

**LOOKING IN THE MIRROR: REFLECTIONS ON IMPLEMENTATION OF THE
PRINCIPLES OF PENAL SYSTEM IN KENYA'S PRISONS**

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ABSTRACT

This paper explores the extent to which the penal system principles of deterrence, reformatory, retributive and utility principles are implemented in Kenya. In Kenya, recent prisons service reforms call for containing offenders in humane and safe conditions, in order to facilitate responsive administration of justice, rehabilitation, social re-integration and community protection. The paper describes reflections of how various categories of prisoners in Kenyan penal institutions are handled in the lens of reformation. Data were collected through interview schedules, Focus Group Discussions, informant interviews, observation, biographic survey and secondary sources. A total of 200 prisoners were selected using stratified simple random sampling. The data obtained were analyzed both qualitatively and quantitatively. The paper reports that both the utility and retributive principles of the Kenyan penal system are adequately implemented, but this is not true when it comes to deterrence and reformatory principles. The paper concludes that imprisonment does not adequately deter the individual and the general public from offending and re-offending, as evidenced by the rate of recidivism in Kenyan penal institutions. We recommend redress to deterrence and reformation to achieve holistic rehabilitation and re-integration of offenders in Kenya.

KEYWORDS: Kenya, Penal System, Principles, Treatment, Re-integration, Prisons.

INTRODUCTION

The Kenyan penal system which comprises of the police, judiciary and prisons departments are known to be plagued with various challenges. The police force is widely viewed as the leading corrupt entity that commits abuses with impunity in the country. The Police extort bribes, are complicit in criminal activity, and use excessive force against both suspected criminals and ordinary law abiding citizens (http://en.wikipedia.org/wiki/Human_rights_in_Kenya). To this end, the police force has been criticized for poor investigation of crimes leading to non-conviction of many offenders. Besides, biasness and corruption cases are also

prevalent in the judiciary system thereby compromising the right to a fair trial. The Kenya Prisons Service (KPS) on its part is faced with severe overcrowding; frequent reports of shortages of food, clean water and adequate clothing; limited access to medical services; corruption; and prisoner-on-prisoner human rights violations (Human Rights Watch World Report, 2001). Disease- often the predictable consequence of overcrowding, malnutrition, unhygienic conditions and lack of medical care remain the most common causes of death in prison. For instance, food and water shortages in prisons, combined with extreme overcrowding are the ideal conditions for the spread of communicable diseases such as Tuberculosis (TB). Physical abuse of prisoners through torture and ill treatment by guards remains another chronic problem in Kenyan prisons. For instance, in September 2000, six death-row prisoners were killed at the maximum-security King'ong'o prison after they were brutally tortured by prison officers (Amnesty International, 2000; Kenya Human Rights Commission, 2001). One would expect that all the above problems combined would be adequate punishment for inmates and thus deter them from committing more crimes. However, this seems not to be true in Kenya as available information shows that a considerable number of the prison population comprises of recidivists.

The basic moral question about punishment is an age-old one: what justifies the infliction of punishment by the state on people when it is almost always something harmful, painful, or unpleasant to the recipient? Imprisonment for example, causes physical discomfort, psychological pain, indignity and general unhappiness along with a variety of other disadvantages such as impaired prospects for employment and social life (Walker, 1972). Punishment through imprisonment typically inflicts additional suffering on others other than the offenders, such as the offender's family, who have not even been found guilty of a crime (Codd, 1998). Deliberately inflicting suffering on people may be considered at least *prima facie*, immoral, as it is an intrusion on the liberty of the person punished. And yet of all the punishments currently at the disposal of courts in many societies, imprisonment is not only popular with judges but probably the most problematic in terms of its impact on offenders. This is not simply because it is the most severe form of punishment that can ordinarily be imposed on an offender; in part it is because the courts have traditionally been prepared to invoke this sanction of 'last resort' as a routine penalty for a wide range of not-so-serious, non-violent, property related offences (Prison Statistics, England and Wales, 1989).

The dominance of imprisonment within the English penal traditions and in most of the penal systems in the world is further re-enforced by the tendency to refer to all non-custodial penalties as ‘alternatives to imprisonment’ rather than being thought of as appropriate sanctions in their own right. The dominance is also derived from the fact that imprisonment is widely used by the courts as the main ‘default sanction’-for instance, when other penalties have been tried in the past without apparent success; when an offender is in the breach of a non-custodial measure such as probation; or a suspended sentence of imprisonment; or as a means of securing compliance with a fine where an offender refuses to pay even though the original offense may not have been sufficient to warrant imprisonment (ibid).

