INFLUENCE OF EDUCATION ON THE PERCEPTION OF CRIME AND JUSTICE BY INMATES WITH HEARING IMPAIRMENTS IN NAIROBI COUNTY JAILS, KENYA.

BY

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E55/12753/05

A RESEARCH THESIS SUBMITTED TO THE SCHOOL OF EDUCATION IN PARTIAL FULFILMENT OF THE REQUIREMENT FOR THE AWARD OF THE DEGREE OF MASTER OF EDUCATION (SPECIAL EDUCATION) OF KENYATTA UNIVERSITY.

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DECLARATION

This thesis is my original work and has not been presented for a degree in any other University.

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ACKNOWLEDGEMENT

I wish to acknowledge a number of people whose input helped me to shape this work. First, I would like to extend my heartfelt gratitude to my supervisors, Dr. Njoroge M. and Dr. Mugo J. who tirelessly read my drafts and for their constructive advice, support encouragement, guidance and assistance.

Secondly, I am grateful to colleagues and friends for their inspiration and continued support right from the initial stages of this work to its current state. Finally, I thank my family: my wife Cecilia Ndanu and my daughter Prudence Mutanu for their patience and encouragement when writing this thesis. To all I say, THANK YOU.
DEDICATION

I dedicate this work to my late father, Mr. Boniface Maithya Mutia who devoted his meagre resources for the education of his children. I will give your dreams life.
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### ABBREVIATIONS AND ACRONYMS

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<th>Description</th>
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<tr>
<td>ASL</td>
<td>American Sign Language</td>
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<tr>
<td>EA</td>
<td>Educational attainment</td>
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<td>GOK</td>
<td>Government of Kenya</td>
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<td>HI</td>
<td>Hearing impairment</td>
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<td>KSL</td>
<td>Kenyan Sign Language</td>
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<td>SLI</td>
<td>Sign Language Interpreter</td>
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<td>TDCJ</td>
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ABSTRACT

People with Hearing Impairments (H.I), just like those with no impairments, commit crimes and once they do, the law is applied on them regardless of their hearing status. The study investigated the influence of education on the perception of crime and justice by the inmates with H.I in Nairobi County jails. It looked at the crimes commonly committed by the inmates with H.I, their reasons and rationalizations for committing crimes, actions they perceived to be criminal, their perceptions of justice in the due process of law, educational attainment of the inmates with H.I, relationship between level of education and the perceptions of crime, and lastly, the relationship between level of education and the perceptions of justice. Out of the total prison population of 9,972 in all Nairobi Jails at the time of this study, only 12 had H.I, and these constituted the study population. Descriptive survey design was utilized to conduct the study at Kamiti Maximum Security and Industrial Area Remand and Allocation Prisons. Pilot study was conducted at the Industrial Area Prison for Short Sentences. Content related validity was used to assess the concept the instrument tried to measure and determine the representative accuracy; while test - retest technique of assessing reliability by use of Pearson’s Product – Moment Correlation Coefficient was used. A correlation coefficient of 0.75 was obtained. A Census enquiry was used and a written structured interview schedules were self-administered by the researcher using manual communication technique. Data collected were organized; coded and analyzed using Micro-soft Excel and then interpretations were done. Respondents were assured of information anonymity. The study established that majority of inmates with H.I in Nairobi jails were aged between 20 to 25 years (40%) and were imprisoned for sentences below 5 years (40%). Majority had primary level education (30%) and primary education plus vocational training (30%). Very few had attained secondary school level education (20%). Sexual assault constituted 30% of the crimes committed together with theft (30%). Selling illegal drugs accounted for 20% of committals. Reason for sexual assault was given as lack of co-operation by crime victims. Those who committed robbery cited lack of money to buy essential items needed for their daily trade, while others cited the desire to make quick money as reason for committing crime. It was established that the inmates with H.I who committed crimes were fully aware that their actions were criminal and would attract possible punishments. However, majority of them had no idea about the due process rights and procedures in the pursuit of justice. Those with higher formal education had better understanding of the due process rights and procedures. Education did not have any influence on one’s involvement in criminal activities. However, it influenced one’s perception of justice. The study recommended that there should a stakeholder campaign in the education for children with H.I to ensure higher transition rates from primary to secondary schools. Affirmative action is needed in form one in-take and college admission for children with H.I. Courts of law should always ensure proper language accommodation whenever there is a client with H.I. The schools should include issues to do with the law and human rights in the curriculum.
1.1 Background to the Study

Human societies all over the world have a moral code, which defines what is acceptable and what is not acceptable in the society. It may, or may not be written and describes what is good and what is bad. The society encourages its people to do what is good and avoid the bad. When the people do what is bad, the social order and harmony is threatened with breakdown (Brewer, 2000). The people who love 'good' view the wrongdoers as enemies of the society who deserve punishment. The wrongdoers may have their own reasons for justifying engagements in antisocial activities. When they are punished for doing bad, they resent the 'good' side of the society for not being considerate of their reasons (Dwyer, 2001).

Most religions have a moral code to guide people's lives and ensure social harmony. The Christians have the Bible and the Muslims the Koran. The government has the constitution as the source of the moral law. From the constitution, the government establishes the institutions of law and justice to ensure that both the individual and the common good are upheld (Duff, 1986). People view the religious guide to morality differently. There are those who put value to religious moral code and those who do not. The reasons for viewing religious guide to morality are as many as there are people expressing their views about crime and justice.

The concept of justice calls for equality of fortunes; that no one should have less valuable resources and opportunities available to him than anyone else. However, in reality there are discrepancies because of many factors that determine individual's entitlements. These factors include bad luck in form of disappointing genes, poor environment, disease, or accident. It is sad that whatever factor was responsible in incapacitating the individual cannot be held liable to making reparations. The idea of
justice in terms of equality is, however, elusive. The people to whom nature endowed with materials and opportunities perceive justice differently from those whom nature denied the same (Rakowski, 1991). Human society has always been characterized by those who 'have' and those who 'have not'. This has been advanced further by historical reality of unemployment, mostly; in developing countries. Economic inequality entails a comparison of the levels of material wealth between different groups in the society.

Cohen (1985) suggests that there is a relationship between crime and inequality. Devitt (1992) avers that the increasing inability of the poorest citizens to attain upward social mobility is likely to lead to increasing competition and violence in the underworld of vice and racketeering. Gibbon (1972) reviewed a number of studies of offenders and concluded that unemployment was one of the principal causes of crime and disorder in Britain. Commenting on crime in relation to poverty, Moir and Jessel as cited in (Bolm & Haley 1996:13) concluded: 'Crime was the product of poverty or greed. It was the result of social dislocation, television, the genes or the devil ....' However, there are so many poor people who are very good law abiding citizens of their countries.

People have a range of basic needs. The society decrees that these needs be satisfied by legal means. A person obtains psychological equilibrium when the needs are met. On the converse, when they are not met, the individual becomes aggressive and frustrated (Njeru, 2002). Frustration is thwarting or interference with attainment of goals, aspiration, and expectations (Ibid). A person can tolerate frustration because of lack of things and comfort up to a certain point beyond which he is likely to commit crime. Nevertheless, not all the people who suffer frustration as a result of lack resort to crime. Those who commit crimes view it differently from the victims of the same. The society is supposed to ensure that punishment or correction is administered against those who commit crimes. This will ensure justice and social harmony is upheld in the society.
People with H.I constitute one of the minority linguistic, social, educational and economic groups in Kenya (Ndurumo, 1993). Their number is estimated to be between 650,000 – 750,000 and their primary mode of communication is sign language. Because of the uniqueness of sign language, the Constitution of Kenya, (G.O.K) (2010), recognizes it at the same level with the national language (Swahili) and the official language (English) used in Kenya.

Education of the people with H.I dates to 1958 with the establishment of Mumias School for the Deaf, Nyangoma School for the Deaf and the Kenya Society for the Deaf (Ndurumo, 1993). Currently, there are 33 programs for the children with H.I which include primary schools, vocational and technical institutes and eight secondary schools (Reverent Muhoro, Kuja, Mumias, Kibarani, Machakos, Ngala, Kendoa and Bondo). Some students attend units or self contained classes in regular schools while a few have excelled and pursued college and university education. The majority of people with H.I in Kenya are employed in skilled and semi-skilled jobs, with a significant number of them unemployed (Ndurumo, 1993). Although expectations of families have tended to discourage marriage between people with H.I, a great number of them prefer marrying each other due to the ease of communication.

A recent survey of all disabled people in the country was conducted and showed that about 4.6 % of Kenyans experience some sort of disability (G.O.K 2008). In a population of about 38 million people, it is estimated that about 1.6 % or around 600,000 Kenyans have hearing impairments. Exact figures are yet to be obtained because there is no specific census in place to know the number of population of the people with hearing impairments in the country.

The people with hearing impairments (H.I) perceive crime and justice differently from the way the people who are hearing perceive it. They have linguistic limitations and do not use the same communication method as the people with hearing ability (Vernon & Greenberg, 1999). Whenever
the two meet in the courts of law, either as a complainant or as defendant, problems of language arise (Odhiambo, 2004). The prosecution process, gathering of evidence from witnesses and the judgement made in the case will be interpreted differently by the two. The perception of crime and justice will depend on whether one is the offender or the offended (Odhiambo, 2004). It will also depend on how one understands the judicial process and the due process rights and procedures. To be able to comprehend this, one needs to have some level of education. The study sought to investigate how the type of education and level of education attainment by the inmates influenced their perception of crime and justice.

1.2 Statement of the Problem

A study by Odhiambo (2004) on the state of the Kenyan Prisons: Case study of Homa Bay Prison, revealed the presence of offenders with H.I serving jail terms of various lengths and for various offences. Talking to a number of them, he observed a general feeling of helplessness, frustration, bitterness, and disillusionment. He concluded that violation of justice was evident among offenders with H.I. While studying how Sign Language was used in Kenyan courts in adjudicating cases involving offenders with H.I, Njeru (2002) found that most Sign Language Interpreters (S.L.I) in Kenyan courts used the American Sign Language (A.S.L) while most Kenyans with H.I used the Kenyan Sign Language (K.S.L). He further observed that most offenders with H.I lacked knowledge and competence in standardized Signs and therefore used home-learnt signs. Controversies exist between any two Sign Languages. Muge (1975) studied the culture of offenders with H.I and their relationships with the people who are hearing in Nairobi and concluded that there were stereotypes about people with H.I that they were inherently foolish. The Hearing People prejudiced the people with H.I on the basis of their inability to hear.

Studies available both in Kenya and other parts of the world have established the presence of offenders with H.I in jails but have not attempted to establish how their education influences their
perception of crime and justice. A literate population has a better perception of issues than their
counter parts that are illiterate. The main focus of the study was to investigate how education of the
offenders with H.I already serving jail terms influenced their perception of crime and justice. Most
people with H.I all over the world have limited education standard and their communication is
characterized by markedly restricted sign language, English vocabularies and syntax, and
impoverished social skills (Miller, 2001; Vernon, 1996). In all probabilities, these individuals are
linguistically incompetent to stand trial despite their convictions (Vernon, Steinberg & Montoya,
1999). Their conviction thus may represent a major violation of their constitutional right (Vernon &
Miller, 2001).

1.2.1 Purpose of the Study

The purpose of the study was to investigate the influence of education on the perception of crime and
justice by the offenders with H.I already serving jail terms in Nairobi County jails. It endeavored to
reveal whether there was any significant relationship between the type of education inmates with H.I
had and the way they perceived their involvement in crime. Similarly, it also sought to establish
whether there was any significant relationship between the type of education and perception of
justice.

