilian cadre of chaplains and welfare. The department makes a concerted effort to enhance capacity building with specific focus on professionalization of the service to improve service delivery to the public. This has been done mainly by:

- i) Reorganizing training programmes on the basics of the curricular for all levels of training prisons officers which are used to deliver programmes that meet international standards.
- ii) Engaging with a local university (Kenyatta University) to establish a centre for correctional and criminal justice studies which offers certificates and diplomas in the same field.
- iii) All this is geared towards professionalization of the department and succession management in the Kenya Prison Service.

VI. CONTENTS AND METHODS OF TRAINING

A. Analysis of Current Offenders and Their Types

The Kenya Prison Service holds two categories of prisoners under different classifications as follows:

1. Non-convicted (Remands)
 - Ordinary Remands
 - Capital Remands
 - Robbery with violet Remands.
2. Convicted Prisoners
 - Young class-15 years old and below 21 years.
 - Star class- First offenders and well behaved.
 - Ordinary class- All convicted prisoners not in young and star class.
 - Special- Death row convicts.
 - Lifers-Serving life sentences
 - Civil Debtors.

VII. EFFECTIVE TRAINING CURRICULUMS FOR PREVENTION OF CRIMES

Rehabilitation and reformation of offenders is one of the core functions of the Kenya Prisons Service. It comprises a number of various intervention mechanisms that are employed in varying degrees to provide purposeful activities for prisoners, challenge their offending behaviours, provide basic education to tackle illiteracy and equip them with life and work skills. In Kenya Prisons we have embarked on a number of programmes to empower prisoners to achieve social rehabilitation as follows:

A. Vocational Training

This is offered to inmates in 60% of our institutions where we have developed various forms of apprenticeships such as upholstery, fashion and designs, tailoring, pottery, carpentry, metal work, welding, stone calving, leather work, mat making, motor vehicle mechanism, number plates making, polishing, hair dressing, modeling, farming, printing and building among others.

B. Educational Programmes

Primary School Education: Standard 1-8 (8-4-4 system)
Secondary School Education; Form 1-4 (8-4-4 system)

C. Professional Programmes

Certificates and diploma levels, e.g., I.C.T, Theology, and Accounts, secretarial

D. Guidance and Counselling

Prisons are comprised of professional workers who offer both social and psychological support to inmates in the form of group and individual counselling.

E. Spiritual Rehabilitation / Moral Formation

The prison department has employed spiritual workers from three distinct faiths: Roman Catholics, Protestants and Muslim to form the Chaplaincy whose responsibility is to offer spiritual nourishment to inmates and members of staff.

VIII. UNDERSTANDING AND RESPECTING THE RELATED INTERNATIONAL STANDARDS NORMS

The Kenya Prisons Service has domesticated international instruments for Prisons management and governance. These include:

A. Basic Principles for the Treatment of Prisoners

This convention addresses concerns of the UN for the humanization of Criminal Justice and the protection of human rights.

B. Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)

Youthful offenders in Kenya Prisons are detained in separate wards of prisons upon conviction away from adults. We have youth correctional training centres, two Borstal institutions and an upcoming Borstal for girls.

C. Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules)

The Kenya Prisons Service has domesticated this rule by ensuring women in custody live in humane conditions and are provided with basic needs for their hygiene. There is a lot of dependence on donors for these hygiene provisions due to low budget allocations. Aged women have also been granted non-custodial sentences. In terms of budgetary support Kenya Prisons Service has granted enough resources to support women's prisons in Kenya.

D. Convention on the Rights of the Child

Children accompanying their mothers in prisons are granted special care and provisions for the children are guaranteed.

E. Safe Guards Guaranteeing Protection of the Rights of Those Facing the Death Penalty

Kenya still has death penalty in the penal code and therefore persons who commit capital offences are condemned to death. KPS has set up structures that guarantee their dignity and has provided counsellors and chaplains to accompany them during their incarceration time by providing psycho-spiritual counselling to them. KPS also facilitates visits by their family members.

F. Convention against Torture and Other Cruel Inhuman and Degrading Treatment or Punishment Throughout the World

G. Standard Minimum Rules for the Treatment of Prisoners

This instrument is a comprehensive set of safeguards for the protection of the rights of persons who are detained or imprisoned. Kenya Prisons Service applies this instrument by ensuring the officers are trained on the principles and that attempts have been made to realize them in the institutions.

H. Universal Declaration of Human Rights

This is a course unit in our Prisons staff training college so that every officer whether at the initial training or development course is sensitized on the need to observe the human rights for all

I. Convention on the Transfer of Sentenced Prisoners

KPS safeguards prisoners from the public and media while on transfer. This means providing them with safe transport and escort by armed officers.

J. Other Instruments

Other instruments domesticated by KPS for good governance and effective treatment of offenders include the African Charter on Human and People's Rights and the African charter on Prisoners' Rights.

IX. EFFECTIVE TRAINING METHODS

Kenya Prisons service has various modules of training that make the staff more effective and professional in carrying out their mandate of securing prisoners for the purpose of rehabilitation and reintegration back into society. These include: Development courses, International attachments, workshops and seminars.

X. CHALLENGES

The Kenya Prisons Service has its own share of challenges that threaten the expected output envisioned in its mandate. Chief among them include:

1. Overcrowding—the capacity of our prisons is only 20,000 prisoners but the current holding averages between 50,000-55,000 inmates, both convicted and those awaiting cases to be concluded. This result in overstretched physical facilities puts pressure on stores and services leading to unhygienic conditions, and prisoners are not classified properly.
2. Insufficient professionals who can deal with specific criminogenic needs of prisoners. The service does not have enough counsellors, psychiatrists, and psychologists who are well qualified to address the special cases arising in prisons.
3. Delayed administration of justice.
4. Lack of sufficient health kits to cater for this big population.
5. Terrorism, drugs, piracy and radicalization in the prisons which have become a challenge to the rehabilitation programmes as this is a new phenomenon to the service.
6. Insufficient funding to cater for the training and rehabilitation programmes for the inmates. This has made many of them stay idle in prisons and some even leave the prisons worse than they came in.
7. Budgetary constraints—continued resource allocation to procure basic requirements is a serious impediment in the provision of quality service to clients.
8. Staff housing—most of the prison institutions have colonial age housing which by now are dilapidated, some share houses whose space is quite small and this has caused low morale on staff due to

poor housing.

XII. SOLUTIONS

1. The department embarks on decongesting the prisons by encouraging the judiciary to offer affordable bonds, commit petty offenders to community service, apply the prerogative of mercy act to the aged and those who have reformed and have served long terms.
2. Recruit professionals and classify inmates according to their criminogenic needs so that case management can be possible.
3. There is need for the government of Kenya to raise the budgetary allocation for the implementation of various programmes, supply enough medical kits, and improvement of infrastructure in the prisons so that there are humane conditions for all, prisoners and staff.
4. All state actors in the criminal justice system should work together to reduce custodial sentences for petty offenders.
5. There should be well designed rehabilitation programmes for inmates with well qualified professionals to handle the programmes. Classification of prisoners should also be done.

XIII. CONCLUSION

The effectiveness of the treatment programmes for offenders largely depends on the skills and knowledge acquired by the officers who are working in correctional institutions. It is therefore of paramount importance to ensure there is a collaborative effort to empower the officers, develop the right network of partnerships, and develop a culture of continuous training of personnel on the emerging issues according to international standards.

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