

GJ-10  
Kenya Prisons

25 February, 1971  
Box 21262  
Nairobi, Kenya

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535 Fifth Avenue  
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Dear Mr. Nolte:

Not too long ago the penalty for theft, robbery and even some forms of murder in East Africa involved only a repayment in kind to the victim or his family. The litigants used chickens, goats and cattle as items of exchange. The village council of elders determined the severity of the infraction and subsequently decided the amount of compensation to be paid. Enforcement, according to some of the old timers who enjoy recalling the old days, became the responsibility of the whole village. Although the fine represented the most popular form of punishment, ostracism constituted the most severe fate. It was by far the worst retribution that could be doled out to an individual. The death sentence, used mainly for the habitual criminal and people found practicing witchcraft, was feared less than the rejection.

When the Europeans arrived in Africa to be more than just the curious explorers, a new system of law was introduced. These laws somewhat altered the traditional manner in which infractions were settled. The Europeans introduced a form of punishment which was totally foreign to the life-style of the African--incarceration. Africans, led by the elders of the area, initially resisted this new form of punishment; however, the forceful debate on the part of the Europeans augmented by their great fire power soon convinced the indigenous population of the futility of their resistance. Using Western standards, the prison system under British guidance and African leadership has blossomed into one of the most impressive organizational structures in the Kenyan Republic.

For the past ten years the major offenses for which prison sentences have been handed down (in order of frequency) are as follows: stock theft, robbery with violence, grievous harm, burglary and stealing.

The present prison system, with the exception of a few senior officers, has been totally Africanised. The British influence, however, is continued through the prison officials school in England which is attended each year by deserving and qualified African prison workers.

The theme of rehabilitation is echoed throughout the entire prison system. The foundation of the rehabilitative concept, which centers on the worth of the individual and his latent talents, is, however, not new to the African culture. (The age-set phenomenon (GJ-5) is but one example of the thrust to develop the individual.) The prison system ranks high in the hierarchy of institutions in Kenya also because of the personal involvement of President Jomo Kenyatta. He has stated on many occasions his keen interest in what happens to his kinsmen behind the walls--the recollection of his own period of incarceration remains vivid in his mind.

The structure or organizational patterns of the prison system follows the classical bureaucratic model. There are specific goals and objectives, lines of authority and a precise division of labor.

The prison falls under the jurisdiction of the Ministry of Home Affairs. It has its own constitutional framework which commenced in 1963 and was revised in 1967. The total law, with its amendments, is referred to as the Prisons Act. The first part of the constitution legitimates the manpower structure of the system. It specifically sets out the following persons as senior prison officers: Commissioner, Deputy Commissioner, Assistant Commissioner, Senior Superintendent, Industrial Manager, Superintendent, Chief Steward, Building Officer, Farms Supervisor, Welfare/After care Officer, Assistant Superintendent. Subordinate officers include: Senior Technical Instructor, Steward, Chief Officer Grade I, Technical Instructor, Chief Officer Grade II, Principal Officer, Senior Assistant Technical Instructor, Assistant Welfare/After care Officer, Chief Warder I and II, Senior Matron, Sergeant, Matron, Corporal, Senior Assistant Matron, Lance Corporal, Warder, Wardress, Recruit Warder, Recruit Wardress. The duties and powers of each prison official are explicitly set out in the Prisons Act. Violation of orders or being absent without proper reason may result in heavy fines or imprisonment up to six months. During 1964 1,061 fines were levied out of a total of 4,679 prison officials. I questioned the effectiveness of this system with my host. I felt it would be interesting to find out what would happen if one could develop a reward system rather than operate on a negative scheme. I was told that fining had been stopped in 1967, but as yet there is no substitute.

When a person is committed to prison, he is automatically subject to work. In certain cases where medical problems are noted the inmates are given doctor's release from work or are extended light work status. In addition to a work schedule each prisoner is expected to keep his cell with all its equipment--table, chairs, clothing, utensils--neat and clean.

