

Predictors of Victimization of Prisoners in Kenyan Prisons

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Abstract: World over, victimization of prisoners remains a major challenge in prisons today in spite of efforts to curb it. In Kenyan prisons, the vice exists though very little information is available in regard to the factors that predispose inmates to it. Arguments have been fronted that inmates get victimized due to their socio-demographic traits and criminal records. On the other hand, it is argued that prevailing prison conditions precipitate victimization of prisoners. This article is based on interviews and focus group discussions with inmates and key informant interviews with prison officers of Kamiti main and Langata Women prisons in Nairobi city county, Kenya. Findings indicate that both the prisoners' individual characteristics and the prevailing prison environment contribute towards victimization of prisoners in prisons by both fellow prisoners and prison officers.

Key words: Victimization, Prisoners, Prison Officers

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I. INTRODUCTION

Victimization may be defined as harming an individual through human actions which violate certain defined social norms or are criminal in nature (Miller, 2014; Bonacker and Safferling, 2013). Early Criminologists including Cesare Lombroso (1835-1909), Raffaele Garofalo (1851-1934) and Enrico Ferri (1856-1929) acknowledged the role of victims in criminal actions (Walsh, 2015). However, not much attention was given to the victim with all the focus being on the offenders to understand why they committed crimes and how to punish and deter them from further commission of crime. This changed at the beginning of the third quarter of the 20th century, when there was a shift to concern for the victim (Karmen, 2007).

Today, victimization in prisons is a subject of concern on the international platform because it is a human rights issue as provided for in the United Nations (UN) conventions (UN, 1948, 1955, 1984, 1990). The fact that prisoners are confined makes them even more vulnerable. Victimizing prisoners who are already incarcerated is like punishing them twice. According to section 74(1)(f) of the Prisons Act Chapter 90, Laws of Kenya, the Minister in charge of prisons may make rules providing for among others, the safe custody of prisoners.

Victimization impacts negatively on the victims including manifestation of fear, anxiety, depression, sexual dysfunction, feeling of isolation, Human Immuno Deficiency Virus (HIV) and Post Traumatic Disorder (PTD) (Karmen 2007; Beck et al, 2013; Davis, Lurigio and Herman, 2013; Krippner, Pitchford and Davies, 2012). A prisoner in such a state may not be able to participate in rehabilitation programmes hence increasing the chances of recidivating since prisoners who participate in the programmes have a higher chance of post-release employment (Schneider, 2015).

Globally measures have been and continue to be undertaken to fight victimization in prisons. Different jurisdictions have initiated various means of dealing with the varied forms of victimization in prisons. These include development of international conventions and protocols to guide prison officers in the way they handle prisoners (UN, 1948, 1955, 1984, 1990); passing of national legislation to prevent victimization in prisons (Kenya Law reform, 2010; Muntingh, 2008) and establishment of national institutions to for oversight of prisons (Kenya National Commission on Human Rights, 2009, 2010/2011, 2011/2012).

II. PROBLEM STATEMENT

There is little information regarding predictors of victimization in Kenyan prisons in general and in maximum security prisons in particular. If not addressed, victimization especially in maximum security prisons may lead to unrest hence negatively impacting on rehabilitation, which is one of the objectives of imprisonment. This may in the long run result in recidivism which may have a multiplier effect of insecurity in the country. In

order to curb this vice, it is important to have knowledge on victimization. This article, based on a study undertaken to explore victimization of prisoners in maximum security prisons of Nairobi City County in Kenya, highlight the predictors to victimization in Kenya prisons.

III. METHODOLOGY

The study upon which this paper is based applied a survey research design (Creswell, 2014; Mitchell and Jolley, 2013; Fowler, 2014). The research was undertaken in Kamiti main and Langata women prisons in Nairobi County in Kenya. Kamiti main prison holds male prisoners while Langata women prison holds female prisoners. A sample size of 340 interview respondents comprising of 290 male and 50 female prisoners was drawn using simple random sampling. Purposive sampling was used to draw 16 focus group discussion participants and 10 key informants. Data was analyzed using descriptive and inferential statistics. Statistical Package for Social Sciences (SPSS) was used. Quantitative data was analyzed using thematic and content analysis.

IV. FACTORS THAT PRECIPITATE VICTIMIZATION IN PRISONS

This study conceptualized factors that precipitate forms and nature of victimization of inmates including the intervening factors. The independent variables were the respondent’s demographics; prisoner’s criminal record which was measured by the type of offence committed, length of sentence and the length of time a prisoner had stayed in prison and; Institutional management factors which were measured by officer presence to guard prisoners, clear and enforced anti-victimization rules and regulations and supply of prisoners necessities (clothing, beddings, food, sleeping space etc.). The intervening factors included levels of funding, the training the prison officers undergo and the prison subculture marked with violence and inmates’ rule of not collaborating with the administration and not telling on a fellow prisoner.

These factors are linked to the theories on which the study was based. Inmates’ demographic characters such as age could make them suitable targets while hard core criminals sentenced to long terms of imprisonment and therefore with little or no hope of release, could be motivated offenders and the absence of officers completes the cycle as explained by the Routine activities theory. On the other hand, the restrictive nature of prison life and inadequate supply of inmates’ basic necessities could lead to strain hence violence or inmates resorting to unconventional means of acquiring what they lack as explained by the General Strain theory and expounded by the deprivation model.

The dependent variables were forms of victimization measured by the types of victimization; the nature of victimization which was measured by the time when victimization happened, the place where victimization occurred, the means used by the aggressor to subdue the victim. It also included the respondents’ perception of their safety.

Victimization and the gender of victims

The research compared victimization in a male and a female institution to determine if gender is a predictor of victimization. The study findings indicated that all male respondents and 88% of females were victimized by a fellow prisoner, a prison officer or both. This shows that being female predisposes an inmate to victimization more than being males.

Age and victimization

The study sought to find out the relationship between age and the various forms of victimization by both a fellow prisoner and prison officer. Findings are presented in Table 1.

