

WORLD FACTBOOK OF CRIMINAL JUSTICE SYSTEMS

Kenya

by

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This country report is one of many prepared for the World Factbook of Criminal Justice Systems under Grant No. 90-BJ-CX-0002 from the Bureau of Justice Statistics to the State University of New York at Albany. The project director for the World Factbook of Criminal Justice was Graeme R. Newman, but responsibility for the accuracy of the information contained in each report is that of the individual author. The contents of these reports do not necessarily reflect the views or policies of the Bureau of Justice Statistics or the U.S. Department of Justice.

GENERAL OVERVIEW

1. Political System.

The Kenyan Independence Constitution of 1963 has features of both a unitary and federal state. The Prime Minister is the executive head of government with a cabinet that is collectively responsible to the Parliament. The Parliament is composed of two chambers: The House of Representatives, which legislates for the people, and the Senate, which controls the excesses of the House of Representatives by judging which bills truly reflect the interests of the nation as opposed to promoting the interests of special interest groups. In the past, there have been Regional Assemblies legislating for each region but subordinate to Kenyan Parliament (Nelson, 1984; Gertzel et.al., 1969; Bienen, 1974; Kamoche, 1981; and Mungean, 1966).

Jomo Kenyatta was the first Prime Minister of Kenya and subsequently was the first President of the Independence Government of Kenya. Jomo Kenyatta found the federal system of government to be inappropriate for Kenya's multi-ethnic society. Eventually, a unitary system of government was introduced, and in 1964, Kenya was declared a Republic (Gertzel et.al., 1969; Nelson, 1984; Official Report, 1964).

As of 1993, Kenya is comprised of seven non-autonomous provinces and the Nairobi capital territory, although the country of Kenya remains a member of the British Commonwealth of Nations.

2. Legal System.

Kenya's legal system has evolved from the inheritance of its English Common Law tradition. The courts adhere to the principle of stare decisis, and like other common law countries, the legal system is adversarial in its procedure. Theoretically, the suspect is presumed innocent until proven guilty. In practice, however, the burden of proof is often placed on the defendant.

Kenya's customary courts and traditional criminal procedures have been modified by the colonial administration. Its court system conforms with the British system of indirect rule that had once existed when the colonial government allowed local chiefs to rule the rural areas of Kenya.

Kenya has an informal, customary criminal justice system. This system is carried out by local chiefs and a council of elders in remote villages, where police and formalized courts are not readily accessible. The colonial government and the post-independence governments have limited the types of criminal cases that these local chiefs and councils of elders can try, although these informal courts often exceed the limits of their powers. These informal courts help to reduce the delays and backlog of cases occurring at the formal customary courts and at the English-based courts.

3. History of the Criminal Justice System.

After Britain declared Kenya a Crown Colony, the Colonial Parliament passed laws that in effect, formed the basis of the criminal laws in Kenya. Some of the colonial criminal laws were unacceptable to the Kenyan people, such as the bigamy law, laws against stealing cattle, which was an attack against Maasai beliefs and religion, and tax evasion laws. (The Maasi is one of the three major ethnic groups in Kenya, along with the Kikuyu and the Kamba.

When Kenya was annexed and declared a Crown Colony by Britain in 1921, the Kikuyu, the Kamba and the Maasai launched stiff resistance against British domination and rule. This fight against British colonization resulted in the Mau-Mau uprisings in the 1950s and led to Kenya's independence from Britain (Gertzel et.al., 1969; Kamoche, 1981; Leys, 1973; and Nelson, 1984)).