As an incentive for cooperation and industry, prisoners who are to be incarcerated for more than one month get up to 1/3 their time remitted. Each prisoner is informed of this procedure during his entry period and is periodically reminded during the course of his stay. This shortened sentence does not apply to "lifers" and persons under detainment by request of the President.

The Kenya Prisons Act establishes a Board of Review which periodically reviews the records of all those inmates who are serving seven years or more. If found to be deserving, the prisoner is recommended to the President to be given mercy and is thereby eligible for a shortened sentence. It is also possible for prisoners with good records and who have served four or more years to be given parole three months before release time, to allow for readjustment to the outside world.

In order to insure an effective and smooth running prison system, the Permanent Secretary of the Ministry appoints visiting Justices for each prison. They are required periodically to give the prison a thorough inspection. This inspection generally consists of talking to prisoners, officers, listening to complaints, sampling prepared food for the inmates and inspecting cells. In general, the Justices get a feel for the entire operation of the prison and then report any discrepancies to the Ministry. Judges presiding in the area of the prison share this same prerogative.

When a new prisoner arrives at a designated prison, he is placed into one of four categories: Young Prisoner Class, persons under the age of seventeen; Star Class, first offenders; Ordinary Class, all persons not in the first two classes; and finally, the Unconvicted Class, which encompasses such categories as, persons to be tried, vagrants, debtors, persons on remand, and persons who have been detained for safe custody.

The new, long-sentenced prisoner meets with a Prison Reception Board to determine the types of training suitable for his rehabilitation program. Assignments to a work area as well as to a training speciality are made in accordance with the results of the interview and a personal preference questionnaire. A uniform is then issued according to classification. The classification of prisoners into stages is used to denote special privileges. These privileges are as follows: (a) first and second stages: a prisoner in these stages shall be eligible to be placed on an earning schema, shall be allowed to have library books and may exchange them as often as practicable, and shall be eligible to attend such concerts, cinema shows and lectures as the officer in charge may direct; (b) third stage: a prisoner at this stage has the additional privilege of handicrafts workshops.

A prisoner in the (c) fourth and special stages shall be allowed to have approved recreation in his cell and is permitted to leave prison under escort to take part in competitive games approved by the officer in charge. A prisoner in the (d) special stage shall, whenever possible, be permitted to occupy dormitory accommodation, and where this is not possible his cell may be provided with special furniture and extra bedding. He is not to be locked in his cell at midday nor one hour after the normal lockup; a special stage prisoner is permitted to move about within the prison without escort.

Prisoners in differing stages are allowed communication with the "outside" accordingly. The stage 4 inmate has the most lenient program: it entitles him to write and receive letters every two weeks and to receive a visit of thirty minutes duration every four weeks or to write and to receive one letter in lieu. After a prisoner has served three years or more of a long-term sentence and has not had visits from relatives or friends during this time, under special arrangements of the prison officials, the individual who has had a good record can be transferred to a prison nearer his home as long as it appears to be fulfilling a need. This particular program operates under the discretion of the Commissioner. At no time can privileges be forfeited--they may, however, be delayed because of misconduct.

After clearance by the Commissioner of Prisons, I paid a visit to Kamiti, one of the representative prisons in Kenya. Kamiti began in the mid '50's and is now considered one of the largest prisons in the system. Its daily caseload averages around 1252 inmates. It is located approximately ten miles from Nairobi proper on a site of 1,000 acres. Because of its excellent rehabilitation philosophy Kamiti proudly boasts of a 6% recidivism.

During my tour of the prison, I witnessed a variety of training and work stations. It appeared as if I were in a technical school rather than in a prison. The inmates were busy and seemingly enjoying their respective activities. Although most of the inmates have been thoroughly screened upon entry into Kamiti, they are given an additional opportunity to experience different work and training areas. The hope is that the individual will eventually find the area most suited to his likes and ability and one in which he might find employment upon release.

The first station visited consisted of tin smithing and metal work. The inmates produce saleable items such as wash tubs, letter boxes, key safes, foot lockers and trash cans.