Table 1: Age and form of victimization by fellow prisoner and prison officer

| Victimization by fellow prisoner | | | Victimization by officer | |
|--|-------------|-----------|---|-----------|
| AGE | M | F | M | F |
| Sexual assault by fellow prisoner | | | Sexual assault by prison officer | |
| 18-25 | 13 (30.2%) | 3 (30%) | 0 (0%) | 0 (0%) |
| 26-34 | 11 (15.9%) | 1 (4.6%) | 4 (5.8%) | 0 (0%) |
| 35-44 | 10 (10.75%) | 0 (0%) | 2 (2.2%) | 1 (7.1%) |
| 45-54 | 3 (5.6%) | 0 (0%) | 1 (1.9%) | 0 (0%) |
| 55-64 | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) |
| 65 & over | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) |
| Physical assault by fellow prisoner | | | Physical assault by prison officer | |
| 18-25 | 19 (44.2%) | 2 (20%) | 13 (30.2%) | 3 (30%) |
| 26-34 | 44 (63.8%) | 5 (22.7%) | 28 (40.6%) | 3 (13.6%) |
| 35-44 | 47 (50.5%) | 5 (35.7%) | 34 (36.7%) | 2 (14.3%) |
| 45-54 | 28 (51.9%) | 1 (33.3%) | 15 (27.8%) | 0 (0%) |

| | | | | |
|---|---------------|------------|--|-----------|
| 55-64 | 11 (55%) | 0 (0%) | 4 (20%) | 0 (0%) |
| 65 & over | 6 (54.6%) | 0 (0%) | 2 (18.2%) | 0 (0%) |
| Verbal abuse by fellow prisoner | | | Verbal abuse by prison officer | |
| 18-25 | 32 (74.4%) | 5 (50%) | 10 (23.3%) | 2 (20%) |
| 26-34 | 56 (81.2%) | 13 (59.1%) | 24 (34.8%) | 6 (27.3%) |
| 35-44 | 77 (82.8%) | 9 (64.3%) | 39 (41.9%) | 6 (42.9%) |
| 45-54 | 39 (72.2%) | 1 (33.3%) | 16 (29.6%) | 0 (0%) |
| 55-64 | 19 (95%) | 1 (100%) | 4 (20%) | 0 (0%) |
| 65 & over | 10 (90.9%) | 0 (0%) | 1 (9.1%) | 0 (0%) |
| Theft of belongings by fellow prisoner | | | Theft of belongings by prison officer | |
| 18-25 | 36 (83.7%) | 3 (30%) | 13 (30.2%) | 1 (10%) |
| 26-34 | 60 (87%) | 7 (31.8%) | 17 (24.6%) | 2 (9.1%) |
| 35-44 | 74 (79.6%) | 7 (50%) | 35 (37.6%) | 0 (0%) |
| 45-54 | 45 (83.3%) | 1 (33.3%) | 13 (24.1%) | 0 (0%) |
| 55-64 | 18 (90%) | 0 (0%) | 3 (15%) | 0 (0%) |
| 65 & over | 9 (81.8%) | 0 (0%) | 2 (18.2%) | 0 (0%) |

According to the study findings, respondents with the highest percentage (95%) of verbal abuse by a fellow prisoner among male prisoners were those aged 55-64 years (see table 1 annexed). These were closely followed by those aged 65 years and over at 90.9%. On the other hand, respondents with the highest percentage (100%) among female inmates were those aged 55-64 years. Generally, even though the older prisoners are fewer in terms of the total number of respondents, they have a higher rate of verbal victimization in both gender implying that older prisoners are more likely to be verbally abused by a fellow prisoner than the younger ones.

Respondents with the highest (42.9%) percentage of verbal abuse by a prison officer among female inmates were those aged 35-44 years. None of the female respondents aged 45 years and over was verbally abused by a prison officer. Similarly, the respondents with the highest (41.9%) percentage of verbal abuse by a prison officer among male prisoners were those aged 35-44 years. The least verbally abused categories were those aged 55-64 (20%) and 65 and over (9.1%). Just as is the case with verbal abuse by a fellow prisoner, according to these findings, it is evident that younger prisoners in both gender are more likely to be verbally abused by a prison officer than the older ones.

Theft of belongings by a fellow inmate is evenly distributed among male respondents even though the category with the highest (90%) percentage was those aged 55-64 years. Those aged 18-25, 26-34, 35-44, 45-54 and 65 and over years had 83.7%, 87%, 79.57%, 83.3% and 81.82% respectively falling victims of theft of belongings. Among females, the category with the highest (50%) percentage of theft of belongings was that aged 35-44 years. Other than female respondents aged 55 and over who never lost their belongings to a fellow prisoner, the rest had almost the same number losing property to a fellow prisoner. Those aged 18-25, 26-34 and 45-54 had 30%, 31.8% and 33.3% respectively losing their property to a fellow prisoner. These findings indicate that age is not a determinant of theft of belongings by a fellow inmate among both male and female prisoners.

The respondents with the highest (37.6%) percentage of theft of belongings by a prison officer among male prisoners were those aged 35-44 years. The categories which had the least cases of loss of property to a prison officer were those aged 55-64 (24.1%) and 65 and over (18.2%). On the other hand, among females, the category with the highest (10%) percentage of theft of belongings by a prison officer was those aged 18-25 years while the only other category which lost property to a prison officer were those aged 26-34 years, 9.1% of whom fell victims. None of the respondents aged 35 years and over lost their belongings to a prison officer. Findings of this study indicate that younger prisoners in both gender are more likely to lose their belongings to a prison officer than the older ones.

The respondents with the highest (63.8%) percentage of physical assault by a fellow prisoner among males were those aged 26-34 years. On the other hand, respondents with the highest percentage (35.7%) of physical assault by a fellow prisoner among females were those aged 35-44 years. These were closely followed by those aged 45-54 years at 33.3%. None of the female respondents aged 55 years and over was physically assaulted by a fellow prisoner.

Findings of the study indicate that among males, the least (44.2%) victimized category was those aged 18-25 years. Similarly, among females, other than the only respondent aged 55-64 years who was not victimized, the least (20%) victimized category was those aged 18-25 years. During the FGD with male prisoners, it was explained that the younger category are protected by older stronger ones for favours including sex. One of the participants said:

“Watoto wengi hapa ni wa watu. Huwezi ukamguza. Wengine wameandikia watu rasion jikoni au mkate canteen”. (“Majority of the young men here are owned. You cannot touch them. Others pay for food in the kitchen or bread in the canteen for their protectors”).