1.3 Research Objectives

The study sought to achieve the following objectives:

1. To establish the types of crimes committed by the inmates with H.I.
2. To find out the major reasons the inmates with H.I gave for committing crimes.
3. To establish what the inmates with H.I perceived as crime and what they perceived as justice.
4. To find out the relationship between the level of education and the type of crimes committed
   by the inmates with H.I.
5. To establish the relationship between the level of education and the perception of
crime and justice by the inmates with H.I.

1.4 Research Questions

The study sought to answer the following research questions:

1. What type of crimes did the inmates with H.I commit?
2. What major reasons did the inmates with H.I give for committing the alleged crimes?
3. What actions did they consider as criminal and what actions did they consider as justice?
4. What was the relationship between the inmate’s level of education and the types of crime committed?
5. Was there any relationship between the level of education and the perception of crime and justice by inmates with H.I?

1.5 Significance of the Study

The study is likely to add to the body of knowledge that exists in the area of crime and justice for people with H.I in relation to the type of education offered to children with H.I in the country. The recommendations may form the basis upon which education policy makers may base their educational programs for children who have H.I. The findings are likely to influence school practice in the area of educational provision for children who have H.I in the country. The findings may assist the general public to understand the educational needs for the people with H.I and possibly support them in their educational endeavors.

1.6 Limitations of the Study

The study was affected by the following limitations. One, the population of the people with H.I was small in relation to the general population. The number serving sentences in jails was even smaller in relation to that of the offenders who were hearing. This made the researcher resort to a census inquiry. Two, matters on crime were sensitive and prisoners communicated in the presence of a Prison welfare
Officer. That uncomfortable situation inhibited the respondents with H.I from giving all the information sought by the researcher. Three, prison records lacked adequate information about the inmates’ educational level and hence the investigator relied on what the respondents told him. Lastly, there existed scanty literature on matters of crime and justice for the persons with H.I in Kenya. As a result of that, most of the literature reviewed was foreign, some of which did not seem to have a bearing to the situation in Kenya.

1.7 Assumptions of the Study
The study made two assumptions: that the people with H.I just like those who were hearing, committed crimes and once they did, justice was administered to them impartially in accordance with the laws of the land. It was also assumed that though both the literate and illiterate people all committed crimes for different reasons, their perception to crime and justice was different and that the type and level of education influenced such perceptions.

1.8 Theoretical Framework and Conceptual Framework
1.8.1 Theoretical Framework
The study was guided by what Bolm & Haley (1996) refer to as Maslow’s Humanistic Psychological Theory of Crime which was extracted from the Maslow’s theory of human needs. Maslow’s theory asserts that human beings are motivated by a hierarchy of needs comprising of five basic levels of needs which included:

i) Physiological needs (food, water and recreational sex)
ii) Safety needs (security, stability, freedom from fears, anxiety and chaos)
iii) Belongingness and love needs (friendship, love, affection, acceptance)
iv) Esteem needs (self-esteem and esteem of others)
v) Self actualization needs (being true to one’s nature, becoming everything one is capable of becoming)
Balm & Haley (1996) observe that during a certain period, a person’s life gets dominated by a particular need until the need emerges to dominate the person’s entire life. From that view, crime can be understood as a means by which individuals satisfied their basic human need. People choose crime because they cannot satisfy their needs legally or they are fascinated by the adventure principal. An obvious crime prevention implication of the theory is to help people satisfy their basic human needs in legitimate ways (Balm & Haley, 1996). Satisfying needs through crime attracts punishment or correction to the offender. Punishment and/or correction ensure that justice is upheld in the society.

The two scholars view crime as one among several different ways of adaptations to helplessness caused by psychological oppression when an individual cannot satisfy his basic human needs. They assert that the emotional experience caused by a state of lack and deprivation lead to oppression with consequential helplessness. The individual may adapt to that helplessness by resorting to criminal behaviors. Those behaviors attract punishment upon the individual so that justice is seen to operate in the human society. They maintain that criminal behavior is sometimes chosen as an alternative because it offers gratification or psychological advantages that cannot be achieved otherwise (Balm & Haley, 1996). The weakness of this theory is that it fails to recognize that there are so many poor people who do not have anything yet they do not commit crimes. It is not obvious that once someone lacks something he/she will end up stealing.

According to United Nations General Assembly (1948), every child has a right to education which shall be free at least in the elementary level as well as compulsory. Kenya being a signatory to the said charter has a duty to offer the correct and relevant type of education to all her citizens including those with H.I. Ministry of Education Strategic Plan on Education Provision, 2006-2011(G.O.K. 2006), recognizes education as a basic human right. Deducing from Maslow’s theory, it is not possible to have self-esteem without having relevant formal education. Likewise, it will be difficult
to actualize without formal education. The type of education which a person receives is therefore a major determinant on how people perceive the issues affecting their lives.

Owing to the inability to communicate effectively with the hearing population (Miller, 2001; Vernon, 1996), coupled with minimum formal education (TDCJ Statistical Summary, 2001), the people with H.I go through greater psychological frustration whenever they fail to satisfy their human needs. Few people in the society have the patience to listen and talk to them. It can therefore be extrapolated that inmates with H.I tended to perceive crime as a mean of satisfying their needs besides being a weapon to hit back at the uncaring people who are hearing. Further, whenever they were punished for committing crimes, they may perceive it as persecution for their being ‘different’.

1.8.2 Conceptual Framework

According to the theoretical framework discussed above, factors ranging from satisfaction of basic human needs, frustration as a result of lack, education as a human right and a means to self actualization have been shown to influence one’s perception to crime and justice. On the basis of the above, figure 1.1 shows the relationship.
Figure 1.1: Influence of Education on the perception of Crime and Justice.

Education levels

- Formal education
  - Technical education
  - Formal & technical education

- No formal education
  - No vocational education

Perceptions

- Means of satisfying needs or desire for adventure by wrong-doers. Cause dis-order and disharmony in society.
- Necessary for social harmony, justified in society, seeks legal redress.
- Tool for punishing hearing population. Ignorance of law. Radicals
- Persecution by the hearing population
In the above figure 1.1, the inmates with H.I are the main concept. Levels of education they have are; formal education, vocational education, formal plus vocational education. There are those who may have none of the mentioned levels of education hence being totally illiterate. Both those with some levels of education and those who do not have any education get involved in crime for various reasons; key being to satisfy their basic needs and their desire for adventure. The levels of education they have attained determine how they perceive crime and justice. Those with higher levels are likely to perceive crime and justice differently from those with lower levels of educational attainments. Formal education helps one to understand better issues to do with law and court due process rights and procedures.

1.9 Operational Definition of Terms

**Communication methods** - Refers to either using speech or sign language to communicate.

**Continuum of basic needs** - Refers to the range of needs human beings have for them to live happily.

**Crime** - Actions that are illegal in law and are punishable by the legal system.

**Due process rights and procedures** - The court processes in which a person is entitled to fair trial. It also refers to the suspect being informed of his/her crime, his rights and privileges as the suspect, being advised on the consequences of the plea to enter etc.

**Education** - Formal schooling in schools and colleges, vocational training in technical institutions or through apprenticeship where the learner acquires skills and knowledge.

**Formal education** – Academic education offered in schools system with systematic curriculum, e.g. in primary and secondary schools.
Vocational education: - Skills training offered in technical institutions and polytechnics.

Hearing impairment - A condition whereby the individual has no sense of perceiving sound through the auditory channel. He/She may have very limited use of speech but mostly communicates using sign language and total communication mode. It refers to hearing loss ranging from mild, moderate, severe and profound losses.

Influence - Influence in this context refers to the contribution of education in the perception of crime and justice.

Inmates - This refers to persons who are in jail serving their prison sentences.

Justice - Reparations either in terms of punishment or correction given to a person who commits a crime either against another person or state.

Kenyan sign language: Distinctive sign language used by the people with H.I in Kenya. It has its own grammar and vocabulary different from other sign languages used in other parts of the world.

Level of education - Refers to whether primary level, secondary level, college level or vocational training.

Literate population - The people in a country who have had the benefit of formal education.

Linguistic limitations - Person’s inability to use language, especially speech to communicate.

Moral Code - Concept of right and wrong: what is acceptable and what is not acceptable.

Psychological equilibrium - Mental balance a person experiences when his/her basic needs are satisfied.

Sign Language Interpreter - Person who translates what is signed by people with H.I into spoken language and also transliterates what is said in speech by the hearing people into signs.

Social harmony - The peace and smooth running of the activities of the people living together in a particular society.
Type of Education – Education provided whether formal schooling or informal vocational training or both formal and vocational offered to a person in institutions of learning.

Upward mobility – People’s advancement in economic status in the society that enables them to live better lives.
CHAPTER TWO
REVIEW OF RELATED LITERATURE

2.0 Introduction

The following subtopics were covered in the chapter: definition of crime, definition and concept of justice, types of crimes committed by inmates with H.I, reasons why inmates with H.I commit crimes, level of education attainment for people with H.I, linguistic diversity of defendants with H.I and due process rights and lastly, speedy trial as a function of justice.

2.1 Definition of Crime

Different scholars define crime differently. However, there is no single definition acceptable to all (Bolm & Haley 1996; Dwyer 2001). Feldman (1993) defines crime as any act or omission resulting from human conduct which is considered in itself or in its outcome to be harmful and which the State wishes to prevent. It renders the person responsible liable to some kind of punishment, generally of a stigmatic nature. Williams (1993), observes that crime is some act or omission in respect to which legal punishment can be inflicted. He further asserts that crime is anything forbidden or punishable by the criminal justice system. Hollin (1989) posits that actions are only criminal if they are forbidden by law, so anti-social behavior is not considered a crime unless the particular act is illegal. Dwyer (2001) asserts that crime can be considered a social construct, a product of social and cultural influences rather than a universal truth. The set of behavior it encompasses are so diverse that they have one thing in common: they are proscribed by the criminal law. Chambliss (1988) defines crime as an offence of time. To him, crime is time specific. He explains that in 1530 in England, one could be prosecuted for being jobless. If the accused was found guilty, he was punished by burning of the right ear with hot iron if under 18 years. Those over 18 were hanged. This does not happen today. Between 1400 and 1600, the church clergy constructed and enforced the laws. Breaking the law was seen as a transgression against God. Later, this responsibility was transferred to the State.
Accordingly, crime came to be defined as a transgression against the State, not God. From the above definitions, it can be concluded that crime is defined from the basis of the law of the land and it is an act or inaction of the citizens going against the law of the land.

2.2 Definition and Concept of Justice

Aristotle, cited in Curzon (1993), asserts that all people hold that justice is some kind of equality. No one denies that equals deserve equal treatment. Equal consideration means respecting the individual’s innate rights of personal security and the control of whatever property they have amassed through the exercise of their talents and skills or through the generosity of others. Aristotle’s jurisprudential concept highlights three types of justice: commutative, distributive and corrective justice. Commutative justice is rendering every person the exact measure of his dues. Distributive justice is concerned essentially with the allocation of rights, duties and burdens among the members of the community so that equilibrium is ensured. Corrective, also known as remedial justice corrects the disequilibrium in the community. This is usually administered by a court of law or other organs of state invested with judicial or quasi-judicial powers (Curzon, 1993).