In addition to the manual activity the men are taught to read blue prints, calipers and to perform arithmetic calculations. Each inmate is responsible for the finished product. Consequently inmates are getting an academic program simultaneously with the manual training. My attention during these initial moments was immediately directed to the name tags the men wore. They are not dehumanized to the point of being simply a six-digit number--names rather than number are mostly used for communication.

Each section I passed through offered skills more demanding than the previous station. The minor sequences included tin smithing, welding and black smithing. In the carpentry section, most of the men have proven their craftsmanship and therefore are entrusted with work to be used mainly by Government facilities. They make such things as desks, school chairs, typing tables, beds and cupboards. A special order placed by some of the churches for pews was also in progress. The finished pieces, which were proudly displayed, were most impressive. The workshop is filled with all the latest equipment including lathes, electric planes, moulding machines, cross-cut saws, joiners and a huge band saw. When an inmate reaches the point of qualification on all pieces of equipment he is eligible for a journeyman's license. Such a license enables him to work as a skilled craftsman in the community after serving his time. Many follow this path upon completion of their prison obligation.

Because of a tight time schedule, I didn't get to see all the men in their respective training areas, but I did finish out the day observing the furniture upholstering shop, the tailoring shop (which makes all Government uniforms) and the tannery. Returning to the main gate I asked my host if the quality of the living quarters was as high as the trainery. He immediately detoured to let me see for myself. We randomly picked out one of the buildings and headed towards it. (I was determined not to be given a VIP tour.) Just before entering the building, we saw a contingent of men enroute for their noon meal. When they spotted us, however, they all halted and in a chorus fashion greeted us with "Hamjambo". Then my host, the Provincial Prison Commander, in the traditional form, began a series of questions concerning their welfare. The responses were prompt and all most positive. Everyone appeared to enjoy this exchange. My host later told me that the men look forward to these exchanges, and if he happens to forget, the word gets around that something is decidedly wrong with the P.P.C.

The living quarters, although certainly not the Hilton, are comfortable and clean. The more privileged of the inmates share a hobby room and library and have their own well designed furniture. There are televisions which the majority of the men watch each evening if they so desire. There is never a squabble about which program to watch since there is only one channel here in Kenya.

Our last stop took us to the mess hall where we watched the food being cooked. According to local diets and local tastes, the food is well prepared. Prisoners, during their course of stay have access to one of four food scales: A,B,C,D. The specifics and special contents are left to the discretion of the medical officer. Custom, religious rites and general tastes make this area of the prison program somewhat complicated. The basic diet consists of:

- (1) Carbohydrates and vegetable proteins
  - (a) maize or other cereal (rice, wheat millet flour)plus (b) beans (soya, dried peas) or groundnuts
- (2) Animal proteins: Fresh meat or dried fish or liquid skimmed milk (or reconstituted dried milk)
- (3) Fats: Fortified vegetable oil or fortified vegetable ghee
- (4) Fresh vegetables
  - (a) Green leafy vegetables or carrotsplus (b) Potatoes or sweet potatoes  
plus (c) Capsicum
- (5) Salt

Scales B,C,D differ mainly in quantity from the A diet. In addition to the above, B,C,D include rice, beans, sugar, tea, and curry powder. The penal diet, standard the world over, consists of maize meal, ascorbic acid, and water. All persons on penal diet are seen regularly by the prison medical officer.

It soon becomes evident after looking at the full prison society that the medical officer plays a major role. His duties and obligations put him in contact with almost every phase of prison life: inspection of the inmates upon arrival to prison and upon release; before a prisoner is assigned to work in any capacity he must be cleared by the medical officer; a release must be obtained from the medical officer for punishment extended the prisoners, i.e., confinement, diet; the medical officer is also required to make periodic tours of the prison in order to report and recommend changes relative to the general safety and safety of the inmate population. It is only in extreme cases and after much appeal that the instructions issued by the medical officer are superseded.