The ‘belonging’ meant they are ‘married’ to their protectors who then take the responsibility to protect their ‘wives’. The other option is to ‘pay’ cooks in the kitchen to prepare a special diet for the protector or be buying bread for him on agreed days of the week.

The study findings indicate that 55% and 54.6% of male respondents aged 55-64 and 65 and over respectively were physically assaulted. On the contrary, none of the female respondents aged 55 years and over were victimized. This implies older male prisoners have a higher predisposition to physical victimization as compared to females.

On the other hand, the male respondents with the highest (40.6%) percentage of physical assault by a prison officer were those aged 26-34 years. On the other hand, respondents with the highest (30%) percentage of physical abuse among female inmates were those aged 18-25 years. None of the female respondents aged 45 years and over was physically assaulted by a prison officer. The findings of this study indicate that among both males and females, younger inmates are more likely to be physically abused by a prison officer.

The most (30.2%) sexually assaulted male prisoners were those aged 18-25. Similarly, the respondents with the highest (30%) percentage of sexual victimization by a fellow prisoner among female prisoners were those aged 18-25 years. Among females, respondents aged 35 years and above were never sexually victimized by a fellow prisoner while among the male respondents, those aged 55 years and above were never sexually victimized by a fellow prisoner. This indicates that younger prisoners are more likely to be sexually victimized by a fellow prisoner than the elderly and more so among females than males.

This was corroborated during the FGD at Kamiti as it was noted that younger prisoners are feminine and normally referred to as “sura ya pesa” (“face of money”) meaning men would pay any price to have them as sex partners. Similarly, younger prisoners are naïve and easy to take advantage of especially when new in the prison. Due to their vulnerability, they agree to be protected by masculine hard core prisoners and get trapped into paying for the “services” provided including physical protection, a place to sleep and food.

The male respondents with the highest (5.8%) percentage of sexual victimization by a prison officer were those aged 26-34 years. Among female respondents, the only category which reported sexual victimization by a prison officer was that aged 35-44 years at 7.14%. Similar findings were recorded in the KNCHR report (2010/2011) indicates that younger prisoners were physically assaulted. Similarly the BJS report (Beck et al, 2013) indicates that 0.1% of inmates aged over 55 years were sexually victimized as compared to 2.1% of those aged 18-19 years.

These study findings concur with existing literature (KNCHR, 2010/2011) which indicates that younger prisoners were physically assaulted by fellow prisoners. This is also in agreement with finding in the United Kingdom Ministry of Justice report (2012) that younger prisoners are more likely to assault, and be victims than older prisoners. According to the report, in the twelve months ending June 2012, prisoners aged 15 to 20 accounted for 11% of the prison population in England and Wales. However, they accounted for 59% of all fighters, 46% of assailants and 38% of victims. Clear et al, (2016) observed that younger prisoners are more likely to be sexually victimized by a fellow prisoner. The BJS report (Beck et al, 2013), indicated that in USA, 2.1%, 2.2% and 2.3% of prison inmates aged 20-24, 25-34 and 35-44 respectively, were sexually assaulted by a fellow prisoner as compared to 1.8% and 1.5% of those aged 45-54 years and 55 or older respectively.

Similarly the same report showed that in both prisons and jails, rates of reported staff sexual misconduct were lower among inmates in the oldest age categories (ages 45 to 54 and ages 55 or older) compared to inmates ages 20 to 24. For instance 3.9% of the respondents aged 18-19 reported staff sexual assault as compared to 0.9% of those aged 55 years and over. The same case was found among jail inmates with 2.1% of those aged 18-19 years reporting sexual victimization as compared to 0.9% of those aged 55 years or older. This therefore confirms that younger prisoners are more likely to be sexually victimized than older ones. Therefore overall, younger prisoners are more likely to be victimized as compared to older ones.

Level of education and victimization

The study sought to find out the relationship between prisoners’ level of education and the various forms of victimization by both a fellow prisoner and prison officer. Findings are presented in table 2.

Table 2: Level of education and form of victimization by prisoner and officer

| Victimization by fellow prisoner | | | Victimization by officer | |
|--|------------|-----------|---|----------|
| Education | M | F | M | F |
| Sexual assault by a fellow prisoner | | | Sexual assault by a prison officer | |
| No schooling | 2 (9.1%) | 0 (0%) | 0 (0%) | 0 (0%) |
| Primary | 29 (20.7%) | 2 (8.7%) | 3 (2.1%) | 0 (0%) |
| Secondary | 4 (4.3%) | 2 (11.8%) | 4 (4.3%) | 1 (5.9%) |
| Post-secondary | 2 (5.7%) | 0 (0%) | 0 (0%) | 0 (0%) |
| Physical assault by a fellow prisoner | | | Physical assault by a prison officer | |

| | | | | |
|---|-------------|------------|---|-----------|
| No schooling | 12 (54.6%) | 1 (33.3%) | 9 (40.9%) | 0 (0%) |
| Primary | 72 (51.4%) | 6 (26.1%) | 39 (27.9%) | 5 (21.7%) |
| Secondary | 54 (58.1%) | 3 (17.7%) | 34 (36.6%) | 3 (17.7%) |
| Post-secondary | 17 (48.6%) | 3 (42.9%) | 14 (40%) | 0 (0%) |
| Verbal abuse by a fellow prisoner | | | Verbal abuse by a prison officer | |
| No schooling | 17 (77.3%) | 2 (66.7%) | 3 (13.6%) | 0 (0%) |
| Primary | 105 (75%) | 13 (56.5%) | 38 (27.1%) | 9 (39.1%) |
| Secondary | 84 (90.3%) | 9 (52.9%) | 36 (38.7%) | 2 (11.8%) |
| Post-secondary | 27 (77.1%) | 5 (71.4%) | 17 (48.6%) | 3 (42.9%) |
| Theft of belongings by a fellow prisoner | | | Theft of belongings by officer | |
| No schooling | 21 (95.5%) | 1 (33.3%) | 2 (9.1%) | 0 (0%) |
| Primary | 116 (82.9%) | 7 (30.4%) | 38 (27.1%) | 0 (0%) |
| Secondary | 76 (81.7%) | 5 (29.4%) | 30 (32.3%) | 2 (11.8%) |
| Post-secondary | 29 (82.9%) | 5 (71.4%) | 13 (37.1%) | 1 (14.3%) |

The study findings showed that among male respondents, the category with the highest (95.5%) percentage of loss of property to a fellow prisoner was those with no schooling. On the other hand among females, the category with the highest (71.4%) percentage of loss of belongings to a fellow prisoner was those with post-secondary education. From the findings of this study, it can be concluded that the male category most likely to lose property to a fellow prisoner are those with no schooling while among females, those with post-secondary education have the highest probability of losing their belongings to a fellow prisoner.

