

**THE EFFECT OF CONTRABAND SMUGGLING ON REHABILITATION OF  
INMATES IN KENYA: THE CASE OF KAMITI MAXIMUM PRISON.**

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**DECLARATION**

I the undersigned declare that this research study is my original work and has never been presented by any other person in any university for any academic credit.

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## **DEDICATION**

This study is dedicated to the Commissioner General of Prisons, Officer in Charge of Kamiti Main Prison and all the Prison Officers who have devoted their effort to ensure that contraband smuggling in prison is eliminated so that inmates are positively rehabilitated and reformed through various programmes initiated by the Kenya Prisons Service.

## **ACKNOWLEDGEMENTS**

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I am greatly indebted to my wife Leah A. Gumbi and son Bill Boaz Gumbi for their moral support, patience and prayers as I undertook the study.

To my parents Boaz Gumbi and Lydia NyarOkello, thank you for your support all through and be blessed.

It is my wish that this research project presents a simple approach and, hopefully, will be a useful aid in the elimination of contraband smuggling in Kenyan Prisons.

Thank you all and may God bless you abundantly.

## **ABSTRACT**

The main mission of Kamiti Maximum prison is to rehabilitate its inmates in order to make good citizens once they are out of the facility. Contraband on the other hand finds their way into the prison via different means hence posing a great challenge to the process of rehabilitation. The aim of this study therefore was to find out how the contraband are smuggled into prison, why inmates use contraband and to examine the effect of contraband on inmates' rehabilitation. This qualitative research among 36 Prison Officers and 70 inmates examined the effect and use of contraband. It is clear that there are several routes of entry and reasons why inmates use contraband. This study has shown that the most popular routes of entry is through members of staff, during social visits and contraband thrown over perimeter walls of the prison at 25%, 19% and 17% respectively. Majority of inmates (63%) use contraband as a form of currency to make prison life more comfortable and maintain own contraband use. This study also reveals the negative effect associated with contraband use including an increase in insecurity, namely bullying, violence and withdrawal. It is essential that prisons provide adequate detoxification to reduce withdrawal symptoms and alleviate their need to import or purchase illegal drugs. Prisons must increase their efforts to reduce supply. This will reduce opportunistic use, and with it the risk of prisoners developing 'jail habits' in custody. Devising a policy for tackling contraband in prison is prudent for major contribution in reducing criminal behaviour in prison as well as offences outside prisons. Finally it is essential to recognise that increased security has significant effects; it can disorganise and eliminate contraband supply routes.

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## **DEFINITION OF TERMINOLOGIES**

**Offender Rehabilitation:** Rehabilitation is the outcome of any planned intervention that decreases an offenders' further criminal doings, whether that reduction is mediated by personality, behaviour, abilities, attitudes, values or other factors.

**Contraband in Prison:** Prison contraband is “any unauthorized substance or material possessed by inmates such as alcoholic beverages, mobile phones, cigarettes, weapons, drugs, prohibited appliances and clothing”.

**Maximum Prison:** An establishment where offenders perceived to be the most dangerous are assigned to maximum security. The typical maximum security prisons are characterized by high walls to prevent escape, gun towers where officers armed with rifles keep a close watch on activities in the open spaces below, and large cellblocks with barred cells where prisoners are locked in when not working or eating. Maximum security prisons are used to contain criminals serving more than 7 years to life imprisonment and those convicts on death row.

**Recidivism:** In this study, a habitual offender and the act of a person repeating an undesirable behaviour after having either experienced negative consequences of that behaviour or have been trained to extinguish that behaviour. As a result of this, an offender is sentenced back to prison.

**Facility:** The study defines facility as any prison, correctional facility or correctional training programme under jurisdiction.

**Pat search:** In this study, pat search is the manual body search of an individual that requires the removal of outer clothing which includes coats, hats, gloves and inspection of papers, bags, books or other carried items.

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## **CHAPTER ONE: INTRODUCTION**

### **1.1 Background of the Study**

The number of those convicted under the criminal justice system of Kenya has significantly increased owing to various socio-economic dynamics (Omboto, 2013). The ultimate goal of sentencing and containment in prisons is not only to punish the offender and deter others, but also aid in rehabilitation, denunciation, protection of the community or combination of two or more of the stated points (Gelb & Hoel, 2008). This is highlighted in Prisons Act (Cap 90) and Borstal Act (Cap 92). However, Halsey (2007) notes that this approach has not achieved much in converting offenders to be reformed as they engage in deviant and criminal behaviours while contained in the prison walls or recede to criminal activities once released.

In recent years, management at correctional facilities in Kenya have directed significant focus and resources in offender rehabilitation programmes so as to help offenders to adopt into law-abiding citizens and to turn away from antisocial behaviour (Omboto, 2013). According to Heseltine, Day & Sarre (2011) such endeavours are as a result of realisation that such programmes are likely to have a greater impact on recidivism than incarceration alone. However, (Omboto, 2013) established that this endeavour towards rehabilitation of those contained in Kenya's rehabilitation facilities faces myriad of challenges. One of the contributory factors and impediment to prisoner's rehabilitation is the smuggling of contraband into correctional facilities. According to Omboto (2010), one of the problems afflicting the institution is the proliferation of contraband such as drugs into the facility. Moreover, abuse of tobacco and drugs smuggled by dishonest prisons staff has to a greater extent developed to systemic menace in prison institutions.

The realisation is that effective rehabilitation cannot be attained in an environment that is full of contraband such as drugs and mobile phones as drugs lead to perpetual dependency and mobile phones are used for extortion therefore defeating the rationale for containment under criminal justice system (Omboto, 2010). Anchored on such realisation, the principal concern of this study is the effects of contraband smuggling into prison facilities on the rehabilitation progress of inmates using Kamiti Main prison as a case study and subsequently offer recommendations that can be applied by prison administrators so as to enhance the rehabilitation process and thus

achieving the ultimate goal of criminal justice system. The study lays emphasis on the role of contraband on indiscipline levels, health status, suicide rates and attempted escapes which undermine the sense for rehabilitation.

## **1.2 Problem Statement**

The modern existence of prison facilities is not for mere containment and punishment, but also for rehabilitation, denunciation, protection of the community (Gelb, K. & Hoel, 2008; Prisons Act (Cap 90); Borstal Act (Cap 92). The call for rehabilitation is emphasised by various studies that opines that rehabilitative endeavours are integral in curtailing recidivism (Andrews & Bonta, 2010). This contradicts the notion for adhering to sanctions and incarceration alone as they may result in increased rates of reoffending (Chen & Shapiro, 2007).

The above is attained through various support programmes that empowers the prisoner and deprivation of accessing and owning certain basics. The introduction of illicit goods into prison may facilitate escapes, compromises staff and lowers moral. For instance, inmates' access to cell phone technology facilitates their ability to communicate amongst themselves and their associates outside of prison, to plan prison assaults, plot prison escapes, orchestrate a myriad of other illegal activity and communicate with unsuspecting victims, including minors (California, 2009).

However, the presence and access of such contraband within prison institutions is a concern owing to the fact that the rehabilitation mandate of prisons is difficult to achieve in an environment where inmates abuse drugs and substances. This is because cases of inmates' indiscipline; access to communication gadgets used to communicate with external world and extort money; access of weaponry to molest other inmates and aid in attempted escapes therefore negates rehabilitation aspirations and perpetuates deviant and criminal behaviours (Omboto, 2010, California, 2009).

In Kamiti Maximum prison, mobile phones are real major problem where in a day; an average of 5 cell phones is obtained through searches. A lot has been done to cut off the inflow of cell phones e.g. thorough searches at the gate to all visitors and staff, warnings and fines, but still the

problem cannot be solved. They have also tried mobile jamming; an effort which was likely to solve the problem but due to interference with the surrounding, it was forced to be avoided. At the moment, the use of canine to sniff on the phones, bang, cocaine and other contraband is now being introduced but it has not been fully utilised (Ombati, 2014).

Due to ability to access contraband, most of the convicts see these containment centres as neither being hard nor degrading. Most of them view these confinement facilities as points for taking time off and getting one's body and mind in shape (Halsey, 2007). Other serving and former inmates associates it with the luxuries that exist in these centres with the only limitation being physical movement. This is because most of these convicts come from deprived background where the contraband are not available or are inaccessible. In a nutshell, the jails offer them a chance to escape from the harsh realities of the world as they plan what to do next. Hence, most of these state guests know that they are not in for reforms, but to cool their heels off for a while and escape harsh realities (Halsey, 2007a). Therefore, the aim of the study was to examine the effect contraband have on rehabilitation of inmates at Kamiti Maximum prison with emphasis laid on indiscipline levels, health status, suicide rates and escapes.

### **1.3 Research Questions**

1. How are the contraband smuggled into Kamiti Maximum Prison?
2. Why do inmates use contraband in Kamiti Maximum prison?
3. What effect do these contraband have on the rehabilitation of inmates with respect to indiscipline, health status, suicide rates and escapes?

### **1.4 Research Objectives**

1. To find out how the contraband are smuggled into prison and accessed by prisoners within Kamiti Maximum prison.
2. To examine why inmates use contraband in the prison.
3. To analyse the effect of contraband to inmates' rehabilitation within the domain of indiscipline, health status, suicide rates and escapes.

### **1.5 Research assumptions**

1. Contraband are smuggled into prison by corrupt prison staff.
2. Inmates use contraband in the prison in order to relieve stress.
3. Access to contraband undermines inmates' rehabilitation in Kamiti Maximum prison.

### **1.6 Justification and significance of Study**

Various studies have been conducted on offender rehabilitation and inadequacies of containment in offender rehabilitation (Murray, 2009; Halsey, 2007; Cuneen & Luke, 2008). However, in regard to the topic of consideration, there are limited studies that have been conducted at international level so as to pinpoint the impact of contraband smuggling in prison facilities. For instance, California (2009) sought to establish inmate cell phone use and how it endangers prison security and public safety. The other study is the one conducted by Kalinich (1980) who for example, studied both positive and negative consequences of contraband in prisons. His research, however, is limited to consequences to the prison as a whole and does not go beyond to analyze the individual inmate. Moreover, Blackburn, Fowler & Pollock (2013) studied the means by which contraband find their way into the prison, but did not focus on their impact on rehabilitation.

In Kenyan context, the studies that have been conducted on rehabilitation include the study by Omboto (2003), which sought to address the uniqueness of Kamiti Youth Corrective Training Centre. The other is by Omboto (2013), which sought to determine the challenges facing rehabilitation of prisoners in Kenya and the mitigation strategies. While the latter tackled issues such as drugs which constitutes contraband, contraband did not constitute the prime focus of the study as he addressed other issues such as congestion as well.

As compared to the earlier studies across the globe and in Kenya, this study is unique owing to the fact that it examines the effect of contraband smuggling on rehabilitation of inmates. This means that instead of outlining the overall effect at prison level, the study focuses more on individual levels in addition to the overall effect. As explained above the researcher is not aware of other studies that have specifically addressed the effect of contraband on inmate

rehabilitation as most studies tend to lump or touch on the issue of contraband as a sideshow and not the main theme.

Hopefully the study would be of great insight in criminal justice system especially to prison authorities in managing smuggling and access to contraband as it highlights how the whole process is carried out and the impact on rehabilitation. Such findings will go a long way in helping the prisons department on improving security around the prison, human resource reforms, as well as rehabilitation programmes. This is integral in its effect at the national level as it will reduce cases of recidivism/ persistence in crime/ habitual offenders and as such can help foster public safety. The second benefit includes restoring or establishment of social bonds of the offender to society and strengthening informal controls over his/her behaviour.