In time, Kenyans accepted the English laws to the extent that these laws did not totally violate their customary beliefs and values. After declaring independence in December of 1963, the Kenya Independence Parliament revoked colonial laws that were contrary to their values, such as the bigamy law. As of 1993, the criminal laws of

Kenya are made up of both colonial laws that are still in force and Acts of the post-independence parliaments from the first Head of State, Nze Jomo Kenyatta to the current Head of State, President Arap Moi. Prior to 1990, it was very easy to pass laws in the Kenyan Parliament because of its unicameral system of government. There was a clear absence of long debates which characterize multiparty systems in the passage of bills. In 1990, however, after stiff resistance by the government of President Arap Moi, the Kenyan people voted to return to a multiparty system of government. Since then, Kenya has had opposition parties in the parliament in which the Kenya African National Union (KANU) is a major party.

CRIME

1. Classification of Crimes.

* Legal classification. Kenya police classify crimes into serious offenses and nonserious offenses. Serious crimes include murder, robbery, burglary, rape, kidnapping, and arson. Non-serious crimes include petty theft (maximum value of 20 USD), assault, stealing a neighbor's domestic animal, and city and state regulation violations.

* Age of criminal responsibility. The age of criminal responsibility in Kenya is 18. Persons 7 to 17 years old are treated as juveniles.

* Drug offenses. Drugs such as cocaine, heroin, and marijuana are prohibited by law.

2. Crime Statistics.

The following crime statistics on the number of crimes reported to the police are provided by Kenya Police Force Headquarters in Nairobi. Kenya Police crime statistics are not recorded according to regions or provinces and keeping crime statistics according to ethnicity or tribe is considered offensive. In 1989, the population of Kenya was 23,727,000.

* Murder. In 1989, there were 836 murders reported to the police in Kenya, for a rate of 3.53 per 100,000 population. (The number of murders being reported has been dropping since 1980. Numbers for the previous years are as follows: 896 (1980); 878 (1981); 870 (1982); 860 (1983); and 851 (1988). This drop could be as a result of the following: a) There is capital punishment for murder; b) Private

ownership of handguns and assault weapons is a felony offense; and c) Fear of revenge by the relatives of the victim has been the traditional method of controlling murder).

Attempts are included in this figure.

* Forcible rape. In 1989, there were 309 reports of rape to the Kenya police, for a rate of 1.3 per 100,000 population. (Although rape is a very serious offense in Kenya, date-rape is not a crime. This is because the culture provides that a woman should stay away from a man who has no ties of consanguinity with her.

If she is invited by a man who has no blood relationship with her, she should know that a demand for sexual favor will be a likely prospect. If she does not expect to yield to the possible sexual demand of the invitee, she should decline the invitation. Therefore, in Kenya, Ghana, Nigeria, and many other countries in Africa south of the Sahara, it is inherently contradictory and ridiculous for a woman to report that she was raped by her friend or boyfriend who invited her for a date. The cultures of these countries send a message to women, "Beware in responding to a man's invitation. If you accept the invitation, then you pick the consequences."

The number of reported rapes for previous years are the following: 330 (1980); 301 (1981); 356 (1982); 373 (1983); and 418 (1988)).

Attempts are included.

* Theft. In 1989, there were 17,299 reports of theft reported to the police in Kenya, for a rate of 72.9 per 100,000 population.

(Most crimes in Kenya are property crimes. The number of thefts for previous years are the following: 15,672 (1980); 13,833 (1981); 13,548 (1982); 14,797 (1983); and 16,888 (1988). Not included in these figures are theft of vehicles, bicycles, produce, or theft by servants).

(This figure includes 1,388 reports of cattle theft, but does not include theft of vehicles, bicycles, produce, or theft by servants.)

* Drug offenses. Information not available.

* Crime regions. The types of urban crimes recorded in European cities are very often committed in the cities of Kenya, particularly in Kisumu, Nairobi and Mombasa. Crimes such as robbery, burglary, auto theft, rape, larceny, murder, smuggling, forgery, and prostitution are frequently committed in these cities.