In order to justify punishment, and in this respect, imprisonment, penal institutions are normally guided by four principles: deterrence, retribution, utility and reformatory. The principle of deterrence holds that wrongdoers or criminals should be punished in order to deter the individual and others from doing the same criminal act. According to the deterrence principle, incidences of crime are reduced when people fear or perceive negatively the punishment they may receive if they offend (Cheung, 2009). The second justification for imprisonment is the retributive principle which asserts that punishment is aimed at causing the offender to suffer in a similar manner the victim suffered. According to this principle, punishment should fit the crime in the sense of being in proportion to the moral culpability shown by the offender in committing the crime: minor punishments for minor crimes, more severe punishments for more serious offences (ibid).

The third justification for imprisonment is the utility principle which holds that punishment is justified only by its consequences and therefore, should be inflicted when there is superior utility. In this way, imprisonment has the objective of removing the wrong doer from society thus, preventing the offender from participating in crimes; hence protects the society and sometimes also offers security to the prisoner. Finally, the penal system is guided by the reformatory principle which allows for imprisonment (punishment) in order to rehabilitate or reform the behaviour of the offender (ibid). The basic premise underlying the reformatory principle of the penal system is the fact that offenders lack the appropriate cognitive and/or vocational skills to achieve their goals in a pro-social way, i.e. “that it is their dysfunctional thinking or lack of vocational skills and attitudes that drive their anti-social behaviour” (Falshaw et. al 2004). This has been underscored by recent research that further supports the link between cognitive deficiencies and the deviant, or “anti-social” behaviour that results in, or constitutes much of criminal inclination (Falshaw et. al 2004).

This paper therefore, analyzes how the four principles are executed in the Kenyan penal system using data generated for institutions from Nyanza Province and the Prisons Headquarters in Nairobi. The paper attempts to establish whether the implementation of the principles of the penal system is helping the Kenya Prison Service (KPS) in achieving its **mission** which reads: “To contain offenders in humane safe conditions in order to facilitate responsive administration of justice, rehabilitation, social re-integration and community protection.” Research interest in the mission of the Kenya Prison Service is premised on the observation that mass media is replete with reports of crime every day, casting doubt as to whether the principles underlying punishment are effectively achieved by the KPS. This is achieved by focusing on the effectiveness of the Kenyan penal system in rehabilitating prisoners.

Methodology

This paper is based on a study carried out in Prisons in Nyanza Province between September 2008 and February 2009. The study was carried out in Migori, Kibos Farm, Kisumu/Kodiaga women and Kisumu/Kodiaga main prisons. Kibos Farm Prison is located within Kisumu Town about 6 Km along Kondele-Carwash road; Migori prison is located within Migori Town about 300m from the main road junction at the Migori Post office; and both Kisumu/Kodiaga Women Prison and Kisumu/ Kodiaga main prisons are situated along Kisumu-Busia road about 8 kilometres from Kisumu Town.

Both Migori and Kibos prisons are semi-closed Medium Security Prisons reserved for ordinary class prisoners serving up to five years of imprisonment and star class prisoners serving sentences of six months and below who are considered not a security risk. Kisumu/ Kodiaga women prison is a semi-closed District Women prison for local committals and may retain star and ordinary class prisoners serving sentences of six months and below. However, it was noted that the prison also holds long term inmates including prisoners awaiting Presidential Pleasure (PP) and condemned inmates. Kisumu/ Kodiaga Main Prison is a Closed, Maximum Security Prison for prisoners serving long terms, or convicted of serious subversive or violent offences. The prison is preserved for ordinary class prisoners serving sentences of 10 to 14 years imprisonment for serious, subversive or violent offences. However, just like the Kisumu Women prison, it was noted that the prison also holds PP, inmates serving life sentences and condemned prisoners.

Various data collection methods were employed in the study. A total of 200 interview schedules were administered to respondents selected using simple random sampling. The questions in the interview schedules pertained to socio-economic characteristics of prisoners; rehabilitative programmes; treatment of prisoners; physical and human environment in the prison; and rehabilitative nature of prisons. The second data collection method was the Focus Group Discussion (FGD). The FGDs comprised of respondents ranging between 6 and 8. The participants who included short sentence, long sentence, condemned and life imprisoned prisoners were selected using purposive sampling. The FGDs generated data on daily operations of prisoners, why inmates escape from prison or re-offend once they are released, reforms that have taken place in the Prisons Department, rehabilitation programmes being implemented and their effectiveness, and the rehabilitative status of prisons. The respondents for the FGDs were not part of the 200 selected for the interview schedules.