According to Wojciech (1985), justice is a criterion by which good laws of a society are evaluated. It is the act of treating equals equally and unequal unequally in proportion to their inequality. Rakowski (1991) observes that justice calls for equal moral consideration in virtue of one’s interests. It must be impartially acceptable, not skewed impermissibly to the advantage of one group of persons. He further asserts that just states treat their citizens as equals without favoritism or bias. A person gets satisfaction when he believes he has got what he deserves and feels indignant when he believes an injustice has been perpetuated against him.
2.3 Type of Crimes Commonly Committed by Inmates with H.I

2.3.1 Sexual Assault / Rape

Miller (2001) states that people with H.I were predisposed to commit certain types of crimes especially those involving violence and cites sexual assaults, robbery, use of prohibited drugs and physical assaults. They were less likely to participate in gang crimes because communication will be necessary during the execution of crime activity. A study conducted in Texas by Miller & Vernon (2002) comparing the incidence and types of violent offences of a deaf prison population in comparison to the hearing prison population revealed that 64% of deaf prisoners were incarcerated for violent offences in comparison to 49% of the overall state prison population. The most significance between the populations was found in the category of sexual assault, which represented 32.2% of deaf offenders in contrast to 12.3% of hearing state prison inmates overall.

The study consisted of 99 H.I inmates who had a severe-to-profound hearing loss. Of these, 89% self-reported that they were born with H.I (Miller & Vernon, 2002). Ninety percent used American Sign Language (A.S.L), home signs, or other manual communication systems as their primary mode of communication. The entire population of prisoners with H.I was compared to the hearing prison population in the state of Texas. The remaining hearing prison population was 133,581 (TDCJ Statistical Summary, 2001). The chi-square test of independence was used to test for possible difference in terms of percentages convicted of various offences. The results revealed that in the H.I prison population of 99, there were 41 sex offenders, although only 32 were categorized as violent offenders. Thirty eight percent of the 41 H.I offenders were convicted of sex offences, including statutory rape, against male or female children under the age of 17 years, 14.6% were convicted of sexual assault against adult women, and 31% were convicted for sexual assault for which no descriptive data were available (Miller & Vernon, 2002).
2.3.2 Murder

Miller & Vanon (2002) studied 99 prisoners with H.I and 133,581 hearing prisoners in Texas Prison in the USA and observed that nine percent of this H.I offender population was convicted of murder or attempted murder and 16% were convicted of assault, including injury to a child, elderly or disabled person. These percentages do not represent significant differences from figures presented for entire Texas prison population regarding homicide.

2.3.3 Robbery / Theft / Handling Stolen Goods

In the study cited above by Miller & Vanon (2002), Seven percent of the deaf population was convicted of robbery as compared to 17.1% of the hearing population.

2.3.4 Substance Abuse (Selling and Using Drugs)

The use of alcohol is associated with crimes of violence. As many as 80% of all people arrested for violent offences, they tested positive for drugs (Siegel, 2000). In the study by Miller & Vernon (2002), only four H.I violent offenders’ medical report indicated that they had been intoxicated during the commitment of their crimes. However, 62.5% reported a history of alcohol and/or marijuana use, 35.9% of whom reported the use of other substances, such as heroin, lysergic acid, diethylamide, cocaine, speed, phencyclidine, inhalants, barbiturates, and hallucinogens (N = 64). In a previous study of 29 H.I murderers, half were intoxicated at the time of murder (Vernon et al., 1999). Although some studies report a lower incidence of self-reported substance abuse among H.I persons, these responses may be influenced by factors such as incorrect diagnoses by service providers and H.I individuals’ lack of access to treatment services (Leigh & Pollard, 2004; Pollard, 1994).
2.4 Reasons for Committing Crimes

2.4.1 Poverty

Center for Assessment and Demographic Studies (1996) reported that people with H.I have lower economic status as compared to those with hearing. They have low educational attainment to enable them to have gainful employment (Miller & Vanon, 2002). Bolm & Haley (1996) suggested that poverty was responsible for the people with H.I to get involved in criminal activities like theft and armed robbery.

2.4.2 Influence of Drugs

Use of alcohol is associated with crimes of violence among the people with H.I. Siegal (2000) reported that 80% of all the people arrested for violent offences tested positive for drugs. In a study by Miller & Vanon (2002) involving 99 offenders with H.I, four violent offenders’ medical reports indicated that they were intoxicated during the time they committed the crimes. However, 62.5% reported a history of alcohol and/or marijuana use, 35.9% of whom reported the use of other substances, such as heroin, lysergic acid, diethylamide, cocaine, speed, phencyclidine, inhalants, barbiturates, and hallucinogens. In a pervious study of 29 H.I murderers, half were intoxicated at the time of murder (Vernon et al., 1999).

2.4.3 Peer Pressure / Blackmail

Muge (1975) observes that there are misconceptions and stereotypes associated with the people with H.I by those who are hearing. The hearing people think the people with H.I are foolish. This is a misconception which lacks scientific proof. The people with H.I are blackmailed by the hearing people to do ‘dirty’ jobs for them like peddling narcotic drugs. Whenever the law enforcement agents arrest them, their hearing friends who used them to peddle the drugs abandon them.
2.4.4 Lack of Information

Ndurumo (1993) observes that people with H.I have limited opportunities for education in Kenya. Miller (2001) points out that the people with H.I generally have a reading level of 2.8 or below and majority of them are functionally illiterate. They are therefore unable to access information in print. At school and home the teachers and parents may lack correct communication method of instructing them in correct behavior.

2.5 Rationale for Justice and Due Process

2.5.1 Educational Attainment (E.A)

The average reading grade level for H.I violent offenders in Texas prison in Miller & Vernon (2002) study was grade 3.5, which is well below the 4.5 – 5.5 reading level of the average H.I person upon leaving school at age 18 (Center for Assessment and Demographic Studies, 1996). The average Educational Achievement (E.A) of offenders in Texas prison was grade 7.4 (Statistical Summary, 2001). For the entire population of H.I violent offenders, the average E.A was 3.6 (Miller, 2001). However, 34% of violent offenders with H.I had reading levels of 2.8 or below, which is the federal government standard for defining functional illiteracy.

Studies conducted in Sweden by Backlund (2000); Hogsten (1989); Jonsson (1995) investigating the activities of the pupils after having completed school found out that the proportion of former pupils with H.I that went on to pursue higher education at a university varied between 8% and 24%.

A survey by the Swedish National Association of the Deaf reported that people with H.I had a lower level of educational attainment than the rest of the population in Sweden (Swedish Research Institute for Disability Policy, 2005). Of 138 H.I members, 77% had an upper secondary school education and 10% had no formal education.
A Danish study by Dove (2006), showed a lower level of educational attainment among people with H.I compared to the rest of the population. This study included 2,244 people with H.I aged 18 – 65 years and found that 53% had primary school education as their highest level of E.A as compared to 31% in the entire Danish population. The proportion that proceeded to advanced studies was 10% among people with H.I and more than twice that among the hearing.

A Finnish study by Lehtomaki (2006), also found that women with H.I had a higher level of E.A than men with H.I, and this is particularly clear among young people. Furthermore, participants in the study considered H.I to be number one obstacle to further education. The explanation offered by Lehtomaki is that people with H.I assume that success is prevented by H.I or that they reflect societal attitudes towards H.I as its being associated with a low level knowledge. Such attitude may provoke a sense of futility in even trying to reach higher levels of E.A.

An American study by Macleod-Gallinger (1992) indicated that even though women with H.I had higher levels of E.A than men with H.I, more men with H.I went on to earn a Ph.D. This and another American study (Barnartt & Christiansen, 1996) also confirm lower levels of E.A among people with H.I, as compared to hearing people.

2.5.2 Mental Disorder

Approximately 32.8 % of offenders with H.I population of Texas Prison were diagnosed with a psychiatric condition, over half of whom reported symptoms of depression or a depression-related illness. Persons with specific etiologies of H.I, such as spinal meningitis, premature birth, and cytomegalovirus, experience a somewhat greater incidence of depression than do other deaf people and hearing people who have never had these illnesses. Although little mental health statistics were available regarding the general prison population in Texas, reports on studies of offenders in other
states indicate that 16% of all prison inmates are mentally ill, which is probably a modest estimate (Randell, 1999).

Studies that review etiologies of hearing loss identify H.I individuals as at risk for brain damage than the general population (Leigh & Pollard, 2004; Vernon & Greenberg, 1999). This can impact an individual’s ability to manage his or her anger appropriately. Additionally, persons with H.I were more at risk to experience mental illness and substance abuse simultaneously than hearing individuals (Leigh & Pollard, 2004).

A study conducted in one of Kenyan prisons revealed that inmates with H.I went through great mental suffering which was characterized by helplessness, frustration, bitterness and disillusionment. This particular state of mind influenced the way the inmates with H.I related with inmates who are hearing and the prison authorities (Odhiambo, 2004).

2.5.3 Linguistic Diversity (Communication Barriers)

Historically, ensuring due process rights of defendants with H.I have been a problematic issue in the criminal justice system (McAlister 1994; Smith 1994; Vernon & Coley 1978; Vernon & Greenburg 1999; Vernon & Miller 2001; Vernon & Raifman 1997; Whalen 1981; Wood 1984). Inadequate communication can radically affect the interaction of a defendant with H.I in the courtroom. Pursuant to the concept of fairness and natural justice enshrined in the constitution of many countries, the courts must provide equal access for offenders with H.I (Berko 1992; Gallie & Smith 2000; McCoy 1992; Simon 1994; Vernon & Raifman 1997). It is the responsibility of the courts to ensure that the appropriate accommodation is provided in the language readily understood by the offenders with H.I.

When adjudicating a criminal defendant with H.I, the courts must ascertain that the defendant has equal access to various due process activities, such as assisting counsel in the development of
defense, deciding whether to testify, deciding which plea to enter, understanding one's position as a defendant, and comprehending the role of defense and prosecuting attorneys and the judge (Berko 1992; King 1989; Simon 1994; Vernon & Coley 1978; Vernon & Miller 2001; Vernon & Greenburg 1999). However, complex linguistic issues that impinged on adjudicative competence are present in some defendants (Vernon & Miller 2001; Vernon & Raifman 1997). Adjudicative competence refers to an individual's ability to adequately comprehend and participate in legal proceedings and due process activities. When adverse language use is an issue, the ability of the defendant with H.I to participate in the proceedings can be established by the courts using the modern test of adjudicative competence. The test examines the defendant's state of mind at the time of trial rather than the time of the offence in terms of the following factors: a defendant's capacity to participate, reasonable understanding of the proceedings, and the level of cognitive functioning, irrespective of any other mental disorder. Twenty percent of offenders with H.I in Texas prison possessed minimal language skills which are characterized by markedly restricted sign language, English vocabularies and syntax, and impoverished social skills (Miller, 2001; Vernon, 1996). In all probabilities, these individuals were linguistically incompetent to stand trial despite their convictions (Vernon, Steinberg, & Montoya, 1999). Their convictions thus may represent a major violation of their constitutional right (Vernon & Miller, 2001).

2.5.4 Speedy Trial as a Function of Justice

Failure by the courts to ensure due process rights to a speedy trial of a person with H.I can result in a tragic miscarriage of justice no matter the gravity of the alleged crime. The language used by the offender with H.I may not be well understood by the people who are hearing and so justice may be denied the offender with H.I (Daily Nation, 19 April, 1998).