There have been many high "crime waves" since Kenya's neighbors, Uganda and Ethiopia, engaged in a civil war. Many refugees, young and old, from

Uganda, Sudan, Chad, and Ethiopia immigrated into Kenya in the 1970s and 1980s, thereby increasing the unemployment rates in the cities of Kenya. In effect, the incidence of robbery, burglary, stealing and other forms of property and personal crimes increased by leaps and bounds. Crime control, therefore, became one of the most challenging problems facing Kenya today (Nyachae and Kinuthia, 1993; Litt, 1990).

VICTIMS

1. Groups Most Victimized by Crime.

Information not available.

2. Victims' Assistance Agencies.

Neither victim assistance programs nor victim compensation boards exist.

3. Role of Victim in Prosecution and Sentencing.

Victims may be called as Crown witnesses in property and personal offenses, but victims do not play a role in sentencing the offender. The state represents the victim in a criminal case.

4. Victims' Rights Legislation.

The law provides that a person attacked at home can take reasonable action in self-defense.

POLICE

1. Administration.

There are three branches of the Kenya Police Force: the Regular Kenya Police, the Administrative Police, and the General Service Unit. (The modern police system in Kenya emerged after the British Foreign Office took over the administration of the region from the Imperial British East Africa Company in 1896. The first police organization was established in Mombasa which was a major center of commerce. The Mombasa police unit became Kenya police after Kenya was declared a Colony and Protectorate of Britain in 1920. The Kenya Police increased in strength during the Mau-Mau uprisings between 1952 and 1956 (Gertzel et.al., 1969; Nelson, 1984).

In 1964, following the adoption of a unitary system of government, the Kenya Police Force was reorganized from a federal structure into a national force. When Kenya became a Republic, the

Kenya Police Force was controlled by Kenyan nationals (Gertzel et.al., 1969; Nelson, 1984)). At the top of the Kenya Police Force is the Commissioner of Police who acts as Chief Administrative Officer and is stationed at Kenya Police Headquarters in Nairobi. The Commissioner of Police reports to the President of Kenya for orders. The President can remove the Commissioner of Police at any time and replace him with any person of his own choice. The power of the President to appoint the Commissioner of Police is provided in the Republican Constitution. Other officers and ranks of the Kenya Police Force are: Two Deputy Commissioners, Senior Assistant Commissioners, who are in charge of the Provincial Sub-Headquarters, Nairobi Capital Territory, and Divisional Police Headquarters, Chief Inspectors, Inspectors, and Non-Commissioned Officers (Nelson, 1984, Gertzel et.al., 1969).

The Regular Kenya Police are the general duty police in charge of law enforcement and traffic control. The Administrative Police are mainly responsible for law and order in the rural areas where the Regular Police cannot reach. Administrative Police Officers are recruited from the communities in which they serve and work under a District Commissioner, who is accountable to a Provincial Commissioner (Nyachae and Kinuthia, 1993).

The General Service Unit (GSU) is a mobile police force that is separately organized from the rest of the Kenya Police. It is a paramilitary police force used for the apprehension of dangerous, syndicated, or armed criminals (Nelson, 1984; Gertzel et.al., 1969). (Syndicated criminals involve groups of criminals generally with a specialty crime such as drug smuggling. They are often located throughout several parts of the country and sometimes have international criminal dealings).

2. Resources.

* Expenditures. The annual budget of the Kenya Police Force is not Available.

* Number of police. The Kenya Police reached approximately 2,000 in strength by 1992 (Nelson, 1984).

3. Technology.

* Availability of police automobiles. Kenya's police force is equipped with motor vehicles, but the actual number is not available.

* Electronic equipment. Kenya's police force is equipped with radio communication devices, radar,

and computers.

* Weapons. While the Regular Police generally only carry batons, the GSU can carry pistols or rifles depending on the nature of the operation, and are always on standby.

4. Training and Qualifications.

Kenya Police recruits and officers are trained at the Kiganjo Police College. Some specialized training for officers and noncommissioned officers (NCOS) are provided at institutions within and outside the police organizations. Some officers and NCOS are sent to Europe and America for specialized and refresher courses. In addition, the Criminal Investigation Department (CID), which functions similarly to the United State's Federal Bureau of Investigation, has a training school in Nairobi.

