

**A CRITICAL ANALYSIS OF THE CHARACTER AND MOTIVATION OF THE
KENYAN WARDERS AND ITS ROLE ON THE NON-ACHIEVEMENT OF KENYA
PRISONS SERVICE'S VISION AND MISSION**

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By

MAINGI LAURIENE MUENDE

084040

Prepared under the supervision of

DR. PETER KWENJERA

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DECLARATION

I, [MAINGI LAURIENE MUENDE], do hereby declare that this research is my original work and that to the best of my knowledge and belief, it has not been previously, in its entirety or in part, been submitted to any other university for a degree or diploma. Other works cited or referred to are accordingly acknowledged.

Signed: Maingi Lauriene

Date: 4th June 2018

This Research Proposal has been submitted for examination with my approval as University Supervisor.

Signed: 

Date: 4th June 2018

[DR. PETER KWENJERA]

ABSTRACT

In 2002 Kenya introduced, prison reforms mainly to address human rights issues in incarceration centers. However, as time went by her goal became reforming the prisons from a place of torture and punishment into correction and rehabilitation based facilities. This study sought to analyse and determine the character and motivation of prison wardens and their role in the achievement of Kenya Prison's Service's vision and mission.

The study focused on the wardens because they are the main implementers when it comes to prison policy. It was the author's opinion that a majority of studies had been made regarding the effects of inmate based reforms but none had been made on wardens and their roles. In conducting the research the author used the qualitative method. Data was collected by used of questionnaires.

The study found that warden's needs and welfare was better acknowledged in the urban prisons while those of the wardens in rural prisons had been ignored. As a result the wardens whose needs had not been fulfilled had no positive motivation, flawed character and negatively impacted KPS's aim and vision of rehabilitation. On the other hand the wardens who had their needs and welfare taken care of had positive motivation, better character, were better influencers and positively impacted their employer's aim.

The study recommends that although KPS has made substantial efforts, more concerning reforms that target wardens needs to be done so as to ensure that the wardens have positive motivation, good character and positively impact the achievement of their employer's goals.

Abstract's Keywords: Warders, Prison Reforms, Motivation and Rehabilitation.

LIST OF ABBREVIATIONS

- 1) APP- African Prisons Project
- 2) ICCPPC- International Commission for Catholic Prisons Pastoral Care
- 3) ICPA- International Corrections and Prisons Association
- 4) KNHRC- Kenya National Human Rights Commission
- 5) KHRC- Kenya Human Rights Commission
- 6) KPS- Kenya Prisons Service
- 7) LLB- Bachelor of Laws
- 8) NCAJ- National Council on the Administration of Justice
- 9) OIC- Officer In Charge
- 10) SSP- Senior Superintendent
- 11) UNAFRI- United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

LIST OF CASES

- 1) Mohammed v Republic, 2003 KLR
- 2) Uganda v Nikolla and another, 1966 East African Law Reports

LEGAL INSTRUMENTS

- 1) Penal code (Cap. 90 of 1948)
- 2) Prisons Act (Cap. 97 of 1977)
- 3) The Employment Act (Cap. 226 of 2007)
- 4) The Labour Relations Act(Cap. 233 of 2007)

CHAPTER ONE: BACKGROUND AND INTRODUCTION

1.1) BACKGROUND

From the very beginning there was need for a system that would control the actions of human beings in order to achieve coexistence and tranquility among beings that had been awarded supremacy, rationality and will.¹ It was noted that these three could be both beneficial and destructive if not monitored. Due to this concern the principle of having a legal system was born. Law is a principle established in a community by an authority that is applicable to its people whether in the form of legislation or of customs and policies recognized and enforced by judicial decision.²

In pre-colonial Kenya the legal systems were community based.³ Each community had its own customs that regulated right and wrong. Right was praised and wrong was punished. Each community had a council of elders or a supreme leader who ensured that the laws were followed and the offenders were punished.⁴ Modes of punishment varied from offence to offence.

Offences such as murder and rape received higher penalties compared to offences such as petty theft. The aim of the punishment was mainly retribution and reconciliation. In the Kamba community for example murderers would be rolled downhill while in a bee hive.⁵ During this period there were no prison or detention facilities and the punishment meted was considered to be final. There being no prisons or detention camps the need for warders or persons matching the job description of warders was non-existent.

During colonial Kenya the British government established about 83 prisons. These prisons had a capacity of 13,000 prisoners.⁶ The main reason for having such prisons was to use them

¹ Dworkin R, *Taking Rights Seriously*, Harvard University Press, London, 1977, 82.

² Tierney J, *Intricacies of Penology: Definition of law*, Cambridge University Press, Cambridge, 1966, 56.

³ Tibamanya M, *Crime and Deviance*, Law Africa Publishing, Kampala, 2011, 32.

⁴ <http://erepository.uonbi.ac.ke/handle/11295/60089> on 8 February 2017.

⁵ Mbiti S, *Akamba stories*, The Oxford library of African literature, London, 1970, 134.

⁶ <http://web.amnesty.org> on 9 February 2017.

as means of punishing the natives who had opted to resist the efforts of the colonial government. They kept the detainees in detention camps and employed fellow natives to watch over them. The main reason of having them watched over was not only to ensure that the detainees did not escape but also to prevent them from influencing the rest of the native community towards rebellion.

The colonial government also created a system of *Akidas and Jumbes*⁷ who would collect taxes from natives. This system entailed the detention of natives who did not meet their tax obligations. They would then be forced to work in farms under the supervision of persons employed by the *akidas and jumbes*. These British systems were deeply hated by natives. The natives who worked under them faced various forms of discrimination from their counterparts. These discriminations included; having to pay dehumanising taxes such as breast tax, working in the cotton farms of the whites with poor pay and having to wear a *kipande*⁸.

It is rather evident that the colonial company relied on the panopticon method of punishment which entailed the surveillance of detainees and prisoners to ensure that they did not escape⁹. This surveillance method ensured that prisoners were watched and guarded at all times. This method however is ineffective in ensuring rehabilitation because it does little to influence the reformation of the offenders. Reformation requires much more from the rehabilitators.

In post-colonial Kenya the government simply inherited the systems that were there without changing much. The prison facilities were retained as they were thus the issue of congestion, while the methods of recruiting prison personnel have also remained the same.¹⁰

⁷<http://learn.e-limu.org/topic/view/?t=256&c=45> on 9 February 2017.

⁸<https://sites.google.com/site/maumaurevolution/pre-revolution/govern/kipande-system> on 10 February 2017.

⁹<https://foucault.info/doc/documents/disciplineandpunish/foucault-disciplineandpunish-panopticism-html> on 10 February 2017.

¹⁰Omboto J, The challenges facing rehabilitation of prisoners in Kenya and the mitigation strategies, *International Journal of Research in Social Sciences*, (2013), 37.

1.2) STATEMENT OF PROBLEM

The legal provisions that guide the employment conditions of wardens are below par thus affecting the motivation and moral character of Kenyan wardens which in turn deters the rehabilitation, reformation and re-integration of 21st century offenders. The after effect being that any reforms made within prisons cannot achieve their true purpose.

1.3) STATEMENT OF OBJECTIVES

The aims of this study were as below:

- 1) To assess the legal provisions that guides the employment conditions of wardens.
- 2) To determine what the moral character and motivation of the average Kenyan warden is.
- 3) To assess the correlation between the current moral character and motivation of the Kenyan warden to his employment conditions.
- 4) To determine whether the moral character and motivation or lack thereof of warders has an effect on the achievement of the goals of Kenya Prisons Service.
- 5) To determine what measures need to be taken in order to ensure that the warders' morale and character improve.

1.4) HYPOTHESIS

This study was based on a testing hypothesis that claims "If a warden's welfare and effectiveness is improved, his morale and character will be enhanced leading to high rates of rehabilitation, reformation and re-integration of offenders into society and low rates of repeat offenders thus dealing with the issue of congestion in prisons."

1.5) RESEARCH QUESTIONS

These are the questions that were used to conduct the research of this dissertation and their findings to compile the end findings.

- 1) What qualifications must an applicant possess before they can be warders?
- 2) What methods are used in the recruitment of warders?

- 3) What are the current working conditions of wardens?
- 4) Which challenges do the warders face that affects their morale and character?
- 5) Are there any reforms that target the welfare of the warders? If yes, have they been implemented? If not, why?
- 6) What role ought the Kenyan government to play in order to ensure the reform programs, if any, which target warders, are implemented?
- 7) What are the suggested reforms to ensure the warders morale and character are at their best for their job description?

1.6) JUSTIFICATION OF STUDY

The importance of this study originates from the fact that it deeply affects the achievement of the goals of Kenya Prisons Service which are to contain and keep the inmates in safe custody, rehabilitate and reform the offenders, facilitate the administration of justice and finally to promote the prisoners' opportunity for social re-integration.¹¹Warders play a big role in ensuring the rehabilitation and reformation of the prisoners because they interact with the prisoners on a daily basis.

An unqualified warden would be incapable of facilitating the rehabilitation process. Offenders who leave the facilities without letting the rehabilitation, reformation and re-integration process become a part of them become repeat offenders and are incarcerated once again adding to the already existing problem of congestion in the prisons. In order to prevent this cycle it would be of utmost importance to ensure that the warders in place have the character, motivation and training that matches their job description.

1.7) ASSUMPTIONS OF STUDY

There were three main assumptions relied on while undertaking this dissertation's research.

- a) The major assumption of this study was that the government would allocate some funds from the national budget towards ensuring that the welfare and facilities granted to warders are better managed.

¹¹<http://www.coordination.go.ke/index.php/departments/kenya-prison-service> on 8 March 2017.

- b) The second assumption was that all the warders would, be for this study as it affects them. It is to be noted that this is not be the case as many of them have been engaging in suspect activities and are not willing to have such activities restricted.
- c) Furthermore considering that this research relied deeply on information from various sources it is rather clear that this study heavily assumes that the facts and findings of the external sources were made without any form of bias.

1.8) LIMITATIONS

In carrying out the research as well as writing down the dissertation the limitations below cropped up;

- 1) Some respondents to the proposed research questions had biased views and therefore give wrong or inconclusive answers depending on their personal motives. An example of such deceit was noted at Industrial Area remand where one of the inmates stated that the wardens usually lock inmates in cells full of water.

Upon further research this allegation was found to be false. This false allegation would have majorly hampered the results of this study had it gone unrecognised, as the study needs to be based on truth in order to achieve its objectives.

- 2) The research initially faced a lot of skeptical judgment; due to the fact that the author was not known well by the participants and the subject at hand had always been viewed as a controversial subject.

