

KABARAK UNIVERSITY 4TH ANNUAL CONFERENCE

ADDRESSING THE CHALLENGES FACING HUMANITY
THROUGH RESEARCH AND INNOVATION

Privatization of corrections: A case study of Kenya prisons

PRESENTED BY

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The research would not have been complete without the generous assistance of:

1. Nakuru GK prison

*The research was conducted using primary documents from the South Africa, London, and Washington governments involved this information has been downloaded from the Internet, and secondary materials obtained in Kenya prison website.

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*CHAPTER FOUR PRESENTS THE EXPERIENCES OF THE THREE COUNTRIES WHICH HAVE BEEN MOST INVOLVED WITH PRISON PRIVATISATION:

1. UNITED STATES,
2. AUSTRALIA,
3. UNITED KINGDOM

*CHAPTER FIVE PRESENTS THE KENYAN POSITION REGARDING PRIVATESATION OF PRISON .

*CHAPTER SIX CONCLUDES WITH SOME RECOMMENDATIONS FOR ENCOURAGING THE ADOPTION OF PRIVATE PRISON IN KENYA.

INTRODUCTION

*Kenyan prisoners are a forgotten lot. Save for mobile money transfer fraud and the occasional prison breaks as well as the inhumanly treatment meted out on them, few Kenyans have a clue that there are more than 88,000 men and women languishing in the country's penal institutions

-The prison system has an under-researched and often misunderstood role in the provision of order in any country, and particularly in Kenya. The Kenyan prison system is in desperate need of reform, as it is currently struggling to cope with a booming prison population and declining standards of care.

The Kenya prison service system faces a lot of major challenges

- Lack of adequate funding by the government
- Monopolisation of the service by the government
- Overcrowding



OVER CROWDED PRISONS

MADOKA COMMISSION REPORT

Investigate the pathetic conditions of prison following a strike by the prison warders, The committee, headed by former legislator Marsden Madoka:

- ❖ the conditions of prisons
- ❖ staff grievances
- ❖ rehabilitation of prisoners
- ❖ security of penal institutions
- ❖ congestion and the living conditions

RECOMMENDATION BY THE COMMISSION

- Better pay,
- Housing
- Sanitation for the prison workers and inmates.

CHAPTER 2

THE PRISON SYSTEM AND THE CURRENT STATE OF KENYAN PRISONS

CLASSIFICATION OF KENYAN PRISON

Its detailed in Kenya prison standing orders chapter 69

- Closed (maximum security prisons) serving long terms
- semi-closed (serving medium terms)
- borstal institution or youth corrective training centres

- ❖ The prison is not indigenous to Africa, but is a Western institution. Prison was intended to accomplish much more than simply house criminals and administer to their basic needs while serving their allotted sentences.
- ❖ Rather than simply **warehouse criminals** for a specific time, the duty of the prison system was to **transform the individuals** in its care into respectable, law-abiding citizens.

Since 1997, the crime rate in Kenya has increased, as has the prison population. The increase in prison population is mostly attributed to a higher number of prisoners awaiting trial

As Shaw explains, "Development generates greater opportunities for crime while also causing inequalities which encourage crime."