A study conducted by Miller & Vernon (2001) on the subject of speedy trial as a function of justice in the USA found out that Junius Wilson, an African American who was H.I was imprisoned on an
unsubstantiated charges of rape in 1925 'Landmark Court Case, 2000': Wilson by Branch Vs North Carolina, 1996 – 'Wrongly Accused Man'. A jury found Wilson mentally incompetent to stand trial due to mental retardation. However, the charges against him were not dropped until five decades later in 1970s. It was eventually discovered that Wilson was not mentally retarded but instead used an obscure North Carolina Sign Language known as Raleigh Dialect. Unfortunately, Wilson had been castrated and imprisoned in a state hospital for 49 years before the error was finally acknowledged by the state. In another study by Ross (2000) in a (Landmark Case 2000): Wisconsin Vs Hensley; he observes miscarriage of justice as a result of delayed trial. Hensley’s statement that he ‘swaddled’ his son with a blanket did not receive correct interpretation from the court S.L.I. Hensley was incarcerated in a county jail for three years without trial through out the process of determining his language and how to communicate with him. People with H.I all over the world continue to suffer injustice as a result of delayed trial citing communication problems. Courts need to ensure proper language accommodation of the offenders with H.I to ensure speedy trial and fair administration of justice to them (Odhiambo, 2004).

In conclusion, there has been no study that attempted to examine the type of education for the prisoners with H.I in Kenya and the rest of the world and how such education related to the perceptions the inmates had for crime and justice. This study was therefore a ground-breaking work in the area of hearing impairments in relation to the type of education and its attendant influence to perceptions of crime and justice. This was one of the knowledge gaps the study sought and bridged.

2.6 Summary

Crime is defined differently by different authors but all agree that crime must be defined from the basis of the law. It is an action or inaction of citizens going against the law of the land. Literature highlighted three types of justice: commutative, distributive and correctional justice. Correctional justice is administered by the courts. Crimes commonly committed by the people with H.I were
identified as: sexual assaults, robbery, use of prohibited drugs and physical assaults. The reasons for involvement in crime were cited as substance abuse, level of educational attainment, communication problems and mental disorders. It emerged that people with H.I have very low educational attainment as compared to the hearing population. Most people with H.I do not understand the due process rights and procedures which are very necessary in the process of obtaining justice in the courts of law. People with H.I are not taken to court in good time. They are kept in police custody for long periods while the court is looking for a SLI to assist the person to participate in the court process.

There has been many studies dealing with language among people with H.I but there has not been any study on the perceptions on crime and justice among the people with H.I. A lot of information has been generated on crimes committed by the people with H.I but there have not been studies on reasons why they commit crimes. Further, there have not been studies on the perceptions on due process rights by the persons with H.I.
CHAPTER THREE

RESEARCH DESIGN AND METHODOLOGY

3.0 Introduction

This chapter highlights the research design used, the study variables and the area in which the study was carried out. The target population, sampling and research instruments are also discussed. In addition, the piloting procedures, data collection techniques and their analysis are explained. Finally, various logistical and ethical issues that were considered are also explained.

3.1 Research Design

A research design is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure (Kothari, 2004). The study applied a descriptive survey design. This is used to describe the state of affair as it exists. It is a method of collecting information by interviewing or administering a questionnaire to a sample of individuals (Kombo & Tromp, 2006). The design was appropriate to the study because it was restricted to fact finding and helped to formulate new ideas and solutions to significant problems. It also enabled the study to meaningfully describe a distribution of scores or measurement. It involved measurement, classification, analysis, comparison and interpretation of data.

3.1.1 Study Variables

Independent variables of the study were the levels of education the inmates with H.I had. There were those with formal education, that is, academic education, others had vocational education while others had both formal and vocational education. Further, there were those inmates with H.I who did not have either formal or vocational education and therefore were functionally illiterate. On the other hand, the dependent variables were the perceptions of the inmates with H.I about crime and justice.
3.2 Location of the Study

The study was conducted in two prisons in Nairobi County: Kamiti Maximum Security Prison and Industrial Area Remand and Allocation Prison. Kamiti Maximum Security Prison is located about 20 kilometers north of Nairobi city along Kamiti Road. Industrial Area Remand and Allocation Prison is located east of Nairobi city along Enterprise Road about 2 kilometers off Lusaka Road roundabout. The other prisons which included Kamiti Medium Security Prison, Lang'ata Women Prison, and Nairobi West Prison had been targeted but did not have offenders with H.I at the time the study was conducted. All the prisons targeted were served by a very good road network system. Access to the was very easy by public transport means.

3.3 Target Population

All prisoners with H.I serving sentences in Nairobi County Jails formed the population of the study. Their number was ten (10) out of the total population of nine thousand, nine hundred and seventy two (9972) prisoners. This represented 0.10% of the total population. Their hearing loss ranged between severe to profound losses (audiometric reports in personal files – see appendix B: Document analysis guide). The unifying factor among them was the use of sign language in communication. None of them used speech.

3.4 Study Sample and Sampling Technique

The sample consisted of all the ten (10) respondents with H.I. Out of these, seven (7) were from Kamiti Maximum Security Prison and three (3) from Industrial Area Remand and Allocation Prison. Owing to the size of the population under study, the researcher decided to use census enquiry. Census is whereby the study takes up all the persons or items available (Orodho, 2005). Kothari (2004) conceives a census inquiry as a complete enumeration of all the items in the population. In such an inquiry when all items are covered, no element of chance is left and highest accuracy is
obtained. When the universe is small, as in the case of prisoners with H.I, census inquiry is very appropriate sample design to use.

3.5 Research Instruments

3.5.1 Structured Interview Schedule

Information from the inmates with H.I was gathered using a structured interview schedule. The researcher asked questions or made comments using manual communication mode that led the respondents towards giving data to meet the study objectives. The researcher was well versed in sign language and was also helped by a research assistant who was competent in S.L. Interview was considered because most inmates with H.I did not have high educational attainment and therefore could not read and interpret the questions well. Structured interview had the merit of ensuring that similar questions were posed to all the respondents. The instrument had three parts. Part one sought the demographic information of the respondents such as age, marital status, occupation at the time they were arrested, highest level of educational attainment and the crime they committed. The researcher analyzed this data to find out if there was any pattern of behavior among the prisoners with H.I. Part two contained list of action against which the inmates were to give their perceptions as to whether they considered them to be crimes or not. Part three contained a list of actions against which the respondents were to state their perceptions as to whether justice was served or not (appendix A).

3.5.2 Document Analysis

This is the method used to get information about the respondents from the prison records that was already in their files. The method provided in-depth analysis within a short time using an analysis guide (see appendix B). Records such as age, date of sentencing, duration of the jail sentence, and nature of the crime committed, whether an appeal was lodged or not, whether there was pending appeal and the occupation at the time of arrest. It also contained the audiometric assessment reports
done at Kenyatta National Hospital to ascertain their degree of hearing loss. Document analysis was
done and relevant information to the study which was found in them was recorded in note book.

3.6 Pilot Study
A pilot study was conducted in Industrial Area Prison for Short Sentences which had respondents
with similar characteristics as those in the target population. Piloting helped to check whether the
interview questions measured what they were meant to measure, whether the wording was clear,
whether the questions provoked responses and whether there was researcher bias. This helped the
researcher to re-structure the instruments by re-setting the questions that seemed unclear or
ambiguous to the respondents. Two (2) inmates with H.I participated in the pilot study and were
excluded from the main study.

3.6.1 Validity of the Instruments
The study used three tutors at Garissa Teachers’ College, (one, a Ph.D student at Kenyatta University)
to determine the accuracy of the instrument by administering the structured interview guide to them to
check whether the questions provided the intended responses. The tutors served as experts by giving
objective opinions on how best the test items addressed the content and the objectives of the study.
Content validity was used to check the accuracy and meaningfulness of inferences. It refers to the
measure of degree to which data collected using a particular instrument represents the content that the
test is designed to measure (Mugenda & Mugenda, 2003). They checked the study objectives against
the content sampled in developing the test items to determine whether the set items accurately
represented the concept under study. The instruments were found to elicit the intended responses.

3.6.2 Reliability of the Structured Interview Schedule
Reliability is a measure of the degree to which a particular measuring procedure gives equivalent
results over a number of repeated trials (Orodho, 2004). Split-half technique of assessing reliability
was used. The interview schedule instrument was divided into odd and even items and each part administered to a subject. Scores from one part (A) were then correlated with scores from the second part (B). To make the computed coefficient reflect the reliability of the whole instrument, correlation was done using Pearson Product-Moment Correlation Coefficient in order to establish the consistency of the instrument in eliciting the same responses whenever they were administered. A correlation coefficient (r) of 0.75 was obtained, indicating a strong relationship between responses of A and B.

3.7 Data Collection Techniques

Permission to carry out the research was obtained from the Ministry of Education as required by law. Being highly protected areas, further permission of access and letter of introduction to respective Officers-in-Charge of various prisons was obtained from the Commissioner of Prison Services. A preliminary visit was made to the respective prisons to inform the Officers-in-Charge of the intended research. The date to administer the instruments was planned by the researcher in consultation with the Officers-in-Charge in each prison. With the help of a research assistant, who was proficient in K.S.L, the researcher administered the instrument to the respondents in person. This helped to ensure a good return ratio of the instrument. A day was allocated for each prison.

3.8 Data Analysis

Data collected from the field using the structured interview schedule and document analysis were read through, edited and organized, in order to familiarize with them. The questions in part one were analyzed first and then those in part two. Information gathered from document analysis was then linked to results of the interview. Themes were generated and detailed analysis of description of categories done using Microsoft Excel in order to present a link between raw data. Scales were then created from various descriptive statistics. Distribution tables were used to summarize data. Then results were interpreted to convey the findings and conclusion report written based on the results.
3.9 Logistical and Ethical Considerations

3.9.1 Logistical Considerations

Authority to conduct research was sought from the Ministry of Education through the University certifying that the researcher had approval to carry out the study. Further authority to access the prisons was obtained from the Commissioner of Prison Services. A letter allowing the researcher access to the targeted prisons was written to all Officers-in-Charge. A work plan of activity detailing various tasks that needed to be done in the research process and the time frame for each task was established. Respective Officers-in-Charge in each prison were informed about the study. Data collection mechanisms were put in place, for example, transport, hiring a research assistant among others.

3.9.2 Ethical Considerations

The researcher had an obligation to respect the rights, needs, values and desires of the respondents. The researcher explained the research objectives to the informants through S.L interpretation and in writing so that they were well understood. The researcher also sought respondents' permission to have access to their personal files in the custody of the prisons Officers-in-Charge. Informant's anonymity and confidentiality was assured by putting individual codes on the instruments.
CHAPTER FOUR
DATA ANALYSIS, RESULTS AND DISCUSSION

4.0 Introduction and Background Information

This chapter presents study findings on the influence of education on the perception of crime and justice by inmates with H.I in Nairobi County Jails, Kenya. The study was carried out in two prisons: Kamiti Maximum Security Prison and Industrial Area Remand and Allocation Prison. The target population in this study was all the inmates with H.I. Both structured interview schedule and document analysis were used to collect information from the sample. The response rate in the study was 100% and the research instruments were personally administered with the help of a S.L interpreter and scored by the researcher.

The findings were organized and presented based on the following research themes:

- Demographic characteristics of the informants
- Types of crimes commonly committed by the inmates with H.I
- Reasons inmate with H.I gave for committing crimes
- Actions that inmates with H.I perceived to be criminal
- Actions that inmate with H.I perceived to be justice in the due process of the law
- Relationship between level of education, the crime committed and perception to crime by inmates with H.I
- Relationship between the level of education, crime committed and the perception to justice by inmates with H.I

4.1 Demographic Characteristics of the Informants.

At the beginning, the study sought to establish certain demographic characteristics of the inmates with H.I such as age, length of imprisonment, level of educational attainment, marital status and
occupation at the time of arrest. These characteristics were important because they helped to shape one's perception to crime and justice.

Table 4.1: Population of Inmates with H.I in Prison.