The third data collection method was key informant interviews which were conducted on respondents selected using purposive sampling. The key informants included officers in charge of prisons, prison doctors and prison industry instructors. The topics covered in the key informant interview guide revolved around common ailments of prisoners and their causes; medical service acquisition procedures; orientation of inmates in the rehabilitation programmes present in prisons; and preparation for release of inmates. The fourth data collection method used in the study was observation. The method provided information pertaining to the nature of the physical and human environment of penal institutions. Fifthly, the study employed biographic survey which was conducted on the 200 respondents selected for the study. The method generated information on the living and educational backgrounds of the inmates; the engagements of the inmates since birth; the offences committed, the context under which the offences were committed; and the sentencing processes that led to incarceration. Finally, secondary data were also obtained from records both at the Prisons headquarters and the prison training school for officers in Ruiru, Nairobi.

Data on which this paper is based were analyzed and presented both qualitatively and quantitatively. The quantitative analysis involved deriving statistical descriptions and interpretation of data using descriptive statistics. The numerated and Likert scaled interview schedule data were analyzed using the SPSS. Similarly, the biographic data on the educational orientation of the inmates, offences committed, their context and engagements before incarceration were coded and analyzed using the SPSS. Findings from the data analyzed using SPSS are presented using description, frequency tables and subsequently

discussed. Qualitative data analysis involved looking for themes and contents in the qualitative data generated from the interview schedules, biographic data, key informant interviews, observational data and focus group discussions. The results of the qualitative data analysis are triangulated with quantitative expressions to explain patterns emerging from the descriptive statistics. The findings of the study are presented and discussed in the next section.

Findings and Discussion

Effectiveness of the Deterrence Principle

Studies have found little, if any, evidence that jurisdictions with harsh levels of sentencing exhibit reduced crime rates (von Hirsch et al., 1999: ch. 6). This does not mean that deterrence never works, it does however mean that its effects are limited and easy to overestimate. There are several reasons for this. First, most people most of the time obey the law out of moral considerations rather than for selfish instrumental reasons (Tyler, 1990; Paternoster et al., 1983). Second, people are more likely to be deterred by the likely moral reactions of those close to them than by the threat of formal punishment (Willcock and Stokes, 1968). Third, it was established by this study that some inmates, especially street children and those who don't have places to call home find prison a refuge against the intolerable pressures of the outside world; hence they do not find imprisonment painful. Again, potential offenders may well be ignorant of the likely penalty, or believe they will never get caught and if caught, would be released or be given a light punishment. Research has found that bank robbers for example, tend to be dismissive of their chances of being caught even when they already have been caught and sent to prison, and as a result most do not think twice about the kind of sentence they might get (Gill, 2000). Much the same seems to be true of burglars (Bennett and Wright, 1984: ch. 6). In some cases, an offender may commit the crime while in a thoughtless, angry or drunken state, therefore, unconscious or oblivious of the consequences.

The Kenyan prisons were found to be overcrowded, especially in male prisons. Although this by itself implies lack of prison space and proper supervision of the incarcerated, it also suggests the failure of criminal justice system in dispensing the primary duty-control of crime in society. This shows that prisons do not adequately deter offenders and the general public from committing crimes. The prevalence of recidivism in Kenya is attested to by a report by Muiruri (2005) which pointed to a worrying trend where criminals

kept going back to jail either after they were acquitted by the court or after serving a sentence or being released on presidential pardon. Similarly, the report revealed that the Kenyan police were opposed to the plan of the immediate former Vice President (Moody Awori) to free prisoners serving 3 years or less in an attempt to decongest jails. According to the police, doing so would drastically increase the crime rate. Police chiefs say in this report that some of the prisoners released are behind the wave of crime in the country immediately following the pardon and that releasing them would expose the public to more violent crimes (Muiruri, 2005).