### **1.7 Scope and Limitations**

The study was limited to the effect of contraband smuggling on the rehabilitation of inmates. In this context, the issues examined include those that fall within deviant and criminal behaviour while within the prison facilities such as indiscipline levels, extortion, molestation of other inmates and attempted escapes amongst prisoners. Equally, issues such as health status and suicide rates are examined.

Spatially, the scope of the study was restricted to Kamiti Maximum security prison in Nairobi County and focussed on the prison officers and inmates at the prison. The prison officers were included because they are the custodians of the rule of law in prisons and in certain circumstances have been accused of smuggling or aiding in smuggling of contraband. The choice of Kamiti Maximum prison rests on the fact it is the largest correctional facility in Kenya and hosts hardcore criminals and thus, the plausibility of its selection rests on the fact that if solution can be found for it, it would be easy to implement the same strategies/ recommendations into other prison facilities in Kenya.

Equally, the study was limited by the fact that prison facilities operate under rigid structured command of discipline forces which is known to limit public access to information at their disposal. This made access to the information difficult as some respondents were not willing as it

might show systemic lapses and gaps that can cost them their jobs or be deemed as not being loyal to the authority. Moreover, some inmates were not free to deliver the information for fear of disciplinary reprisals or total interference with their network that delivers the smuggled contraband to inmates. To overcome the challenge, the researcher assured all the respondents that the information given would be on voluntary basis and strictly used for the study purpose and there would be no victimization.

## CHAPTER TWO: LITERATURE REVIEW

### 2.1 Review of related literature

As outlined earlier, the cornerstone rationale for existence of prison services under criminal justice system is not only to punish offenders, but also to play a critical role in their rehabilitation (Gelb & Hoel, 2008). Nevertheless, such aspirations are not plausible with the presence of contraband in such institutions (Omboto, 2010). According to Heseltine, Day & Sarre (2011) rehabilitation involves intervention to help offenders to be law-abiding citizens and to turn away from antisocial proclivities. Core to discussing rehabilitation is recidivism/ persister/ habitual offender and desister. Recidivism is greatly related to resistance to change of character and continued persistence in criminal activity or once released the juvenile returns to the old ways that led to jailing (Murray, 2009). Cuneen & Luke (2008) notes that desistance is the ability of former residents of correctional facilities being able to maintain their resistance after being released from containment that they can gain non offending status.

Offender rehabilitation has been conceptualised in varying perspectives by various studies. There are those who base their argument rooted on rehabilitative punishment where it is the onus of criminal justice system to meet punishment to those criminal deviants under consequentialism beliefs. This is also referred to us as penal rehabilitationism. Secondly, there is the perspective of rehabilitation beyond punishment whether custodial or community-based that is designed with offender in mind (Robinson & Crow, 2009). Theoretically, the call for rehabilitation has been supported by justification of such humanitarian response that seeks to improve humanisation of criminal sanctions. Secondly, there is theoretical proposition anchored on positivist perspective that sees criminal activities as a result of societal failures and forces such as social deprivation and thus, the same path should be utilised to address these shortcomings (Robinson & Crow, 2009).

The issue of prisoner's rehabilitation elicits a mixed reaction. In one perspective, there are those who believe that rehabilitation does not 'work'. In the opposite counter argument, other literatures concur that rehabilitation is integral in curtailing recidivism. For instance, works in 1950s-60s, affirmed the observation that 50-60% of rehabilitation exercise proved to be effective in curtailing re-offending (Bonta & Andrews, 2007). On the other hand, under Meta analysis

approach, the 70s saw the rejection of treatment as the plausible option of limiting re-offending and persistence in crime. This saw the growth of deterrence and incapacitation as the most plausible strategies for curtailing criminal elements (Cullen & Gendreau, 2000).

The whole debate about effect of contraband on inmate rehabilitation was contextualised by noting that in most prisons across the world, it is not uncommon to hear reports such as an inmate stabbing another one, an inmate being in possession of a contraband, attempted suicides, violence to divert attention of prison officers as others escape, inmates ganging up against prison officers, prisoner succumbing to death as result of drug overdose, prisoners being in possession of crude weapons or homemade guns and drugs being emailed by relatives into the correctional facilities (Gearhart, 2006).

There are various researches that have been done in relation to consequences of contraband in American prisons. According to Kalinich (1980), successful inmates in the business of buying and selling contraband, usually avoid causing problems with the administration of the prisons. They usually give an impression or appearance of following rules and regulation within the prison facility. He further explains that most prisoners obtain money from the sale of contraband and usually protect the order and stability of the prison and cell area to evade discovery of their merchandise. Prisoners in this case share the need for order. In prisons where management is poor, these successful inmates form the base for institutional security. On the other hand, he maintains that there are many harmful consequences of contraband. According to Kalinich (1980), inmates who cannot afford to procure or barter for other goods they may need will resort to steal the same from other successful inmates. In order to accomplish this purpose, they need smuggled weapons. This kind of extortion according to him increases violence among inmates and subsequently increases their need for weapons. This may also lead to formation of prison gangs dealing in drugs such as cocaine, heroin and marijuana. In view of the enormous amount of cash involved in the drug business, the prison gangs may become powerful and impossible to manage. Schemes by which prisoners create contraband are endless and as much as prison authorities engage tight measures to curb contraband, inmates develop new and creative methods of smuggling contraband (Kalinich, 1980).

There was a study of 792 prisoners at four correctional centres in North Carolina that established prison gangs' trade in drugs through violence and intimidation. The gangs use the prison drug trade as a form of control and power, and meet little opposition due to legal restraints and custodial decay (Stevens, 1997). Another study in England and Wales indicated gang-related events were perceived to be frequent in male prisons than in female facilities. Prisoners possessing contraband and gangs being formed along regional origins were the most frequent gang-related activities. Recidivists perceived higher levels of gang-related activity than did first-time prisoners. Gang-related variables also predicted prisoners' perceptions that groups of prisoners have more control over events in the prison than do staff and that order in the prison may not be maintained (Wood, 2006).

Contraband will always be present, but as long as staff perseveres and continue to develop new ways of detection, staff and inmates will be safer and liability will remain low. Programmes held in a common area of prison facility were identified as a hub for drug smuggling among inmates. These programmes allow inmates from different housing units to congregate together for the purpose of rehabilitation. Inmates would hide contraband and pass it on to inmates from other units. They also use the programmes to pass on gang information as well as orders to assault certain inmates (Braithwait, 1998).

Factors associated with inmate suicide and suicide attempts include isolation, the prospect of spending a long time locked up and mental problems. Inmates resort to contraband use mostly to spend their free time and relax. This has caused health problems to some of the inmates who are addicted to contraband use and has increased their urge for more contraband into prison as well (Mumola, 2005).

The issue of smuggling contraband into prison facilities has gone a notch higher in most economically advanced countries. For instance, Calhoun state prison, Georgia and Gatineau jail in Quebec have experienced an attempt to use drones to smuggle contraband into penitentiaries. In the case of Calhoun state jail, Prison guards found a six-rotor remote-controlled helicopter, with between 1lb and 2lb of tobacco and several mobile phones (BBC, 2013).

The other area of concern is the use of drugs. In the European Union (European Monitoring Centre for Drugs and Drug Addiction 2004 or (EMCDDA 2004), 22% to 86% of prison populations in European Union (EU) countries reported having used an illicit drug. In this region, 16-54% of inmates used drugs in prisons and 5- 36% used them regularly (EMCDDA 2004). Several studies in Europe also suggest that between 3 to 26% of drug users report their first use of drugs while in prison and between 0.4 and 21% on injecting drug users (IDUs) started injecting in prison (National Report, 2001). Fazel et al (2006) review of 13 studies of 7563 prisoners estimates prevalence for alcohol abuse and dependence in male prisoners to range from 18 to 30% and drug abuse and dependence to vary from 10 to 48% for male prisoners and 30% to 60% for female prisoners at the point of incarceration.

The issue of contraband smuggling in Africa is equally a huge challenge. One country that exhibits higher level of challenge is the Nigerian Prison Service. The Nigerian prison service, which operates under the prison Act number 9 of 1972, has reformation and rehabilitation of offenders as part of its fundamental objectives (NPS, 1979). However, Tanimu (2010) observes that this normative aspiration has not been attained by Nigerian prisons as they are ill disposed to achieving any meaningful reformation and rehabilitation of incarcerated offenders. For instance, In a Nigerian prison, according to Williams et al (2005), lifetime use of any substance among the prison population was 85.5%. 27.7% of prisoners reported current drug use, and dependent use was estimated to be 12.5%.

Prison system is a new system that was not part of African justice system as there were no containment centres for criminals in earlier years before introduction of western civilisation (Omboto, 2013). In Kenya, Department of Prison Service was introduced in 1911. Currently Kamiti Prison is divided into three segments which are Kamiti maximum security prison founded in 1953 to contain 1800, Kamiti Medium Security prison built in 1969 to host 2500 convicts and Youth Corrective and Training Centre built in 1975. Kamiti Maximum Prison presently hosts 4100 convicts serving more than 7 years to life sentence as well as those on death row and has a total of 800 prison officers in charge of managing the facility at different levels (Gitau, 2013).

Prison and detention centre conditions continued to be harsh and life threatening. Kenya National Commission of Human Rights (KNCHR) prison assessment during 2009 concluded that torture, degrading and inhuman treatment, unsanitary conditions, and extreme overcrowding were endemic in prisons. The Commissioner General of prisons reported that prisons were filled to 200 percent capacity during the year. According to the Legal Resources Foundation Trust (LRF), there were 49,757 prisoners on the last day of the year held in prisons with a recommended capacity of 22,000. Approximately 36 percent of the prisoners were in remand, awaiting trial due to the judicial backlog. The Daily Nation reported that on February 2008, Kakamega Remand Prison held 900 inmates awaiting trial in an institution built to accommodate 500.

Most correctional facilities in Kenya face numerous challenges of contraband smuggling (Angira, 2014). This is mostly related to use of psychoactive substances, mobile phones for extortion and illegal gadgets and equipments such as weapons. For instance, the ability by prisoners in Kamiti maximum prison has been linked with current spate of extortion and kidnappings around Nairobi (Angira, 2014). In one of the search activities conducted at Kamiti maximum prison, P.I Nyaachi, the deputy in charge of Kamiti maximum prison noted that “in the last four days, a search in some of the blocks unearthed more than 600 mobile phones and about 5,000 SIM cards, knives, cigarettes and electric cooking coils” (Angira, 2014).

Further, in December 2008, there was a riot by prisoners in Kamiti maximum prison as an objection to the ongoing search for contraband. The Commissioner General of Prisons Mr. Isaiah Osugo was quoted as saying that “the prisoners did not want to surrender the contraband goods and resisted by attacking the officers with their waste and tried to escape by scaling the walls which prompted the warders to use force” (Ombati, 2014). Recovered goods included “Razor sharp knives and daggers curved from iron rods, electric cookers and coils that can be used for electrocuting, razor blades, rolls of bhang, cigarettes, narcotic drugs and mobile phones, DVDs, a lap top, a Safaricom internet modem, Sh2,150, 5 kilogram raw meat and bottles of alcohol” (Wabala, 2008). In November 2012, death row prisoners clashed with prison warders during a contraband inspection leading to death of an inmate and injury of 11 others (GOK, 2013).