The minimum qualification for police recruits is a high school diploma, although some officers have university degrees or Ordinary National Diplomas (Nyachae and Kinuthia, 1993).

5. Discretion.

* Use of force. It is common for force to be used as a method of arresting a suspect. It is also common for deadly force to be used by Kenya's police whenever a suspect resists an arrest or tries to escape (Nyachae and Kinuthia, 1993).

* Stop/apprehend a suspect. While the police can arrest a suspect caught in the act, they can also arrest a person for "wandering" (or loitering), especially after midnight. There are certain judge-made rules concerning arrest procedure (similar to the Miranda Doctrine of the U.S.), but the police hardly adhere to the rules. This is primarily allowed because of the ignorance of the masses about their rights as citizens.

* Decision to arrest. Kenya police have wide discretionary power to arrest a suspect with or without a warrant, although the law requires probable cause to exist. The probable cause requirement states that there must be some facts and circumstances that justify the arrest. There must be solid grounds to believe that the suspect really committed the crime. For instance, an arrest can be made when a police officer observes a crime being committed. However, less than 50% of offenders in Kenya are caught in the act because law enforcement is primarily static. Police do not routinely patrol the neighborhoods looking for law violators (Gertzel et.al., 1969;

Laws of Kenya, 1963).

Most arrests are made when citizens report crimes in progress or when the crimes have already been committed and the identity of the offender is known. Citizens are permitted to arrest offenders and bring them to the nearest police station.

* Search and seizure. Kenya Criminal Procedure Law does not allow search and seizure without a warrant issued by a magistrate (Law of Kenya, 1963; Nyachae and Kinuthia, 1993).

* Confessions. Although not required by law, a police officer may force a suspect to confess to committing a crime. In some cases, brutal methods are used to get the truth from the suspect, particularly if the suspect was not caught in the act.

6. Accountability.

The Kenya Police Force is supervised by the Public Service Commission. The Public Service Commission (PSC) is supposed to discipline corrupt police officers. However, since the Kenya Police Force is a political institution and the Public Service Commission is composed of politicians who are appointed by the President, disciplinary action is rarely taken against a delinquent police officer (Gertzel et.al., 1969; Nelson, 1984; Nyachae and Kinuthia, 1993).

PROSECUTORIAL AND JUDICIAL PROCESS

1. Rights of the Accused.

* Rights of the accused at trial. Rights of the accused are stated in Kenya Criminal Procedure Law (Laws of Kenya, 1963). Kenya observes the Human Rights prescriptions of the United Nations. Suspects have a right against self-incrimination, a right to an attorney, and a right to contact relatives. A suspect must also be made aware of the reason for arrest and there must be a speedy trial of the case.

* Assistance to the accused. An accused can arrange to secure for himself a defense attorney. If he cannot afford a defense attorney, the government has the obligation to provide a public defender (Nyachae and Kinuthia, 1993).

2. Procedures.

* Preparatory procedures for bringing a suspect to trial. When a police officer makes an arrest, the

offender is brought to the nearest police station for further questioning, especially with regard to the motives for the crime. Any case that reaches the court indicates the desire of the police to have that case processed in court. If the offender is caught in the act by a police officer, there is no waste of time in bringing the case before the Director of Public Prosecution (DPP).

Whether the suspect was caught by a police officer or by ordinary citizens, the suspect may be detained at the police district headquarters pending the filing of a formal charge. However, Kenya Criminal Procedure Law states that there should be no unlawful detention without compensation. The state is liable to offer monetary compensation if someone is falsely accused and detained (Laws of Kenya, 1963; Nyachae and Kinuthia, 1993).

The District Magistrate's Court is the starting point of almost all criminal cases. The prosecutor, as a representative of the state, studies the case and designs how to present the case on the day of the trial. There is a preliminary hearing during which both the prosecution and defense present their cases. Witnesses may be introduced by both parties.