Among male respondents, the category with the highest percentage (37.1%) of losing property to a prison officer was those with post-secondary education. Among female respondents, only those with secondary education and those with post-secondary education lost their property to prison officers. Of the two, the category with the highest percentage (14.3%) of loss of property to a prison officer was those with post-secondary education. This study indicates that both male and female prisoners with post-secondary education have a higher probability of their belongings being stolen by a prison officer. The explanation provided during the FGDs was that; *“Wasomi wanakujaga na kitu kali. Serikali ikiona, mfungwa hapati. Kama ni kiatu, unatafutiwa ile mzee unawekewa kwa warrant”*. (“Those who are leaned come with decent items. When an officer sees it, the inmate loses it. If it is a pair of shoes, the officer will look for an old pair to register on your committal warrant as belonging to you for you”).

Among male respondents, the category with the highest (90.3%) percentage of verbal abuse by a fellow prisoner was those with secondary education. Among females, the category with the highest (71.4%) percentage was those with post-secondary education. This study findings therefore indicate that among males, those with secondary education are the most likely to be verbally abused by a fellow prisoner while among females those with post-secondary education have the highest probability of being verbally abused by a fellow prisoner.

Among male respondents, the category with the highest percentage (48.6%) of verbal abuse by a prison officer was those with post-secondary education. Similarly, female respondents with post-secondary education had the highest percentage (42.9%) of verbal abuse by a prison officer. However, during interviews, it was noted that much as the rest of the categories did not report high verbal abuse, they took it lightly and therefore no need of reporting. On the other hand, those with post-secondary education were very sensitive to the language used on them. This may also be explained by the fact that majority of those with post-secondary education will have not had a long history of committing crime and so not used to abusive language which is the order of the day in the criminal world. This may also explain why among females, none of those with no schooling were verbally abused while among males, they had the lowest (13.6%) percentage of verbal abuse.

Among male respondents, those with the highest (58.1%) percentage of physical assault by a fellow prisoner were those with secondary education. Among females, the category with the highest percentage (42.9%) of physical victimization by a fellow prisoner was those with post-secondary education. The KNCHR (2010/2011) report states that prisoner-to-prisoner assaults were reported without providing statistics of inmates assaulted. From the findings of this study, it can be deduced that male prisoners with secondary education have the highest probability of physical abuse as are female prisoners with post-secondary education.

Among male respondents, the category with the highest percentage (40.9%) of physical assault by a prison officer was those with no schooling. On the other hand, among female respondents, the category with the highest (21.7%) percentage of physical victimization by a prison officer was those with primary education. Female respondents with secondary education had 17.7% physical victimization while the rest of the categories were never physically victimized by a prison officer. According to the findings of this study, males with no schooling are the most predisposed to physical assault by a prison officer as are female inmates with primary education.

Among male respondents, the category with the highest percentage (20.71%) of sexual victimization by a fellow prisoner was those with primary education. Among female respondents, only 2 categories, those with primary and secondary education, were sexually victimized by a fellow prisoner. Of the two, the category with the highest (11.1%) percentage of sexual victimization by a fellow prisoner was those with primary education while 8.7% of those with secondary education were sexually victimized by a fellow prisoner.

Therefore these findings indicate that among male prisoners, those with primary education are the most likely to be victimized while among female prisoners, those with secondary education have a high predisposition to sexual assault by a fellow prisoner.

Among female respondents, the only respondent who was sexually assaulted by a prison officer had secondary education. This translates to 5.9% of the category. Similarly, among males, the category with the highest (4.3%) percentage of sexual victimization by a prison officer was those with secondary education. The only other male category which was victimized was those with primary at 2.1%.

These findings are contrary to the findings in the BJS (2010) report which indicated that inmates with a college degree reported higher (3.8%) rates of victimization than those who had less than high school ((2.9%)) implying that the more learned prisoners were, the more likely they were to be sexually victimized by a prison officer. On the other hand, the KNCHR (2010/2011) report indicates that “cases of sodomy were reported...” but does not indicate if there were cases of prison officers sexually abusing prisoners. According to these study findings, in both gender, prisoners with secondary education have the highest predisposition to sexual assault by a prison officer.

Even though the KNCHR (2010/2011) report does not provide statistics of prisoners tortured, it states that there was torture of inmates by prison officers in 14 out of 23 prisons in which a research was carried out, constituting 60% of prevalence. The report further indicates that there was use of insulting languages by prison officers against prisoners.

Length of sentence and victimization

The study further aimed at finding out the relationship between prisoners’ level of education and the various forms of victimization by both a fellow prisoner and prison officer. Findings are presented in table 3.