According to Ali (2011), the philosophies of punishment are retribution, reformation, and deterrence. Retribution philosophy assumes that convicts must pay for their crime. The reformist assumes that the convict will be changed to prevent future criminality. Deterrence is to discourage current and potential criminals from committing crime. Ali (2011) notes that for effective rehabilitation to occur, there has to be a “fit” between the declared objectives of reformation and rehabilitation and the prisons practical operational realities. This implies absences of any impediments such as contraband, congestion in prisons and so on, so as to attain the desired state.

It was observed that effectiveness of any criminal justice system particularly the criminal rehabilitation programmes lies on its ability to curtail issues of recidivism. In this aspect, re-offending is used as the benchmark of determining the overall performance indicator of offender rehabilitation programmes. This implies that if most offenders during or after release persist with offending activities, it is deemed that the criminal justice system is not effective in converting the convicts into reformed individuals (Cunneen & Luke, 2007).

However, this desired effectiveness cannot be achieved in the presence of contraband (Omboto, 2010). The nexus between the reduced ability to reform and enhanced ability to re-offend lies of the fact that access to contraband creates a ‘homely’ environment within prison precincts thus, not limiting the deprivation that should come with such facilities so as to enhance rehabilitations process (Homel & Thompson, 2005). The argument is that, if a prisoner feels he or she can access the goods and services that he/ she access as a free human being, he/she will not have the urge to reform as the she/he experiences is the same and thus uses prison facilities as points for cooling off, escaping the harsh realities in the external world, connect with former accomplices and build new networks for perpetuating criminal activities once outside (Halsey, 2007).

Prison authorities require that all staff including visitors undergo searches when entering prison. However, this has only limited deterrent effect especially if staff members search other staff, given the pervasive nature not only of corruption but also of the tendency for the employees to protect their co-workers. The fact that prisoners in a maximum security facility have access to smuggled phones, drugs and other forms of contraband is indicative of the failure of prohibitive

practices such as smoking bans and “zero tolerance” policies. Instead, it is seen that contraband play an important role in enhancing risky and deviant behaviour thus multiplying one’s chances of committing criminal activity or re-offending and hence act as defeatist to rehabilitation intervention programmes. As such to attain rehabilitation desires, there is need for eliminate risk factors by meeting criminogenic needs of prisoners (Harlow, 1998).

In a nutshell, contraband enhances criminality of detained individuals since it necessitates rebellious behaviours that drive individuals to reckless and risky behaviours such as drugs and alcohol which increases the chances of an individual committing crime (Adamson, 2003). Moreover, contraband such as drugs and other psychoactive substances might oblige individuals to sensation-seeking so as to experience and derive the associated thrill, adventure, and experience at first hand. This is likely to lead top attempted escape and indiscipline (Popham, Kennison, & Bradley, 2012).

## **2.2 Conceptual Framework**

From the above description, a conceptual framework can be built outlining the nexus between access to contraband and offender rehabilitation/ lack of offender rehabilitation. The argument fronted in figure one, is that access to contraband leads to three issues that negates urge for rehabilitation.

First, access to contraband enhances the homely feeling and not the desired deprivation it is aimed at creating (Halsey, 2007a). As such, those in prison who can access contraband goods/ equipments does not see prison facilities as punitive enough and thus no reason to make a deliberate attempt to reform since all that one could access in the outside world before being processed by the criminal justice system into prison facilities can still be accessed. For instance, in Kenyan context, most extortionists use mobile phones and when traced are usually found to be prisoners contained in various prison facilities across the country. Such extortions are source of revenue since during search in Kenyan prison, prisoners have been found with stash of cash (Angira, 2014; Wabala, 2008). The question that one would pose, - would such a prisoner have urge to reform yet the prison offer a safe haven to continue perpetuating criminal acts?

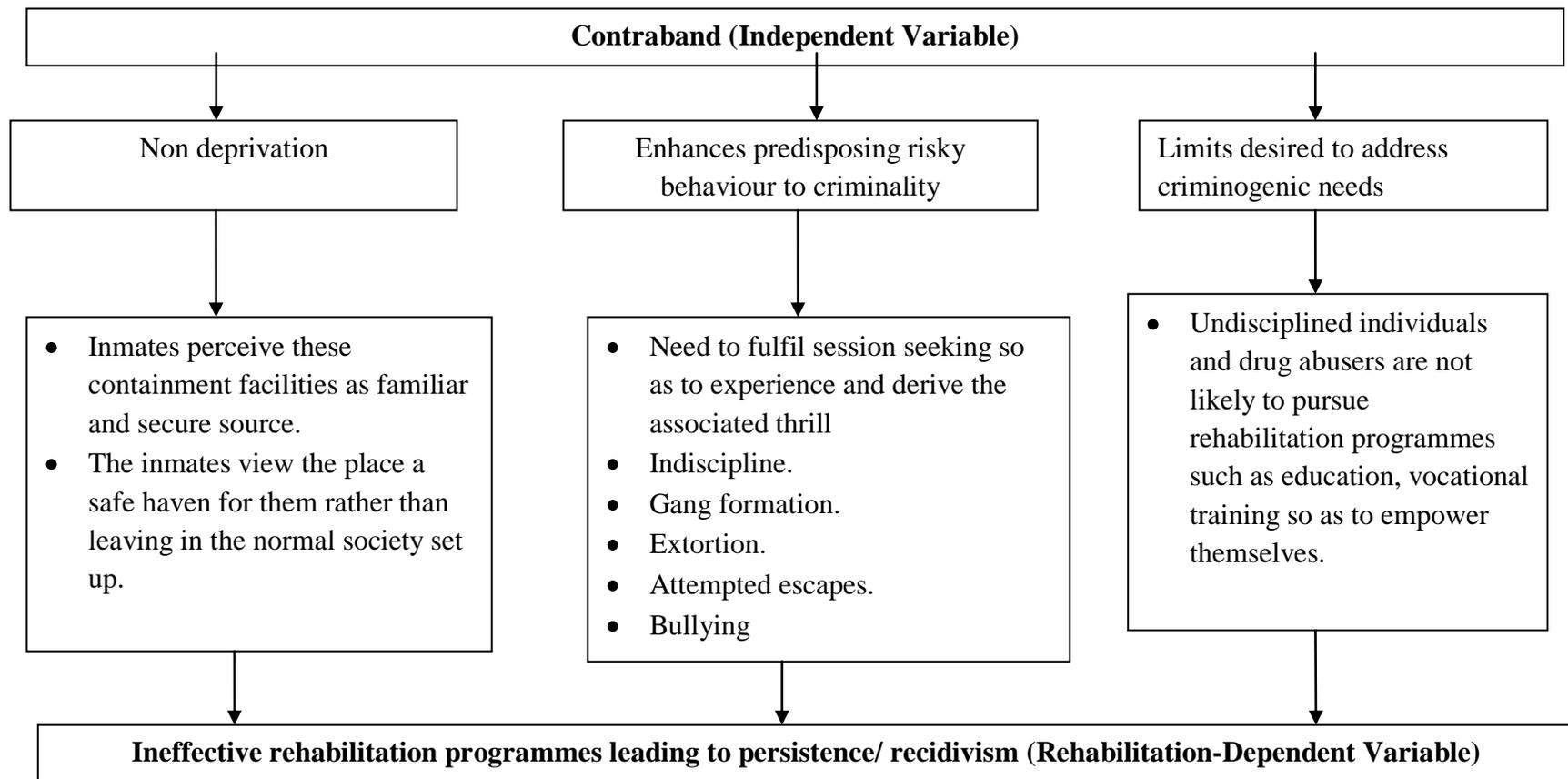
Secondly, access to contraband smuggled into rehabilitation and other containment facilities is that it enhances the risky behaviour of an individual and thus, it is likely to spur criminality of an individual (Adamson, 2003). For instance, numerous studies have determined the positive correlation between use of psychoactive drugs and committing of criminal activities (Popham, Kennison, & Bradley, 2011). The urge to fulfil such sensations driven by substances such as drugs are likely to lead into indiscipline issues, bullying and attempted escapes. On the other hand, contraband is illegal in most correctional facilities and the prison staff caught smuggling contraband usually face disciplinary action and some end up being dismissed from service. Contraband smuggling is considered as risky and also tarnishes the profile of officers (Wabala, 2008).

In an attempt to rehabilitate offenders, two models have been widely applied across various custodial institutions. These are Risks-Needs-Responsivity model and the Good Lives Model (McNeill, 2012). Bonta & Andrews (2007) notes that “Risk principle: Match the level of service to the offender’s risk to re-offend; need principle: Assess criminogenic needs and target them in treatment; responsivity principle: Maximize the offender’s ability to learn from a rehabilitative intervention by providing cognitive behavioural treatment and tailoring the intervention to the learning style, motivation, abilities and strengths of the offender”. However, there is the realisation that such aspirations cannot be attained in an environment where there are various contraband that enhances criminogenic behaviour of the convicts.

Influential schools of thought on contraband smuggling have emerged and two well-established models can be distinguished (Homel & Thompson, 2005). The deprivation model argues that the prison environment and deprivation of liberty results in deep psychological trauma and that for reasons of psychological self-preservation prisoners create a deviant prison subculture that promotes violence. The importation model on the other hand, focuses on what prisoners bring into the prison in the form of their personal histories, personal characteristics and social networks, including associations with criminal groups.

Finally, to address the criminogenic needs of individuals in prison facilities so as to limit future offending, most correctional institutions offer intervention programmes such as vocational training and education as the starting point for post release support (Cunneen & Luke, 2007). However, in the presence of contraband, an individual is not likely to have an aspiration to enjoy these programmes. It is therefore necessary to note that contraband is the independent variable being that it affects the effective rehabilitation of inmates which is the dependent variable in this study.

**Figure 1: Conceptual Framework**



Source: Author, 2014

## CHAPTER THREE: RESEARCH METHODOLOGY

### 3.1 Research Design

The study was descriptive, describing the effect of contraband smuggling into prison facilities on the rehabilitation of inmates. This is because it depicts the participants in an accurate way and allows insight into life experiences due to its unique approach.

### 3.2 Study Area

The study was conducted at Kamiti Maximum prison which is located in Nairobi County on 1,200acre (4.9km<sup>2</sup>) estate, 20 Kilometre from the Central Business District (CBD). It consists of three units which are Kamiti Maximum Security Prison, Kamiti Medium Security Prison and Youth Corrective Training centre (YCTC). However, the focus of the study was in Kamiti Maximum Prison. Kamiti Maximum Security Prison was built in 1953 to accommodate 1800 inmates but now holds about 4100 inmates. It is the largest of the three sections of the command (KPS, 2014).

### 3.3 Study Population

The study targeted prison officers and inmates in Kamiti Maximum Prison. For the inclusion criteria, prison officers who participated in the study were in the rank of Constable to Chief inspectors. Officers with such ranks were considered because they are always on the ground and constantly socialise with inmates as they solve their disputes and give directions on their daily activities. However, as an exclusion criterion, prison staff who have not served more than six months were not considered. On the other hand, prisoners who were considered are those who have been in prison for more than seven years regardless of the offence since the Maximum Prison holds those serving more than seven years.

**Table 1: Target Population**

Target Groups	Total
Inmates (7 years and above)	1400
Middle-level officers (Sergeants & Inspectors )	153
Low-level officers (Constables & Corporal)	550
Grand total	2103

**Source: Research data, 2014**

### 3.4 Sample Size

The sample of the research comprised 1400 inmates and 703 staff members chosen from convenience sampling technique (Leedy, 1993). Samples of 5% were selected within each group in proportion that each group bears to the study population.

