



## Individual Socio-Demographic Factors Contributing to Criminal Relapse of Offenders in Nakuru Main Prison, Kenya

**Authors:** <sup>1</sup>Lydia Muriuki, <sup>2</sup>Peter Mbaro and <sup>3</sup>Mary Syokoli Mutisya

<sup>1,2&3</sup>The Catholic University of Eastern Africa. Website: [www.cuea.edu](http://www.cuea.edu)

**Corresponding author:** Lydia Muriuki. **Email:** [muriukilydia@gmail.com](mailto:muriukilydia@gmail.com)

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[info@ijfdc.org](mailto:info@ijfdc.org)

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**Abstract:** This study sought to examine individual socio-demographic factors contributing to criminal relapse of offenders in Nakuru Main Prison, Kenya. Routine activities theories guided the study. A Cross sectional study was conducted which took a random sample of the target population of recidivist both prisoners and those on trial. Respondents were given questionnaires, interviewed, and engaged to take part in focus group discussions to gather primary data. Secondary data was collected from the prison's records at the documentation office to understand the number of persons with previous incarceration history. Thematic analysis was used to assess qualitative data while descriptive statistics with the help of SPSS version 27 was used for quantitative analysis. To present the results, tables, graphs, charts, and text were used. The sample size was 106, with 10 prison officers serving as key informants and 96 repeat offenders with prior criminal records. Prison officers were subjected to a stratified random sampling procedure. From the findings, respondents confirmed having committed serious offences during their second arrest. Some of those who had been accused of stealing were arrested of having committed robbery with violence at 28(29.2 %), stealing at 16(16.7 %), robbery at 12(12.5 %). Serious offences like defilements and grievous harm were also committed during their second arrest at 7 (7.3 %) Preparation to commit a felony, murder charges, obtaining money at 6(6.3%), assault at 5(5.2%) rape at 2(2.1%) and obtaining by false pretenses at 1(1%). The second arrests attracted a more serious offence and in which offender spend much more time in custody as compared to misdemeanors. Concerning the respondents' background, 41 (41.7%) of the respondents are unemployed, 35 (39.6%) were in an informal means of employment, 15(13.5%) were self-employed, while 10 (5.2%) were formally employed. The respondents who were self-employed were engaged in businesses like of *boda bodas*, hawking, which by nature are not stable livelihoods while the majority are unemployed. The study concluded that, individual background was key in determining their state in relation to violation of the law and recommended a multi-stakeholder approach in revisiting the available programs, seek review to address both restorative and rehabilitative processes.

**Key words:** *Individual Socio-Demographic Factors, Criminal Relapse, Offenders, prison, prisoners*

### 1.1 Study background

Recidivism refers to the tendency of an individual to relapse into criminal behavior after having

previously been involved in criminal activities, served a sentence and undergone rehabilitation or punishment. It represents a repeat offense or a return to criminal behaviors by someone who has a history of prior criminal conduct. Recidivism rates are indicators of the effectiveness of rehabilitation programs, correctional interventions and overall criminal justice system in preventing individuals from reengaging in criminal activities.

The prisons system was introduced in Kenya by the British East Africa protectorate with the enactment of East Africa Prisons Regulations in April 1902. At independence, the reforms in the penal system were strengthened with the enactment of chapters 90 and 92 to establish the Kenya Prisons Act (Cap 90) and the Borstal Act (cap 92). Kenya prisons service, established in 1911 has progressed to a department comprising of 118 institutions, of which 115 are meant to contain adult offenders while 3 are meant to contain youthful offenders. The current prisons population stands at 54,000, of whom 48% are pretrial detainees. When the prison department was established in 1911, there were only three hundred and nineteen wardens who supervised not more than seven thousand inmates. The staff establishment has since grown to over 22,000 comprising of uniformed officers and auxiliary staff. Be that as it may, today they have expanded to thousands because of populace increment, joblessness and expanded rates of wrongdoing.

Kenya Prisons Service is a Department under the Ministry of Interior and Coordination of National Government. It's mandated under the prisons Act Cap 90 to facilitate rehabilitation, reforms as well as to contain the prisoners in a humane and safe condition. The prisons are also mandated to facilitate responsive administration of justice, rehabilitation, social reintegration, and community protection. It contributes to public safety and security by ensuring there is safe custody of all persons who are lawfully committed to prison facilities, as well as facilitating the rehabilitation of custodial sentenced offenders for community reintegration. Offenders' rehabilitation is supported under the basic principles of the United Nations Standard Minimum rules (Mandela rules) rule 4(1&2) which states that the purpose of a sentence is to protect the society against crime and to reduce recidivism, which can be achieved if the reintegration of prisoners into the society upon release can lead to a law abiding and self-supporting life. To this end, UNSMR directs that the prisons must offer rehabilitative programs in line with individuals treatment needs.

Sustainable Development Goal 16 aims to promote inclusive and peaceful societies and ensure everyone has access to justice. Creating inclusive institutions to protect society is one government contribution to achieving this goal, besides rehabilitating those in correctional facilities. Systems are thwarted by the high number of pretrial detainees who are within the system after reoffending. While unemployment may contribute to crime, Goal 8 aims to encourage sustained economic growth, productive employment, and decent work. Social reintegration is more difficult for criminals with low levels of education (UNODC, 2017).