On the first week at Kamiti prison a majority of the wardens refused to interact with the author. Their stance was influenced mainly by fear that the author was a government official looking for information. It took about two weeks of interaction before the participants got comfortable enough to have such discussions with the author.

- 3) The study for, a fair amount relied on the distribution of questionnaires and conducting of interviews. As a result a majority of the participants were unwilling to participate in the process as they assumed that these would be used against them. No amount of persuasion changed their mind; they simply did not want any paper trails.
- 4) The field work was relatively costly and time consuming. In order to carry out the focus groups, interviews and questionnaires the author needed to travel several

time to the prisons in order to create a rapport with the participants. Say for instance, travelling to Naivasha Maximum prison was a six hour affair where only two contact hours were attained as the rest were used in travelling from Nairobi to Naivasha.

1.9) DEFINITION OF TERMS

- 1) **Incarceration** – To incarcerate means to put or keep someone in prison or in a place used as a prison and preventing them from leaving.¹²
- 2) **Rehabilitation**- A process of training which ensures that a criminal opts out of deviant and criminal actions with the aim of transforming him or her into a better member of the society¹³.
- 3) **Re-integration**- The process of an inmate joining the community after they have served their punishment¹⁴.
- 4) **Warden**- A person whose main role is to ensure that inmates are rehabilitated. He works within the prison ensuring that inmates obey rules of the prison setting.¹⁵
- 5) **Felony** – A crime that is recognised as very serious by the state and warrants an imprisonment of over three years as a penalty.¹⁶
- 6) **Misdemeanour** – A crime that is less serious and carries a term of less than three years.¹⁷
- 7) **Dehumanisation** – to treat in a way that is not considered appropriate for a human being, to disregard the rights of a human being.
- 8) **Deviancy** – Behave in a way that is not on the correct path designated by the customs or ways of the certain community.

¹²www.oxforddictionaries.com/definition/incarceration on 17 April 2017.

¹³ Paul M, 'What is the role of the community in Restorative Justice theory and Practice' in Zehr H and Toews B, *Critical Issues in Restorative Justice, Criminal Justice Press, (2005), 155*.

¹⁴ Paul M, 'What is the role of the community in Restorative Justice theory and Practice' in Zehr H and Toews B, *Critical Issues in Restorative Justice, Criminal Justice Press, (2005), 155*.

¹⁵<http://www.unodc.org/unodc/en/justice-and-prison-reform/prison-reform-and-alternatives-to-imprisonment.html> on 26 June 2017.

¹⁶ Section 4, Penal code (Cap 81 of 1948).

¹⁷ Section 36, Penal code (Cap 81 of 1948).

- 9) **Cast away** – A person who has been rejected and set apart from society because of what they have done that is considered being against that society.
- 10) **Rights** – These are concepts that work towards the realisation and support of human dignity. They majorly are afforded to all people on the basis that they are human beings¹⁸
- 11) **Re-offend**- The commission of a crime or an encounter with the criminal system after being released¹⁹.
- 12) **Reforms**- measures undertaken by the government to ensure that prisons are more habitable for inmates.
- 13) **Crime** – A is any act or omission prohibited by the law that is enacted for the protection of the public and the violation of which is prosecuted by the state in judicial proceedings in its own name.²⁰
- 14) **Kurekebisha na haki**- Swahili phrase meaning humane rehabilitation.

1.10) CHAPTER REVIEW

Chapter one gives a brief background on the evolution of the average Kenyan warden's role in the criminal justice system. Through this it shows that the warden's role has over time changed from being an enforcer of the panoptical mode of punishment into a reformist. Additionally, chapter one lays down the problem statement of this thesis, which is that both the legal provisions and work conditions within the wardens' employment sector are below par which in turn affects their motivation and character. Not only does it lay down the problem statement, but also its main objectives which are to assess the legal provisions that guide the employment conditions of wardens and the correlation of the current moral character and motivation of the Kenyan Warden to his employment conditions.

Chapter two reviews literature available on the subject matter of this thesis. It begins with the reforms period and finds that despite the fact that reforms were undertaken in 2003, none of

¹⁸Dworkin R, *Taking Rights Seriously*, Harvard University Press, London, 1977, 82.

¹⁹ William R, Participation in Victim Offender Mediation and the prevalence and severity of subsequent Delinquent Behavior: A Meta-Analysis, *Utah Law Review*, (2003), 140.

²⁰Tierney J, *Intricacies of Penology: Definition of law*, Cambridge University Press, Cambridge, 1966, 56.

them applied to the situation of wardens up until late 2008. This chapter then goes on to relate the literature review to the theoretical frame work, which is composed of two theories; Marslow's theory on the Hierarchy of needs and Vroom's Valency and Expectancy theory. Thereafter the chapter lays down the methodological framework: it uses field research as its main study design with Naivasha Maximum Prison, Langata Women's Prisons and Kamiti Maximum Prisons as its study sites.

Chapter three aims at discussing and analyzing the research questions in relation to previous writing on Kenyan Prisons. It brings out the provisions of statutes guiding the employment conditions of wardens. Additionally it lays down information and factors affecting the Kenya Prisons Service which then in turn influence the working conditions that they provide for wardens. The chapter goes on to highlight the current working conditions and documented challenges of Kenyan Wardens: these being poor sanitary and living facilities as well as professional neglect and misconduct. Lastly chapter three analyses the reforms that had been launched to address the challenge faced by wardens

Chapter four illustrates the research findings. These findings are then divided into two categories: whether or not the wardens fully understand and know what their role in the criminal justice system is and an analysis on whether or not the wardens find their work environment satisfactory. Post the two steps the thesis will analyses and determine the factors that influenced the warden's views and relate them with the theoretical framework.

Chapter five of this thesis will be the recommendations and conclusion. It will focus on offering recommendations on how to best address the challenges facing the wardens at their place of work, in order to ensure that their motivation and character is aligned towards the achievement of Kenya Prisons Service's vision and mission.

CHAPTER 2: LITERATURE REVIEW, THEORETICAL FRAMEWORK AND METHODOLOGY

This chapter will begin by reviewing literature on the subject matter. Thereafter, it will go on and relate the literature review to select theories that form the basis of this dissertation's theoretical framework. The theoretical framework then greatly informs the choice of methodology.

2.1) LITERATURE REVIEW

The Kenya Human Rights Commission's paper of 2003 was a consequence of public outrage, which the government faced in 2001, when it was realized that the prison settings were more of a death chamber than of a correctional facility.²¹ The paper highlights the process of the reforms stating that they were carried out in steps, with the first venture being the open door policy. This policy allowed members of the public such as non-governmental organisations and human rights organisations to visit the prisons observe and in turn give feedback on changes to be implemented.

The paper also highlights that after the open door policy was implemented various changes followed. These changes included dietary reforms, purchase of better clothes and beddings, improved sanitary standards of inmate dwelling spaces, the inclusion of academic activities such as trainings on human rights, the introduction of both recreational such as beauty contests, allowing inmates to access the rules and regulations that govern their conduct in order to prevent unwarranted beatings or punishments, ensuring their accessibility to their family members and the outside community and lastly by decongesting prisons through the use of programs such as Community Service Orders by the Kenyan Judiciary and inter-prison transfers.

The main reason behind these reforms was to ensure inmates' rehabilitation, through enrolling them into programs that were best suited for this aim. It should follow that after the reforms, rehabilitation rates would increase. However, Omboto J in his paper highlights that

²¹ Kenya Human Rights Commission, *Improving Prisons in Kenya*, 2013, 56.

despite the reform system, incarceration centers have still been failing to achieve their main purpose.²² He states that this lack of difference is as a result of the reforms focusing on making life in the prisons comfortable for inmates rather than focusing on rehabilitating them. In his opinion the reforms, in order to ensure the achievement of their true purpose ought to have focused on the welfare of both the inmates and wardens.

Omboto's opinion is highly similar to that of Professor T. Cullen who states that even when it comes to academic writing, most academic writers do much to illuminate the nature, character and dynamics affecting 'society's captives', but only recently have they broadened their research to include the keepers during their analysis of the kept. He holds that this neglect of the wardens when it comes to matters of research and reforms often gives material that portray a fundamentally flawed and biased view of prisons. His view is that wardens are important actors in the correctional arena and they warrant far much more study than they have received to date²³.

He argues that a warden's managerial role is the most salient determinant of whether prisons are safe, orderly, clean and capable of providing inmates' short term and long term needs. He also goes on and notes that the reason why prison reforms shouldn't only focus on just the prisoners' welfare is that it creates a situation whereby the prisoners are leading better lives compared to the warders. This is only naturally a recipe for disaster because it demoralises the warders²⁴.

Mbugua J's paper notes that the rates of reformation are depressingly low.²⁵ He attributes his findings to the fact that the 21st century criminal cannot in anyway be compared to the

²² Omboto J, Kamiti youth corrective training center; Kenya's penal institution of its own kind, Unpublished LLM Thesis, University of Nairobi, 26th July 2003, 24.

²³ Francis T, The correctional Orientation of prison wardens: Is the rehabilitative ideal supported, *Research Gate*, (1993), 4.

²⁴ Francis T, The correctional Orientation of prison wardens: Is the rehabilitative ideal supported, *Research Gate*, (1993), 5.

²⁵ Mbugua J, The Effects of Prisons reforms on inmates Discipline in Kenya: The case of Nairobi Remand Prison, Unpublished MA Project, University of Nairobi, 20th February 2011, 34.

20th century criminal. He states that the 21st century criminal is advanced in his thinking. He further outlines that in the 20th century the offenders were ignorant and unlearned as most had not attended proper schooling. The 21st century criminal is learned and the challenges that he presents are far much worse than mere escape. To simply separate him from others will bear no fruits as far as rehabilitation and re-integration are concerned²⁶.

The National Council on the Administration of Justice conducted an audit that was published in 2016. This audit focused on the results of the reforms and gave an outlook of the condition of criminal justice systems in Kenya. Its outcome was the realization that the Kenyan rehabilitation centers including the prisons were not attaining their objectives; this is because the repeat offenders' rates were higher than those of first time offenders. The report also found that prisoners during searches had on their persons prohibited substances. The substances ranged from knives, mobile phones, drugs, alcohol and fake currencies²⁷.

This was evidence that the inmates were still participating in the very same illegal activities that incarceration was attempting to restrain them from. They were found participating in illegal acts such as defrauding the Kenyan citizens through the use of mobile phones, drug peddling and drug abuse.²⁸ The report went on to explain that the wardens played a big role in the prisoners' activities. It stated that they snuck in the phones and drugs into the prison facilities to the prisoners after which they would receive part of the proceeds.