At the second hearing, which is the main trial of the case, the prosecution presents all of the evidence to prove the defendant committed the offense. The defense attorney may plead to the magistrate to dismiss the case entirely or alternatively, plead for mercy if the prosecution's evidence indicates that the client committed the crime beyond a reasonable doubt. If the defense claims insanity as a factor in the crime, psychiatrists can be consulted.

The post-independence Kenya criminal justice system does not provide for a jury trial. The jury trial in Kenya was removed with the end of colonial rule. Only the magistrate, the judge of a High Court, or a panel of judges on the Court of Appeal can render decisions on a criminal case.

* Official who conducts prosecution. The prosecutor at the District Magistrate's Court is usually a senior police officer who has been trained for the position, but is not a certified lawyer. The use of a police officer as a prosecutor is a remnant of the British colonial administration. The English legal system requires that "any person may initiate a prosecution unless otherwise provided by statute," (Nelson, 1984).

The Director of Public Prosecution (DPP) handles mostly serious cases: those involving murder, armed robbery, and drug smuggling. All other prosecutions are conducted by the investigating police officer. Often, the DPP

appoints a senior police officer who acts as a prosecutor in a criminal case. This has been the case in Kenya since the existence of the dual justice system of the colonial era to the present unified system.

* Alternatives to trial. The Kenya criminal justice system does not allow for plea bargaining. The Magistrate or Judge of the High Court cannot reduce the penalty for an offense simply because the offender pleaded guilty at some point during the trial procedure (Constitution of Kenya, 1963).

* Proportion of prosecuted cases going to trial. Information not available.

* Pre-trial incarceration conditions. If the offense is serious, the suspect may be sent to a provincial prison in an awaiting trial status pending the result of the case investigation and possible indictment. If the offense is less serious, police may detain the suspect at the police lock-up center in the district pending a formal charge or bail.

* Bail procedure. A suspect may be granted bail if the charges are brought before a court of original jurisdiction such as a District Magistrate's Court. Under Kenya Criminal Procedure Law a suspect may be granted bail on the following grounds: a) The suspect is a first offender; b) The offense is not one that would require over three years of imprisonment on conviction; c) The suspect has not jumped bail in the past; d) The suspect has a stable job and has a known address; and e) The bailor is a person of respectable character and well-known to the police and to the Director of Public Prosecution (Constitution of Kenya, 1963).

* Proportion of pre-trial offenders incarcerated. Information not available.

JUDICIAL SYSTEM

1. Administration.

The Judicature Act of 1967 defined the country's legal system and created the court structure. (The Post-Independence Constitution reorganized the judiciary. Like the police and prisons, the judiciary was unified and a unified system of courts emerged. Unlike the colonial courts, the present court structure has no privileges of distinctions for ethnic or racial differences (Gertzel et.al., 1969; Nelson, 1984)).

Kenya has five levels of courts: the Court of Appeal, the High Court, the Resident Magistrate's Court, the District Magistrate's Courts, and the traditional courts/native tribunals (Gertzel et.al., 1969; Ghai and McAuslin, 1970; Nelson, 1984).

Court of Appeal. The Kenya Court of Appeal serves as the Supreme Court of the country. It has final appellate jurisdiction in both criminal and civil cases. Appeals are brought to the Court of Appeal from the Kenya High Court.

The Court of Appeal is made up of the Chief Justice and three other members. The Court of Appeal, has the power, authority, and jurisdiction over the court from which the appeal originated. Appeals from any Kenyan Court to the Privy Council in England are no longer allowed (Gertzel et.al., 1969; Laws of Kenya, 1963).

High Court. The High Court has original jurisdiction for certain serious crimes and hears appeals from the lower courts. It can adjudicate the constitutionality of acts of the National Assembly and enforcement of the Bill of Rights. The Chief Justice is also a member of the High Court. The High Court can also act as assize courts, moving from one region to another (Gertzel et.al., 1969; Ghai and McAuslin, 1970; Nelson, 1984).