**Table 2: Sampling procedure**

Category	Population	Sample size	Percentage
Inmates	14 00	70	5%
Middle level officers (Sergeants and inspectors)	153	8	5%
Low level officers (Constables and Corporals)	550	28	5%
Grand total	2193	106	

**Source: Research data, 2014**

According to table two, a total of 106 respondents were selected and this was the total sample size.

#### 3.4.1 Prison Staff

The study employed a two pronged approach in conducting sampling process amongst prison officers. In the first step, the study employed stratified sampling where prison staff were divided into strata along the positions they hold. The first stratum consisted of low level officers in management hierarchy which included constables and corporals who total 550. The second stratum comprised those within middle level management which included sergeants and inspectors who total 153.

To arrive at the total number of respondents for each stratum for the officers, a ration of  $550 \times 5/100$  this equals 28.24. This was rounded to 28 respondents for low level management prison officers. For the middle level management, the number was  $153 \times 5/100$  which equals 8.

To pick the 28 low level management respondents, the study employed a simple random sampling where 550 raffles were prepared with 28 marked 'Yes' and 422 marked 'No'. Those who picked 'Yes' were considered for the interview purposes. The same procedure was repeated

for the second stratum of respondents who are middle level managers. To pick the 8 required respondents, a total of 153 raffles were prepared with 8 marked 'Yes' while 125 were marked 'No'. Those who picked 'Yes' were interviewed. This was to ensure fairness in the selection of respondents.

### **3.4.2 Prisoners**

To pick the sample size of 70 respondents, the study employed a simple random sampling procedure. Since the total number of those who have served more than 7 years total 1400, a raffle of 1400 was prepared with 1330 marked 'No' while 70 marked 'Yes'. Those who picked 'Yes' were interviewed.

### **3.5 Research Instruments**

A questionnaire was designed by the researcher. This was used to collect details of personal data such as; age, gender, marital status, level of education, rank, duration of service, station within Kamiti, religion, number of children and other dependants.

Secondly, the questionnaire was designed to measure the effect of contraband smuggling on offender rehabilitation. The principal factor to be measured was derived from the conceptual framework in regard to how contraband leads to adoption of risky behaviour and thus, predisposing an individual to more criminal activities while serving the jail term, thus undermining the rehabilitation programmes.

### **3.6 Data Collection Methods and Tools**

The study utilised one-on-one interview to collect data from the respondents. To attain this desire, the study employed a question guide with both structured and open-ended questions intended to measure the effect of contraband on offender rehabilitation.

### **3.7 Pilot study**

Before the questionnaire was finally administered to the participants, a pilot study was carried out to ensure that the questions are relevant and clearly understandable. The pilot study aimed at determining the reliability of the questionnaire including the wording, structure, and sequence of questions (Ngechu, 2004). The pilot study involved 10 respondents in the target population. They were conveniently selected from Kamiti medium since statistical conditions are not necessary in

the pilot study, (Cooper and Schindler, 2003). The purpose was to refine the questionnaire so that the respondents in the major study do not have problems answering questions.

### **3.8 Data Analysis and Presentation**

The study employed descriptive statistics especially qualitative and quantitative statistics to analyse the data. To analyse the data and churn out quantitative statistics, the study relied on Statistical Package for Social Scientist (SPSS) and in given circumstances, the Excel so as to derive means, frequencies and so on. Equally, to churn out qualitative statistics, the study employed the use of triangulation and verbatim reporting so as to capture the different responses given by respondents. To present the data, the study utilised frequency tables, bar graphs, pie charts and cross tabulations.

### **3.9 Ethical considerations**

All employees who participated in this study were purely on voluntary basis. Only those employees and prisoners who gave consent after the nature of the study has been explained to them will participate. Those who did not give consent were not included in the study. No invasive procedure or physical examination was done. Confidentiality when dealing with respondents was strictly adhered to. All information provided by the respondents was treated with absolute confidentiality and was only used for the purposes of research information. Employee names, title and position if any was not inserted in the questionnaire. This assurance was given to the respondents before their consent to participate in this study.

## **CHAPTER FOUR: DATA PRESENTATION AND ANALYSIS**

### **4.1 Introduction**

This chapter presents and discusses sets of data collected in the study. The demographic data of key respondents, inmates and prison officers was sought since they are the main stakeholders in the prisons service.

The data was collected by use of questionnaire as well as through one-on-one interview of the respondents. The data has then been presented by use of frequency tables, graphs, pie charts and descriptive analysis of various factors that the study set to investigate. The discussion helped in arriving at the conclusion and recommendations as well as the suggestions for further research in chapter five.

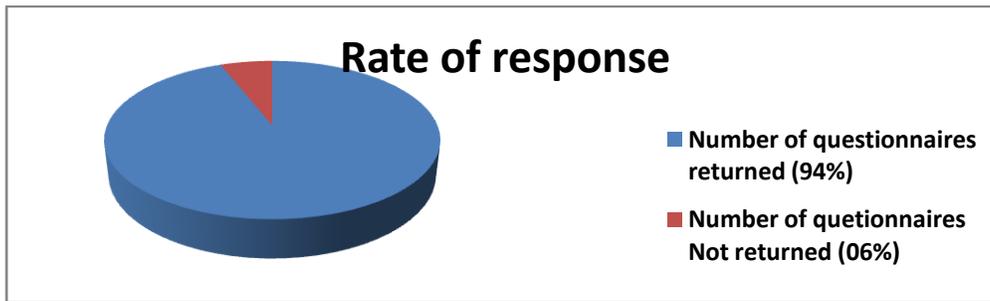
The study presents findings, interpretation and discussion based on the following research questions;

- (i) How are the contraband smuggled into Kamiti Maximum prison?
- (ii) Why do inmates use contraband in Kamiti Maximum Prison?
- (iii) What effect do these contraband have on the rehabilitation of inmates with respect to indiscipline, health status, suicide rates and escapes?

### **4.2 Rate of Response**

The questionnaires were administered on voluntary basis to 106 respondents and the response was very representative. 94% of respondents submitted the questionnaires for analysis and only 06% never returned. The rate of response is represented by figure two below.

**Figure 2: Rate of response**



**Source: Research Data, 2015.**

#### 4.2.1 Age of inmates

**Table 3: Distribution of the inmates by age**

Age	25-34 years	35-44 years	45-54 years	>55 years	Total
Percentage	21%	38%	29%	12%	100%

**Source: Research data, 2015.**

Most of the inmates in this study were aged between 35-44 years (38%), while only 12% were more than 55 years of age. This indicates that majority of offenders are youth who are also affected by contraband use in prison.

#### 4.2.2 Highest level of education

**Table 4: Distribution of inmates by highest level of education**

Highest level of education	Primary	Secondary	Tertiary	University	Total
Percentage	52%	33%	09%	06%	100

**Source: Research data, 2015.**

Majority of the respondents who were interviewed had reached primary level at 52% followed by secondary at 33% and only 15% of inmates had post secondary level of education. A low level of education among the inmates shows ignorance on effect of contraband on rehabilitation.

#### 4.2.3 Years served in prison

**Table 5: Number of years served by inmates**

Years served in prison	7-12 years	13-18 years	>18 years	Total
Percentage	42%	34%	24 %	100

**Source: Research data, 2015.**

Most of the inmates in this study had served 7-12 years in prison at 42% and those who were serving a jail term of more than 18 years were only 24%. This confirms that inmates in a Maximum prison serve more than seven years sentence and are familiar with prison routine.

### 4.3 Background information of staff

**Table 6: Socio-demographic information of staff**

Description	Category	Percentage
Gender	Male	67%
	Female	33%
Age	< 25	12%
	26-35	25%
	36-45	39%
	46-55	18%
	>55	6%
Religion	Christian	94%
	Muslim	6%
Marital status	Single	18%
	Married	56%
	Divorced	21%
	Widowed	5%
Highest level of education	Primary	0
	Secondary	48%
	Tertiary	31%
	University	21%
Length of service	1-5	8%
	6-10	14%
	11-15	26%
	16-20	24%
	21-25	20%
	>25	8%

Source: Research data, 2015.

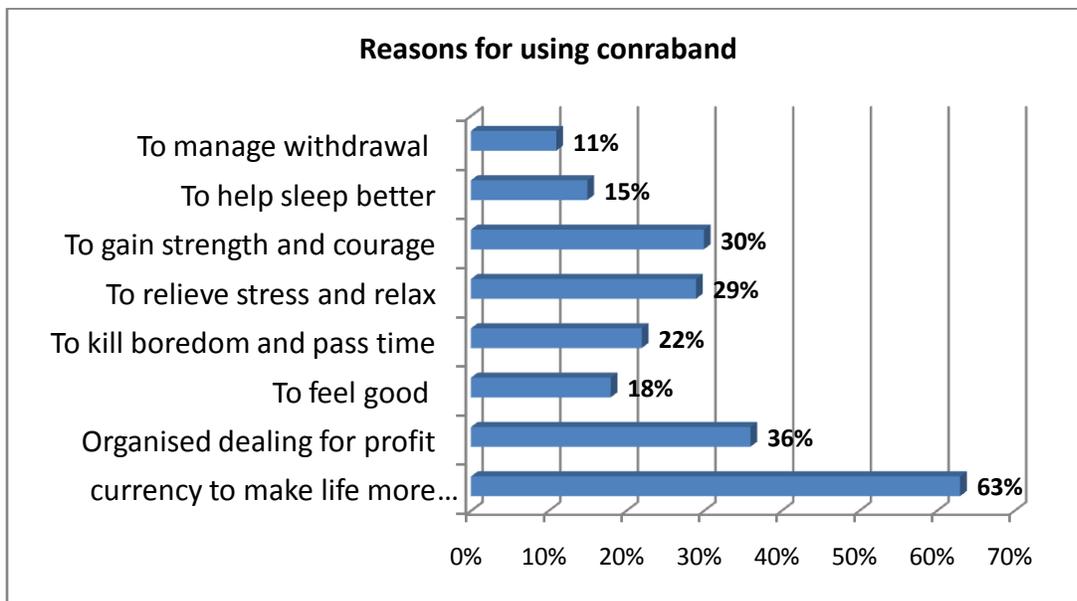
#### 4.4 Contraband smuggling and contributory factors

The results examined an extensive contraband use in prison among the inmates. It also analyzed in detail the use of contraband among the interviewees as well as views about level of contraband use amongst inmates. Out of the 70 respondents, 52 had used contraband in prison at some stage in their lives in prison. This section seeks to establish why inmates use contraband in the prison.

##### 4.4.1 Reasons for using contraband in prison

Out of the 70 respondents, 52 (74%) who had used contraband in prison answered an open ended question asking them reasons why they used contraband in prison. Different reasons emerged depending on the needs and of those using drugs. The reasons are listed below in order of popularity:

**Figure 3: Reasons for using contraband**



**Source: Research data, 2015.**

##### 4.4.1.1 Using contraband as a form of currency to make life more comfortable and maintain own contraband use

63% of the prisoners interviewed explained that they used contraband as a form of currency to make life more comfortable and maintain own contraband use. They explained how drugs are often used as a form of currency to purchase canteen items including tobacco, fruits, milk and

toiletries to make prison life more comfortable. Kamiti Main prison contains an easily identifiable population that prisoners in possession of drugs can target. These prisoners are likely to be experiencing withdrawal symptoms, particularly lack of sleep and may even have continued using drugs taken in with them on reception. As such they are likely to agree to purchase drugs in exchange for canteen items.