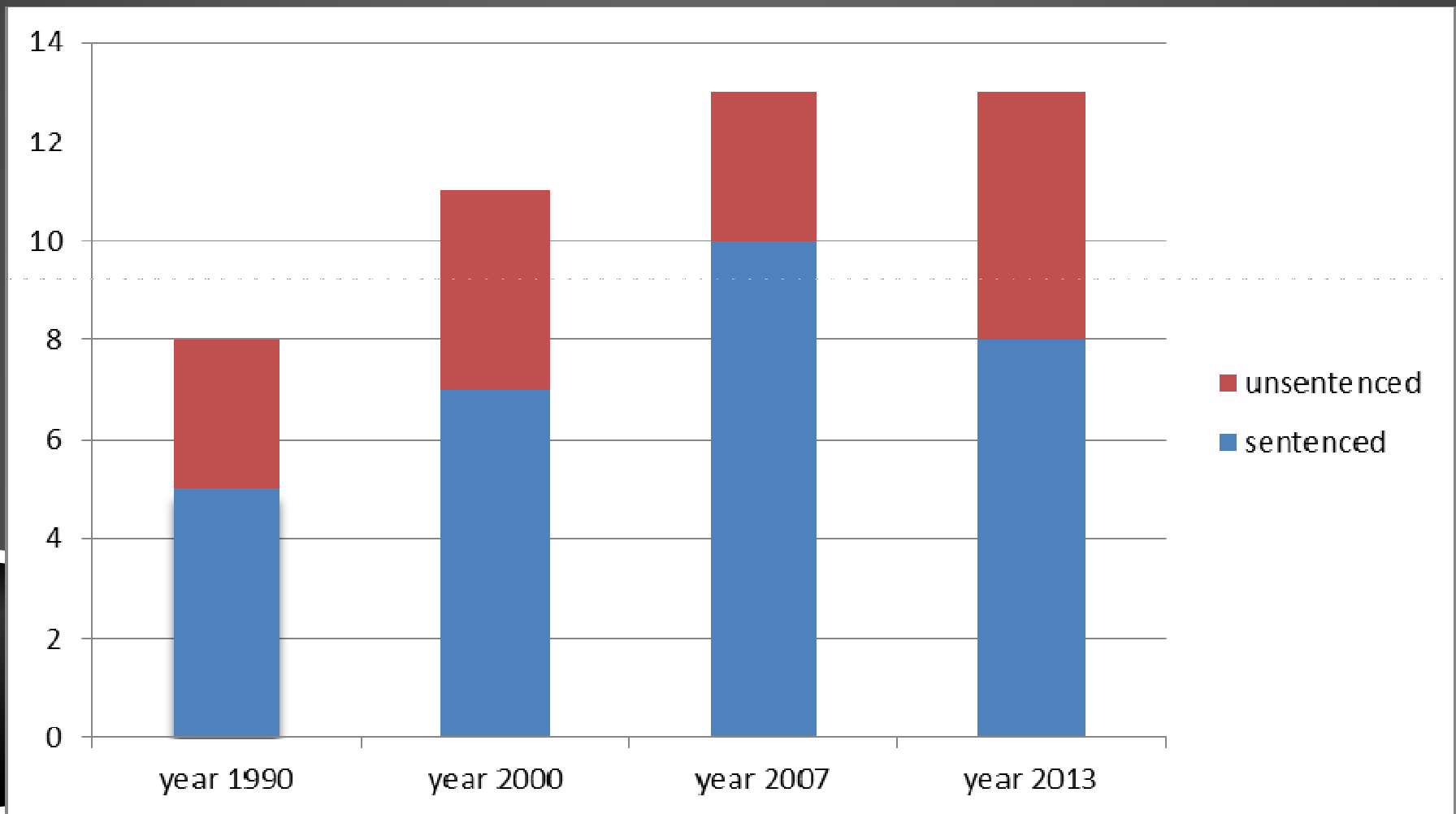
LEGISLATION AND HISTORY OF KENYA

*The first real form of administrative and legislative groundwork for the establishment of a prison system in the country is said to be in 1911 when the colonial British administration set up the **autonomous Prison Board**,

*In the 1950s, during the Mau Mau insurgency, the British colonial system is said to have added 50 temporary “emergency camps” capable of holding thousands of Mau Mau prisoners

*

THE GRAPH SHOWS THE INCREASE IN THE NUMBER OF UNSENTENCED PRISONERS, WHICH HAS MORE THAN DOUBLED IN THE PAST YEARS



Court backlogs and crackdowns on crime are not **exclusively responsible** for the continuing rise in the prison population

*The primary challenges include:

- issues of overcrowding,
- Recidivism
- public health

OVERCROWDING!!!!



A good example is Nakuru prison the ratio of a prison warder to an inmate is 2:15

Beds are triple bunked and placed directly next to each other, and sometimes there are more prisoners in a cell than there are beds

Acc to the former Mwea MP Alfred Nderitu observed that: "warders live in deplorable conditions, sharing rooms... The warders still live in colonial style aluminium huts, some of them were put up at independence. In Kodiaga in Kisumu, there are no toilets and they relieve



- A prison warder stands outside their mud houses at Kamiti Prison.

Prison warders, forced to share a single room, use polythene sheets and cardboard to partition their houses. The lack of privacy has resulted in prostitution, drug abuse, alcoholism, family quarrels, social breakdown, theft and cross-interference in each others' domestic affairs, says the report. In several correctional facilities, the committee found prison warders using bucket latrines

Public health

* The condition is made worse by lack of adequate medical care available to prisoners. Infectious diseases such as :

- Diarrhoea
- Typhoid
- Tuberculosis
- HIV



* The impact of emotional stress and psychological trauma on prisoners' physical health has also been documented in Nakuru prison

Torture and ill treatment
still remain an
institutionalised practised in
many prisons.... [video](#)

This was highlighted in September 2000
when six death row prisoners were killed
in kingongo maximum prison.

In November 2008 there was also a
similar incident at the kamiti maximum
security prison where inmates were
injured and one dead.



"We need to create space. Currently, we have more than 51,000 inmates in all prisons countrywide, which is quite a big number and overwhelming to the government compared to the resources allocated," said National Community Service Order Committee National Co-ordinator Lawrence Mugambi.

Kenya is ranked **12th** in most populated prisons

Country	Prison population	Population per 100,000	Jail occupancy level %	Un-sentenced prisoners %	Women prisoners %
US	2,193,798	737	107.6	21.2	8.9
CHINA	1,548,498	118	N/A	N/A	4.6
RUSSIA	874,161	615	79.5	16.9	6.8
BRAZIL	371,482	193	150.9	33.1	5.4
INDIA	332,112	30	139	70.1	3.7
MEXICO	214,450	196	133.9	43.2	5
UKRAINE	162,602	350	101.3	19.5	6.1
SOUTH AFRICA	158,501	334	138.6	27.5	2.1
POLAND	89,546	235	124.4	16.8	3
ENGLAND/WALES	80,002	148	112.7	16.4	5.5
JAPAN	79,052	62	105.9	14.7	5.9
KENYA	47,036	130	284.3	45.6	42
TURKEY	65,458	91	77.4	47.7	3.3
NIGERIA	40,444	30	101.5	64.3	1.9
AUSTRALIA	25,790	125	105.9	21.6	7.1
SCOTLAND	6,872	134	107.5	21	4.4
N IRELAND	1,375	79	91.5	37.4	2.2