The audit claims that this commercial activity between the prisoners and wardens works against the rehabilitation programme because the inmates still continue to engage in crime and drugs abuse.²⁹ The audit proposed that the best method to deal with the wardens would be to introduce a form of punishment for wardens who would be found having dealings with prisoners. This however is not the best way forward. Omboto J in his paper is of the view that

²⁶ Omoboto J, Challenges Facing the Control of Drugs and Substances Use and Abuse in Prisons in Kenya: The case of Kamiti Prison, Unpublished MA Thesis, University of Nairobi, 16th November 2010, 46.

²⁷ United States Department of Justice, *World report 2016: Kenya*, 2016, 5.

²⁸ United States Department of Justice, *World report 2016: Kenya*, 2016, 6.

²⁹ National Council of Administration of Justice, *An audit of the criminal justice system in Kenya*, 2016, 68.

the main way to ensure that wardens take their role with the seriousness it deserves does not lie in punishment but rather in taking up measures that will improve their working conditions³⁰.

2.2) THEORETICAL FRAMEWORK

This dissertation's main aim is to analyse the motivation and character of the average Kenyan warden and his role in the non-achievement of Kenya Prisons Service's vision and mission. It is rather clear that both Omoboto J and Professor Cullen propose that the best method to ensure that prisons achieve their motto of "*kurekebisha na haki*" is to ensure that the wardens' needs are met³¹. A clear analysis of these needs brings out the fact that this is largely a human resource issue. If the human resource management can be dealt with effectively then the issue of the warders is half dealt with³².

In order to achieve the aim of this paper, it is necessary to define and understand the concept of motivation, its correlation with an employee's character, its effect on the employee's output at the workplace and its outcome as regards the workplace's productivity and profitability. Motivation can be described as a set of inter-linked processes that determine human behavior.³³ These processes usually influence the decision making skills of a person. There are various types of motivation. These include, but are not limited to; intrinsic, extrinsic, positive and negative motivation³⁴.

³⁰ Omoboto J, Challenges Facing the Control of Drugs and Substances Use and Abuse in Prisons in Kenya: The case of Kamiti Prison, Unpublished MA Thesis, University of Nairobi, 16 November 2010, 40.

³¹ Omoboto J, Challenges Facing the Control of Drugs and Substances Use and Abuse in Prisons in Kenya: The case of Kamiti Prison, Unpublished MA Thesis, University of Nairobi, 16 November 2010, 39.

³² Francis T, The correctional Orientation of prison wardens: Is the rehabilitative ideal supported, *Research Gate*, (1993), 4.

³³ Atkinson J, *An Introduction to Motivation*, Princeton Press, Princeton, 1997, 26.

³⁴ http://www.managementstudyguide.com/what_is_motivation.htm on 28 August 2017.

Intrinsic motivation is when the motivation emanates from a person's own will, when they want to do something simply because they want to³⁵. It occurs when an individual desires to undertake something without coercion or force. Extrinsic motivation on the other hand occurs when another person pushes a person to do something, either through using force, coercion or intimidation³⁶. Extrinsic motivation usually does not originate from a person's inner desire as their will has been compromised. The concept of positive and negative motivation emanates from McClelland's theory. Positive motivation is when a person does something because they aim for a particular goal, some sort of good³⁷. Negative motivation is when an individual performs a task in order to avoid something. It could be a threat or something that they deem evil or bad³⁸.

These types of motivation may further be mixed and matched to provide new types of motivation such as intrinsic-positive motivation which is when a person is motivated towards some goal by their own will, extrinsic-positive motivation which takes place when a person influences another to undertake a task in order to achieve some sort of goal, intrinsic-negative motivation which is when a person is self-motivated to do something in order to avoid a certain negative result and finally extrinsic-negative motivation occurs when another person pushes a person to act in order to avoid some negative thing.

All these types of motivation may influence employees to work but in order to attain maximum output, intrinsic-positive motivation is regarded the most efficient. The below illustrated theories outline how best this sort of motivation is inspired in employees.

³⁵<http://study.com/academy/lesson/intrinsic-and-extrinsic-motivation-in-education-definition-examples.html> on 28 August 2017.

³⁶<http://study.com/academy/lesson/intrinsic-and-extrinsic-motivation-in-education-definition-examples.html> on 29 August 2017.

³⁷<http://www.psychmechanics.com/2014/11/the-methods-of-motivation-positive-and.html> on 28 August 2017.

³⁸<http://www.psychmechanics.com/2014/11/the-methods-of-motivation-positive-and.html> on 29 August 2017.

2.2.1) MARSLOW'S THEORY

Maslow's 'Hierarchy of needs' theory explains what has to be done in order to ensure that human beings are motivated enough in order to work.³⁹ His theory lays down a five step process that illustrates the needs of human beings at the work place⁴⁰. The first step that a Human resource manager requires to satisfy is the physiological needs of his employees. Physiological needs are the most basic needs for sustaining life. These include items such as food, water and shelter. These needs are the most important as, when not satisfied a person cannot attain their maximum potential and output⁴¹.

The second set of needs that are to be addressed those that concern safety for example the safety of the belongings and person of the employee An employee whose work environment is dangerous and lacks any form of protection is highly unlikely to give maximum output to the task⁴². The third set of needs are psychological needs, these include affection, love and a sense of belonging. People are considered highly social beings. They need the feeling of being appreciated to properly perform. The fulfillment of these needs leads to the heightening of intrinsic motivation which leads to a higher output at the work place⁴³.

After ensuring that the psychological needs of the employees are met the employer must endeavor to ensure that their esteem needs are met. Esteem needs are associated confidence, independence and freedom. Satisfaction of esteem needs leads to a decrease in negative feelings such as inferiority, weakness or helplessness and thus allows for higher output from the employees⁴⁴. The final set of needs is the self-actualization needs. These are the hardest to attain because they entail the growth and development of the individual. Many employers

³⁹ Marslow A, *Motivation and Personality*, Pearson education, Boston, 1987, 47.

⁴⁰ <http://www.simplypsychology.org/maslow.html> on 30 August 2017.

⁴¹ Marslow A, *Motivation and Personality*, Pearson education, Boston, 1987, 49.

⁴² Marslow A, *Motivation and Personality*, Pearson education, Boston, 1987, 51.

⁴³ Marslow A, *Motivation and Personality*, Pearson education, Boston, 1987, 56.

⁴⁴ Marslow A, *Motivation and Personality*, Pearson education, Boston, 1987, 58.

avoid providing for this need due to the fear that once the employee has attained self-actualization they will be a bit harder to maintain in that they might want to venture out.⁴⁵

Various theories support Maslow's view on human needs at the work place. An example would be McClelland's 'acquired needs' theory which is quite similar to Maslow's except that his theory goes on to relate the individual's needs according to their personality.⁴⁶ He believes that each individual has a unique personality and that as a result of this; he or she has unique desires at the work place. He argues that there are various needs that each individual may desire but there are only three basic ones. These are the desire for affiliation, the desire for power and the desire for achievement⁴⁷.

McClelland went on to classify people under five personality features. He believed that some people desired to be cooperative at the work place. These people only wanted to help and obey the wishes of those who held legitimate authority at the workplace. Others wanted approval; as long as their work mates liked them then they were fine. Their main desire was to be accepted and valued⁴⁸.

Other individuals have little regard for affiliation and desire power⁴⁹. They want to influence the direction that things take. They prefer to be in charge of the people they work with and the events they are involved in within the workplace. When given authority their motivation levels are high however when they are denied authority their motivation goes down. The final set of needs is the need for achievement⁵⁰. People who desire achievement want to grow within their work places.

Another category valued power and prestige. This class of people may dislike the job that they have but as long as they had power and authority then their dislike was well compensated for. The next category was for those who value achievement; this particular

⁴⁵Patrick J, *Management: Organisation structure, Human Resource and Group dynamics*, Barron's Education, New York, 2008, 238.

⁴⁶ McClelland D, *Human Motivation*, Scotts Foresman Publishers, Glenview, 1985, 56.

⁴⁷ McClelland D, *Human Motivation*, Scotts Foresman Publishers, Glenview, 1985, 56.

⁴⁸<https://www.managementstudyguide.com/mcclellands-theory-of-needs.htm> on 22 July 2017.

⁴⁹<https://www.managementstudyguide.com/mcclellands-theory-of-needs.htm> on 22nd July 2017.

⁵⁰<https://www.managementstudyguide.com/mcclellands-theory-of-needs.htm> on 22nd July 2017.

group sets standards against which they measure their performance. These standards are reviewed constantly until when achieved. The final class belonged to those whose main motivator was curiosity. They desire to know things, to discover challenges and invent solutions for problems⁵¹.

If we relate Maslow's theory to the aim of the dissertation then its conclusion is that if these needs are satisfied then the warder will be able to self-motivate himself and generate positive output towards the achievements of Kenya Prisons Service's vision of ensuring that all inmates are rehabilitated. However, if these needs are not satisfied then the warder will have no self-motivation and will either perform the job poorly if he has no other option or quit the job and seek another, thus preventing the achievement of KPS's vision.

2.2.2) VROOM'S VALENCY AND EXPECTANCE THEORY

Vroom's theory aims to analyse on how to inspire, direct and maintain motivation⁵². His theory, known as the expectancy theory, has been the most widely accepted theory⁵³. It argues the likelihood of a person acting in a certain way is greatly influenced by the likelihood of a certain outcome occurring, as a result of his action⁵⁴. Vroom's equation states that an employee is made up of motivation, and motivation is made up of valence multiplied by expectancy⁵⁵. If then, the amount of valence and expectancy is low then the employee's motivation levels will be low. However, if the valence and expectancy levels are high then the employee's motivation levels will be high.

Employees are likely to give positively towards the organization they are working in, if lucrative rewards await their action and these rewards are able to influence the achievement of their personal goals. The theory focuses on the relationship of the following; the effort and

⁵¹<https://www.managementstudyguide.com/mccllellands-theory-of-needs.htm> on 22 July 2017.

⁵²Vroom H, *Work and motivation*, Wiley Publishers, New Jersey, 1964, 15.

⁵³<https://www.managementstudyguide.com/mccllellands-theory-of-needs.htm> on 22 July 2017.

⁵⁴<https://www.managementstudyguide.com/mccllellands-theory-of-needs.htm> on 22 July 2017.

⁵⁵James R, Understanding Employee Motivation, *Journal of Extension*, (1998), 7.

performance of employees, performance and incentive system, the incentive system and the achievement of the employee's personal goals⁵⁶.