‘You use drugs to get yourself kitted out for what you need, to put descent canteen items instead of the crap they give you. It’s handy to have drugs to get yourself started- to buy cereals, bread, shower gel, descent razors- these would take months to accumulate. It’s a choice of buying with drugs or using the prison razors which shred your face to ribbons, buying descent shampoo, or using the crap they give you’ [Prisoner 001].

Some prisoners said they were managing to obtain drugs on regular basis usually through social visits and sold these in exchange for tobacco, phone credit, canteen items and other drugs.

‘An inmate received cannabis sativa through social visit and used it to trade for heroin on the wing’ [Prisoner 006].

#### **4.4.1.2 Organised dealing for profit**

36% of respondents were selling drugs for profit. Often dealers are in the community, prisoners have contacts and resources to ensure a continuous supply of larger quantities of contraband into the prison either through social visits or another route commonly over the perimeter wall. This level of dealing often involves the use of mobile phones smuggled into prison via reception or visits, or thrown over perimeter wall. Organised dealers usually employ a number of different prisoners to receive drugs on visits, hold drugs in their cells or elsewhere, make deliveries and collections (runners), provide protection, and ‘collect’ debts. Runners are commonly paid in drugs.

‘Some dealers only accept outside payments-they are not in it for canteen, they are in it for money and they won’t part with the drugs until the payment lands’ [Prisoner 087].

Security staff explained that, ‘it is an organised dealing. The main players stand aloof while holding no drugs, cash or property, while other people are running around and holding drugs in return for their own personal supply. A lot of people see it as petty dealing because of the amounts involved, but it is an extension of what is on the street where there is a lot of money and

organisation. Inside, it is a captive audience with ready market and dealer networks, a lot of them are obliged to carry on dealing once inside’.

It is a Maximum Security Prison, so if police do clean-up of dealers, if they are inside, they will all want to try to get drugs in from the remaining gang members outside. The ones on the outside will help the ones on the inside. It is a well organised operation, and you can tell a lot from the amount of drugs intercepted on visits and over the walls [Staff 025].

Respondents were asked how they feel and respond to life frustrations, the table below illustrate their responses:

**Table 7: How inmates feel and respond to life frustrations**

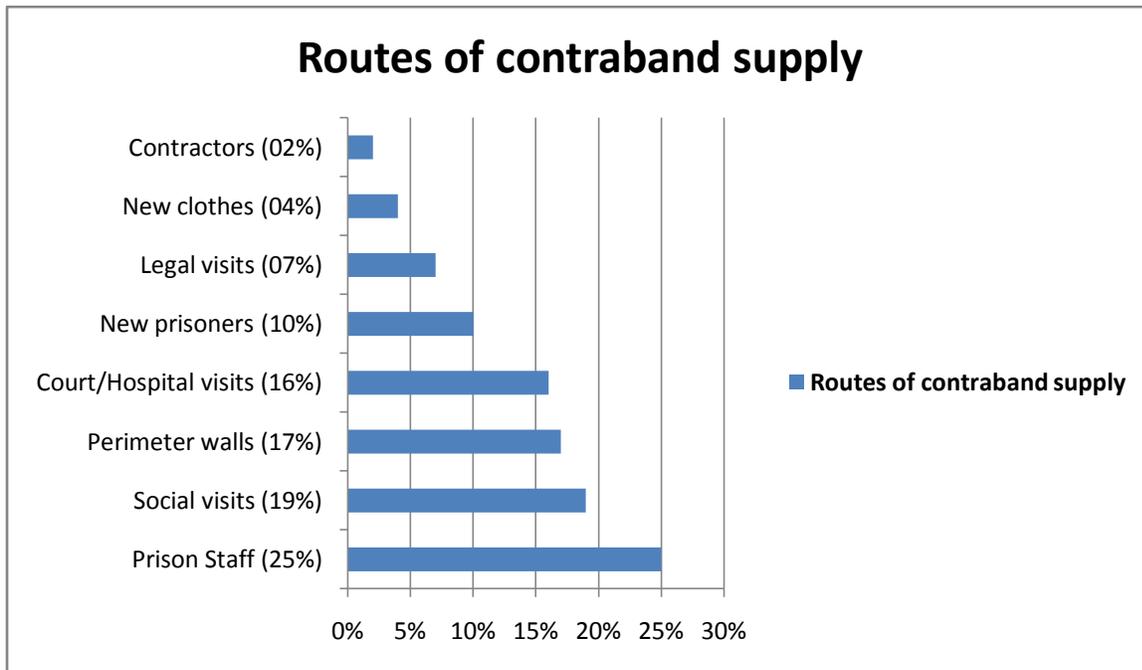
Description	Percentage
Not easily affected psychologically	30%
I always get very anxious and stressed	56%
I don’t know	14%
Total	100%

**Source: Research data, 2015.**

**4.5 How contraband are smuggled into prison and accessed by prisoners within Kamiti Maximum prison.**

All the respondents were asked how they thought contraband get into the prison and they gave eight ways in which contraband entered the prison. The main routes of entry are discussed in figure 4 below.

**Figure 4: Routes of contraband supply**



**Source: Research data, 2015.**

#### **4.5.1 Bringing contraband in through social visits**

Social visits are one route of smuggling contraband to inmates at 19%. This study does not show the proportion of contraband that enters prison through this route. In order to smuggle contraband into prison by this route successfully, both visitor and prisoner must survive a number of surveillance and prevention strategies. An experienced and well organized smuggler will wrap the contraband in a smaller package as possible, sealing them in Clingfilm. They spray them with a perfume to make detection difficult. They will then conceal the package usually either in underwear or in the rectum or back of their throat. The visitor must hold their nerve past the search team and the signs detailing punishment for bringing drugs or other prohibited materials into prisons [Prisoners 065, 041, 032, and 011].

The visitor must then keep the contraband concealed when being searched on arrival at the visit. After passing through the search and going into the visit area, the visitor must retrieve the package and pass it to the prisoner without being spotted by prison officers supervising the visits bay. The retrieval is easier if there are toilets within the visit area. The prisoner must then

conceal the contraband, usually swallowed to avoid them being detected on a post visit search [Prisoners 040, 091].

Many visitors find this process as an extremely frightening and exhausting ordeal. For instance, they may have got involved as a result of intense emotional pressure or even physical intimidation. Visitor suspected of bringing in contraband may be turned away after his/her passport size photograph and details taken and put on notice. Prisoners are sometimes found receiving drugs. None the less, there may be a relatively low level of detection. There may be three main reasons for the relative success of getting contraband into prison via social visit. First, internal concealment of drugs is very hard to tackle, given the legal and moral constraints on inmate searches, secondly, contact visits make passing of contraband relatively easy to achieve and thirdly, many of the security measures are not consistently enforced [staff 023, 029 and 019].

#### **4.5.2 New prisoners bringing in contraband into prison**

Kamiti Maximum prison has a large number of new prisoners entering the penal system through their gates. 10% of the respondents brought contraband into prison with them during their latest stay in custody. The process of concealing contraband internally for men usually in the rectum, known as plugging or ‘bottling’ is very hard to detect. Respondents explained that this practice is usually undertaken by drug-using offenders who wish to have supply of drugs for their first few days inside, either to cope with withdrawal or to trade with other items to make prison life more bearable. Some ex-drug users or non drug users also bring in drugs in this way as an important source of prison income/again the constraints on inmate searching make this very difficult practice to tackle, and a large amount of drugs can get in this way [Prisoners 088, 017, 066 and 036].

#### **4.5.3 Prison staff bringing in contraband**

There was consensus that prison staff majorly participates in bringing of contraband into the prison. 25% of the respondents indicated that prison staff is involved in bringing in contraband and in particular, phones, cigarettes and cannabis sativa into prison. According to the respondents, they had knowledge that several of those staff was actually apprehended this year alone. There were many known instances of uniformed staff bringing contraband into prison in

the two years prior to the study. Many members of staff had been convicted of supplying contraband into prison [Prisoners 004, 056, staff 013, 015].

According to the security officer at the prison, he estimated that about twenty members of staff could either be actively bringing contraband into the establishment or allowing them to be brought in. One prisoner stated that he knew of seven separate incidences involving three different prison officers in which either drugs or mobile phones had been brought in over a three - month period. An interviewee at the prison told me about persuading an officer to bring in a pack of tobacco containing drugs:

‘I asked him to get tobacco from my missus, he said he’d get me himself but I convinced him to pick it from my wife in a pub, and my wife left the stuff in the toilet. The officer collected it and brought it in for me. It had cannabis sativa in it, the officer must have known’ [Prisoners 041, 037].

When asked how a member of staff might get involved, both prison staff and prisoners stated that this may happen when an inmate knows an officer in the community. Once an officer has been persuaded to bring in contraband once, he or she is vulnerable to black mail and may find it very difficult to stop doing so [Prisoners 053, 031, Staff 009, 007, 028].

Prison staff were increasingly aware of this practice and spoke of it more openly, 62% of the staff interviewed felt that security measures directed against staff were not sufficiently stringent and that staff should be encouraged to confide in managers or confidential service if they were being pressured into smuggling contraband or felt they had made an error of judgment. The security department was engaged in identifying vulnerable members of staff at the time of the fieldwork, and it was hoped that they would be assisted.

#### **4.5.4 Contraband thrown over the perimeter walls and fences**

17% of the respondents said they receive contraband through this route. This practice is very significant due to increased security on visits. A prisoner said that two years ago before this study, drugs were being concealed in the same brand of food or toiletry packaging sold in the prison canteen and discarded by prisoners out of their cell windows. Nowadays, contraband

thrown over at night were being collected by unsupervised yard cleaners. There were a number of mobile phones being used to co-ordinate contraband supply to certain locations:

‘My cellmate was arranging drops on mobile phone in the cell when I arrived. The contraband were thrown over during exercise but the parcel had only made the inner fence and my cellmate called on his mobile for them to send another one over because it had not made it’ [Prisoners 060, 070].

Prison staff were of the view that incidents where contraband come in over the wall are well organized with both prisoners and people outside the perimeter using diversionary tactics in order to breach perimeter security. One inmate respondent said that a large amount of contraband is usually thrown over for distribution among a group of dealers:

‘Obviously you take a chance over the wall because you successfully obtain 90% of it, but once one package is through, it will make up for what you have lost. A £10[street] bag [of heroin] can make four bags inside. It’s worth taking that risk, that’s why there’s never a drought in prison’ [Prisoner 039].

The prison had been relatively slow to respond to this problem due to staff shortage. Although there was intelligence-led operation being conducted at the time the researcher conducted the study, the researcher was informed that discussion was ongoing regarding the employment of special stage prisoners to perform cleanliness duties in the outside areas [Staff 027, 017].

#### **4.5.5 Prisoners bringing in contraband back from court appearances and hospital visits**

16% of the prisoner interviewees specifically stated that it was possible to get contraband when appearing in court and to bring them back into prison concealed internally. 10 prisoners stated that they were able to get contraband via contact with family members, solicitors or court security staff. One prisoner described how escort service officers would hand prisoners cigarettes from family or friends present in court which were filled with drugs. There are no searches of legal or security staff, nor are drugs dogs present. The internal concealment of drugs by prisoners makes detection unlikely. It is worth noting that, despite the installation of live video links with magistrates’ courts used for seven-day and 14-day remand hearings, no prison officers mentioned this as a positive step in tackling court appearances as a route of supply into prisons.