Resident Magistrate's Courts. The Resident Magistrate's Courts are presided over by either a senior resident magistrate or a resident magistrate. There is a Resident Magistrate's Court in each province, each of which can hear both serious and non-serious criminal cases. Appeals from this court are brought to the High Court. The Resident Magistrate's Court is divided into First, Second, and Third Class, which differ according to the severity of punishment they are empowered to impose (Gertzel et.al., 1969).

District Magistrate's Courts. The District Magistrate's Courts are based at every district headquarters. There is a District Magistrate's Court in every province. The District Magistrate's Courts are also qualified to hear cases involving African customary law. Like the Resident Magistrate's Court, this court is also divided into three classes (Gertzel et.al., 1969; Nelson, 1984).

2. Special Courts.

Traditional Courts. A chief or a council of elders at the village level can try minor criminal

cases. The case decisions are accepted as final for certain customary issues (Constitution of Kenya, 1963).

Kadhi's Courts. The Kadhi's courts exist at the same hierarchical level as the Resident Magistrate's Court. However, they mainly try criminal cases involving personal Muslim law. Both parties to the case must be of Muslim faith (Nyachae and Kinuthia, 1993).

3. Judges.

* Number of judges. The High Court has a total of twelve justices including the Chief Justice.

* Appointment and qualifications. The Chief Justice, who is appointed by the President of the Republic, is also the President of the Court of Appeal and a member of the High Court. The President of the Republic appoints other judges of the Court of Appeal and appoints the judges of the High Court upon the advice of the Judicial Service Commission.

The Resident Magistrates are appointed by the Judicial Service Commission. The magistrates must be academically and professionally certified lawyers with at least five years on the bench.

The magistrates at the District Magistrate's Courts are not expected to be qualified lawyers. Rather, they are civil servants who have been trained to hold adjudicatory positions at the District court levels. However, they are appointed by the Judicial Service Commission and are gradually being replaced with certified lawyers (Gertzel et.al., 1969; Nelson, 1984).

PENALTIES AND SENTENCING

1. Sentencing Process.

* Who determines the sentence? Sentences are determined by the magistrate or judge of the High Court. The District Court Magistrate, and the First, Second, and Third Class Resident Magistrates have varied degrees of sentencing powers. For instance, a District Magistrate cannot impose a prison term exceeding one year. A Senior First Class Resident Magistrate can impose a sentence from five to ten years in prison. Junior First Class and Second Class Resident Magistrates cannot impose more than five years and one year prison sentences, respectively. Sentences are usually announced by the magistrate as being "with hard labor" or "without hard labor". The Judge of the High Court has the power

to sentence a murderer to death, and can sentence an offender to life imprisonment (Gertzel et.al., 1969; Kenya Gazette, 1967).

The Court of Appeal does not sentence any offender. It is a court of review and either upholds the lower court's decision or orders it to rehear the case. The decision of the Court of Appeal is unanimous and final.

* Is there a special sentencing hearing?
Information not available.

* Which persons have input into the sentencing process? Information not available.

2. Types of Penalties.

* Range of penalties. Penalties range from community service, probation, and fine to corporal punishment, determinate prison sentences, life imprisonment without parole, and the death penalty (Nyachae and Kinuthia, 1993).

* Death penalty. The maximum penalty for murder and treason is the death sentence. It is carried out by hanging a person with a rope. The President of the Republic must give his signature before any person sentenced to death is hanged. The public is not informed when the Kenya President signs for an execution. Therefore, no one knows whether persons who were sentenced to death five, ten, or twenty years ago are presently alive or dead.

PRISON

1. Description.

* Number of prisons and type. There are several different types of prisons in operation: principal prisons, maximum security prisons, medium security prisons, short sentence or minimum security prisons, district prisons, farm prisons, women's prisons, remand prisons, and young offender prisons (Kercher, 1981).