Vroom's assumption when coming up with the theory was that those who are in charge at work places ought to know each staff member's desires so as to create a rewarding system that will motivate them to work⁵⁷. He acknowledged the fact that each person is unique and so are their needs. Different persons require different rewards and it is essential that the management creates a system that recognizes the unique nature of each employee and at the same times ensures that all employees are treated fairly⁵⁸.

He lays down in this theory that all levels of performance should be made clear to the employees. Each employee should know the exact measure that is used, to term work done as excellent, mediocre or satisfactory. They should further be made aware of the consequences of each⁵⁹. These levels must also be clear, concise and easily achievable.

Further if the level is achieved then the reward must be issued. In case the reward is not issued then the employees will lack faith in the system and it will cease to influence their decisions. For example if a company states that an incentive will be given to the person who brings say a hundred clients, and an employee accomplishes this goal, but no incentive is given then the employee's morale will be dealt a blow and they will lose motivation. Similarly, if a company tells its employees that any employee who brings less than fifty clients will lose their job, an employee fails to achieve the goal and no action is taken then the employees will see no need to exert themselves as they know for sure no action will be taken against them.

The reward system should be fair and designed in a way where the jobs, tasks, or roles although different allow the employees to exercise their own passions and satisfy their

⁵⁶ James R, Understanding Employee Motivation, *Journal of Extension*, (1998), 7.

⁵⁷ https://www.researchgate.net/profile/Ruth_Kanfer/publication/232564768_Motivation_Theory_and_Industrial_and_Organizational_Psychology/links/0c960535896a2b32e3000000.pdf on 23 September 2017.

⁵⁸ Robert J, A Path Goal Theory of Leader Effectiveness, *Journal of Extension*, (1971), 18.

⁵⁹ Robert J, A Path Goal Theory of Leader Effectiveness, *Journal of Extension*, (1971), 18.

individual needs. It should be free from the assumption that all persons desire the same exact thing out of their employment. If properly applied to KPS then the average warder's motivation would be positive and he would exert himself towards the achievement of its goals because he knows that the reward will directly match his efforts.

2.3) METHODOLOGY

2.3.1) STUDY DESIGN

The author used field research as her main study design. This is mainly because it was the most accurate method of getting accurate information when it comes to matters of human resource management. Field research allowed the researcher to interact with the affected, those in charge of the affected and those who may have information as a result of daily interaction. This interaction ensures that any information that is received is first-hand and free from bias. The field research involved going to the study sites and engaging the beneficiaries of KPS' services. It employed both the qualitative and quantitative analysis methods.

Qualitative analysis was used during the sessions that needed social interaction with the study participants. Various methods were used, to ensure that the information given was accurate and without bias. Qualitative analysis gave details about the warden's experiences from the interview stages to their employment process and lastly to their views about their employment and work place condition. It further gave insight on how these conditions have influenced their motivation and character.

Quantitative analysis was employed in circumstances where variables had to be used in explaining the factors that affected a warden's character and motivation. In certain study sites it was evident that wardens who had high academic achievements found less satisfaction in their jobs whereas those with lower academic achievements seemed content with their jobs. The quantitative approach enabled the author to compile and explain the data given.

2.3.2) STUDY SITE

The study sites chosen were Naivasha Maximum Prison, Langáta Women's Prisons and Kamiti Maximum Prison. These study sites were picked because they all have unique features, which would be used in making a comparative report on whether factors such as the gender that the facility holds, location of the facility and number of inmates held at the prison have any effect on the motivation and character of the prison wardens⁶⁰.

Naivasha Maximum Security Prison is located at Naivasha which is within Nakuru County. It was chosen because it is not situated within the capital city unlike the other two prisons and would thus give the view of the character and motivation of the wardens situated in the rural areas and whether the location of the institution had any effect on the findings of this research⁶¹. The prison was established in 1969 and has been classified as one of the biggest institutions in East Africa. The institution is headed by an Officer-In-Charge and only holds male offenders⁶².

Langáta Women's Prison is located at Langáta, within Nairobi County. The author selected this establishment because of the fact that it only holds female convicts⁶³. This would allow the author to analyse whether the gender of the wardens and the gender of the inmates held in the facilities has any effect on their character and motivation. The other intriguing factor about this institution is the fact that it now has a daycare where the female inmates can leave their children during the day. The prison currently holds about 700 inmates, a majority of whom belong to the remand section⁶⁴.

Kamiti Maximum Prison is located within Kiambu County and currently houses 1,973 inmates. This is an improvement considering that the numbers used to range between 2,000-3,000 inmates before the 2003 prison reforms period. The author chose this institution

⁶⁰<http://www.prisonstudies.org/country/kenya> on 27 September 2017.

⁶¹<https://softkenya.com/kenya/kenya-prisons-service/> on 27 September 2017.

⁶²<http://www.prisonstudies.org/country/kenya> on 27 September 2017.

⁶³<https://softkenya.com/kenya/kenya-prisons-service/> on 28 September 2017.

⁶⁴<https://softkenya.com/kenya/kenya-prisons-service/> on 27 September 2017.

because it is located in an urban area, houses only male convicts, is considered the most advanced prison in Kenya and therefore desired to analyse whether any of these characteristics affected the motivation and character of the wardens. The prison receives visits and training from various human rights organisations such as Kituo cha Sheria and African Prisons Project. According to the annual statistics report of African Prisons Project for 2017, Kamiti has about 21 inmates studying for an LLB programme that is being offered by the University of London.⁶⁵

2.3.3) METHODS OF RESEARCH

The primary resources included the use of;

2.3.3.1) COUNTY SURVEYS

The author carried out county based surveys in order to determine whether the welfare of the wardens differed from county to county. Wardens from prisons located in different counties were given similar questionnaires after-which, the author made a comparative analysis of the results.

2.3.3.2) FOCUS GROUPS

Focus groups that consisted of various members of the Kenya Prisons Service staff were held. During these focus groups the staff members were encouraged to discuss their views on the status of Kenyan wardens' welfare conditions.

2.3.3.3) FIELD WORK

In order to attain a true perspective of the work conditions of the warders, the author of this dissertation deemed it necessary to carry out field work. This involved the visiting of various Kenyan incarceration centers such as Kamiti Maximum Prison, Naivasha Maximum Prison as well as Langáta Women's Prison and observing the everyday living conditions of the warders.

⁶⁵ African Prisons Project, *African Prisons Project Strategy 2017-2020*, 2017, 7.

2.3.3.4) INTERVIEWS

Additionally, the author majorly relied on carrying out of interviews with the Kenya Prisons Services authorities and administering of questionnaires to wardens in order to get their perspectives about the matter in hand.

2.3.3.5) DESKTOP RESEARCH

The secondary resources mainly revolved around the use of desktop research. Desk top research involved the use of online data sources. This mainly involved the collection of data, from compiled reports and researches, by other authors and comparing their findings with ours.

2.3.4) RESEARCH ETHICS

The researcher assured the participants taking part in the surveys, interviews and focus groups that the information that they gave would be protected and the confidential nature of the material issued would be upheld. Those who desired to remain anonymous would have their desire respected and their anonymity upheld.

CHAPTER THREE: CASE STUDY

This chapter's main aim will be to discuss and analyse the research question in relation to available material illustrating the welfare of wardens from past, present and futuristic points of view. This chapter will mainly bring out the views of various statutes, institutional authors and national reports. It will act as a comparative for the results of the research in order to show whether previous research and studies have managed to curb the situation or whethermore needs to be done, as regards the welfare of wardens.

3.1) THE RECRUITMENT PROCESS AND ROLE OF WARDENS

The Kenya Prisons Service is headed by a Commissioner General of Prisons who is assisted by a Deputy Commissioner General of Prisons. Under them are the 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 constables⁶⁶.

The Prisons Act lays down the following functions for staff members of the Kenya Prison Service: to ensure that all inmates are contained safely within the prison facility and that no escapes occur, to facilitate the rehabilitation and reformation of the inmates that are under their supervision, to ensure that the administration of justice is achieved through ways such as availing the inmates to courts of law on times for their cases, to control and ensure the training of underage offenders in Controlling and training of young offenders in Borstal institutions and Youth Corrective Training centers. For wardens who may end up in female institutions such as Langata Women's Prison, provision of facilities and attention for children accompanying their mothers who are aged below four years is part of their job description⁶⁷.

⁶⁶Kenya Prisons Service, *Handbook on Human rights in Kenya Prisons*, 2004, 22.

⁶⁷Kenya Prisons Service, *Benchmark Handbook for Prison Staff*, 2009, 36.

The Prisons Act provides that for a person to be recruited as a warden they should be physically fit with good eyesight. Female applicants must not be pregnant at the time of application: this is because all applicants are subjected to a series of fitness exercises before being employed. The applicant must have attained a minimum academic grade of D+ in the Kenya Certificate of Secondary Education. Kenya Prisons Service's recruitment process is divided into three sections. The first section involves ensuring that the applicants have scored a minimum grade of D+ after which all qualifying applicants are subjected to the above mentioned physical exercises. Lastly an oral interview is conducted and successful applicants receive a letter of employment⁶⁸.

3.2) CURRENT WORKING CONDITIONS AND DOCUMENTED CHALLENGES OF WARDENS

Over the years several prison strikes have taken place but none caught the airwaves like the wardens' strike in April 2008. The prison wardens dropped their batons, threatened to release the inmates and went to the streets citing dehumanizing working conditions, poor remuneration and slum-like housing. A majority were aggrieved by the living conditions stating that they were forced to share those deplorable conditions with their families. The strike seemed to be a culmination of many years of neglect of service, by the Government.

The government got concerned and set up a high level task force, headed by former legislator Marsden Madoka, to investigate and write a report on the prison crisis. The members of the Task Force convened with the principle aim of looking into the working conditions of the prison wardens.⁶⁹ The report, compiled by the team unraveled several cases of the ills that had plagued Kenya Prisons. During that period wardens refused to resume work, the cases in the criminal division came to a halt as wardens refused to take the accused persons within the remand prisons to court.

⁶⁸ Section 21, Prisons Act (Cap 90 of 1977)

⁶⁹ www.lib.ohchr.org/HRBodies/UPR/Documents/Session8/KE/KSC_UPR_KEN_S08_2010_KenyaStakeholdersCoalitionforUPR.pdf on 12 November 2017.

Madoka's report highlighted that about 80% of the Wardens working in rural areas had no houses and had to live within the prison despite the fact that the Kenya Prisons Service Department had received millions of shillings from the Kenyan government to build better sanitation and housing facilities for the wardens. It further went on to highlight that there was an alarming lack of proper and adequate housing for wardens which then resulted in an emergence of shanties and slums within prisons⁷⁰.