It was confirmed in the study that most of the repeat offenders were mainly those who had been imprisoned for short sentences before. Thus, the prevalence of short and light sentences for offences can be considered to be one of the main causes for increased recidivism and incarceration rates. This is partly attributed to three factors. First, short serving offenders who are petty offenders are mixed with long serving inmates who committed more serious crimes, thus meet each other, learn more criminal techniques and enter into a criminal sub-culture and networks. Secondly, given the nature of their crimes, short serving offenders are more likely to be released prematurely through presidential amnesty during public holidays hence don't feel the unpleasantness of the prison environment for long. And thirdly, offenders sentenced for below three years are not exposed to rehabilitation programmes but engage only in institutional duties such as cooking and cleaning the prison compound.

Notwithstanding, it was also established that some long sentenced offenders re-offend after they have been released from prison. This paper argues that when offenders are released from prison, they are stigmatized and labeled as criminals and former inmates in the society and hence when an offense is committed, they are perceived as first suspects simply because they had been incarcerated before. As labeling theory stipulates, this in various ways makes it more difficult for ex-convicts to conform to a law-abiding life in the free community. Thus, may make their self-image change from that of a law-abiding person to that of a deviant. This is in consonant with research findings by West (1982:109) and Brody (1976:14-16) which show that offenders who suffer more severe penalties are more (not less) likely to re-offend because punishment has 'labeling effects', which cancel out and even outweigh its deterrent effects. In addition, harsher penalties in particular could help to foster a tough, 'macho' criminal self-image in the young men who predominate in the criminal statistics (Taylor et al., 1973). However, this paper reveals that some inmates find the prison environment

unpleasant and therefore are deterred. This may be attributed to first, loss of control in which a prisoner's ability to choose is taken away in prison since they cannot choose when to do the most basic human functions like washing, dressing, going to the toilet, going to sleep, or choosing when or what to eat. Control of the above may lead to all kinds of reactions including; anger, frustration, bewilderment, agitation, feelings of hopelessness or depression. Many prisoners find it humiliating and frightening, particularly the first time that it happens; hence would not re-offend (Porporino, 1988). Second, there is lack of stimulation in the sense that, when in prison, offenders miss family and friends and other kinds of exposures to day-to-day activity. The routine of prison and the fact that there is little variety in the surroundings, in the faces that they see and in the work that they do, means that life can be monotonous. This lack of stimulation can affect the way a prisoner thinks; and thus desist from re-offending upon release.

Given that the penal system does not adequately deter offenders and likely offenders from engaging in criminal tendencies, the prison population has continued to be a problem in many countries of the world, Kenya included and as such, the KPS cannot adequately contain inmates in safe humane conditions as the high prison population puts pressure on the available limited facilities, infrastructure, amenities and basic needs such as food, clothing, beddings, health facilities and services and accommodation. This is worsened by the insufficient budget set aside by the government to run the penal institutions and to invest in rehabilitation programmes.

Retributive Principle and Matched Punishment:

Retributive principle advocates for a tariff: a set of punishments of varying severity, which are matched to crimes of differing seriousness. It was established that inmates in prison are serving various terms depending on the nature of their offences. In prison there are short sentence prisoners who committed petty offences, long term convicted prisoners who committed relatively serious crimes; those serving life sentences, condemned prisoners who committed very serious offences and remand inmates (suspected offenders) who are still undergoing trial. It was revealed that despite the fact that death sentence was repealed in Kenya; courts continue to commit offenders to the same. This has led to high population of condemned prisoners in Kenyan prisons. As indicated in the background of this paper, imprisonment is popular with Kenyan judges, thus explaining the high number of petty offenders in prison. The retributive principle of the penal system is thus, achieved in Kenya

given that 'offenders' are incarcerated to suffer in similar degree and even more, from what their own victims have suffered. To this end, justice to victims is seen to be accomplished.

There is caution however, that retributive principle does not only apply to punishment alone. It also implies paying back or making good what one did wrong or destroyed. While the Kenyan Penal System adheres to the principle of retribution through harsh treatment such as imprisonment, hard labour and physical punishment, cases of recovery of stolen property and money are not so common, portraying differential in the way justice is carried out. A person who steals a neighbour's chicken may be jailed for seven years together with hard labour and physical punishment while a white colour thief who steals millions of shillings may be jailed for two months and no attempt is made to recover what is stolen. After the imprisonment, the individual is still able to enjoy the fruits of his/her 'smartness' in effect devaluing the principle of deterrence in similar situations. Moreover, the rich can always obtain services of good advocates to defend them successfully in court whenever they are faced with court charges. This suggests that the law may not be applied equally across class lines bringing into focus issues of ethnicity and corruption in the delivery of justice. Thus, retribution principle as currently executed in Kenya is under the control and discretion of courts rather than prisons.