#### **4.5.6 Other routes**

A small percentage of interviewees mentioned other ways of getting contraband into prison. Contractors, including delivery drivers were mentioned as being suspected of bringing in contraband. Solicitors and others coming in on legal visits were cited as bringing in drugs by 07% of the interviewees. The practice of concealing drugs in clothes sent in to prisoners was mentioned by 04% of the interviewees at the prison. This is analyzed from figure 4.

#### **4.6 The exchange and movement of contraband around the prison**

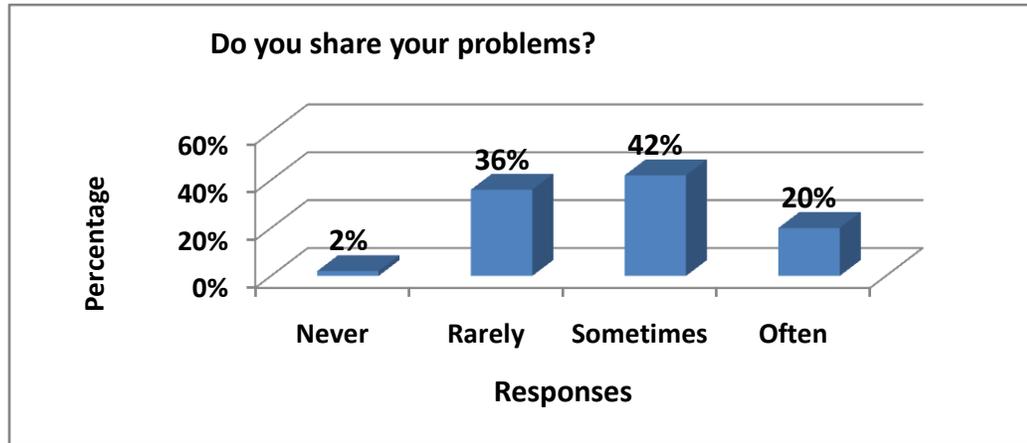
The exchange of contraband, payment and the movement of contraband around the prison were considered to be relatively easy by all the interviewees. Contraband could be swapped for other contraband or canteen items in a variety of settings: church; workshops; education; visits; and dinner queue.

Prisoners talked about being able to book non-existent visits in order to meet up with another prisoner. Particular significance was attached to the role played by cleaners, kitchen, hot plate or server workers, laundry workers and listeners. These prisoners were able to move freely around the establishment and act as runners, conducting transactions at cell doors during lock-up periods.

#### **4.7 Sharing of problems by staff**

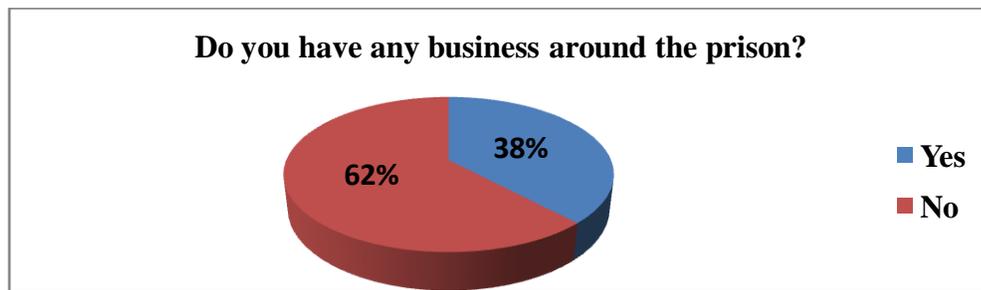
Members of Staff were asked whether they share or talk to people about their problems. The figure below describes their responses. 2% of the staff does not share their problems with anyone while 98% said they share their problems but with varying degree as well as trying to solve them promptly. ‘The nature of this job dictates that you share your problems before one get stressed up’ [Staff 034].

**Figure 5: Sharing of problems by staff**



**Source: Research data, 2015.**

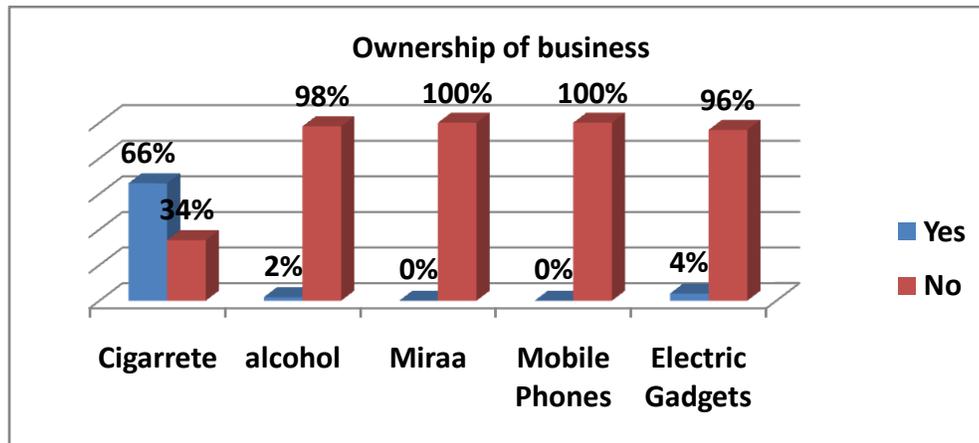
**Figure 6: Business ownership around the prison**



**Source: Research data, 2015.**

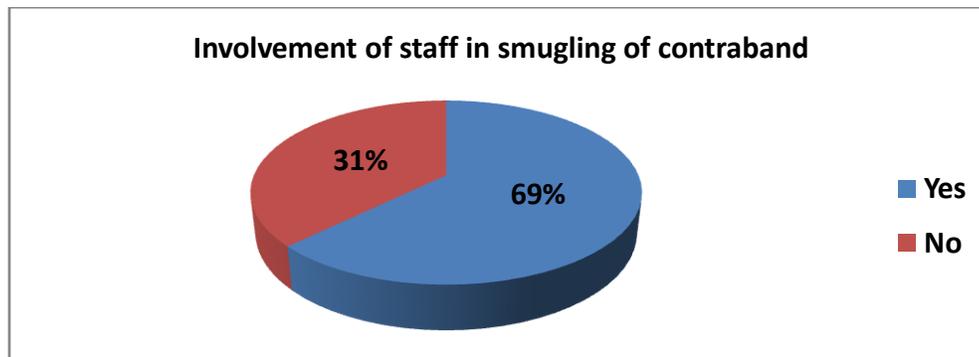
38% of the staff own business around the prison, 66% of these business owners own shops where they sell cigarettes and 4% sell electric gadgets. None of them sell either mobile phones or khat 'miraa'. This shows that there is a possibility that some of the items sold in shops around the prison find market from inmates. These results are described in figure 6 and 7 respectively.

**Figure 7: Prison officers owning business**



Source: Research data, 2015.

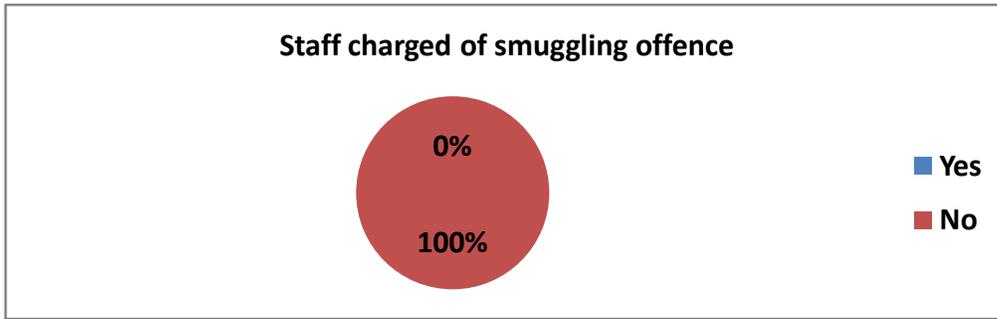
**Figure 8: Smuggling of contraband by prison officers**



Source: Research data, 2015.

The staff members were asked whether they know of any prison staff who smuggle contraband into the prison. 69% of them confirmed that they had information regarding staff involvement in smuggling of contraband. Most staff are aware of contraband smuggling into prison by their fellow staff.

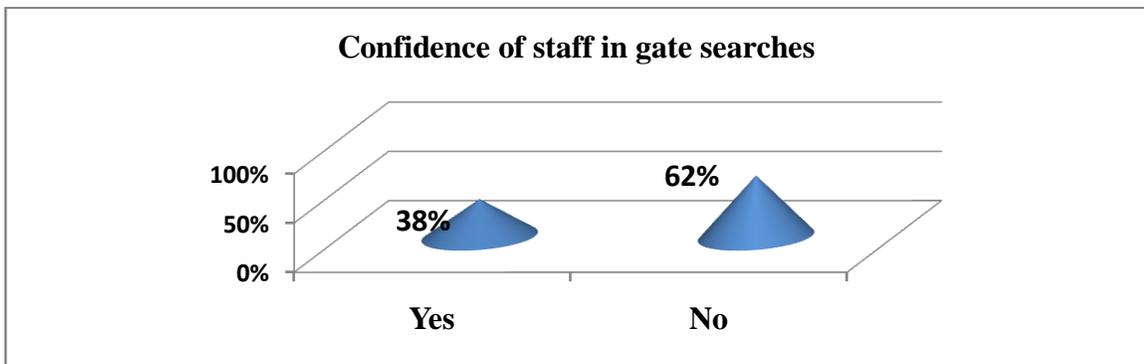
**Figure 9: Prison staff charged of smuggling offence**



**Source: Research data, 2015.**

According to the above figure 9, none of the staff admitted of having been charged with smuggling offence. This is because of the fear of tarnishing their profile and victimization.

**Figure 10: Confidence of staff in gate searches**



**Source: Research data, 2015.**

Prison staff interviewed do not have confidence over gate searches for offenders, visitors and staff as indicated in figure 10. This is because of the high amount of contraband that get into the prison, citing several loopholes that exist including the rights of visitors and offenders which somehow makes it difficult to search without infringing on their rights amongst others.

Staff members lamented on the worsening security owing to staff shortages and limited resources which had resulted in the disbanding of dedicated search and visit teams and the less infrequent deployment of sniffer dogs. It is clear that a dedicated contraband strategy can make a difference if properly resourced.

**Figure 11: Effectiveness of punishment of guilty staff**

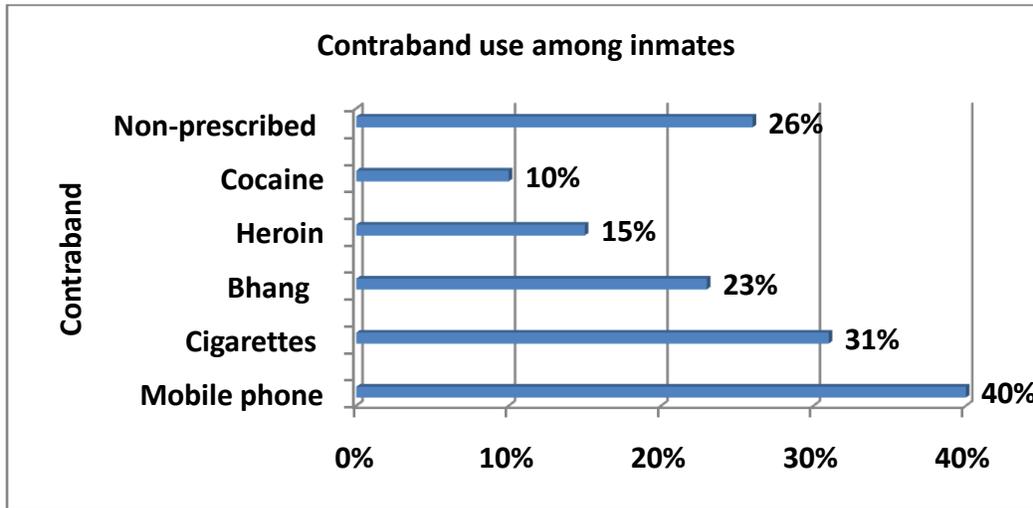


**Source: Research data, 2015.**

According to figure 11, 59% of the staff were not satisfied with the effectiveness of the punishment for guilty staff because most of those officers who were suspected of smuggling contraband were just given warning letters and fined by the management and this has not deterred them from this practice. 21% were indifferent about effectiveness of punishment from the offence while 20% agreed that the punishment was adequate for the offenders.