Table 3: Length of sentence and form of victimization by prisoner and officer

| Victimization by fellow prisoner | | | Victimization by officer | |
|---|-------------|------------|---------------------------------------|-----------|
| Sentence | M | F | M | F |
| Sexual assault by a fellow prisoner | | | Sexual assault by officer | |
| Less than 1 Yr | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) |
| 1-5 Yrs | 0 (0%) | 1 (7.1%) | 0 (0%) | 0 (0%) |
| 6-10 Yrs | 11 (21.6%) | 1 (5.6%) | 2 (3.9%) | 1 (5.6%) |
| Over 10 Yrs | 13 (14.9%) | 2 (16.7%) | 0 (0%) | 0 (0%) |
| Life sentence | 13 (8.8%) | 0 (0%) | 5 (3.40%) | 0 (0%) |
| Physical assault by a fellow prisoner | | | Physical assault by officer | |
| Less than 1 Yr | 0 (0%) | 1 (33.3%) | 0 (0%) | 2 (66.7%) |
| 1-5 Yrs | 0 (0%) | 2 (14.3%) | 0 (0%) | 2 (14.3%) |
| 6-10 Yrs | 23 (45.1%) | 5 (27.8%) | 13 (25.5%) | 0 (0%) |
| Over 10 Yrs | 50 (57.5%) | 4 (33.3%) | 27 (31%) | 2 (16.7%) |
| Life sentence | 82 (55.8%) | 1 (33.3%) | 56 (38.1%) | 2 (66.7%) |
| Verbal abuse by a fellow prisoner | | | Verbal abuse by officer | |
| Less than 1 Yr | 2 (100%) | 2 (66.7%) | 0 (0%) | 1 (33.3%) |
| 1-5 Yrs | 2 (66.7%) | 7 (50%) | 0 (0%) | 3 (21.4%) |
| 6-10 Yrs | 40 (78.4%) | 7 (38.9%) | 14 (27.5%) | 4 (22.2%) |
| Over 10 Yrs | 67 (77%) | 10 (83.3%) | 30 (34.5%) | 4 (33.3%) |
| Life sentence | 122 (83%) | 3 (100%) | 50 (34%) | 2 (66.7%) |
| Theft of belongings by a fellow prisoner | | | Theft of belongings by officer | |
| Less than 1 Yr | 2 (100%) | 1 (33.3%) | 0 (0%) | 0 (0%) |
| 1-5 Yrs | 2 (66.7%) | 5 (35.7%) | 0 (0%) | 1 (7.1%) |
| 6-10 Yrs | 46 (90.2%) | 7 (38.9%) | 12 (23.5%) | 1 (5.6%) |
| Over 10 Yrs | 72 (82.8%) | 5 (41.7%) | 25 (28.7%) | 1 (8.3%) |
| Life sentence | 120 (81.6%) | 0 (0%) | 46 (31.3%) | 0 (0%) |

The study found that the male category with the highest (100%) percentage of verbal abuse was those sentenced to less than 1 year. On the other hand, all (100%) of female respondents sentenced to life imprisonment were verbally abused by a fellow prisoner.

During the FGDs, it was noted that male prisoners serving shorter sentences are looked down upon and ridiculed by those with longer sentences. Also those serving shorter sentences avoid getting into trouble which could lead to being awarded more periods to serve in prison.

“Mtu wa namba ndogo hataki maneno. Kwanza anadharauliwa na kuulizwa kama hangefanya kosa la maana aletwe jela. Yeye anataka kusukuma namba yake ajiendee. Ndio unaona wengi wanatusiwa juu hawawezi jibizana na mtu”. (A prisoner with a short sentence is humble. In the first place he is despised and asked why he couldn't commit a serious offence so as to get to prison. All he wants is to finish his sentence and get released. That is why many of them are abused because they will never answer back”).

This implies that among male prisoners those sentenced to less than 1 year have the highest probability of being verbally abused while among females, those sentenced for life are the most predisposed to verbal abuse by a fellow prisoner.

Among females, the category with the highest (66.7%) percentage of verbal abuse by a prison officer was those sentenced to life imprisonment. Although this may indicate that females with longer sentences are the most predisposed to verbal abuse by a prison officer, statistics show that those sentenced to less than 1 year were victimized as much (33.3%) as those sentenced to over 10 years (33.3%). Therefore among females, length of sentence is not a determinant of probability to be verbally abused by a prison officer.

The two male categories with the highest percentage of verbal abuse by a prison officer were those sentenced to over 10 years (34.5%) and those sentenced for life (34%). None among males sentenced to less than 1 year and 1 -5 years were verbally abused by a prison officer. This indicates that male prisoners with longer sentences are the most likely to be verbally abused by a prison officer. As case with physical assault, inmates sentenced to shorter sentences avoid incidences that would to an officer abusing them.

Among male respondents, the category with the highest percentage (100%) of theft of belongings by a fellow prisoner was those sentenced to less than 1 year. Among female respondents, the category with the highest (41.7%) percentage of theft of belongings was those sentenced to over 10 years. None among those sentenced for life lost their property to a fellow prisoner. Findings of this study indicate that length of sentence does not determine the probability of losing property to a fellow prisoner since among males the category with the second highest (81.6%) percentage of theft of belongings is those sentenced to life. Thus male respondents serving the shortest sentence of less than 1 year and the longest of life imprisonment, had the highest (100%) percentage and second highest (81.6%) percentage of theft of belongings by a fellow prisoner. This implies that length of sentence does not predetermine theft of belongings by a fellow prisoner.

Among male respondents, the category with the highest (31.3%) percentage of theft of belongings by a prison officer was those sentenced to life imprisonment. Among females, the category with the highest (8.3%) percentage of theft of belongings by a prison officer was those sentenced to over 10 years. However, none of the female respondents sentenced to life imprisonment lost belongings to a prison officer. The findings of this study indicate that among males, prisoners with longer sentences are more likely to lose property to a prison officer. However, sentence is not a determinant of the probability of losing property to a prison officer. During the FDG, respondents stated that majority of prisoners serving long sentences engage in deals with officers who at times swindle them.

“Watu wa namba mrefu wanafanyanga biashara mingi sana na serikali. Wakati mwingine, afande anaamua kumrusha mfungwa. Anajua hakunanga kesi ya marufuku”. (“Those serving long sentences engage in business deals with officers. At times the officer decides to dupe the prisoner. He knows the prisoner can never report an incident involving contrabands”).

Among male respondents, the category with the highest (57.5%) percentage of physical assault by a fellow prisoner was those sentenced to over 10 years. Among female respondents, the categories with the highest (33.3%) percentage of physical assault by a fellow prisoner were those sentenced to less than 1 year, over 10 years and life sentence.