<table>
<thead>
<tr>
<th>NAME OF PRISON</th>
<th>FREQUENCY</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kamiti Maximum Security prison</td>
<td>7</td>
<td>70%</td>
</tr>
<tr>
<td>Industrial area Remand &amp; Allocation Prison</td>
<td>3</td>
<td>30%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>10</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Kamiti Maximum Security Prison had majority of the respondents accounting for 70% while Industrial Area Remand and Allocation Prison had 30%. All respondents were males.

The study also sought to establish the range of age of the inmates and found that the majority were fairly young people as shown in table 4.2.

Table 4.2: Respondents' range of age

<table>
<thead>
<tr>
<th>RANGE OF YEARS</th>
<th>FREQUENCY</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 - 25</td>
<td>4</td>
<td>40%</td>
</tr>
<tr>
<td>26 - 30</td>
<td>2</td>
<td>20%</td>
</tr>
<tr>
<td>31 - 35</td>
<td>3</td>
<td>30%</td>
</tr>
<tr>
<td>36 - Above</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>10</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>
The table shows that majority of the inmates' age ranged between 20 – 25 years (40%), followed by those aged between 31 – 35 years (30%). Those aged between 26 – 30 years comprised 20% and those aged 36 years and above constituted only 10%. The study considered the respondents to be mature enough to know the difference between right and wrong and hence capable of taking responsibility of their actions.

The researcher sought to establish whether the respondents were married or not. When one is married, he will have some level of responsibility and will think seriously before engaging in activities that will make him separated from his family. The findings revealed the following facts as shown in table 4.3.

Table 4.3: Respondents' Marital Status

<table>
<thead>
<tr>
<th>MARITAL STATUS</th>
<th>FREQUENCY</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Married</td>
<td>5</td>
<td>50%</td>
</tr>
<tr>
<td>Divorced</td>
<td>3</td>
<td>30%</td>
</tr>
<tr>
<td>Widowed</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Separated</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td>Unmarried</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>10</td>
<td>100%</td>
</tr>
</tbody>
</table>

The table shows that 50% of the respondents were married through customary law and that 30% had divorced their wives though they had not done it through the court. One person (10%) was separated from his spouse. He reported that though he no longer lived together in the same house with her, they saw each other occasionally. One person (10%) was still unmarried. None of the respondents had ever lost a spouse.
The study also sought to establish the respondents’ occupations at the time of arrests, and found out the following as described in table 4.4.

Table 4.4: Respondents’ occupations at the Time of Arrests

<table>
<thead>
<tr>
<th>OCCUPATION</th>
<th>FREQUENCY</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carpentry Business</td>
<td>3</td>
<td>30%</td>
</tr>
<tr>
<td>Hawking General Wares</td>
<td>3</td>
<td>30%</td>
</tr>
<tr>
<td>Formal Salaried Employment</td>
<td>2</td>
<td>20%</td>
</tr>
<tr>
<td>Butchery Business</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td>Farm Hand</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td><strong>TOATL</strong></td>
<td><strong>10</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

The table shows that the proportion of the respondents that ran carpentry business and that did hawking of general wares was 30% respectively. Those in salaried formal employment were 20%. One respondent (10%) ran butchery business and another one (10%) worked as a farm hand. It was established that majority of the respondents were either unskilled or semi-skilled and did jobs that did not earn fairly good incomes. Very small proportion had skills that could attract employment in the formal sector. Information about the level of educational attainment was also considered important in informing the objectives of the study. The finding in this area revealed the following as seen in table 4.5.
Table 4.5: Levels of Educational Attainment

<table>
<thead>
<tr>
<th>LEVEL OF EDUCATION</th>
<th>FREQUENCY</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary School Level Only</td>
<td>3</td>
<td>30%</td>
</tr>
<tr>
<td>Primary School Level Plus Vocational Training</td>
<td>3</td>
<td>30%</td>
</tr>
<tr>
<td>Vocational Training by Apprenticeship</td>
<td>2</td>
<td>20%</td>
</tr>
<tr>
<td>Secondary School Level Plus Vocational Training</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td>Secondary School Level Plus Professional Training at middle level College</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>10</td>
<td>100%</td>
</tr>
</tbody>
</table>

The table shows that those with primary level education only were 30%. Similar proportion (30%) had both primary and vocational education. The proportion of those with vocational training through apprenticeship but without primary level education was 20%. One person (10%) had the benefit of secondary school education, together with professional training at a college. One other person (10%) had secondary school education and vocational training. The results about the levels of educational attainment presented a worrying trend. It showed that majority of the respondents (80%) lacked secondary school level education. The findings were in agreement with the study report by the Swedish National Association of the Deaf which observed that the people with H.I had a lower level of educational attainment than the rest of the population in Sweden (Swedish Research Institute for Disability Policy, 2005). It also concurs with the observations by Miller (2001) and Vernon (1996).
that 'most people with HI all over the world have limited education standard ... and impoverished social skills'.

The study also sought to find out the length of sentences mated to the respondents by the courts. The results revealed the following as presented in table 4.6.

**Table 4.6: Length of Sentences Given to Respondents by the Courts**

<table>
<thead>
<tr>
<th>LENGTH OF FREQUENCY</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRISON SENTENCE</td>
<td></td>
</tr>
<tr>
<td>Less than 5 Years</td>
<td>4</td>
</tr>
<tr>
<td>5 Years – 10 Years</td>
<td>3</td>
</tr>
<tr>
<td>Beyond 10 Years</td>
<td>3</td>
</tr>
<tr>
<td>TOTAL</td>
<td>10</td>
</tr>
</tbody>
</table>

The table shows that the proportion jailed for less than 5 years was 40%. Majority of these offenders were convicted for theft related charges and running businesses without valid trading license. Some were sent to jail for their failure to pay the fines imposed on them by the courts. Those jailed for a period between 5 – 10 years were 30%. They were convicted for selling illegal drugs and substances abuse and also handling fire arms without government permit. The offenders jailed for beyond 10 years were 30% and were all convicted for sexual assaults against female victims.

4.2 Types of Crimes Commonly Committee by Offenders with H.I.

Miller (2001) asserts that the people with H.I were predisposed to committing certain crimes including sexual assault, physical assault, robbery and use of prohibited drugs. Miller & Vernon (2002) reviewed the types of crimes committed by inmates in the state of Texas among prison
population of 133,581 hearing prisoners and 99 prisoners with H.I. The results showed that out of the prison population of 99 prisoners with H.I, 41 (41.4%) were sex offenders. Thirty eight percent of the 41 H.I offenders were convicted for sexual assault against adult women, and 31% were convicted for sexual assault for which no descriptive data were available. Seven percent of the H.I population was convicted for robbery while 9% percent were convicted for murder or attempted murder with 16% convicted for physical assault.

The study revealed that majority of offenders, (30%) with H.I in Nairobi Jails was convicted for rape, which is a form of sexual assault and a similar number (30%) of theft. Rape was the offence that attracted the longest period of imprisonment (beyond 10 years). Dealing in illegal drugs and substances and/or use of the same was also a crime found among the offenders and constituted 20%. The drugs included heroine, cocaine and bhang. This crime was committed by offenders who masqueraded as street hawkers. One offender (10%) was also found to handle fire arms without government permit. The fire arms were believed to be for committing acts of violence against victims through either robbery or sexual assault. One respondent was convicted of running business without valid government license. The offence attracted fines but owing to the inability of the offender to raise money for the fine, he went to jail for shorter period below 5 years. The offences identified among the offenders with HI in Nairobi County Jails were in agreement with studies done by Miller (2001), and Miller & Vernon (2002). For more information see table 4.7.
Table 4.7 Common Offences Committed by Inmates with H.I in Nairobi County Jails

<table>
<thead>
<tr>
<th>TYPE OF CRIME</th>
<th>FREQUENCY</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rape/ Attempted rape</td>
<td>3</td>
<td>30%</td>
</tr>
<tr>
<td>Theft / Handling stolen property</td>
<td>3</td>
<td>30%</td>
</tr>
<tr>
<td>Selling / Use of illegal drugs</td>
<td>2</td>
<td>20%</td>
</tr>
<tr>
<td>Running business without license</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td>Handling fire arms without permit</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>10</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

4.3 Reasons Offenders with H.I Gave for Committing Crimes.

The second major objective of the study was to find out the major reasons the inmates with H.I gave for committing the alleged crimes for which they were convicted. The respondents were interviewed and their responses were compared to the records in their files (document analysis) and the following was found out as seen in table 4.8.
Table 4.8: Reasons the Inmates with H.I gave for Committing Crimes

<table>
<thead>
<tr>
<th>REASONS FOR COMMITTING CRIMES</th>
<th>FREQUENCY</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of money to buy necessary tools for trade, pay for trade license.</td>
<td>3</td>
<td>30%</td>
</tr>
<tr>
<td>Women they admired and requested for friendship but refused to cooperate.</td>
<td>3</td>
<td>30%</td>
</tr>
<tr>
<td>Crime was an easy way of making money. Too many willing to buy drugs.</td>
<td>2</td>
<td>20%</td>
</tr>
<tr>
<td>Did not know the law would be applied to them since they were H.I</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td>Blackmailed by hearing friends to carry weapons on their behalves.</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>10</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

The table shows that the majority of the inmates with H.I (30%) committed crimes because of lack of funds to buy necessary tools for their trade. Some said they did not have funds to pay for business licenses. This means that some people with H.I were willing to engage in meaningful and honest trades but there were financial obstacles that stood on their ways. They found stealing an easier way out and were therefore arrested, charged and convicted. A similar proportion (30%) cited misunderstanding with their victims as the reason why they were jailed. They said that the victims of their crime (women) failed to agree to their sexual needs and as a result of reacting to the 'sexual heat of the moment'; they committed the alleged crime of sexual assaults. It can be deduced that the offenders with H.I committed sexual assault related crimes because of lack of negotiation skills with the hearing community. One offender (10%) said that he was black-mailed by the people who were hearing whom he trusted as friends to carry or transport fire arms for them but after he was arrested,
the friends abandoned him. The other one (10%) said he was unaware that the law could be applied on him owing to his disability. During his trials at the courts, he did not even put up defenses. He pleaded ‘guilty’ and was fined by the court but could not afford the fine; therefore, he was sentenced to prison.

Literature points out that low educational attainment were to blame for the offenders’ involvement in criminal activities. Miller (2001) observes that 34% of violent offenders with H.I had reading level of 2.8 or below, which was the federal government’s standard for defining functional illiteracy. In line with this finding, Miller (2001) and Vernon (1996) had earlier observed that the offenders with H.I had restricted sign language, English vocabulary and syntax and impoverished social skills.