SOURCE: International Centre for Prison Studies

RECIDIVISM

This refers to a convicted criminal reoffending

The overcrowding has led to inadequate security within the institution to the extent that inmates have been making use of mobile phones to master mine criminal activities

CHAPTER 3
PRISON PRIVATISATION

**TALKING
JUSTICE**



Prisons in Kenya are **over-crowded, under-staffed, ill-designed, and structurally deteriorating**. The government is already struggling to keep spending down and provide public services, and cannot provide additional funds to the department. In light of increasing prison populations and the lack of funds available, governments around the world are turning to private sector involvement in providing correctional services



INCREASING POPULATION IN KENYAN PRISONS!!!

Privatisation

privatisation refers to the once-off sale of public assets to the private sector. It also refers to a process of involving the private sector, both profit business entities and non-profit organisations, in the provision of government services.

**For example, a government department might provide housing and food for homeless people, hire a company to provide job training, and allocate funding to a charity which provides drug rehabilitation and mental health counselling. In this way, a combined involvement of government, business, and non-profit entities ensure that a public need is met.*

*Privatisation became a common theme for governments during the 1980s when political leaders praised the efficiency of markets over the waste of the public sector. As early as the 1940s, however, *US President Woodrow Wilson commented, "...there has been very little serious effort even yet in the direction of making the government of the United States as efficient as a successful business organisation would be". As quoted in Sellers, op.cit, p 21



There are different types of privatisation

CONTRACTUAL

*The most limited form of privatisation is contracting, where a private entity is hired to perform specific services. The prison system can use contracts with the private sector to provide ancillary services such as catering, health care, laundry and janitorial services.

* Private companies can also be hired to provide correctional services, such as drug rehabilitation and job training.

Managerial privatisation

The next level of privatisation is contracting private entities to provide management services, such as staffing, administration, and security. Private entities to provide management services, such as **staffing, administration, and security**. Just as a bank might hire a security company to guard its assets, the prison service hires a company to staff, train, and manage the personnel who work at the prison

OPERATIONAL PRIVATISATION

*Operational privatisation refers to a private company being contracted to run an entire prison, including both core and non-core functions.

*The government still makes the policy for the prison, and is expected to monitor the performance of the contractor, but the day to day business of running the prison is left to the private company

*Private companies can also be hired to design and build a prison. Building a prison is a huge undertaking, and the government will normally contract out a great portion of the construction to private companies.



- ✓ Alternatively, the government can simply hire a prison construction company which will design the prison, manage the subcontractors, and completely oversee the entire project



INTERNATIONAL EXPERIENCES

➤ AUSTRALIA

➤ UNITED KINGDOM



AUSTRALIA

The development of private prisons was as a result of increase in prison population

The first private prisons in Australia were operated by American-based companies which formed consortia with Australian companies

In 1990, Queensland embarked on the first private prison in the country

The contract included

- ✓ management,
- ✓ administration,
- ✓ instructors and health care staff

General of the Queensland Corrective Services Commission (QCSC), gave four reasons for the introduction of private management in Queensland's prison service: The benefits of competition and the stimulus for improved performance by the public sector

- ✓ Perceived cost savings and improved efficiency.
- ✓ The need for cultural and attitudinal change in the management and operation of prisons, including a greater emphasis on rehabilitation and offender programmes.
- ✓ The need for comparative information with which to make future decisions James, *op cit*, p 19

United Kingdom

The UK followed Australia into the privatisation field with the opening of The Wolfs prison in Yorkshire.



The Wolf's regime was guided by the following principles:

- 1) The legal presumption of innocence in relation to remand prisoners meant that only those restrictions, the imposition of which were essential in order to hold remand prisoners securely, were justified.
- 2) Since Wolf's prisoners were presumed to be innocent, prisoners should be provided with an environment which was as normal as possible.
- 3) The frustrations of prison life should be reduced through the development of administrative procedures, of which both staff and prisoners need to be aware, which facilitated the smooth daily running of the prison.
- 4) Wherever possible, the regime provided would exceed the minimum standards specified in the contract below which Group 4 could not operate without incurring financial penalties, particularly in relation to areas such as the provision of visits, which was regarded as a key component in reflecting on the principles. James, *op cit*, p 67.

CONCLUSION

Capacity management and speed of delivery continue to drive privatization. According to one survey, 21 percent of countries who privatized say they turned to private firms **because of their reputation for speedy delivery**

This is because private firms can construct jails and prisons in about half the time it takes government to do so

But in addition to capacity management and speed of delivery, countries are turning to private firms in order to improve quality and lower cost

PRIVATISATION OF PRISONS FOR QUALITY
SERVICES

I SEE THE OPPORTUNITY

THANK YOU!!!!