As participants in the FGD indicated that male prisoners sentenced to short sentences are despised, the opposite is the case with those sentenced to longer periods. Long sentence prisoners feel proud and more often clash with fellow long sentence prisoners in the quest for dominance. The findings of this study imply that among male prisoners, those sentenced to longer periods are more likely to be physically victimized by a fellow prisoner. Among females, the length of sentence is not a determinant of probability of victimization by a fellow prisoner.

Among females, none among those sentenced to 6-10 years was physically assaulted. The categories with the highest percentage (66.7%) of physical assault by a prison officer among females were those sentenced to less than 1 year and those sentenced to life imprisonment. This implies that length of sentence is not a determinant of the probability of female inmates being physically assaulted by a prison officer.

Among male respondents, the category with the highest (39%) percentage of physical assault by a prison officer was those sentenced to life imprisonment. None of those sentenced to less than 1 year and to 1-5 years were physically assaulted by a prison officer implying that those sentenced to longer sentences are more likely to be physically assaulted by a prison officer. During the FGD with male respondents, it was noted that those serving shorter sentences were unlikely to be punished by officers as they avoid getting into trouble which could lead to being awarded punishments that would earn them a longer period to serve through loss of remission of sentence.

The male category with the highest percentage (21.6%) of sexual victimization by a fellow prisoner was those sentenced to 6-10 years. None of those sentenced to less than 1 year and 1-5 years were sexually victimized by a fellow prisoner. Among female respondents, those sentenced to over 10 years had the highest (16.7%) percentage of sexual victimization by a fellow prisoner. Literature reviewed (Beck et al, 2013) indicates that those sentenced to life/death were the most (3.8%) sexually victimized by a fellow prisoner while the category with the least (1.6%) percentage of sexual victimization by a fellow prisoner was those sentenced to less than 1 year.

FGDs indicated that long sentenced prisoners were most likely to engage in homosexuality some of which amount to assault. New comers learn of how long some of the inmates have stayed in prison hence despair. They engage in homosexuality as they have no hope of ever leaving prison to establish hetero-sexual relationships. During the FGDs, one of the participants stated thus:

“Mtu anafika anaambiwa mimi nimekuwa jela miaka 20 kwa sababu ya hiyo makosa yako. Kama ni kijanaaaa, anaingia box haraka ku survive ju anaelezwa mtu hatokangi jela. Mbuyu naye anaamua kuwa mende”. (An inmate arrives and he is told I have been in prison for 20 years for the same crime as you committed. If he is young, he will easily get convinced [into sexual activities] as a means of survival because he is told once incarcerated, people never leave the prison. If it an older person, he decides to sodomize fellow inmates”).

This explanation coupled with the fact that none of the males sentenced to 5 years and less were sexually victimized is an indicator that long sentenced male prisoners are more predisposed to sexual assault.

Among female respondents, the only respondent who was sexually assaulted by a prison officer had been sentenced to 6-10 years representing 5.6% of the category. Among male respondents, only two categories, those sentenced to 6-10 years (3.9%) and to life imprisonment (3.4%) were sexually victimized by a prison officer. During the FGDs it was noted that those serving shorter sentences avoid getting into trouble which could lead to being awarded punishments leading to a longer stay in prison. Therefore they do not engage in activities which require officers to search them which was noted to be the time officers sexually abuse inmates through indecent touch. This thus confirms that prisoners serving longer sentences are more predisposed to sexual assault by a prison officer.

Period stayed in prison on day of victimization

According to the study findings, 36.9% of the male respondents were victimized during the first week. This, in addition to 23.10 who reported having been victimized on the first day indicates that majority (60%) of the male respondents were victimized during the first week. On the other hand, highest (44%) percentage of the female respondents was victimized after 1 month. However, this indicates that majority (56%) of the cases happened during the first month.

The findings of this study on the other hand indicate that among both male and female prisoners in Nairobi county Kenya, the newly admitted are the most likely to be sexually assaulted with most of the cases most likely to occur during the first month after admission. In comparison, there is a higher chance of females who have stayed in prison longer than one month to be sexually victimized by a fellow prisoner than of males in the same category.

Victims were asked for their opinion as to whether they felt they were victimized because they were new in the prison. Majority (63.5%) of the male respondents felt they were victimized because they were new in the prison. On the other hand, majority (56.8%) of the female respondents felt their being new in the prison was insignificant to their victimization. During the FGD, males indicated that when one is new, he is not aware of how to survive. One said:

“Kuishi jela si rahisi. Kuna mambo mengi mtu hajuangi akiingia jela. Ndio unaona mtu anagongana na serikali, wafungwa wenzake. Lakini ukikaa kidogo, unajua sasa. Jela haijuangi wewe ni nani kule raia. Hata kakijanaa kadogo kanakuwa na usemi juu wewe ni mgeni”. (“Life in prison is not easy. There many things a newly admitted prisoner does not know. That is why he will have trouble with his fellow inmates and officers. After staying in prison for a while, one learns. Prison does not care who you were before imprisonment. Even a young man will have a bigger say than you just because you are new”).

This was different among females who said it depends on one’s character. One of them explained:

“Ukitafuta shida, utapata. Mtu hata kuchokoza kama hauna maneno na yeye. Mamadam hawana shughuli na wewe kama hauleti shida. Lakini hata kama unatoboa na unaleta kujua, watu hawataki kujua”. (If you look for trouble, you will get it. No one will disturb you if you do not disturb her. Officers will not trouble you if you don't cause problems. But even if you are completing your sentence and you cause problems, no one cares”).

The BJS report (Beck et al, 2013), indicates that inmate-inmate sexual victimization was higher among prison inmates who had been at their current facility for 5 years or more (3.3%) than among inmates who had been admitted in the last month (1.4%). The survey further indicates that inmate-inmate sexual assault increased with the length of time served in the current facility, rising from 0.9% among inmates who had been at the facility for less than a month to 1.7% among inmates in jail for 1 to 5 months, to 2.0% among inmates in jail for 6 to 11 months, and to 2.3% among those in jail for 1 to 5 years.