4.3.1 Actions the Inmates with HI Perceived to be Criminal

The study investigated the actions the inmates with H.I considered to be criminal. A list of actions popularly considered criminal were sampled from the Penal Code and presented to the inmates to test their perception toward them. The research question sought to establish whether the inmates with H.I perceived such actions as criminal or otherwise. The results are presented in table 4.9.
Table 4.9: Actions the Inmates with H.I Perceived to be Criminal

<table>
<thead>
<tr>
<th>ACTIONS PERCEIVED TO BE CRIMINAL</th>
<th>FREQUENCY</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robbery with violence</td>
<td>10</td>
<td>100%</td>
</tr>
<tr>
<td>Illegal possession of fire arms</td>
<td>10</td>
<td>100%</td>
</tr>
<tr>
<td>Murder and manslaughter</td>
<td>10</td>
<td>100%</td>
</tr>
<tr>
<td>Malicious damage of property</td>
<td>10</td>
<td>100%</td>
</tr>
<tr>
<td>Causing grievous bodily harm</td>
<td>10</td>
<td>100%</td>
</tr>
<tr>
<td>Trespassing</td>
<td>10</td>
<td>100%</td>
</tr>
<tr>
<td>Escaping from official custody</td>
<td>10</td>
<td>100%</td>
</tr>
<tr>
<td>Use / sale of prohibited drugs</td>
<td>10</td>
<td>100%</td>
</tr>
<tr>
<td>Fraud and forgery</td>
<td>10</td>
<td>100%</td>
</tr>
</tbody>
</table>

The table shows that all the inmates (100%) perceived robbery with violence, illegal possession of fire arms, murder / attempted murder, rape / attempted rape, malicious damage of property, causing grievous bodily harm, trespassing, escaping from official custody, use of or sale of prohibited drugs and forgery / fraud as criminal acts. It can be deduced that the offenders with H.I committed crimes well aware that their actions were illegal and would be punished by the state. They were not ignorant of their actions and the likely convictions. They were aware of their moral duty to uphold social harmony by doing the good. Duff (1986) observes that every society has a moral code that guides people’s lives and ensures social harmony.

4.3.2 Actions the Inmates with H.I Perceived to be Justice in the Due Process of Law.

The study sought to establish whether the inmates with H.I felt that justice was followed in their arrests, trials and convictions. Some of the activities and actions that constitute due process rights
and procedures were sampled and presented to the respondents to gauge their perceptions. The results are presented in Table 4.1.

Table 4.10: Due Process Rights and Procedures

<table>
<thead>
<tr>
<th>DUE PROCESS RIGHTS AND PROCEDURES</th>
<th>YES</th>
<th>NO</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>There was adequate communication at the time of your arrest Police told you why you were arrested in a language you could understand.</td>
<td>2(20%)</td>
<td>8(80%)</td>
<td>100%</td>
</tr>
<tr>
<td>In court you were fully aware of the plea you entered and its legal implications.</td>
<td>4(40%)</td>
<td>6(60%)</td>
<td>100%</td>
</tr>
<tr>
<td>You were provided with SLI whose SL you adequately understood and you were also understood by the SLI.</td>
<td>3(30%)</td>
<td>7(70%)</td>
<td>100%</td>
</tr>
<tr>
<td>You were provided with defense lawyer (if you could not afford one) to assist you to organize your defense.</td>
<td>2(20%)</td>
<td>8(80%)</td>
<td>100%</td>
</tr>
<tr>
<td>You had a reasonable understanding of court procedures, your rights and obligations as a defendant.</td>
<td>1(10%)</td>
<td>9(90%)</td>
<td>100%</td>
</tr>
<tr>
<td>You were produced in court in fairly good time and were not put in police custody for a long time (your trial was speedily done).</td>
<td>4(40%)</td>
<td>6(60%)</td>
<td>100%</td>
</tr>
<tr>
<td>You were satisfied with the conviction given to you by the court.</td>
<td>5(50%)</td>
<td>5(50%)</td>
<td>100%</td>
</tr>
<tr>
<td>You understood your right to appeal against your conviction.</td>
<td>4(40%)</td>
<td>6(60%)</td>
<td>100%</td>
</tr>
</tbody>
</table>

The table shows that 80% of the respondents said they were not adequately communicated to by the police and were not clearly told the reason why they were arrested in a language they could fully understand. Only 20% said the communication was adequate. Concerning the plea they entered, either guilty or not guilty, 60% did not understand the legal implications while 40% were fully aware of the plea they entered and their legal implications. Concerning whether they were provided with S.L.I who could understand their S.L and whom they could understand, 70% said they did not fully understand...
the S.L of the S.L.I. Only 30% said they were okay with the S.L.I. On the issue of the defendant’s right to be provided with a defense attorney if they could not afford one, 80% said they were not aware of such a right, were not told about it and were not provided with any information. Only 20% said they were provided with attorneys by the state but upon request. As it pertains whether the accused understood court processes, their rights and obligations as the accused, 90% said they did not understand the court processes, their rights and obligations as the accused. One respondent (10%) said he understood the court processes. On whether the accused were taken to court in a fairly good time and that they were not kept in police custody for a long time, 60% said they were kept in police custody for a long time, some up to three months while 40% said their trials were speedily done. Concerning whether they were satisfied with their convictions 50% said they did not have any complaint with it while 50% said they were not satisfied with their convictions. On whether they understood their right to appeal against their convictions if they were not satisfied, 60% said they did not while 40% said they did.

The results gathered had a lot of relation to the information in reviewed literature. It was evident that though the offenders with H.I agreed to committing crimes, the process of obtaining justice was flawed because the due process rights of the accused were not fully adhered to. Studies point out that inadequate communication can radically affect interaction of the defendant with H.I in courtroom leading to injustice being committed (Berko 1992; Gallie & Smith 2002; McCoy 1992; Simon 1994; Vernon & Raifman 1997). It is the responsibility of the court to provide appropriate language accommodation readily understood by the offenders with H.I. It is also the responsibility of the courts to provide the accused with defense attorneys if the accused cannot afford to hire one (Berko 1992; King 1989; Simon 1994; Vernon & Miller 2001; Vernon, Raifman & Greenburg 1996). Odhiambo (2004) also observes that the courts need to ensure proper language accommodation of the offenders with H.I to facilitate speedy trial and fair administration of justice.
The fourth major theme was to establish the relationship between the education attainment and the perception of crime. The inmates’ educational attainments were triangulated against the crimes committed and the perceptions held toward crime. The results are presented in table 4.11.

**Table 4.11: Relationship between Type/Level of education and the Perception of Crime by Inmates with H.I.**

<table>
<thead>
<tr>
<th>EDUCATION TYPE/ LEVEL OF ATTAINMENT</th>
<th>CRIME COMMITTED</th>
<th>PERCEPTION TO CRIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary school level only (3) = 30%</td>
<td>Selling / using illegal drug, sexual assault</td>
<td>Easy way of making money. A way of satisfying sexual need</td>
</tr>
<tr>
<td>Primary school level plus vocational training (3) = 30%</td>
<td>Theft / handling stolen goods</td>
<td>A means of obtaining what they did not have yet desperately needed it</td>
</tr>
<tr>
<td>Vocational training by apprenticeship (2) = 20%</td>
<td>Sexual assaults</td>
<td>It was desirable for satisfying sexual needs</td>
</tr>
<tr>
<td>Secondary school level plus vocational training (1) = 10%</td>
<td>Running business without the authorized license</td>
<td>They did not know if the law would be applied on them when they were H.I</td>
</tr>
<tr>
<td>Secondary school level plus professional training at college (1) = 10%</td>
<td>Handling fire arm without government permit</td>
<td>It was a way of earning extra income</td>
</tr>
</tbody>
</table>

The table shows that 20% of the offenders convicted for selling and / or using prohibited drugs had primary school level education only. They perceived their crime as an easy way of earning a living. Asked whether they would go back to the same criminal activity, they answered to the affirmative but
said they would be more careful with the police. One respondent (10%) with primary level education was convicted of sexual assault. He was remorseful for the action but regretted it was difficult to satisfy his sexual needs otherwise because women had refused to cooperate with his requests for intimate relationship. He was bitter with the entire women folk for not understanding that, like all other human beings, he had sexual needs. Those with primary school level coupled with vocational training were 30%.

Interestingly, all who were convicted either for stealing or handling stolen goods, perceived their crimes as a means of acquiring what they were unable to acquire legally yet they needed them for their trades to continue. They were remorseful for their actions and said they would not go back to crime once released from jail.

Offenders with vocational training through apprenticeship comprised 20% of the total population of inmates with H.I in Nairobi Jails. Interestingly, they were convicted for sexual assaults against people known to them. They perceived their actions though criminal, as necessary. They reported that they did not plan the alleged crime but found themselves reacting to the sexual ‘heat of the moment’. This group of offenders was bitter with women for refusing them genuine sexual liaisons. They said they would repeat the same in future.

One respondent (10%) had secondary school level education with vocational training was convicted of running butchery business without government licenses. He owned up to his crime and was remorseful. He said his conviction was justified. He reported that he would not repeat the action in future. One offender (10%) with secondary school education with professional training at college had formal employment with regular monthly wage. He willingly accepted to be used by his friends who were hearing to transport fire arms from one place to another with-in Nairobi city. He reported that
the job paid better than his formal employment and said he would still run guns again after release from jail.

From the findings above, it can be deduced that education attainment and the type of education did not have a relationship with the crimes inmates with H.I committed. Just like some who had primary level education committed sexual assaults, also those with vocational training through apprenticeship committed the same. Some offenders with primary education plus vocational training were in formal employment just like some who had secondary education with professional college education were. However, the type of education and the level of attainment had a relationship on the way they perceived crime. The offenders with primary education perceived crime as necessary for earning a living. Though they were serving their jail terms, they were prepared to continue with their criminal activities after release from jail.

Those with vocational education through apprenticeship were not at all remorseful for their crimes. They committed crimes out of bitterness of rejection by women and were ready to continue in their line of crime. The offenders with primary school level plus vocational training were remorseful of their actions and were ready to change for better. Those with secondary plus vocational training had a better perception of crime. They owned up to their actions and were not bitter with the punishment given to them. They were ready to change and become good citizens. Those with secondary school education plus professional training in a college surprisingly used their H.I status to commit crimes. They owned up to the crimes but the allure of quick money made them get into criminal activities.
4.5 Relationship between Level of Education, Due Process Rights and Procedures and Perception of Justice by Inmates with H.I.

The last theme the study sought to examine was the relationship between the type of education and the perception the inmates with H.I had towards justice. The inmates’ level of education was assessed against due process procedure and the inmates’ perceptions of justice. The results are presented in table 4.13.

KEY

A = There was adequate communication at the time of your arrest, police told you why you were arrested.

B = At the court you were fully aware of the plea you entered and its legal implication.

C = You were provided with S.L.I whom you understood and who understood you.

D = You were provided with a defense lawyer (if you could not afford one) to assist you to organize defense.

E = You had a reasonable understanding of the court procedures, your rights and obligations as the defendant.

F = You were produced in court in fairly good time and not kept in police custody for a long time.

G = You were satisfied with the conviction given to you by the court.