The report gave the example of Kamiti Maximum Prison, stating that the prison compound had a small number of properly structure houses but was full of tiny poor structures within which wardens were forced to reside in. Nationally the original warden prison quarters were designed to house about 3,600 staff members. The staffing levels have over time risen to over 17,000, yet no new accommodations have been set up and as a result the wardens have been forced to share the tiny single rooms and to use polythene papers and cardboards to separate their personal rooms⁷¹.

This lack of privacy aggrieved staff members, especially those that had to live with their families in such conditions. As a result of the poor accommodation rates of theft have gone up, with members stealing from each other, this creates a situation where wardens suspect each other of stealing. Such suspicions hinder them from working together. Where female and male wardens are forced to share the mini-rooms cases of prostitution arose. In general there was form of cross-interference in each other's domestic matters. The situation was made worse by the fact that wardens were forced to walk for miles at night in order to access the common latrines, as their houses did not have such facilities. Those who feared the trek would result to the use of buckets⁷².

Apart from the dehumanizing living conditions that they were subjected to, the report highlighted several irregularities when it came to prison operations. Female wardens in order

⁷⁰ High Level Committee on the Prisons Crisis, *Final Report*, 2008, 34

⁷¹ High Level Committee on the Prisons Crisis, *Final Report*, 2008, 36

⁷² High Level Committee on the Prisons Crisis, *Final Report*, 2008, 40

to get promotions had to give sexual favours, while the male wardens were forced to give bribes. Wardens staying beyond the capital city complained of a lack of supervision by their senior commanders. The commanders opted to reside in the capital city and rarely took time to go to the rural area to check up on matters⁷³.

Not only was there lack of supervision, but also public resources were being misused. The report gave an example of Machakos town where private flats had been built within prison land. The report claimed that the land in question had been set aside by the government with intent of building residential facilities for the wardens. The wardens were aggrieved by the fact that they had to give security to the residents of these private flats: they claimed that this was not part of their job mandate. These residents were benefitting from state security when such security was meant for prison wardens. Other forms of mismanagement of property that the report found was that livestock belonging to senior commanders and official would intermingle with those of the prisons thus benefitting from government sponsored veterinary services and feeds⁷⁴.

A majority of wardens also claimed that they had faced neglect when it came to supplies. They stated that they received very little supplies from their employer and that a number of them had had to purchase their work uniforms from the army and police services. In their opinion both the national government and private sector had focused too much on the needs of the inmates and forgotten about them. They submitted to the committee that inmates occasionally received new uniforms, had better academic opportunities, accommodation and buses while they had not been catered to⁷⁵.

The report recognizing the warden's strike as a threat to national security called for the prosecution of officials and commanders who had participated in the ills that had plagued the

⁷³ High Level Committee on the Prisons Crisis, *Final Report*, 2008, 34

⁷⁴ High Level Committee on the Prisons Crisis, *Final Report*, 2008, 34

⁷⁵ Omoboto J, *Challenges Facing the Control of Drugs and Substances Use and Abuse in Prisons in Kenya: The case of Kamiti Prison*, Unpublished MA Thesis, University of Nairobi, 16 November 2010, 41.

prisons. It stated that any official found to have been involved in corruption, mismanagement of property, harassment and dereliction of duty ought to be punished⁷⁶.

3.4) REFORMS LAUNCHED TO ADDRESS CHALLENGES FACED BY WARDENS

Post the Madoka report KPS took major steps towards ensuring that a majority of the challenges were addressed and had solutions drafted for them. They first went ahead to establish an anti-corruption committee at the prisons' headquarters. Over time this anti-corruption committee created smaller committees within various county prisons. In Kamiti Maximum Prison for instance, legal and regulatory frameworks designed to eliminate corruption have been adapted.

In 2009 a corruption prevention policy and code of ethics and conduct was launched for the entire KPS department. Consequently post the launch of the policy and code of conduct sensitization was carried out for all members of KPS regardless of their station. Another step taken was the introduction of various legal instruments to the training sessions of the Department's training College. The legal instruments formed part of the curriculum of the college: they included but were not limited to the Prevention of Corruption Act and the Public Officers Ethics Act of 2003.

There after KPS launched a handbook that gave details on the human rights of the prisoners: the rights in the handbook included but were not limited to the right to a balanced diet, reading material and freedom from torture and inhumane treatment. The launching of the handbook was funded by the Embassy of Switzerland and the Institute of Education and Democracy⁷⁷. This handbook was added to the list of legal materials that would be used during the training sessions. KPS intended for the handbook to be used in both male and female incarceration centers to ensure that wardens develop a culture of respecting the human rights of their fellow colleagues and inmates.

⁷⁶High Level Committee on the Prisons Crisis, *Final Report*, 2008, 34

⁷⁷Kenya Bureau of Standards, *Economic Survey of 2015*, 2015, 67.

It aimed at ensuring that the mandate of rehabilitating inmates would be fulfilled if the wardens understood that respect for human rights was a core value. Billboards and paintings illustrating human rights have been put up in every prison so as to ensure that all prison officers and inmates are aware of their duties and rights. As a result staff and inmate relationships have improved over the years⁷⁸.

The government has also participated in ensuring that the personnel of KPS undergo trainings by various bodies that have specialized in matters to do with reconstruction of prison systems such as the Raoul Wallenberg Institute of Education and Democracy, Kituo cha Sheria and African Prisons Project (herein after referred to as APP). Furthermore KPS is a member of the African Correctional Services Association, International Corrections and Prisons Association and United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (hereinafter referred to asUNAFRI)⁷⁹.

In addressing matters of psych-spiritual neglect, KPS went on to establish under its organizational structures a fully-fledged directorate named the Directorate of welfare and rehabilitation of offenders, which is tasked with counseling of both the inmates and correctional officers. This directorate is made up of psychological counselors, welfare officers and chaplains who oversee the officer's psychological and spiritual well-being. The department is also tasked with ensuring that the officers who are entitled to breaks due to compassionate reasons are able to get such breaks. It also organizes seminars and activities that ensure the officers are able to relax and unwind⁸⁰.

⁷⁸ Kenya Prisons Service, *Strategic Plan 2005-2009*, 2004, 56.

⁷⁹ Kenya Bureau of Standards, *Economic Survey of 2015*, 2015, 67.

⁸⁰ Kenya Prisons Service, *Strategic Plan 2005-2009*, 2004, 56.

CHAPTER 4: FINDINGS, EVIDENCE AND DISCUSSION

4.1) AN ANALYSIS OF THE CHARACTER AND MOTIVATION OF THE AVERAGE KENYAN WARDEN

In order to get accurate results the research was divided into two main areas. The first step taken was to analyse and determine whether the wardens truly understood what their role in the criminal justice system was. The second step entailed making an analysis and determination on whether the wardens found their work environment satisfactory. Thereafter the author looked into the factors that had influenced their views and correlated the findings of both steps.

The process begun by handing out of similar content questionnaires to twenty wardens with the same rank in each of the prisons, that were selected for the research. The main aim of these questionnaires was to analyse the wardens' views on the main goal of prison. Prior to the session the author explained to the wardens that the questionnaires would not be used for any purpose other than research and that they were similar to the questionnaires issued to inmates during the stakeholders meetings.

The first questionnaire asked the wardens to rank from highest to lowest, what they believed ought to be the main goal of the prison systems in Kenya⁸¹. The choices included rehabilitation, incapacitation, deterrence and retribution. The bottom of the questionnaire had definitions of the terms and the wardens had five minutes to read and understand them.

Retribution was defined as paying back offenders for what they had done in exact measure, incapacitation as locking up offenders so as to ensure that they do not commit more crimes, rehabilitation as the process of reforming offenders so that when they are finally released from the prisons they rejoin society as constructive members and lastly deterrence as the

⁸¹Find annexed to the dissertation this particular questionnaire.

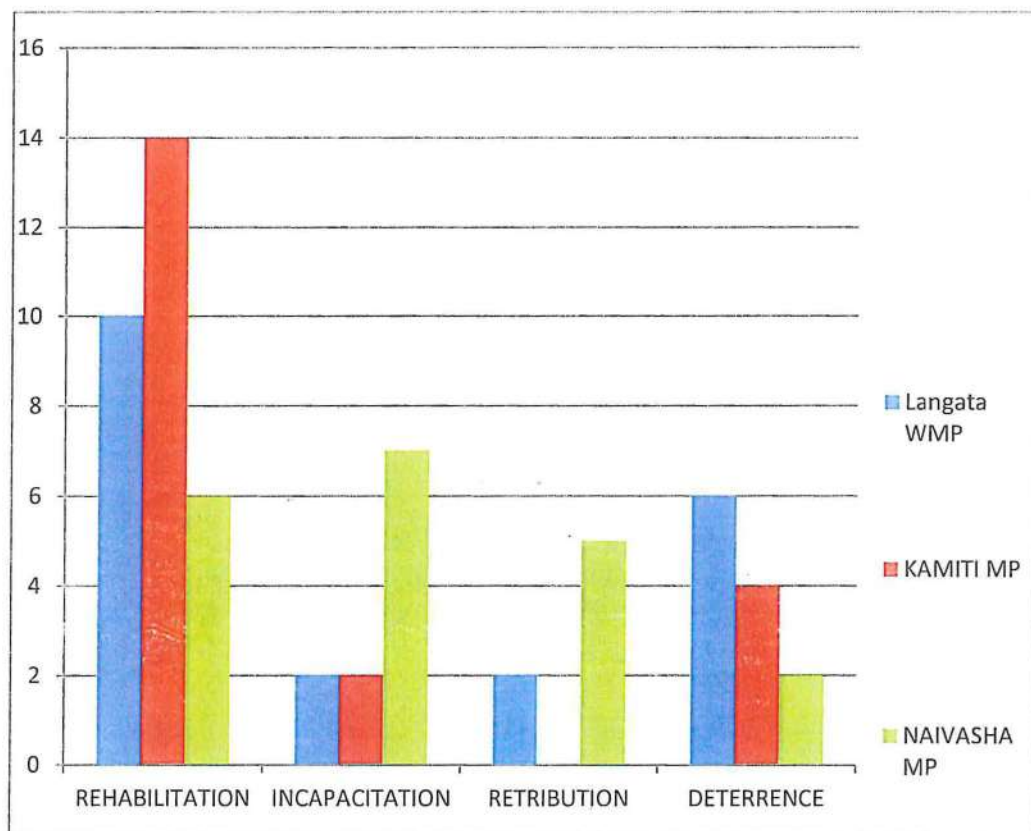
locking up of inmates so as to teach both criminals and future offenders that crime does not pay⁸².