Whenever I visit hospitals or places such as the Kamiti prison, I am always uneasy as to how the inmates may react to the visitor. I therefore posed this question to my host who responded most convincingly that the majority of the prisoners welcomed the outsider. "It gives them a chance to maintain contact with the larger society as well as a chance to display new found talents. It also contributes to the enhancement of the image of the individual who is thought of as being subhuman because he is behind bars," he further said. "People who visit are in a position to relate to others that there is no difference in kind. The visitor can also become a salesman for their training program. A better informed public makes it easier to find a more suitable niche upon return to the outside. In other words, it's just good public relations. On the other hand it also gives the working staff a boost when the general public can note what a fine job is being done." He went on to say that too often prison officials are scorned because of a universal negative reputation. It is also very effective during the appropriations time to have people testify as to the effectiveness of the organization.

In addition to a parole and probation system which endeavors to keep abreast of the activity of prisoners living on the outside, an organization called the Prisoners Aid Society has been formed to work with discharged inmates. It was established in the '50's through a small grant of £5,000 (\$14,300) from the Government. Although not a direct department under Government supervision, it closely aligns itself to the workings of the Board of Review and also the Probation Department. Most of its funds are provided through fund raising functions such as Flag Days, Horse Shows, Drive-in Film showings, dances and raffles. The theme of the society is to prevent recidivism by providing the little added incentive whether it be a loan, a set of carpenter's tools or the maintenance of a prisoner's family pending the release of the breadwinner.

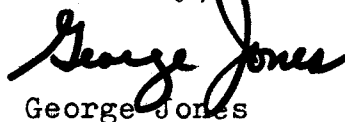
During October 1968 to September 1969 approximately 2,310 persons sought aid from the fifteen branches of the Prisoners Aid Society. For the majority of the people seen, a small financial loan seemed to suffice their needs. Food is also a big commodity solicited by prospective clients. Records indicate that the effectiveness of the Society has been proven over and over again through the low yearly recidivism rate since its inception. The Society estimates that over 5,000 men per year are kept from returning to prison because of their small effort. Like many other voluntary organizations, the Kenya Prison Society feels that more could be accomplished if their staff and operating funds could be increased.

My contact with the Prison system ended with an invitation to sit in on a monthly hearing of its Discharge Board. Representation on this Board included two prison officials, labor officials from each province, probation service, clergy, local Government welfare and the Prisoners Aid Society. It is at this time that the prisoner gets the opportunity to make requests as to how the Board might facilitate his return home. Most of the nine prisoners interviewed on the day of my visit were most nervous upon entering the Board room but after a few moments were loosened up by the jovial mood and concern of the Board. The keen sense of humor of several of the inmates sent the meeting into hysteria on several occasions. One of the prisoners taking the floor for about eight minutes went through almost a complete history of farming in Africa while relating his ambitions to the total development. He finally ended up by stating that he had one request to make--everyone anticipated his asking for a new high-powered tractor or perhaps a combine. With everyone leaning forward, very eager to hear the finale, the chairman asked, "Well, Bwana, what is it that you want?" The man looked at all the faces and then answered, "a hoe." It took at least five minutes for the group to recompose itself.

The second chuckle of the day came when one prisoner who had been imprisoned for assault while under the influence of native brew expressed to the Board that his three years in prison had taught him a valuable lesson. When asked to explain, his reply was that one should leave the local brew alone and concentrate only on named brands of liquor.

If I were to venture any conclusions from my limited experience with the Prison system of Kenya, I'd have to be mostly positive. Although there are many areas which could be questioned, such as capital and corporal punishment, as a whole, going to prison in Kenya is not the worst fate of an individual. For many, despite the loss of freedom, it means an opportunity for training, education and security. Although a tough price to pay, for many the prison has meant an avenue to success--a success which brings to mind the haunting question as to how it is possible to establish a prison institution which is geared to rehabilitate and habilitate in the true sense of the terms but yet be not too attractive to the borderline case.

Sincerely,

  
George Jones

Received in New York on March 9, 1971.