Application of the Utility Principle:

Utilitarianism holds that the goal or end of an act should be weighed with a calculus that, on balance, will result in the greatest social good or the least social harm, even if it causes individual discomfort (Bentham, 1970). It is argued that Kenyan prisons implement utility principle through incapacitation which has to do with physically preventing offenders from re-offending by the punishment imposed, either temporarily or permanently. Life imprisonment is one sentence which is specifically used in many cases for the purposes of incapacitation. A 'life imprisonment' sentence would be more precisely described as a potentially lifelong prison sentence, since most 'lifers' are eventually released. But the life sentence means that they will not be released as long as it is believed that they pose an unacceptable risk or serious reoffending. Life sentences may be imposed, and lifers kept in prison, even though this exceeds what would be a normal length sentence proportionate to the seriousness of the offence. One of the few obviously valid arguments in favour of capital punishment is that executed offenders never reoffend afterwards.

Imprisonment therefore, normally ensures that the offender is deprived of the opportunity to commit at least some kind of offence for the duration he/she is in prison, and is unable to partake of normal socio-economic activities which is not only a loss to the individual, family and even the community but also protects society from the disruptive behaviour of the individual. In effect, the utility principle enables us to appreciate that crime or deviation is expensive due to the opportunity cost involved.

Nevertheless, imprisoning an offender sometimes protects the offender from the wrath of the community. In many occasions, members of the public have lynched through mob justice, those they perceive to have committed crimes or not received adequate measure of punishment from the state either through corrupt deals or the inability of the prosecution to provide sufficient evidence for conviction. Imprisoning such offenders therefore, protects such offenders from public anger. It is however unlikely that an individual is imprisoned solely based on the evidence that the public is likely to institute revenge if he/she is not kept away in prison. The utility principle just like that of retribution is thus well executed in the Kenyan penal system. In fact, this is achieved at greater proportions when prisoners in Kenya are deployed to work and pay back to society through labour they provide at the prisons and even in public.

Reformatory Principle and Rehabilitation

According to English Official Report, Justice 1 Committee (2004), rehabilitation is about preparing people to return to society and providing them with the personal and networking support that will help them make a better adjustment for re-integration into society. To this end, rehabilitation focuses on changing the diverse circumstances that may have predisposed individuals to law breaking and is the process that, ideally, provides convicted offenders with the opportunities to resist further offending upon release. It is also about three-way harm reduction – in relation to the offender, the community and the victim – and about breaking down barriers to integration in terms of employability and citizenship, in order to reduce the prospect of reoffending.

Reform, as the central aim of the penal system was a highly popular notion in the 1950s and 1960s. Many proponents of reform have favoured a particularly strong version of this ideal called the ‘treatment model’. This viewed criminal behaviour not as freely willed action but (either metaphorically or literally) as a symptom of some kind of mental illness which should not be punished but ‘treated’ like an illness. According to the findings of this

study, the majority (67%) of the respondents in prison committed offences against property which could enable them gain income. This is shown in Table 1 below:

Table 1: Distribution of the Respondents According to the Offences Committed

	Frequency	Percentage
Offences Against Property or those capable of generating income	134	67.0
Offences aimed at causing injuries or elimination of victims	34	17.0
Offences that are psychological in nature	32	16.0
Total	200	100.0

The results reveal that inmates need to be exposed to programmes that offer job training as this will make them earn income from their respective work skills. The inmates also need life enrichment programmes such as personal/character development, stress/anger management, values clarifications, avoidance of domestic violence, leadership skills, conflict resolution strategies, reality therapy, self concept, depression, self directed job search skills. This paper argues that inmates also require programs that use cognitive behavioural methods as this will bring about changes in behaviour, thinking and relationships. Finally, the paper posits that prisoners need drug treatment programmes such as pre-treatment, substance abuse programme, dual diagnosis programme, therapeutic community strategies, relapse prevention and crime bill programmes; much of which is not undertaken in Kenya.