Upon receiving the answered questionnaires, the author compiled the result and arranged them according to prisons. Both Kamiti and Langata's results showed the following order; rehabilitation, deterrence, incapacitation and lastly retribution. Naivasha Maximum's views differed from the urban prisons' as the goals appeared in a different order. According to their results incapacitation was the main goal followed by rehabilitation, retribution and deterrence.

To start with, although a majority of the wardens in Langata and Kamiti were of the view that the prison setting's main aim was rehabilitation; Kamiti had a total of 70% wardens ranking rehabilitation as the main goal for incarceration centers while Langata had 50%. This shows that Kamiti had a larger number of wardens acknowledging that rehabilitation was the best way forward. In both prisons retribution got the lowest ranking, however, Langata had a higher number of wardens ranking retribution as the main goal. About 10% of the voters ranked retribution as a goal whereas in Kamiti none of the wardens viewed it as a goal. It is clear from these findings therefore that the trainings undertaken by KPS have borne fruit in these prisons.

Naivasha Maximum Prison, chosen for this research because of its location, exhibited very different results. In this prison a large number of the wardens were of the view that the main goal of incarceration centers was incapacitation followed by rehabilitation, retribution and lastly deterrence. It is important to note that this was the only center that exhibited a high ranking of retribution as a goal of prisons. These results showed an existing difference in views between urban and rural prisons. This, then poses the question whether the fact that it was a rural prison contributed to this major difference, which will be answered in the next chapter.

⁸²Daly K, The past, present and future of restorative justice: Some critical reflections, *Contemporary Justice Review*, 1998, 6.



Next the author selected ten wardens from each institution taking into account their gender, ages, length of time they have served under KPS and their family status. The wardens received similar questionnaires, each with five items that would be used to gauge their general job satisfaction levels. In responding to these items, the wardens were encouraged to use a two point Likert scale that ranged from agree to disagree, in order to make a more item specific analysis. The items issued in the second questionnaire differed from the ones issued in the first questionnaire as they would not be compared to each other.

In the first item the wardens encountered two questions with the first question being, “If I had a family, I can comfortably live with them in the housing provided by my employer?” This question was intended to find out whether the wardens felt that their physiological needs were being met. The responses varied in all the prisons. A majority of wardens at Langata Women’s prison and Kamiti Maximum Prison agreed, with Langata Women’s having a

higher number. Naivasha however, showed a different view as only one of the wardens agreed with the question.

The second question within this item was, "I have had to have a side job in order to make ends meet". The question aimed to know whether the wardens thought that their pay was enough to meet their needs. The author named this as physiological 2 in the table that shows the compiled results. The results here did not match those portrayed by the housing question in that, Naivasha wardens had a higher number of satisfaction compared to those of Kamiti and Langata. In Naivasha about four wardens stated that they did not need a side job, Langata had three and Kamiti had two.

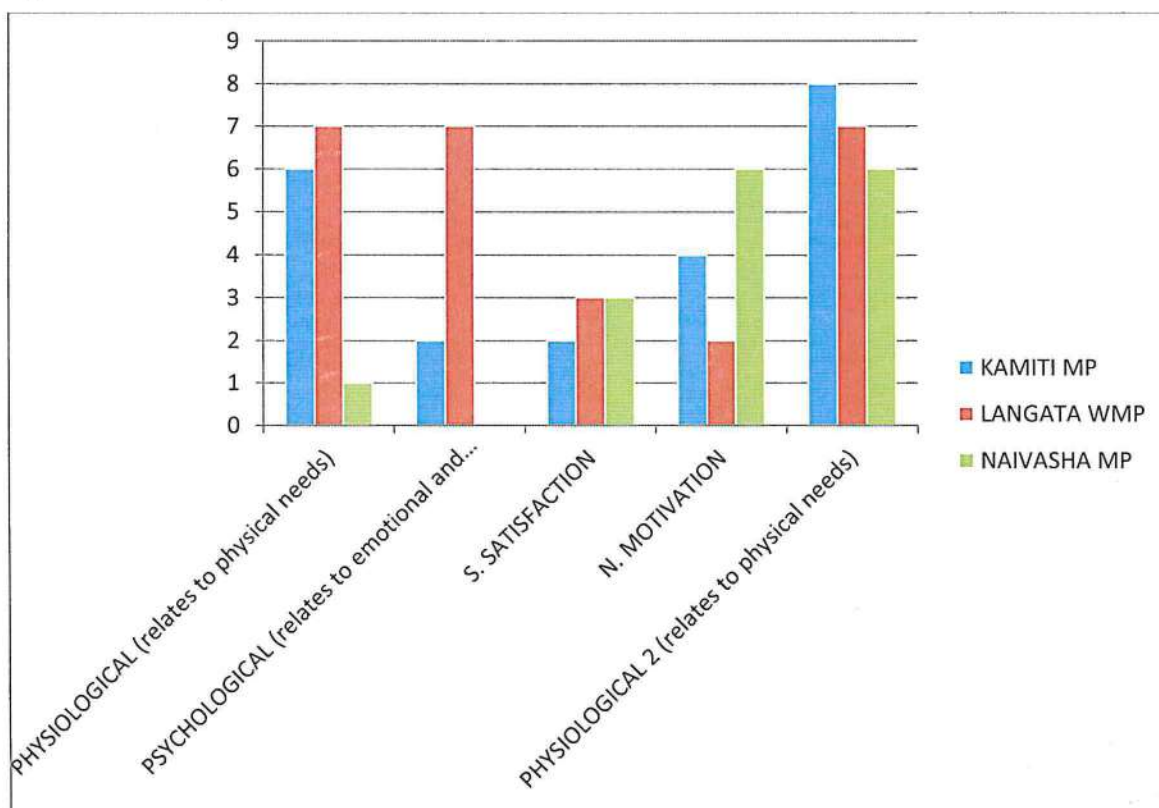
It was also noted that the older wardens' views differed from those of the younger wardens. The older ones showed a higher level of dissatisfaction compared to the younger ones. This conclusion is supported by the fact that in Naivasha Maximum Prison the entire 40% that stated they did not need a side job and were satisfied with their current job, was comprised of young wardens who had worked at the prison for less than a year.

The third item sought to determine whether the wardens psychological needs were being met via the question; "If I have a psychological issue regarding work I can easily see a counselor at work?". In Kamiti and Naivasha prisons the wardens did not think that their psychological needs could be catered for at their work place. A majority of them disagreed with only two wardens from Kamiti agreeing. The results from Langata Women's Prison differed greatly from those of Kamiti and Naivasha as seven of the wardens agreed.

After analyzing their view on the satisfaction rates of their psychological needs, the author proceeded to inquire about their general feeling when it came to self-actualization, through the question; "I think I have grown and developed as a person at my work place." This question received different answers with a distinct line being drawn between the older wardens and the younger wardens. In Kamiti Maximum Prison all the wardens who agreed that they indeed felt that they had grown and developed at their work place were young wardens. The situation was the same in both Langata and Naivasha Maximum Prisons,

only the young wardens felt that they had grown and developed. Upon further research it was clear, that the wardens who had served longer periods with KPS felt they had not grown or developed but had stagnated for several years.

The last question sought to measure the type of motivation that the wardens subscribed to when doing their work via the question; “I only report to work every-day to avoid sanctions.” The author further went on to explain what the question meant as a majority of the wardens did not seem to fully understand it. She asked them to mark disagree if they felt that they came to work because they enjoyed and valued their work. Here Naivasha maximum prison’s wardens had the highest ‘agree’ numbers followed by Kamiti and lastly by Langata. The above information has been demonstrated by the chart below. This chart shows those who agreed with the questions asked.



After the interview session the author decided to carry out her own analysis by going round each prison’s perimeters in order to gauge and verify whether the responses given by the

wardens were accurate. At Naivasha Maximum Prison it was rather clear that the prison had not been subject to the reforms. Neither billboards nor paintings illustrating human rights were present within the prison. The houses did not have water supply: women and children were sighted making walks from their houses while carrying buckets, to a common tap to fetch water. Not only were the houses lacking certain amenities but a majority of them had iron sheets that leaked heavily during the rainy season. Certain houses had tent canvas covering the leaky roofs.

One of the wardens allowed the author to view the structure of his house. This particular warden was undertaking an LLB programme offered by the University of London in conjunction with APP and had a family. It was unfortunate to note that the family was forced to share a bed-sitter which they then had to partition with cardboards in order to separate the sleeping and cooking areas. The most frustrating part was that despite his high academic qualifications, he still had to live in conditions that his counterparts with the same qualifications who were working in the private sector would not think twice about.

Upon talking to wardens at random within the prison setting, the author discovered that majority of them felt that their work conditions were at their worst. They felt aggrieved with the fact that they had to buy their own uniforms and whistles using their salary when in fact these things should have been provided by the government. Most were of the view that if these needs were met then they would be able to fully exert themselves in their roles.

Further grievances included the fact that they felt their pay was not enough to cater for their needs. Similarly, although they appreciated being allowed to undertake some of the classes that the inmates took such as the LLB programme, majority of them did not qualify for the particular programme since it required a minimum of C+ in the K.C.S.E examination⁸³. It was clear that the wardens felt their physiological needs were not being met.

Majority also added that although they were aware of the Directorate of Welfare, it was difficult to access such services as the directorate was set up mainly for the prisoners. Not

⁸³ African Prisons Project, *African Prisons Project Strategy 2017-2020*, 2017, 7.

only was it set up for prisoners mainly but also the department at Naivasha was quite understaffed with only one person running it. They emphasized that they felt as though they had been left out during the reforms era since both the government and the private institutions had focused on making life more habitable for the inmates and forgotten to check on their welfare⁸⁴.

At Kamiti Maximum prison things were a bit different. The quarters seemed recently built and unlike the ones in Naivasha Maximum they had brick roofing and adequate water supply. Upon entry into the prison the first thing that the author noticed was that all of the walls had paintings illustrating human rights. Not only did the paintings lay down the human rights, but they also gave illustrations on the criminal procedure right from arrest to judgment.

The wardens stated that this was essential as a majority of arrested and detained persons were not familiar with the criminal procedure and thus had to be taught. It was rather clear that the reforms on human rights had been implemented at Kamiti. Just like in Naivasha APP had established the UOL project at Kamiti, however in Kamiti more wardens were taking the courses as a majority of them had attained the qualifications needed to pursue the UOL programme⁸⁵. Out of a total of 21 students about six were wardens⁸⁶. The wardens studied, took exams and were taught by the same teachers at the same time and in the same room with the inmates⁸⁷.