#### 4.8 Reasons for use of drugs in prison

Figure 12: Contraband used among inmates



Source: Research data, 2015.

Figure 12 shows that contraband use among inmates varies depending on accessibility with mobile phone commonly used at 40% followed by cigarettes at 31%. The demand for mobile phone is high in prison and the smuggling is very costly because of its use in extortion that fetch much money for the inmates.

‘I prefer owning a mobile phone in prison because I can make at least ksh. 100000 in a month from my own deal’ [Prisoner 048]

There was a clear tendency to use depressants as opposed to stimulants in prison, echoing findings from previous research (Swann and James, 1998; Dillon, 2001). The prevalence of cocaine use in Kenyan prisons is a new phenomenon. Its use is infrequent; nevertheless it was a feature of prison contraband use and probably reflects the high level of cocaine use for those outside prison. It tended to be smoked on an infrequent basis and often with cannabis sativa in order to reduce the intensity of the ‘high’. Injecting drug use is low among the sample, despite the high levels of injecting prior to imprisonment. The main reasons given for this were lack of clean injecting equipment, along with low tolerance to heroin and consequently reduced need to inject (James, 1998).

It is important to mention the mutual supply and trade in medication prescribed through prison health care. This was said to be very common, the misuse of medication was important as an

alternative to heroin and cocaine, which were less available, or for use in combination with those drugs to enhance their effects (especially sedative effect). ‘The most commonly used drugs are benzodiazepines, antidepressants particularly amitriptyline and opiate-based painkillers including those prescribed for heroin detoxification (methadone, dihydrocodeine and buprenorphine)’ [Staff 035, 022].

#### **4.8.1 Reasons for using mobile phones in prison**

On mobile phone use, 34% reported to have owned mobile phones at one given time. 100% of the respondents agreed to have used mobile phones and 78% have paid to acquire mobile phone usage from those inmates owning mobile phones. On mobile phone usage different reasons emerged:

- Criminal acts (swindling the public, threatening potential witnesses and extortion)
- Maintaining contact with family
- Private communication with minimal oversight by authorities
- Facilitation of escapes.
- Arrangement and co-ordination of contraband supply.

The researcher concurred with the reasons considering the previous studies that use of cell phone jammers has proved difficult and ineffective since it interferes with signals that also affects unintended individuals including national security investigations and human health because of the jamming equipment that emit waves similar to those of cell phones (Johnson, 2008).

Controlling and monitoring inmates’ communication is essential for maintaining a secure facility and to allow for measures that improve on rehabilitation. Cell phones especially smart phones enable inmate access internet and social media sites as well as taking and sending videos which poses challenges to public safety and rehabilitation (Bronskill, 2014).

#### **4.8.2 How prisoners share their problems**

Respondents were asked whether they share their problems and other issues with others. Out of the 66 respondents, 62% said ‘Yes’ while 38% said ‘No’. Those who said that they share their problems were then asked whom they share with and they responded as shown in table 8 below.

**Table 8: How prisoners share their problems**

Description	Percentage
Fellow inmates	52%
Welfare officers/counselor	8%
Other prisons Staff	4%
Visitors	36%

**Source: Research data, 2015.**

Majority of the respondents share their issues with their fellow inmates followed by visitors who normally come during social visits. Only 8% and 4% of respondents share their problems with welfare officers and other prison staff respectively. This shows that most inmates trust their fellows in solving their problems than the authorities.

#### **4.9 The effect of contraband to inmates' rehabilitation within the domain of indiscipline and health status**

78% respondents answered an open ended question asking what is bad about using contraband in prison, around 25% stated that the expense of buying contraband in prison resulted in debt or being short of things (particularly tobacco, canteen items and toiletries). Debt might lead to prisoners putting pressure to family members to bring in contraband or make outside payments as well as threats of violence from creditors. Due to the fluctuations in availability of contraband in prison, withdrawal from a 'jail habit' was also significantly mentioned at 23% as negative aspect of using drugs in prison.

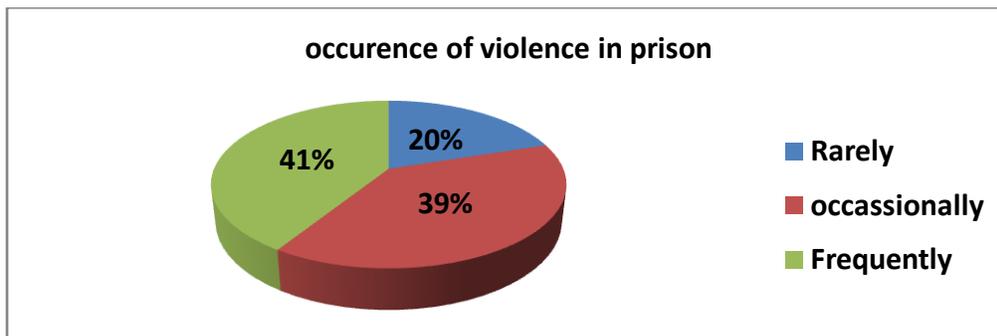
The combination of the need for drugs (to avoid withdrawal), and being in debt for contraband or simply unable to afford them inevitably leads to tensions in prison. A significant proportion of respondents (72%) agreed with the statement that the trade in contraband is a major cause of violence between prisoners. Reasons for contraband related violence given by prisoners included;

- Unhappiness with the size of the deal, being 'ripped off'.
- Dealers refusing to 'give out' (supply drugs when they have them)
- Prisoners not sharing contraband when they have them.
- Scarcity of contraband.
- Debt and inability to pay for contraband.

- Robbery of others for their stash of drugs and;
- Withdrawal from ‘jail habit’.

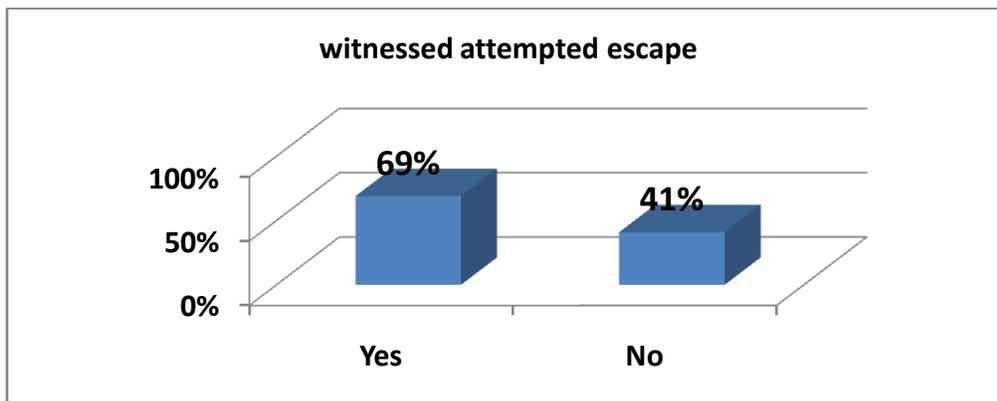
When asked whether violence was ever perpetrated on those believed to have contraband in order to steal their supplies, 20% recorded that violence did occur rarely, 39% said violence occurred occasionally, while 41% said it occurred frequently. This confirms that contraband perpetrate violence in prison as indicated in figure 13.

**Figure 13: Contraband related violence in prison**



**Source: Research data, 2015.**

**Figure 14: Attempted escapes**



**Source: Research data, 2015.**

According to figure 14, 69% of prison staff admitted to have witnessed attempted escape in the prison. This could be as a result of the constant hunger for contraband because of the addictive nature of some of the drugs used by inmates. ‘Inmates under the influence of drugs courageously attempted to escape regardless of the consequences’ [Staff 013]. This is compounded by the problems associated with lack of an effective detoxification process.

## **CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS**

### **5.1 Summary**

At one time, drugs and tobacco served as the contraband of choice by prisoners. Now wireless phones are becoming popular. Correctional personnel must maintain excellent intelligence gathering and uphold effective practices to minimise the dangers posed by inmate wireless phone possession.

Prisoners have smuggled cell phones into the prison and used them for various purposes of which are illegal and dangerous. However, authorities can implement effective strategies that can successfully minimise the problem and help protect other inmates and the public.

Devising a policy for tackling contraband in prison is important. Reducing tensions and criminal behaviour within prison also has a major contribution in reducing offences outside prison. The prize at stake for success is high. But there are very real difficulties which have to be addressed; these include the need to strike a balance between cracking down on the supply of drugs and providing humane treatment of prisoners and a balance between disciplinary and therapeutic to drug use in prison.

This qualitative research has described contraband use and it is clear that there are various routes by which contraband reach prisoners. The existence of contraband market in prisons brings with it a range of problems;

- Prisoners keep on using drugs while in prison, increasing the chances that they will resume dependent drug use.
- Some prisoners start drug careers when in prison, or broaden their existing patterns of use, for example starting to use heroin.
- Contraband use is associated with systematic violence and bullying, and represent a threat to the stability of the prison

This research has shown that supply of contraband in prison and demand for them as reported by the respondents are driven by impact of security on the availability of contraband. The fear of experiencing withdrawal symptoms can compel them to take drugs into prison through reception and their actual experience of detoxification, which is often short and lacking in a follow-up,

leaves them vulnerable to the temptation of illicit drugs. The long periods of lock up for prisoners, tends to encourage drug use as a means of coping with the reality of prison life.

## **5.2 Conclusion**

Kenya Prisons service plays a significant role in the government and the society at large by facilitating administration of justice, rehabilitation and reformation of prisoners. The adoption of this policy is not enough for zero tolerance to contraband smuggling in Kenyan prisons. Various stakeholders should demonstrate a collective effort and responsibility. This is vital for Kenya Prisons Service to realize its vision of being a correctional service of excellence in Africa and beyond.

## **5.3 Recommendations**

### **5.3.1 Enhanced anti-contraband supply security**

The anti-contraband security team should be responsible for gathering intelligence, conducting area searches, acting as a presence on visits in addition to visits of staff, searching the mail and proposing improved security measures to tackle supply.

The perverse effects of an imbalance combination of security and treatment can be detrimental to success in supply reduction. The displacement of supply routes and trade which can be caused by tight security coupled with inadequate treatment is of particular concern. For example, respondents explained that the relative ease with which it was possible to throw and retrieve contraband over the perimeter wall and internal fences had made this an increasingly attractive route above social visits, where the risk of being caught and the contraband intercepted was perceived to be higher.

The perceptions of security staff are not necessarily reliable indicators of levels of supply and use and the success of deterrent measures in the prison. Regular local audits of contraband use amongst prisoners, drawing on information provided by both staff and prisoners need to be conducted.

Security for social visits must be enhanced consistently and should always include the use of passive drug dogs, X-rays machines, Closed Circuit Television (CCTV), adequate staff cover for observational purposes, and protocols for searching visitors.