Admittedly from the findings, implementation of the reformatory principle in Kenyan penal system may not be an easy task. This is attributed to the fact that not all inmates incarcerated are exposed to rehabilitation programs as the findings indicate that only 36% of studied inmates are engaged in any form of vocational training while at the prisons. Despite the fact that vocational training and cognitive orientations have been recognized as central in rehabilitation of prisoners, the results of actual programs are disappointing. This is attributed to the fact that for the most part, vocational training is conducted with inadequate or obsolete equipment and instructors are poorly prepared and remunerated. Our findings coincide with the works earlier done by Conrad (1983). In addition, a small percentage of penal institutions' budget goes toward rehabilitation programs; thus making boredom to permeate the lives of prisoners in prison as also previously reported by Walker (1989:182). Besides, too often, the training is intended to meet institutional maintenance needs rather than the formal requirement of apprenticeship (Conrad, 1983).

This paper further argues that rehabilitation programmes in Kenyan penal institutions especially on the part of the vocational training are not adequately administered and facilitated upon in prison. This is attributed to various factors: there are no adequate physical infrastructure to accommodate inmates when being orientated; tools and equipment to be used in vocational training are inadequate and/or obsolete; there are no adequate raw materials for vocational training; the instructors are few; inmates learn skills by observing what those who have gained some skills are doing; working in the prison industries is restricted to those imprisoned for at least three years. In addition, the Prisons Department emphasizes on production as opposed to vocational training of inmates; inmates are not allocated work according to their rehabilitation needs; there are no qualified teachers to facilitate educational care; theology, especially for Christians is administered through video-taped lectures and language that inmates don't understand as some are illiterate. Upon release, from prisons, Fr. Grol's Welfare Project and not the Kenya Government provides selected essential tools to inmates who have attained Trade Test grade two and above in their respective trades. Also to note, is the fact that inmates who have gained skills as well as the inmates in general are not provided with financial assistance to start them off in life once they are released as earning scheme is no longer operational.

The findings from the focus group discussions revealed that when an inmate's term ends in prison, he/she is provided with some fee for transportation that is only enough to take them to the court that they were sentenced from. No other assistance is provided except for tools given to those who have attained grades in their trade test. The manner in which inmates are released from prison is also contrary to chapter 11, section 112 (2) of the Prison Standing Order, which stipulates that a discharge board shall interview all long sentence convicted prisoners within three months of their due date of discharge, and shall decide whether any and if so, what assistance should be granted to the prisoner with a view to rehabilitation in civil life. It was established that discharge boards do not exist in Kenyan prisons and where they exist, they are not regularly carried out. In addition, the findings indicate that the KPS does not facilitate the re-integration of inmates into society. The task is mandated to the Department of Probation and After Care Services. Unfortunately, it was established that the department is not adequately equipped to offer after-care services. This implies that prisoners come out of prison empty handed, and in the event that a prisoner's home is far from the court that convicted him/her, then even getting home becomes a problem. This explains why some inmates re-offend on their way home to obtain transport money.

In general, it can be inferred that Kenya's Prisons are ill equipped to reform and to rehabilitate offenders partly due to neglect by the government which does not allocate adequate funds and enlightened staff; and because they are overwhelmed by the number of inmates all of whom require basic facilities such as safety, food, clothing and water in order to survive. These among others are given more priority by prison staff who have to do with what they have. In frustration, prison officers deal with prisoners harshly, obliterating any positive gains made through imprisonment and what goes on within the prison walls.

Conclusion

The findings of the study reveal that Kenyan penal system achieves the retributive and utility principles of imprisonment. However, it does not adequately achieve the deterrence and reformatory principles. The paper offers evidence that general deterrence can be improved if potential offenders' perceived likelihood of detection can be increased, but little evidence suggests that severe punishment deters any better than more lenient ones. The fact that the Kenyan penal institutions do not adequately rehabilitate offenders may partly be explained by various factors which include: first, lack of effective programme planning for inmates. Second, ineffective reception boards in prison, hence inmates are not assessed to determine which education, life enrichment programmes, job training, counselling or drug treatment could be expected to help them not return to prison; instead, inmates undergo evaluation aimed at determining security risk rather than program needs as attested by accommodation of condemned inmates in separate wards from other inmates. Third, KPS gives institutional needs precedence over the need for inmates to receive meaningful job training or attend class as they depend on the inmates to perform prison support tasks such as cooking, cleaning, farming and laundry. Fourth and last, discharge boards in prison are not regular. Hence, inmates continue with their prison labour until they reach their Early Possible Date of discharge (E.P.D), after which, they are provided with transport fare able to take them to the courts which convicted them. This shows that Prisons Department in conjunction with Probation and Aftercare Services have not put in place re-entry programs designed to give inmates intensive counselling, job experience and help find a place to live and work after they are released.

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