The author also learnt that the large interest, by wardens, in the LLB programme was fuelled by the fact that during promotions those who had attained a degree in law, theoretically, had a higher chance of getting promoted. The word theoretically has been used because it was the general opinion of wardens that the promotion system was not fair. They claimed that in order to get a promotion, one had to give bribes to those conducting the promotion process. Another common grievance was the fact that wardens with degrees and in pursuit of masters

⁸⁴ African Prisons Project, *African Prisons Project Strategy 2017-2020*, 2017, 16.

⁸⁵ African Prisons Project, *African Prisons Project Strategy 2017-2020*, 2017, 10.

⁸⁶ African Prisons Project, *African Prisons Project Strategy 2017-2020*, 2017, 6.

⁸⁷ African Prisons Project, *African Prisons Project Strategy 2017-2020*, 2017, 6.

still got the same pay as wardens who did not have those qualifications. Certain wardens had also aged while still serving at the same station that they were at when they had joined.

Although the standards at Kamiti Maximum Prison were a bit higher than those at Naivasha, it was still evident that the rates of re-offending were still high. Inmates still continued to engage in crime, the most common being drug abuse and theft through the use of mobile phones. The author was alarmed at how easy it was to get Bhang, tobacco cigarettes and Thinning Glue within the prison quarters. The price of the 'Prison attained' drugs was way higher; about twice the amount charged beyond prison walls. Despite the price of drugs being high the buyers still continue to purchase them. This is because drugs, due to their addictive nature, are economically described as inelastic goods: high prices will not deter those who are addicted.⁸⁸

The situation at Langata Women's Maximum Prison was similar to those of Kamiti when it came to housing. The houses had been built away from the prison and were recently constructed, the water system was inbuilt and the houses were next to each other making them more of an estate than a prison. Warden's children would be seen playing and riding their bicycles within the residential area. The most impressive part of Langata Maximum Prisons is that the first thing that is sighted upon entry, is the recently constructed daycare⁸⁹. Here, small children who had accompanied their mothers to prison played with toys. Both wardens and inmates took part in caring for the children at the daycare.

In Langata Maximum Prison more wardens than inmates took part in the UOL programme. It was astounding to note that only one inmate qualified for the UOL programme⁹⁰. The number of wardens undertaking the programme was higher: five wardens had qualified and were, in fact undertaking their exams during the period that the author was undertaking her research. Additionally wardens and Inmates took part in chores together for instance at the bakery the inmates learnt the procedure of baking from the wardens. Not only was there a

⁸⁸ Robert C, Law and Economics, Addison Wesley Longman, Massachusetts, 2000, 479-482.

⁸⁹ African Prisons Project, *Report on the International Justice day*, 2017, 4.

⁹⁰ African Prisons Project, *African Prisons Project Strategy 2017-2020*, 2017, 7.

cordial relation between the warden and the inmates but the welfare department at Langata Maximum Prison was fully functioning with several of the wardens stating that they had indeed received psych-spiritual care from the particular department.

Unlike Kamiti and Naivasha, the Officer-In-Charge (here-in-after referred to as OIC) at Langata Maximum Prison Madam Olivia O'bell was more involved in the running of the prison. She made brief visits to oversee matters during afternoon hours and would take time to encourage the students undertaking the LLB programme⁹¹. It was rather clear that the reforms had had a major impact at Langata Maximum Prison as the wardens seemed more motivated and involved and the re-offending rates were lower than those of the male prisons.

4.2) FACTORS AFFECTING THE AVERAGE KENYAN WARDEN'S CHARACTER AND MOTIVATION

This section aims at discussing the findings laid down in the above section. First, it will analyse the findings with an aim of showing a connection between them and the theoretical framework through categorizing them into Marslow's needs. Secondly, this section will use the findings as a response to the research questions posed in chapter one. Thirdly it will compare the results to the literature review highlighting whether there has been a change of circumstances post the reforms period. Lastly, it will discuss the effects of neglecting warden's needs in their motivation, character and the actualization of KPS's vision and mission.

According to graph one on page 32, which gives the data analysis of annex one, it is rather clear that the wardens from the urban centers clearly understand and appreciate the goal of incarceration as rehabilitation. Naivasha Maximum Prison, which is located in the rural, differed in view from the urban centers. The view of the wardens at Naivasha was that the main aim of prisons was incapacitation. This, as well as the absence of paintings and billboards illustrating reforms is a clear sign that the prison reforms did not reach the rural areas. Wardens still remained unaware of both their roles and rights at the workplace.

⁹¹African Prisons Project, *Report on the International Justice day*, 2017, 4.

Graph two on page 34, which gives the data analysis of annex two, and the author's observations showed the same disparity when it came to the needs of the warden's. The wardens working at the rural prison, unlike their urban counterparts, were unable to take part in the programs provided and lived in poor conditions. It is a clear show that most of the wardens' needs at the work place were not being met and was thus not a surprise that the wardens were unconcerned about the daily progress of the prison and only reported to work to avoid repercussions. The wardens had no positive motivation when it came to their work. In fact, during the four month duration that the author had volunteered at the prison, about six wardens were seeking for career opportunities at other places and two out of the six managed to get new employment within the private sector.

4.2.1) PHYSIOLOGICAL FACTORS

Living conditions have been proven to be a serious problem when it came to the KPS sector⁹². Wardens in the three prisons that the author carried out her research, complained of poor and unsanitary living conditions that they had to share with their families. Post the strike and reforms housing conditions seem to have improved for prisons within urban centers but not for those in rural conditions. It is to be noted that prison wardens are not allowed to have houses beyond the prison premises as a consequence of their role in ensuring security, through preventing escapes and ensuring that inmates do not cause trouble both within and outside the prison walls.

Despite being unable to have the privilege of living where they would desire wardens are subjected to dehumanizing living conditions. Senior wardens' houses are roofed with rusted iron sheets while junior wardens have grass thatched houses with mud-built walls. In many cases these grass thatched houses have to be shared by families and lack sanitary amenities such as the toilets. The situation is made worse by the fact that the toilets are based a few meters away from the houses. Some of the houses lack electricity and those with children

⁹² Rita A, Inmates and wardens' perception of prisons reforms in kenya: A case of Eldoret GK Prison, in Eldoret, Kenya, Unpublished MA thesis, Moi University, 23 October 2014, 18-20.

have to purchase candles and kerosene lamps to facilitate their children's homework process. These findings were similar to those that Omboto J. had stated in his 2010 thesis⁹³.

The situation is most felt by the newly recruited wardens who are fresh from institutions of higher learning. Kenya Prisons Service in an attempt to actualize prisoner based reforms, recruits persons that have a good academic background, with specialisation in sociology, criminology and psychiatry⁹⁴. The recruits leave their hostels in pursuit of their newly found source of income only to find that they now have to live in grass thatched houses and not only that but that they also have to live without electricity, privacy and comfortable sanitary facilities. The drastic change in lifestyle not only shocks the new recruits but also demoralizes them.

Other problems facing the wardens include the fact that they have to purchase their own uniforms and whistles. This eats into the already low salary that they receive. Kenya Prisons Service slightly increased the wardens' salaries however, once the warden is forced to use their own salary to purchase their own uniforms, batons and whistles the increment ceases to be felt as it is used to buy supplies that KPS ought to be buying. The wardens as a result of this are left with their previous earning if not less⁹⁵.

Although KPS has made an effort to make reforms that ensure that wardens have better salaries and housing, they have failed to achieve their objective because not only do wardens have to buy their own work equipment using their own salaries but they also have to live in poor housing conditions that lack amenities such as toilets and proper water supply. Additionally the reforms have been selectively been implemented. This is seen in the fact that a low rank warden at Kamiti has better housing compared to a senior rank warden in Naivasha.

⁹³ Omboto J, Challenges Facing the Control of Drugs and Substances Use and Abuse in Prisons in Kenya: The case of Kamiti Prison, Unpublished MA Thesis, University of Nairobi, 16 November 2010, 39-40.

⁹⁴ Rita A, Inmates and wardens' perception of prisons reforms in kenys: A case of Eldoret GK Prison, in Eldoret, Kenya, Unpublished MA thesis, Moi University, 23 October 2014, 18-20.

⁹⁵Rita A, Inmates and wardens' perception of prisons reforms in kenya: A case of Eldoret GK Prison, in Eldoret, Kenya, Unpublished MA thesis, Moi University, 23 October 2014, 18-20.

4.2.2) PSYCHOLOGICAL FACTORS

Other reasons for the wardens' disquiet include the fact that although a welfare department has been set up for each and every prison, some of the departments are not in operation as they lack staff to ensure that they run properly. The effect of this is that the wardens become demoralized and without sufficient care for their psychological needs they begin to detest their work.

Wardens have to interact with the prisoners on a daily basis and therefore the challenges that affect prisoners usually affect the wardens indirectly. Challenges such as overcrowding in the facilities overstretch the capacity of the facilities leading to break out of diseases⁹⁶. Examples of psychological issues that are transmitted from the prisoner to the warden are: circumstances where prisoners who have had a rough day as result of being recently sentenced or in situations where a prisoner has stabbed or killed another and the warden is forced to deal with the issue.

These circumstances burden the particular prisoner directly but indirectly for the warden. The prisoner however has an advantage over the warden as he may visit the welfare department or visit the professional wardens. Wardens on the other hand have neither professionals nor facilities that aid them in ensuring that their psychological needs are met outlet for their frustrations. KPS in order to truly satisfy its employees' psychological needs need to ensure that the welfare department receives supplies in material and manpower as well as funded. Otherwise it remains a solution in book and not in practice.

4.2.4) SELF ACTUALIZATION NEEDS

Wardens felt that the promotion system was still deeply flawed as a majority of them had been at the same work station for over six years. Older wardens found it depressing that they were still sharing positions with recruits. This was a general concern in all the prisons as the older staff felt that they had not grown at all during their stay at KPS.

⁹⁶Rita A, Inmates and wardens' perception of prisons reforms in Kenya: A case of Eldoret GK Prison, in Eldoret, Kenya, Unpublished MA thesis, Moi University, 23 October 2014, 18-20.

Four wardens from Naivasha Maximum Prison claimed that when promotions came, those who got the promotions were those that bribed their way through the promotion system⁹⁷. One of the wardens claimed that in order to get a promotion you had to have in cash a sum of ten thousand shillings. This warden's claim matched the findings of the Madoka report⁹⁸. As a result some wardens stayed at the same post for years sharing offices with staff who were less qualified compared to them. This dealt a blow to their self-esteem and left them feeling that their efforts were not being appreciated or seen. It is clear therefore that although KPS made efforts to ensure a fairer promotion system based on merit, its implementation has failed and thus not ensured.