Principal Prisons are used for extremely violent offenders (e.g. armed robbers, prisoners sentenced to life or death). Every province has a principal prison. Maximum Security Prisons are also used for dangerous criminals and long term prisoners (Abreo, 1972; Kercher, 1981; Nyachae and Kinuthia, 1993).

All other prisons are used for less dangerous offenders. With the exception of some women's prisons, inmates in these prisons are incarcerated for a maximum of six months. A small portion of

the inmates serve up to one year in medium security prisons. Approximately two women's prisons are used for very dangerous offenders. Less dangerous female offenders are incarcerated in facilities close to their towns of origin. There is only one principal prison and one maximum security prison in each province. Some of the prisons are without walls, such as farm prisons and remand prisons. Every district has a district prison; there are 41 districts in Kenya (Kercher, 1981; Nyachae and Kinuthia, 1993).

There are also some detention camps in rural towns for persons convicted of very trivial offenses. Inmates of detention camps can remain there for a maximum of four months (Kercher, 1981; Abreo, 1972). There are also schools used for juvenile offenders.

Another type of correctional program is an alternative to short term incarceration called an Extra Mural Panel Employment Scheme. The offender lives in his home and works on a local or national project and is supervised by a district official (Kercher, 1981; Nyachae and Kinuthia, 1993).

* Number of prison beds. Information not available.

* Average daily population/Number of prisoners. Information not available.

* Number of annual admissions. Information not available.

* Actual or estimated proportions of inmates incarcerated. Information not available.

2. Administration.

* Administration. Kenya has a centralized system of prisons. All prisons in Kenya are under the direction of the Commissioner of Prisons, who is appointed by the President of the Republic. The Headquarters of Kenya Prisons Service is in Nairobi. Under the Commissioner of Prisons is a Deputy Commissioner who is also appointed by the President or promoted from the official ranks of the prisons. Other top leaders in the prisons service falling under the authority of the Commissioner of Prisons Service are the Directors of Operations, Administration, and Industries, and the Superintendents of various prisons (Kercher, 1981; Nelson, 1984).

* Prison guards. Information not available.

* Training and qualifications. There is a Prisons Staff College which runs training programs and

refresher courses for both officers and non-commissioned officers. There are also administrative departments which provide various training services (Kercher, 1981; Nelson, 1984; Nyachae and Kinuthia, 1993).

Some of the officers of the prisons service have university degrees, but most spend two to three years at the Prisons Staff College after they obtain a high school diploma. Some officers obtain their position through rank promotions. Because the criminal population is largely looked down upon, the Prisons Service in Kenya has difficulty attracting highly talented university graduates (Nyachae and Kinuthia, 1993).

* Expenditure on the prison system. The annual budget is appropriated by the government and approved by the National Assembly.

* Number of prisoners awaiting trial. Information not available.

3. Prison Conditions.

* Remissions. Inmates can gain time off for good behavior and may lose time for bad behavior inside the prison.

* Work/Education. Inmates are required to work and every inmate must register for some type of vocational or general education program. Only dangerous offenders are excluded from vocational education programs. Both Maximum Security Prisons and Principal Prisons provide industrial training for inmates.

* Amenities/privileges. Sports activities, visiting days and hours, weekend leave, and group therapy are provided in some prisons. Every prison facility has a medical unit. Inmates with very serious health problems are taken to a General Hospital, which is a government-operated facility. Both Prisons Service employees and inmates have free medical care at the General Hospitals (Nyachae and Kinuthia, 1993).

EXTRADITION AND TREATIES

* Extradition. Unlike the West African countries, East African countries have no economic community treaty. Such a community was once formed, but collapsed due to various disagreements among member nations. Whether Kenya has bilateral extradition treaties with some countries is not known at the time of this study (Nyachae and Kinuthia, 1993).

* Exchange of prisoners. Information not available.

* Specified conditions. Information not available.

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