Officer presence and victimization

The study findings indicate that in majority of the victimization cases for male (76.5%) and female (72.5%) respondents, an officer was not present during the incident. This was corroborated during the FGD as inmates in both Kamiti and Langata said *“serikali haishughulikangi na mambo ya wafungwa kule ndani”* (“prison officers are normally not bothered with what inmates do in their cell blocks and yards”). One inmate in Kamiti remarked:

“Serikali inajua kesi za wafungwa ni ngumu sana. Wengi hawataki kujiuzisha juu iko na viswahili vingi na kujua ukweli ni ngumu. Maafande wengi hukaa kando. Wengine wacheza kadi na wafungwa na kuwacha wafungwa wajifanyie mambo yao”. (“Officers know that inmates' cases are very complicated. Majority don't want to get involved because they know many lies are told and therefore very difficult to get the truth. Some don't care. They play cards with inmates leaving the rest to control themselves. So even though they are physically at the prisoners' cell blocks, they are technically 'absent' since they do not follow on the inmates' activities”).

Similar sentiments were given by officers one of whom in Langata said:

“ukifuatana na mambo ya wafungwa, kichwa chako kitapasuka. Wenyewe wanajuwana. Watakuletea shida tu kama ni kubwa sana. Lakini vitu ya wafungwa wanamaliza wenyewe kule ndani. Na hata ukijaribu kufwatilia, wanakuchenga hata mwenye kukosewa hasemi ukweli”. (“If you bother yourself so much with inmates' issues, your head will burst. They know each other. They will only present to you a bigger problem. But they tend to resolve their issues by themselves. And even if you try to make a follow up, they doge you and even the complainant won't tell you the truth”).

Prison rules and regulations and victimization

The study sought to find out whether rules and regulations predisposed inmates to victimization. This was by looking at whether inmates had knowledge of existing rules and regulations guarding them against victimization. The study also looked at the inmates' perception on the extent of the enforcement of the rules and regulations.

Knowledge of rules and regulations as a precipitator of victimization

Findings indicate that 207 (71.4%) of the total 290 male respondents and 45 (90%) of the total 50 female respondents had knowledge of rules and regulations prohibiting victimization. Therefore in spite of having knowledge of the rules, prisoners still victimized fellow prisoners. This implies that knowledge of rules and regulations does not determine the probability of victimization.

Levels of enforcing as a precipitator of victimization

Majority of the male respondents felt the rules and regulations were not well enforced as indicated by 30% and 39% of respondents who said the rules were not enforced and partially enforced respectively. Only 31% felt the rules and regulations are fully enforced. Therefore, the high (100%) percentage of victimization of male respondents could be due to failure to enforce or impartial enforcement of rules and regulations as perpetrators felt even if they victimized fellow prisoners, chances of being punished were very low. During the FGD male inmates attributed it to high levels of corruption where officers are bribed to 'look the other side' when prisoners are being victimized. Also prisoners who victimize others bribe the officers to turn cases against the victims while in other instances, they simply remain indifferent.

On the other hand, as indicated in figure 4.4, majority (60%) of the female respondents felt the rules and regulations were enforced. This may explain the slightly lower victimization rates (88%) among females as compared to males (100%). Therefore, as Siegel (2011) observes, violence [victimization] stems from mismanagement, lack of strong security and inadequate control by prison officers all which can only be achieved if rules and regulations are fully enforced.

Adequacy of supply of basic necessities

According to the study findings, slightly over half (51.7%) of the male respondents felt supply of basic necessities was inadequate while majority (66%) of the female respondents felt the supply was adequate. During the FGDs findings of the KNCHR report (2010/2011) was confirmed that due to lack of or poor supervision, a few prisoners access more than they need leaving majority with inadequate supplies. As already indicated, an example was given of portions of food sold by inmates to well-connected inmates to lure others into sexual activities. The same was said of beddings and uniforms.

“Haya mambo yameachiwa wafungwa. Yule anajiweza, ananunua. Pia kuna mipango na mamende. Kijana akifika, anapewa kunguru imeeisha ndio mende apate nafasi ya kumpembeleza na kunguru mpya. Hata kule ndani, kijanaa atapewa kipande ya mattress na kablanketi. Mende atamuita walale na yeye na ndio mambo itaanzia hapo. Vita ya chakula pia ni hivyo. Mtu akitumwa jikoni, wapishi wanamrusha miruru kaa mbili au tatu ndio wauze. Kwa hivyo huyo akiingia ‘block’ na miruru haitoshi, anavamiwa na wale wamekosa”. (“These things [of distributing basic necessities to prisoners] have been left to prisoners. Whoever has money buys [what he wants]. Also there are plans with homosexuals. When a young man arrives in prison, he is given a torn uniform so that the homosexual can get a chance to lure him with a new one. Even in the sleeping cells, a young will be given a piece of mattress and blanket. The homosexual will offer him a place to and that is how things [sexual relations] commence. Fights over food are for similar reasons. When one inmate is sent to the kitchen [to collect food for fellow inmates staying together in a cell block] cooks [who are fellow prisoners] will dupe him 2 or 3 portions so as to sell. Therefore when he gets back to the block with less rations, those who miss their share attack him”).

According to the KNCHR report (2010/2011), “50% of prisons studied were rated above average in terms of provision of uniforms whereas the 50% were rated as below average. The poor ratings are due to low supply of uniforms and beddings”. The report further indicates that “there were isolated complaints over inequitable distribution of uniforms and supplies among prisoners, thus pointing to possibility of corruption in the exercise”. Therefore, inefficient distribution of the basic necessities creates inadequacies among inmates which predisposes them to victimization.

Structuring of buildings

The study sought to find out whether the structuring of buildings within the prison precipitated victimization of inmates. Findings are presented in figure 2.