H = You understood your right for appeal against your conviction.
Table 4.12: Relationship between level of Education and the Perception of Justice by Inmates with H.I: Primary School Level

<table>
<thead>
<tr>
<th>DUE PROCESS RIGHTS AND PROCEDURES</th>
<th>RESPONSES</th>
<th>RESPONSES</th>
<th>PERCEPTION OF JUSTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>0</td>
<td>3</td>
<td>100% were not adequately informed by the police why they were arrested.</td>
</tr>
<tr>
<td>B</td>
<td>1</td>
<td>2</td>
<td>66.6% did not know the plea to enter and its implications. Only 33.4% did.</td>
</tr>
<tr>
<td>C</td>
<td>1</td>
<td>2</td>
<td>66.6% were given SLI but did not fully understand one another. Only 33.4% did not have problems with SLI.</td>
</tr>
<tr>
<td>D</td>
<td>0</td>
<td>3</td>
<td>100% were not aware of their right to defense lawyer and were not given one.</td>
</tr>
<tr>
<td>E</td>
<td>0</td>
<td>3</td>
<td>100% did not fully understand the court processes.</td>
</tr>
<tr>
<td>F</td>
<td>2</td>
<td>1</td>
<td>66.6% were not taken to court in good time. Only 33.4% were tried speedily.</td>
</tr>
<tr>
<td>G</td>
<td>2</td>
<td>1</td>
<td>66.6% were satisfied with their convictions. Only 33.4% were not.</td>
</tr>
<tr>
<td>H</td>
<td>1</td>
<td>2</td>
<td>66.6% did not understand their right to appeal. Only 33.4% were aware of it.</td>
</tr>
</tbody>
</table>
Table 4.13: Relationship between Levels of Education and the Perception of Justice by Inmates with H.I: Primary School Level plus Vocational Training

<table>
<thead>
<tr>
<th>DUE PROCESS RIGHTS AND PROCEDURES</th>
<th>RESPONSES</th>
<th>RESPONSES</th>
<th>PERCEPTION OF JUSTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>0</td>
<td>3</td>
<td>100% were not adequately informed why they were arrested by the police.</td>
</tr>
<tr>
<td>B</td>
<td>1</td>
<td>2</td>
<td>66.6% were not fully aware of the plea they entered. Only 33.4% were.</td>
</tr>
<tr>
<td>C</td>
<td>1</td>
<td>2</td>
<td>66.6% were provided with S.L.I. But did not fully understand one another. Only 33.4% were okay with S.L.I.</td>
</tr>
<tr>
<td>D</td>
<td>0</td>
<td>3</td>
<td>100% were not aware of their right to a defense lawyer and were not given any.</td>
</tr>
<tr>
<td>E</td>
<td>0</td>
<td>3</td>
<td>100% did not fully understand the court procedures.</td>
</tr>
<tr>
<td>F</td>
<td>1</td>
<td>2</td>
<td>66.6% were not taken to court in good time. Only 33.4% were speedily tried.</td>
</tr>
<tr>
<td>G</td>
<td>2</td>
<td>1</td>
<td>66.6% were satisfied with their convictions. Only 33.4% were not.</td>
</tr>
<tr>
<td>H</td>
<td>1</td>
<td>2</td>
<td>66.6% did not understand their right to appeal while 33.4% were aware of it.</td>
</tr>
</tbody>
</table>
### Table 4.14: Relationship between Level of education and the Perception of Justice by Inmates with H.I: Vocational Training through Apprenticeship.

<table>
<thead>
<tr>
<th>DUE PROCESS RIGHT AND PROCEDURES</th>
<th>RESPONSE</th>
<th>RESPONSE</th>
<th>PERCEPTION OF JUSTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>0</td>
<td>2</td>
<td>100% were not adequately informed why they were arrested by the police.</td>
</tr>
<tr>
<td>B</td>
<td>0</td>
<td>2</td>
<td>100% were not fully aware of the plea they entered and its legal implications.</td>
</tr>
<tr>
<td>C</td>
<td>0</td>
<td>2</td>
<td>100% were provided with S.L.I but there was very little communication.</td>
</tr>
<tr>
<td>D</td>
<td>0</td>
<td>2</td>
<td>100% were not aware of their right to a defense lawyer and were not provided with one.</td>
</tr>
<tr>
<td>E</td>
<td>0</td>
<td>2</td>
<td>100% did not fully understand the court procedures.</td>
</tr>
<tr>
<td>F</td>
<td>0</td>
<td>2</td>
<td>100% were kept in police custody for unnecessarily long time.</td>
</tr>
<tr>
<td>G</td>
<td>0</td>
<td>2</td>
<td>100% were not satisfied with their convictions.</td>
</tr>
<tr>
<td>H</td>
<td>0</td>
<td>0</td>
<td>100% were not aware of their right to appeal against their convictions.</td>
</tr>
</tbody>
</table>
### Table 4.15 Relationship between Level of Education and the Perception of Justice by Inmates with H.I: Secondary School Level plus Vocational Training.

<table>
<thead>
<tr>
<th>DUE PROCESS RIGHTS AND PROCEDURES</th>
<th>RESPONSE</th>
<th>RESPONSE</th>
<th>PERCEPTION OF JUSTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>1</td>
<td>0</td>
<td>100% was adequately informed why he was arrested by the police.</td>
</tr>
<tr>
<td>B</td>
<td>1</td>
<td>0</td>
<td>100% was aware of the plea he entered and its legal implications.</td>
</tr>
<tr>
<td>C</td>
<td>0</td>
<td>1</td>
<td>100% was provided with S.L.I but there was very little communication.</td>
</tr>
<tr>
<td>D</td>
<td>0</td>
<td>1</td>
<td>100% was provided with a defense lawyer upon request.</td>
</tr>
<tr>
<td>E</td>
<td>0</td>
<td>1</td>
<td>100% did not fully understand court procedures.</td>
</tr>
<tr>
<td>F</td>
<td>1</td>
<td>0</td>
<td>100% was taken to court in good time and was speedily tried.</td>
</tr>
<tr>
<td>G</td>
<td>1</td>
<td>0</td>
<td>100% was satisfied with his conviction.</td>
</tr>
<tr>
<td>H</td>
<td>1</td>
<td>0</td>
<td>100% was aware of his right to appeal against his conviction.</td>
</tr>
</tbody>
</table>
Table 4.16: Relationship between Level of Education and the Perception of Justice by Inmates with H.I: Secondary School Level plus Professional Training at Middle Level Colleges.

<table>
<thead>
<tr>
<th>DUE PROCESS RIGHTS AND PROCEDURES</th>
<th>RESPONSE</th>
<th>RESPONSE</th>
<th>PERCEPTION TO JUSTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>A 100% was adequately informed why he was arrested by the police.</td>
<td>1</td>
<td>0</td>
<td>100% was adequately informed why he was arrested by the police.</td>
</tr>
<tr>
<td>B 100% was aware of the plea he entered and its legal implication.</td>
<td>1</td>
<td>0</td>
<td>100% was aware of the plea he entered and its legal implication.</td>
</tr>
<tr>
<td>C 100% was provided with S.L.I whom he understood well.</td>
<td>1</td>
<td>0</td>
<td>100% was provided with S.L.I whom he understood well.</td>
</tr>
<tr>
<td>D 100% was provided with a defense lawyer upon request.</td>
<td>1</td>
<td>0</td>
<td>100% was provided with a defense lawyer upon request.</td>
</tr>
<tr>
<td>E 100% had some reasonable understanding of the court procedures.</td>
<td>1</td>
<td>0</td>
<td>100% had some reasonable understanding of the court procedures.</td>
</tr>
<tr>
<td>F 100% was taken to court in good time and was speedily tried.</td>
<td>1</td>
<td>0</td>
<td>100% was taken to court in good time and was speedily tried.</td>
</tr>
<tr>
<td>G 100% was satisfied with his conviction.</td>
<td>1</td>
<td>0</td>
<td>100% was satisfied with his conviction.</td>
</tr>
<tr>
<td>H 100% was aware of his right to appeal against his conviction.</td>
<td>1</td>
<td>0</td>
<td>100% was aware of his right to appeal against his conviction.</td>
</tr>
</tbody>
</table>
Tables 4.13, 4.14, 4.15, 4.16 and 4.17 show that type of education had a positive relationship with the perception one had for justice. Education helped one to understand the due process rights and procedures in the process of obtaining justice. Those with at least secondary school education had a better perception of justice than those who had primary level education only and also those with primary school level plus vocational training. Those who did not have any primary school level education but had learnt a trade through apprenticeship faired badly in perceiving justice, especially the due process rights and procedures. It can be deduced that in the process of obtaining education in educational institutions, one is exposed socially and develops total communication besides the conventional sign language. Formal education, therefore, was the preferred mode of educational provision in perceiving justice.
CHAPTER FIVE
SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction
This chapter discusses a summary of what the study sought to investigate as outlined in the study objectives. It also points out some of the findings arrived at after analysis. The conclusions made from the findings and recommendations after the study have also been discussed. Lastly, relevant useful suggestions for further research have been recommended.

5.1 Summary
The purpose of the study was to investigate the influence of education on the perception of crime and justice by inmate with hearing impairments in Nairobi County jails. It did so by looking at the type of education and the level of attainment by the inmates with H.I and how such type and attainment influenced their perceptions on crime and justice.

5.1.1 Types of Crimes Commonly Committed by Inmates with H.I in Nairobi County Jails.
The study examined the common crimes which the inmates with H.I committed. Information from document analysis which was corroborated by the responses from the interview found out that out of 10 inmates studied, 3 (30%) had committed sexual assault. A similar number, 3 (30%) out of 10 had stolen. Two out of ten (20%) sold illegal drugs including heroine, cocaine and bhang. One (10%) out of ten handled illegal weapons without government permit. One more person (10%) ran business without license.

5.1.2 Reason the Inmates with H.I Gave for Committing Crime.
The reasons given by the inmates for committing crimes were unique to the type of crime committed. Those accused of theft said they stole because they lacked the money to buy tools necessary for their trade. Two of them had their own carpentry workshops and said they needed workshop tools and
materials but did not have money to procure them. They therefore stole or bought stolen goods cheaply. The Inmates convicted of sexual assault said the women whom they admired rejected their proposals for intimate friendships. They sexually assaulted their victims out the desire to satisfy their sexual needs. They said they lacked the right language to persuade the women they admired to accept them. Those who sold illegal drugs said they found the activity to be an easy way of making money. They said they would still do the same upon release from jail only that they would be more careful with the police. One inmate said he did not have money to pay for a business license and therefore went ahead to run the business without the necessary documents. After paying for the rent, buying the weighing scale and buying the initial stock, he ran short of funds to pay for the license. The inmate who handled fire arms without government permit said he was a victim of blackmail. He was used by his hearing friends to carry guns for them from one place to another for payment. Though he had a stable employment, he found the allure to run guns too tempting to refuse. He said the payment for transporting a gun from one point to another was better than what he earned from his formal employment.

5.1.3. Actions the Inmates with H.I Perceived to be Criminal.

The researcher sought to establish the actions that inmates with H.I perceived to be criminal. A list of actions popularly considered criminal were sampled from the penal code and presented to the inmates. They were asked to state their perception whether they considered the actions criminal or otherwise. The analysis revealed that all the 10 (100%) perceived robbery with violence, illegal possession of fire arms, murder and manslaughter, malicious damage of property, causing grievous bodily arm, trespassing, escape from official custody, use of or sale of prohibited drugs, fraud and forgery to be criminal actions. This shows that the inmates with H.I committed crime from the basis of knowledge. They knew the right thing to do but chose crime. They were aware of the society expectation of keeping law and order. Duff (1986) observes that every society has a moral code that guide people’s actions and ensures social harmony.
5.1.4 Actions that the Inmates with H.I Perceived to be Justice in the Due Process of law.

The study sought to find out the perceptions of inmates with H.I on the due process rights and procedures in the process of obtaining justice and their consequential convictions by the courts. A list of due process rights and procedures were sampled and presented to the inmates. These were the processes they went through right from arrest, trial and conviction. They were asked whether they perceived justice to have been done or not.

After the analysis, 80% said that there was no adequate communication by the police at the time of arrest. They were not told why they were arrested in a language they could fully understand. Only 20% perceived the police communication adequate in explaining why they were arrested. Concerning which plea to enter, 60% were not aware of the legal implications of the plea they entered. Only 40% were aware of the legal implications of the plea they entered. Concerning the language accommodation, 70% said they were provided with the services of a S.L.I but there was very little communication. They did not fully understand the signs used nor did the S.L.I understand theirs. Only 30% were okay with the S.L.I.