Communication gadgets should be procured by the department to enhance effective co-ordination by the officers manning various points to curb contraband supply by dishonest individuals.

It is important that the prison ‘talk up’ their security where this is credible in order for the perception among prisoners population of the ease of a particular route of supply is eroded. This should include the publicising to prison visitors of the penalties for possession with intent to supply, and education among prisoners’ families regarding the nature and effects of contraband use and supply in prison.

Regular searches for staff and contractors must be implemented along with the identification and support of vulnerable staff members. The judiciary should also facilitate the wheels of justice to ensure that cases including appeals are heard and determined promptly to minimise tress and stigmatization which makes inmates resort to contraband smuggling and use.

### **5.3.2 Recommendations relating to treatments of drugs**

A good clinical detoxification regime is of importance in tackling both supply and demand. The lack of follow up or after care for prisoners receiving detoxification must be reviewed. The vulnerability of prisoners once detoxification has been completed should not be underestimated, and if more support was in place, some prisoners might not return to illegal drug use at this point. Security team in the prison has been struggling with staff shortages and lack of resources, and an overwhelming pressure to reach key performance targets relating to the number of assessments carried out. This leads to difficulties in undertaking constructive work with prisoners. A change of emphasis from output to outcome monitoring might also result in the provision of correctional services.

### **5.3.3 Recommendations concerning the use of mobile phones**

First, Correctional institutions need to continue their vigilance detection of smuggling and possession of the devices by prisoners, using both traditional and innovative methods e.g. canines. Secondly, if jamming becomes legal, research on the usage of these technologies should consider criminalising inmate cell phone possession rather than treating it as an ordinary contraband; officials at California have introduced such a bill. Finally authorities should encourage the use of technology as a prevention and decision strategy for cell phones in prisons and jail contraband. Inmates smuggle them into facilities in increasing numbers. For example in

2008, approximately 2,800 devices were confiscated by California official alone. During a massive search in a Texas institution; authorities recovered approximately 300 phones, including 18 from death row inmates (Kalinich, 1980).

Correctional facilities should determine options by coming up with Management Information Notification System and submit a business case for system consideration and approval by the legislature.

There should be a managed cellular access in prison so that all communications are approved and monitored for public safety. The use of sniffer dogs at entry points to detect cell phones is also recommended.

Enough metal detectors should be installed in all prison entrances to detect and deter mobile phones smuggled by staff and visitors entering prison. However, correctional facilities need to develop and publicize standardised contraband infraction guidelines for visitors.

Finally, capacity building and training for inmates and prison officers on the effect of contraband on rehabilitation is necessary especially in regard to health, indiscipline and escapes. The officers will therefore acquire knowledge and skills that will enable them participate fully on rehabilitation and discourage contraband smuggling. To the inmates, this will promote guidance and counselling on effect of contraband use amongst themselves.

#### **5.4 Areas for further research**

Kenya Prisons Service is an area that scholars should consider for various research studies because of the daily emerging issues that needs long term solutions. This study focussed on the effect of contraband on rehabilitation of inmates in Kenya.

It is necessary for scholars to consider doing further research on the effect of such contraband to the society and its implications to the government.

Prison officers are believed to be encountering various challenges while they try to prevent smuggling of contraband into prison. Some of the officers find themselves on the receiving end and it is therefore prudent to do further research for justification and the way forward.

Most crimes like kidnappings and extortions are suspected to be carried out by inmates. It is important to investigate why and how these criminal activities are orchestrated within prisons.

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## **APPENDICES**

### **Appendix 1: Chapterization**

**Chapter One:** Introduction

**Chapter Two:** Review of Literature

**Chapter Three:** Research Methodology

**Chapter Four:** Data Analysis and Discussion of Findings

**Chapter Five:** Summary, Conclusion and Recommendations



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Vincent Gumbi Ochola  
Kenyatta University  
P.O. Box 43844-00100  
**NAIROBI.**

**RE: RESEARCH AUTHORIZATION**

Following your application for authority to carry out research on *“The effect of contraband on rehabilitation of inmates in Kenya: The case of Kamiti Maximum Prison,”* I am pleased to inform you that you have been authorized to undertake research in **Nairobi County** for a period ending **5<sup>th</sup> April, 2015**.

You are advised to report to **the County Commissioner and the County Director of Education, Nairobi County** before embarking on the research project.

On completion of the research, you are required to submit **two hard copies and one soft copy in pdf** of the research report/thesis to our office.

  
**DR. S. K. LANGAT, OGW**  
**FOR: SECRETARY/CEO**

Copy to:

The County Commissioner  
Nairobi County.

**COUNTY COMMISSIONER  
NAIROBI COUNTY  
P. O. Box 30124-00100, NBI  
TEL: 341666**

The County Director of Education  
Nairobi County.



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**Appendix 3: Introduction letter**

**GUMBI VINCENT O.**

**P. O BOX 65501-00607,**

**NAIROBI.**

**1<sup>ST</sup> JULY 2014.**

Dear respondent,

..... (Name optional)

**RE: INFORMATION FOR ACADEMIC RESEARCH.**

I hereby request for the above mentioned. I am a student undertaking a Masters of Public Policy and Administration at Kenyatta University and currently conducting a field research on the effect of contraband on rehabilitation of inmates in Kenya: the case of Kamiti Maximum Prison. The information will be strictly used only for the study.

Thank you in advance.

Yours faithfully,

**GUMBI VINCENT. O**

**Appendix 4: Questionnaire for prison officers**

1. (a) This questionnaire is strictly for the purpose of collecting relevant information that will be used in the research study of the impact of contraband smuggling on the rehabilitation of inmates in Kenyan prisons.

The respondents will remain anonymous and no victimization to anyone for providing any information.

**NB.** In this questionnaire, contraband is any unauthorized substance or material possessed by inmates such as cigarettes, bhang, mobile phones, drugs, weapons, prohibited appliances and clothing and many others.

**A. Background information**

1. Gender                    Male        Female
2. Age in years    Below 25  26-35  36-45  46-55  Over 55
3. Religion                    Christian     Muslim                        Other  
(specify).....
4. Highest level of education (tick where applicable)
- Primary
- Secondary
- Tertiary
- University
- Any other (specify).....
5. Length of service in years.
- 1-5  6-10  11-15  16-20  21-25  Over 25

**B. General information**

1. Marital status
- Single        Married        Separated        Divorced        Widowed
- Other (specify) .....
2. Do you share/ talk to people about your problems?
- Very     Never     Rarely     Often                     Sometimes
3. Do you find advice from others useful?    Not                     Useful                     Slightly

**C. Factors contributing to contraband smuggling**

1. Do any of your friends use (indicate All, Few, None)

- a. Cigarettes.....
- b. Khat 'Miraa'.....
- c. Alcohol.....
- d. Bhang.....
- e. Other specify.....

2. Do you own / do any business around the prison or at the nearest center? Yes No

If yes, do you sell any of the following? (Multiple choices allowed)

Cigarettes  Alcohol  Miraa  Bhang  Mobile phones  Electric gadgets

3. How many people depend on your financial support?

1-5  6-11  12-17  Over 18

4. (a) Has any of your friends been involved in contraband smuggling in prison? Yes  No

(b) Have you ever been charged with any contraband related offence in prison?

Yes  No

(c) Have you ever witnessed contraband being smuggled in prison? Yes  No

5. Do you normally find it difficult to say No to your close friends including inmates' suggestions even when you know they are wrong? Yes  No

6. According to you as an individual, do you find main gate search on prisoners, officers/ staff and visitors to be effective? Yes  No

If No, what are your recommendations?

.....

7. Do you think the penalty given to officers caught with contraband is enough to mitigate contraband smuggling in prisons?

Strongly disagree

Disagree

Neutral

Agree

Strongly agree

8. What else should be done to mitigate contraband smuggling?

.....  
.....

9. How often have you been compromised by an inmate to smuggle contraband?

a. Never

b. Sometimes

c. Frequently

d. Rarely

10. How many hours do you spend daily interacting with prisoners? None  1-2  3-4

Over 5

11. Are you satisfied with your job accomplishment? Yes  No

12. Have you ever witnessed an escape or attempted escape? Yes  No

If yes, what do you think may have contributed to this? .....

**Thank you for answering all my questions.**

## Appendix 5: Questionnaire for prisoners

This questionnaire is strictly for the purpose of collecting relevant information that will be used in the research study of the impact of contraband smuggling on the rehabilitation of inmates in Kenyan prisons.

The respondents will remain anonymous and no victimization for anyone who volunteers to provide information.

**NB.** In this questionnaire, contraband is any unauthorized substance or material possessed by inmates such as cigarettes, bhang, mobile phones, drugs, weapons, prohibited appliances and clothing and many others.

### A. Background information

1. Gender                    Male                        Female
2. Age in years    25-34     35-44        45-54                        Over 55
3. Highest level of education    Primary  Secondary  Tertiary  University   
Any Other (specify).....
4. How long have you been in prison?  
7-12yrs     13-18yrs     Over 18yrs

### B. Contraband smuggling and contributory factors.

5. Do you share your problems and other issues with others?    Yes     No   
If yes, whom do you share with?  
Fellow inmates     , Welfare officers/counselors     , Other prison Staff   
Others (specify).....
6. How can you best describe the rehabilitation programmes offered in prison?

.....

7. Have you ever used any of the following while in prison? (please tick)  
Alcohol     Miraa  Bhang     Cigarettes  Mobile phones  others   
(specify).....

8. What are the reasons that make you engage in contraband?
- a. To feel good
  - b. To kill boredom
  - c. To relieve stress
  - d. To gain strength and courage
  - e. For extortions
  - f. To belong
  - g. Others  
(specify).....

9. How do you obtain or smuggle contraband? (multiple responses allowed)
- a. Alongside authorized materials such as text books, magazines, soaps.
  - b. Through inmate peddlers
  - c. Cultivate/ brew for alcohols
  - d. Given by friends and relatives during visitations, Courts, Hospitals.
  - e. Given by prison officers
  - f. Others  
(specify).....

.....

10. Are you ready to give up the habit of contraband use?
- Most likely  Not ready  Unlikely  Yes  Most probably .

11. Have you ever been diagnosed with drug abuse contraband related disease?
- No  Yes  Not sure

If yes indicate the name of the disease?.....

12. Have you ever been charged in the prison duty office for any disciplinary case/ offence?
- Yes  No

13. How do you feel and respond to life frustrations and difficulties? Tick one
- a. Not easily affected psychologically
  - b. I always get very anxious and stressed
  - c. I don't know
14. How many of your friends use contraband?
- a. Most of my friends
  - b. Few of my friends
  - c. None of my friends
15. Have you ever escaped or tried to escape from prison?
- Yes  No

**Thank you for responding to all my questions.**

## Appendix 6: Budget

<b>Item</b>	<b>Amount (ksh)</b>
Stationary, printing and photocopy.....	33000
Internet access/Computer services.....	19000
Local transport .....	38000
Telephone services .....	11000
Data Analysis .....	15000
Miscellaneous .....	10000
<b>Total</b> .....	<b>126000</b>

Funding was sourced from my personal savings.

### Appendix 7: Work plan

ACTIVITIES	APRI	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
<b>PHASE ONE</b>												
Proposal development												
Proposal presentation												
Correction of proposal												
<b>PHASE TWO</b>												
collection tools												
Pilot study												
data collection tools												
Data collection												
Data entry and analysis												
Compiling Draft												
Presentation of findings												
Revision of draft												
Defence												
Submission of draft.												