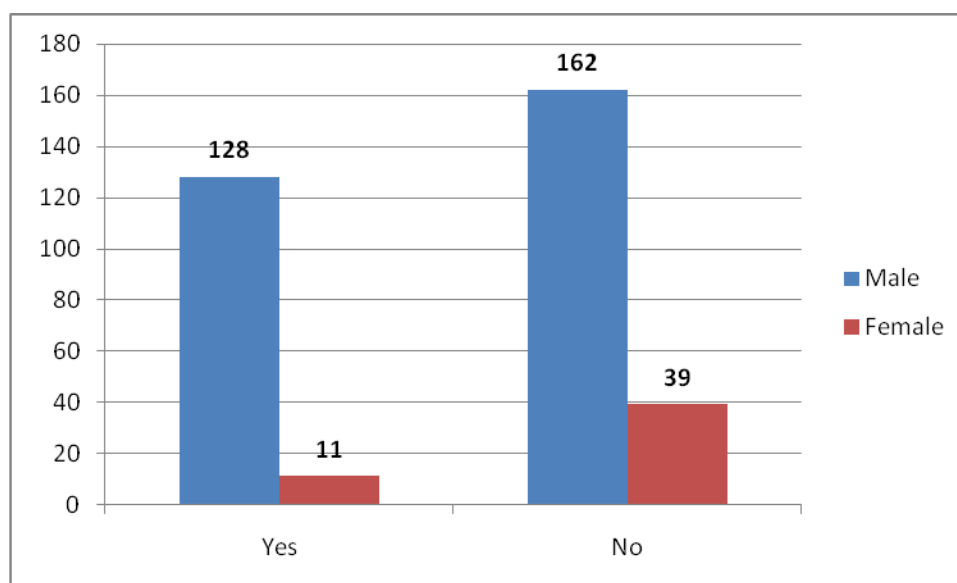


Figure 1: Opinion on effect of structuring of buildings on victimization

Findings indicate that 39 (78%) out of the total 50 female respondents felt the structuring of buildings did not precipitate victimization. Similarly, 162 (55.9%) of the total 290 male respondents did not feel the structuring of buildings precipitated victimization. However, during the focus group discussion, participants said the use of small cells contribute more to sexual victimization as it is easy for few people to collude and engage in such activities than in open dormitories. Sexual assault was also linked to availability of cell phones with internet which prisoners use to browse pornographic materials leading to sexual arousal. Such prisoners would end up sodomizing fellow prisoners. Such activities are easy to conceal in small cells than in dormitories.

Therefore much as there was no direct linkage between structuring of buildings and victimization, the use of small cells precipitates sexual victimization.

During the FGD, in Kamiti, it was noted that it is not the structuring of the buildings but rather the inadequate space for inmates that precipitate victimization. This is because separation of the various categories is not possible since the available space has to be shared equally among the inmates. This leads to older hardcore criminals being allocated the same accommodation with young newly admitted prisoners who end up being victimized.

Reporting mechanism

The study sought to find out if a clear functional reporting mechanism predisposed prisoners to victimization. This involved asking inmates if they had reported their victimization cases by a fellow prisoner to a junior prison officer and where a prison officer was the perpetrator, if the case was reported to a senior prison officer.

Reporting to a junior officer

Victims were asked whether they reported their victimization incidents to a prison officer. Majority of both male (72.7%) and female (65%) victims did not report to an officer the incidents of victimization. This is in agreement with the observation by Clear et al (2017), that many inmates who are assaulted do not report the cases to prison staff. In fact, Crewe (2009) quotes a prisoner who indicates that it is a prisoner's own responsibility to ensure that they are not bullied. The prisoner advises those who cannot defend themselves in prison to quit crime since whether they like it or not they will always land in prison where there will always be bullies. He even suggests stabbing the aggressor to wade him off. One of the reasons for prisoners remaining indifferent is because of the repercussions of reporting. This includes ostracism which means no prisoner will be willing to associate with the one who reports incidents to prison officers.

During the FGDs, it was noted that victims feared reporting to officers because at times they would dismiss the case as trivial. In other incidents the aggressor may corrupt the officer and the case is turned against the victim. It was also noted that it would be dangerous for the victim as inmates are supposed to resolve issues amongst themselves and reporting to a prison officer is seen as betrayal of the prisoner community.

This is in line with sentiments by William (2008) that some victims have found and still find that their treatment by the officials in the criminal justice system to be stressful, demeaning, unfair, disregarding of their feelings, rights, needs and interests. Sometimes they see the system as a second victimization which can be unpleasant than the original crime. In such cases they may choose not to report or to cooperate in the future. Similarly, this is in support of Crewe (2009) who states that one of the reasons for prisoners remaining indifferent is because of the repercussions of reporting. This includes ostracism which means no prisoner will be willing to associate with the one who reports incidents to prison officers. Siegel (2011) further says that although the assailant in a sexual assault gains respect and status, the victim may fear that his fellow inmates may perceive him as weak and vulnerable to further attacks. Inmates fear that if they report sexual assault they will be harassed or face retaliation.

Reporting to a senior officer

Victims were further asked whether they reported incidents of victimization involving prison officers to a senior officer. Findings indicated that 80.3% of male and 68.4% of female victims did not report to a senior officer after they were victimized by a junior prison officer. The reason given during the FGDs was that an officer will always support a fellow officer. Therefore in most cases no action would be taken against an officer reported to have victimized a prisoner. Also, most prisoners are not ready to testify against an officer for fear of revenge. Therefore a prisoner reporting an incident may fail to prove the case leading to his/her punishment for "telling lies" against an officer. This supports the observation by Siegel (2011) that institutional workers cover for each other. (2011) gives an example of victimization of female inmates who when they file a complaint, they are given little protection from vengeful guards.

V. CONCLUSION

The study findings indicate a need to address victimization of prisoners which was found to be rampant in maximum prisons in Nairobi County, Kenya in different forms including verbal abuse, physical assault, theft of belongings and sexual abuse. The findings further point out that in managing prisoners, it is necessary to consider their personal demographics such as age, criminal records, especially the length of their sentences and the time they have spent in prison, which were seen to predispose them to victimization.

Moreover, the study reveals institutional gaps which also predispose prisoners to victimization. The time and place where the incidents took place together with the means the aggressors used to gain control over

their victims point out operational and administrative gaps which need to be addressed by the prison administration.

These include lack of professionalism and work ethics on the side of prison officers in areas such as how to conduct searches, equitable distribution of basic necessities to prisoners, use of official language and proper record keeping of prisoners' property, which needs to be looked into. Another aspect that requires attention is programmes to occupy prisoners, which were found to be inadequate. Besides losing property during searches, the mixing of items such as toothpaste and brushes may pose a health hazard to the prisoners.

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