Concerning defense, 80% were not aware of their right to request for a state attorney if they could not afford one. Only 20% were aware of such a right. They requested and were assisted to organize their defense. On the issue of court procedures, 90% did not understand court processes, their rights and obligations as defendants. Only one respondent (10%) had some reasonable understanding of the court processes. Concerning one’s right to speedy trial, 60% said they were not taken to court in good time. Some reported staying in police custody for up to three months. The courts cited lack of S.L.I to assist the accused to participate in trial. It is the responsibility of the courts to ensure that the appropriate accommodation is provided in the language readily understood by the offender with hearing impairments (Berko 1992; Gallie & Smith 2002; McCoy 1992; Simon 1994; Vernon & Raifman 1997). Only 40% were tried speedily and justice prevailed. Concerning convictions, 50%
perceived their convictions to be fair while 50% perceived theirs to be unfair. Concerning the right to appeal, 60% were unaware of their right to appeal against court rulings while 40% were aware of their right to appeal against their convictions.

5.1.5 Relationship between Type of Education, the Crimes Committed, and the Perceptions to Crime by the Inmates with H.I.

The study was sought to establish whether there was a relationship between type of education, crime committed and the perceptions the inmates had towards crime. The three variables were triangulated and the outcome revealed that 3 (30%) out of the 10 inmates had primary level education. Out of the three, 2 (20%) were convicted for selling illegal drugs and perceived their crimes as an easy way of making money. They said they would go back to the same activities after they were released from jail. They posed as hawkers of general wares yet their main business was selling prohibited drugs. The other one (10%) with primary school level education was convicted for sexual assault. He perceived crime as desirable for satisfying his sexual needs.

The inmates with primary level education plus vocational training were 3 (30%). They were all convicted of theft and/or handling stolen goods. They perceived their crimes as necessary for achieving what they could not achieve otherwise. Inmates with vocational training through apprenticeship were 2 (20%) out of 10 (100%). Both were accused of sexual assault. They perceived their crime as desirable for satisfying their sexual needs. They also perceived crime as a means of punishing women whom they admired yet reject their request for intimate friendship. One inmate (10%) had secondary school level education plus vocational training and was convicted for running business without license. He said that he did not know his crime was serious to warrant conviction. He also thought the law would not be applied on him as he was H.I. The inmate with secondary school level education plus professional training at college (10%) was convicted for handling firearms without permit. He perceived his crime as an easy way of earning extra income.
5.1.6 Relationship between Type of Education, Due Process Rights and Procedures and the Perceptions of Justice by Inmates with H.I.

The last theme the study sought to investigate was the relationship between the type of education, due process rights and procedures and the perception of crime by the inmates with H.I. The type of education was assessed against the inmates’ understanding of the due process rights and procedures and their perception of justice. After the analysis, the study found out that majority 70% of the inmates with primary school level of education did not comprehend the court due process rights and procedures. Since they did not know their rights, they did not demand for them and hence they were not given. Only 30% had some understanding of the due process rights. Similarly, among the inmates with primary school level education, 70% did not understand the due process right and procedures. Only 30% showed some understanding of court processes. All the inmates (100%) with vocational training through apprenticeship did not perceive anything as far as due process right and procedures were concerned. They did not demand for any of their rights and consequently, none was given. Inmates with secondary school education with vocational training showed a fair understanding of the due process rights and procedures. Those inmates with secondary education and professional training at college showed a good understanding of the court due process rights and procedures. They knew their rights as defendants and demanded their rights and were given.

5.2 Conclusions

A large number of the inmates (40%) with H.I in Nairobi County Jails were relatively young people aged between 20 – 25 years. The bulk of the inmates 7 (70%) were found in Kamiti Security Maximum Prison. Half of the entire population of inmates with H.I, 5 (50%) were married and were in different occupations at the time of their arrests; ranging from carpentry, hawking general wares, sheltered business to formal employment. Their educational attainments ranged from primary school level education, primary plus vocational, vocational training through apprenticeship, secondary plus vocational training to secondary plus professional training at a middle level college. Crimes
committed included theft, selling of illegal drugs, sexual assaults, handling fire arms without permit and operating businesses without license. The length of sentences ranged between less than five years to beyond ten years; with majority (40%) going for less than five years.

The common crimes committed by inmates with H.I in Nairobi County Jails were sexual assaults, and theft; each contributing 30% respectively. This was followed by selling of prohibited drugs 20%. More serious crime of handling fire arms without a permit was minimal at 10%. A similar percentage (10%) ran business without license.

Reasons for engaging in criminal activities were given as; means of obtaining things necessary for one's trade (theft), desire for satisfying sexual needs and a way of punishing the women for refusing to cooperate and rejecting request for intimate relationships (sexual assault) and easy way of earning a living (selling drugs and handling fire arms). The study established that the inmates with H.I were fully aware of the actions that were criminal. They engaged in crime well knowing that their actions were criminal and would lead to being arrested and possible trial and convictions. Majority of the inmates were uninformed about the due process rights and procedures in their search for justice. Due to their ignorance of due process right and procedures, most of them were denied justice.

Level of education was found not to influence the inmates' perception to crime. Just like those with vocational training through apprenticeship (sold illegal drugs) perceived crime as a way of earning money easily, those with secondary level education plus college training (in formal employment) (handled fire arms without permit) perceived crime as a way of earning extra income. However, the Level of education influenced one's perception of justice. Formal education, beyond secondary school level was desirable to understanding the due process rights and procedures. It helped one to demand for justice.
5.3 Recommendations

1. There is need for the schools where children with H.I are included to teach issues on law and human rights in the school curriculum.

2. The stakeholder in the education of the children with H.I who include parents and associations for the people with hearing impairments should campaign for a higher transition of children with H.I from primary school to secondary school level.

3. The government through the ministry of education should increase schools where children with H.I can be included. Such schools should be staffed with qualified teachers in the area of inclusive education with a special bias in hearing impairments.

4. Affirmative action should be practiced in form one in-take and college admission involving children / students with H.I. The joining grades for children with H.I should be set a little lower than for the children who are hearing. This will ensure a better transition rate from primary school level to secondary school level.

5. The Ministry of Youth Affairs should support the youths graduating from vocational training centers with training in entrepreneurial skills and assist them to access micro-finance to help them to begin their own businesses.

6. The courts should at all times provide a S.L.I who are proficient in sign language whenever they have clients with H.I to assist them to participate in their trials without problems.

7. The courts should also assist the defendants with H.I to access state counsels whenever they are unable to afford one.
5.3.1 Recommendations for Further Researches

This study was carried out on inmates who were already serving jail terms in Nairobi County Jails only and therefore its findings may not bring out true generalization of all other people with H.I who served jail terms in other parts of the country and were released. To make the study wider and better for generalization, the following studies could be carried out:

1. Further study should be carried out on the prevalence rate of recidivism among the former inmates with H.I in Nairobi County.

2. There is also the need to expand a similar study to other locations with the intention of bringing on board the gender balance. It would be interesting to establish the influence of education on perceptions of crime and justice among women with H.I in jails.

3. It will also be interesting to study the determinants of low educational achievement among children with H.I in the country.
REFERENCES


APPENDIX A: INTERVIEW SCHEDULE FOR INMATES WITH HEARING IMPAIRMENTS

This questionnaire is intended to gather information that will be useful in investigating the influences of education on the perception of crime and justice by inmates with hearing impairments. Any information provided will be used for the purpose of this study only and will be kept confidential. Thank you.

Instructions

a). Respond to all questions
b). Do not say your name during this interview

PART ONE: DEMOGRAPHIC CHARACTERISTICS

I now start the interview.

1. How old are you? --------------------------------------

2. What is your marital status? (a) Married [ ], (b) Divorced [ ], (c) Widowed, (d) Separated [ ], (e) Single [ ].

3. What was your occupation before you were arrested? ----------------------------

4. What is your educational attainment?
   (a) Primary school level only
   (b) Primary school level plus vocational training
   (c) Vocational training through apprenticeship
   (d) Secondary school level plus vocational training
   (e) Secondary school level plus professional training at college
   (f) Secondary school level only
   (g) University level

5. What crime did the court convict you for? -----------------------------------

6. How long will your jail sentence take? -------------------------------------------------------
PART TWO: CRIME AND PERCEPTIONS ABOUT CRIME

This section contains a list of actions derived from the penal code which are popularly perceived by the general public to be criminal. Say and it will be indicated by a (/) whether you perceive them to be criminal or not.

<table>
<thead>
<tr>
<th>ACTIONS POPULARLY PERCEIVED TO BE CRIMINAL</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Causing grievous bodily harm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Robbery with violence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Theft and handling stolen goods</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Forgery and fraud</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Possessing fire arms without license</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Malicious damage of property</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Rape and attempted rape</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Murder and manslaughter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Assault (Beating up another person)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. Trespassing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Not paying for business license</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. Escape from official custody</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19. Prostitution / possessing drugs</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

20. Did you know that your action was wrong and could get you arrested by the police?
   (a) Yes ----------------------- (b) No -------------------------------

21. If the answer to question 20 is ‘Yes’, what reason did you have for choosing to do the wrong thing? Please explain

22. If released today from jail, would you still do the same thing again? (a) Yes [ ] (b) [ ].

23. If the answer to question 22 is ‘Yes’, why would you choose to do the same crime again? Please explain.
PART THREE: DUE PROCESS RIGHTS AND PERCEPTIONS TO JUSTICE

This is a list of activities you are entitled to in the process of obtaining justice. Once you are arrested you have a right to these due process rights and procedures. Listen to them and say either ‘yes’ or ‘no’ in response to whether it happened to you or not.

<table>
<thead>
<tr>
<th>DUE PROCESS RIGHTS AND PROCEDURES</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>24. There was adequate communication at the time of your arrest since the police told you the reason for your arrest in a language you could understand sufficiently well.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25. In the court you were fully aware of the plea you entered and aware of its legal implications.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26. You were provided with a SLI whom you adequately understood and who adequately understood you.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27. You were provided with a state attorney to assist you to organize your defense (if you could not afford one).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28. You had a reasonable understanding of the court processes, your rights and obligations as a defendant, if not you were adequately informed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29. You were taken to court in a fairly good time and you were not kept in police custody for a long time.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30. You understood your right to appeal against the conviction handed to you by the court.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31. You are now satisfied with the conviction given to you by the court and are not complaining about it.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

32. Do you think justice was followed in arresting, prosecuting and jailing you? (a) Yes [ ] (b) No [ ]

33. If the answer to question 32 is ‘no’, why do you think justice was not followed? Please explain.
   
   

34. Do you think the type of education you have is important in helping you to understand the due process rights and procedures in the court? (a) Yes [ ] (b) No [ ]

Thank you very much for responding to my questions.

Pius Mutia Maithya.

Signature: -----------------------------------------------
APPENDIX B: DOCUMENT ANALYSIS GUIDE

Information in the Inmate’s file which is of interest to the study.

1. Date of birth: -----------------------------------------------
2. Marital status: -----------------------------------------------
3. Occupation at the time of arrest: -----------------------------------------------
4. Crime for which accused was convicted: -----------------------------------------------
5. Prison where sentence will be served: -----------------------------------------------
6. Length of time the sentence will take: -----------------------------------------------
7. Any known history of sickness: -----------------------------------------------
8. Degree of hearing loss: -----------------------------------------------
9. Hospital where audiometric testing was done: -----------------------------------------------
10. Any special punishment other than imprisonment: -----------------------------------------------

APPENDIX C: PRISONS IN NAIROBI COUNTY

1. Kamiti Maximum Security Prison
2. Kamiti Medium Security Prison
3. Kamiti Prison for Juvenile Offenders
4. Lang’ata Women Prison
5. Nairobi West Prison
6. Industrial Remand and Allocation Prison
7. Industrial Prison for Short Sentences