4.3) A HIGHLIGHT ON THE VARIOUS EFFECTS OF NEGLECTING WARDENS WITHIN THE PRISONS

4.3.1) DRUGS

The rate at which drug abuse was rising in prisons is alarming; this claim is supported by the fact that it has become easier to get drugs in prisons⁹⁹. Inmates are able to access drugs such as thinning glue, tobacco cigarettes and bhang. The rate is alarming because first a person would not expect to easily access drugs at a prison setting and second, because it becomes difficult to facilitate rehabilitation in a setting that has high rates of drug abuse¹⁰⁰. Drug abuse makes it harder to facilitate rehabilitation because the cases of indiscipline rise¹⁰¹.

⁹⁷ High Level Committee on the Prisons Crisis, *Final Report*, 2008, 42

⁹⁸ High Level Committee on the Prisons Crisis, *Final Report*, 2008, 42

⁹⁹ Omboto J, Challenges Facing the Control of Drugs and Substances Use and Abuse in Prisons in Kenya: The case of Kamiti Prison, Unpublished MA Thesis, University of Nairobi, 16 November 2010, 39-40.

¹⁰⁰ Omboto J, Challenges Facing the Control of Drugs and Substances Use and Abuse in Prisons in Kenya: The case of Kamiti Prison, Unpublished MA Thesis, University of Nairobi, 16 November 2010, 39-40.

¹⁰¹ Omboto J, Challenges Facing the Control of Drugs and Substances Use and Abuse in Prisons in Kenya: The case of Kamiti Prison, Unpublished MA Thesis, University of Nairobi, 16 November 2010, 39-40.

In the prison setting drug availability is facilitated by the prison staff¹⁰². The inmates get addicted and the demand goes high. Once demand has reached a high peak the prices rise and the suppliers are able to get a very high profit. Wardens who engage in such practice prevent KPS from achieving its mission of rehabilitation since the prisoners become worse in behavior than they were at their incarceration. For the inmates who had shorter sentences it becomes only a matter of time before they re-offend¹⁰³. The effect of reoffending is that the prisons are forced to accommodate more inmates than they are able to. Once the prisons become overcrowded the living conditions deteriorate and as a result the reforms made in 2003 become futile¹⁰⁴.

4.3.2) THEFT VIA MOBILE PHONES

Mobile phones are a restricted commodity in prisons. Inmates are not allowed to have mobile phones mainly because it is believed that this negates the effort of ensuring that they have been rehabilitated or incapacitated. In Kamiti however inmates easily access mobile phones and continue engaging in crimes by swindling unsuspecting persons of their money. Again, just like the drugs supply these mobile phones are supplied to the inmates by KPS staff¹⁰⁵.

Not only do the staff-members supply the phones but they also encourage the inmates to try their luck in cheating people out of their property. Once the inmates have managed to execute their criminal deeds, they share such proceeds of crime with the wardens who in the first place made it possible for them to access the phones and credit. At this point the person tasked with ensuring that the inmates do not engage in criminal activities is motivating them

¹⁰²Omboto J, Challenges Facing the Control of Drugs and Substances Use and Abuse in Prisons in Kenya: The case of Kamiti Prison, Unpublished MA Thesis, University of Nairobi, 16 November 2010, 39-40.

¹⁰³Omboto J, Challenges Facing the Control of Drugs and Substances Use and Abuse in Prisons in Kenya: The case of Kamiti Prison, Unpublished MA Thesis, University of Nairobi, 16 November 2010, 39-40.

¹⁰⁴ Rita A, Inmates and wardens' perception of prisons reforms in Kenya: A case of Eldoret GK Prison, in Eldoret, Kenya, Unpublished MA thesis, Moi University, 23 October 2014, 18.

¹⁰⁵ Omboto J, The Challenges facing rehabilitation of prisoners in Kenya and the mitigation strategies, *International Journal of Research in Social Sciences*, (2013), 40-42.

to engage in theft¹⁰⁶. Thus a person who was incarcerated for selling items without a permit leaves the facility with skills in theft. He leaves prison having lost the value of hard work and gained the vice of deceit.

4.3.3) ILLEGAL SALE OF SUPPLIES

In Naivasha Maximum Prison the author found that whenever supplies for inmates arrived the wardens would confiscate a fair amount of donations brought by NGOs as well as supplies sent in by the government. They would then re-sell these items to the willing and able inmates at higher prices. A loaf of bread at Naivasha Maximum Prison went for 300 Kenyan shillings which is about six times the normal cost of bread. The supplies that would not be purchased would eventually find their way into the warden's households.

4.3.4) HIGH RATES OF REOFFENDING

As a result of the easy accessibility of prohibited substances within prison one of the effects has been that contrary to the vision and mission of KPS, the rates of re-offending have increased. This is attributed to the fact that wardens have begun playing a different role from that which they were supposed to¹⁰⁷. They set aside the role of rehabilitator and took up the role of encouraging inmates to venture into crime rather than to avoid crime and become better members of the society. Once the rehabilitators lose their motivation due to poor working conditions it becomes hard for them to fulfill their main purpose as they focus more on trying to make a decent living for them-selves.

¹⁰⁶ Omboto J, The Challenges facing rehabilitation of prisoners in Kenya and the mitigation strategies, *International Journal of Research in Social Sciences*, (2013), 38.

¹⁰⁷ Omboto J, The Challenges facing rehabilitation of prisoners in Kenya and the mitigation strategies, *International Journal of Research in Social Sciences*, (2013), 38.

CHAPTER 5: RECOMMENDATIONS AND CONCLUSION

5.1) RECOMMENDATIONS

The aim of this study was to determine the character and motivation of wardens and its effect on the achievement of Kenya Prison Service's vision and mission. The research has shown that in areas where warden focused reforms had been fully implemented, for instance in Langata Maximum Prison, the wardens had higher levels of positive motivation and undertook their tasks with zeal thus ensuring higher rehabilitation rates. Similarly in areas where the prison reforms had not been effected, for instance in Naivasha Maximum Prison, the wardens were less motivated, had no work ethics and engaged in activities that went against rehabilitation.

Inorder to ensure that all wardens take up their batons and realign themselves towards the achievement of their employer's vision and mission, the following recommendations below should be undertaken.

- a) Article 21 of the Kenya Prisons Act, which lays down the qualifications of potential wardens, should be revised in parliament. This is because the qualifications that are laid down are not sufficient. The wardens ought to have academic qualifications since the inmates that they interact with have academic qualifications. The goal of incarceration centers over the years has become rehabilitation and as such the rehabilitator needs to be capable to ensure that the goal is achieved: through critical and creative thinking, emotional intelligence and psycho-analysis skills¹⁰⁸.
- b) KPS needs to ensure that the reforms are implemented in all Kenyan prisons in Kenya. Billboards and paintings illustrating human rights and roles should be put up across the country. Additionally staff houses need to be renovated in order to endure that there is no difference between staff when it comes to the issue of housing. A

¹⁰⁸ Rita A, Inmates and wardens' perception of prisons reforms in kenys: A case of Eldoret GK Prison, in Eldoret, Kenya, Unpublished MA thesis, Moi University, 23 October 2014, 39.

rather inhumane to take into employment a qualified human being who had better living conditions, subject them in horrible conditions and yet expect them to achieve their maximum potential¹¹⁴.

As Marlow's theory laid down, for a person to be effective and efficient at the work place certain needs must be fulfilled failure to which they will become demoralized, cease to appreciate their work and underperform. A demoralized warden has various illegal opportunities to make wealth as demonstrated by this paper: these illegal opportunities have been shown to affect the rehabilitation rates of the inmates since by their very nature they facilitate the commission of crime by inmates.

Langata Women's prison has shown through practice that once the wardens' needs were improved, the inmate rehabilitation rates highly increased with a large number being released through the power of mercy.¹¹⁵ In Naivasha Maximum Prison where the wardens' needs had been ignored and reforms unimplemented the rehabilitation rates were lower with higher cases of inmate violence: for instance recently an inmate stabbed his fellow inmate over an illicit love affair.¹¹⁶

Rehabilitation has been seen to directly influence the rate of re-offending in that once an inmate has been rehabilitated he has no desire to commit crimes in the future. Inmates who have not been fully rehabilitated tend to commit crimes upon release and are sent back to prison. When the rates of reoffending rise and inmates are once again incarcerated it creates a situation of overcrowding in prisons. Overcrowded prisons lead to a rise in health and sanitation issues. Once the prisons are back to living in inhabitable conditions the KPS, government and NGO based prisoner reforms will have failed. It is therefore in KPS's best interest to ensure that prison warden's needs are satisfied.

¹¹⁴ Hudson G, Kenya Prison Service to Get a Clean Up in New Constitution, *Kenya News and Online Social Magazine*, (2011), 4.

¹¹⁵ Article 133, *Constitution of Kenya* (2010).

¹¹⁶ https://www.the-star.co.ke/news/2017/10/05/gay-naivasha-prisoner-kills-cellmate-over-lover_c1647456 on 22 December 2017.

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APPENDICES

Appendix One

Kindly fill in the below questionnaire as a means of helping me to complete my thesis research. Any content given will be taken as confidential information and will be destroyed post the analysis.

Name: (optional)

Rank: (optional)

Prison: (essential)

Kindly assess the following items and respond according to your view. The items have a likert scale beside them, that ranges from agree to disagree. In responding place an X on the range that mostly describes your situation.

1. If I had a family, I can comfortably live with them in the housing provided by my employer?

Agree: Disagree:

2. I have a side job in order to make ends meet?

Agree: Disagree:

3. If I have a psychological issue regarding work I can easily see a counselor at work?

Agree: Disagree:

4. I think I have grown and developed as a person at my work place?

Agree: Disagree:

5. I only report to work to avoid Sanctions?

Agree: Disagree:

Kindly fill in the below questionnaire as a means of helping me to complete my thesis research. Any content given will be taken as confidential information and will be destroyed post the analysis.

Name: (optional)

Rank: (optional)

Prison: (essential)

Rank the below punishment goals, according to what you believe is your highest role to your lowest role as a KPS employee:

Retribution: paying back the offender for what they have done in exact measure,

Rehabilitation: the process of reforming offenders so that when they are finally released from prisons they rejoin society as constructive members,

Incapacitation: locking up offenders so as to ensure that they do not commit more crimes or harm the public again and

Deterrence: locking up of inmates so as to teach both criminals and future offenders that crime does not pay.

1.

2.

3.

4.