Statistics on crime reports are not helpful in dealing with recidivism as they do not explain why the crimes were committed. However, the statistical reports indicate that there is a problem of recidivism and there is a desire to find out why this is happening rather than stopping criminal activity. The recidivism rate among certain groups of offenders is still very high. Although global statistics are not available, data from individual countries confirm that the recidivism rate is high, sometimes exceeding

70 percent. Many offenders, even after serving repeated sentences, are unable to desist from the crime and reintegrate into the community. A prison sentence is not suitable for solving the perpetrator's social integration problems (UNODC, 2018).

Recidivism is the continuation of criminal behavior and can result in a variety of outcomes, including re-arrest, re-sentencing, and re-imprisonment. Rehabilitation describes the process of helping inmates grow and change, achieve maximum levels of independence, and allow them to distance themselves from the environmental factors that originally motivated them to commit a crime. Reduced crime rates improve living standards of communities through developments. According to a 2019 report by the U.S. Sentencing Commission on prisoner recidivism, 64% of prisoners convicted of violent crimes were arrested again within eight years, compared to about 40% of those convicted of nonviolent crimes. Almost 45% of ex-prisoners were arrested within a year of their release; 16% were first arrested in the second year, 8% in the third year, 11% in the fourth to sixth years, and 4% in the seventh to ninth years (Clarke, 2019). Alpher and Durose (2018) examined recidivism patterns of ex-prisoners over a nine-year follow-up period and found that an estimated 68% of released prisoners were arrested within three years, 79% within six years, and 83% within nine years. 44% of released prisoners were arrested in the first year after their release, 24% were arrested in year 9. Repeat offenders are likely to be arrested, prosecuted, and re-incarcerated, which increases the expense to the government and threatens public safety. Additionally, it makes the issue of the exponential rise in both prison spending and inmate populations worse. Not to mention the other incidental and societal costs associated with incarceration, such as medical expenses, lost wages and other welfare benefits, social isolation, and family support.

British East Africa Protectorate established the jail system in Kenya. Chapters 90 and 92, which created the Kenya Prisons Act (Cap 90) and the Borstal Act (Cap 92) enacted at the time of independence. Strengthening the improvements made to the criminal justice system. Established in 1911, the Kenya Prisons Service (KPS) has grown into a department with 118 institutions, 115 of which are designed to house adult criminals and 3 of which are designed to house juvenile offenders. There are currently 54,000 people incarcerated, of whom 48% are awaiting trial. There were only 319 wardens supervising no more than 7,000 prisoners in 1911, when the prison department was first founded. Over 22,000 people now make up the staff establishment, which includes uniformed officers and support personnel. Be that as it may, today they have expanded to thousands because of populace increment, joblessness and expanded rates of wrongdoing. Kenya Prisons Service (KPS) is an entity of the Ministry of Interior and National Government Coordination. The Prisons Act, Cap. 90, makes it mandatory to assist and reform inmates. In addition to many other tasks, KPS holds criminals in a friendly and secure environment to support effective administration of justice, rehabilitation, social reintegration, and community safety. By maintaining the secure custody of all those who are legally committed to prison facilities and aiding the rehabilitation of those serving a correctional term for community reintegration, it helps to promote public safety and security.

## **1.2 Statement of the Problem**

Criminal recidivism poses an extraordinary threat to the country, communities and people. A solid and secure community is a basic fabric of any society. This cyclical development of offenders, from prisons to community and back to detention centers, has led to the recognition that current forms of

recovery and re-entry pose a problem. Institutionally, prisons are viewed as avenues to learn about crime, belying claims that discipline, certainty, and seriousness can reduce recidivism. In a sense it can increase the chances and risk of criminal tendencies for the inmates and generally cut them off and from their social connection where they are stigmatized because of their untapped status as former offenders. The repeat offenders contribute to the colossal growth in the number of prisons, the distribution of resources, and the increase in crime. The resources utilized tending to extra wrongdoings committed by repeat offenders, from arrest and prosecution to assisting with recovery and reintegration into society would otherwise be profitably used to address personal, supportive, and community issues that lead to re-incarceration. Rehabilitation programs are basically focused on treating the criminal's behavior by means of getting rid of the factors or instances that force them to reoffend. According to the 2020 economic Survey, the daily average number of unconvicted prisoners rose by 7.1 percent from 21,994 in 2018 to 23,552 in 2019. According to the world prisons brief, 2022, Kenya prisons administration recorded a total of 52979, (176.6%) in March, against its actual capacity of 30,000 inmates. 42.7% were pretrial detainees, which overcrowds the prisons facilities, yet limited resources. Nakuru prison recorded a population of 1680 against its capacity of 500 inmates with majority of young men being repeat offenders (Nakuru prisons unlock figure, 2022). This prompts the need to study the impacts of the rehabilitation programs and recidivism among criminal offenders in Nakuru Main prison.

### **1.3 Study objective**

To assess individual socio-demographic factors contributing to criminal relapse of offenders in Nakuru Main Prison, Kenya.

### **1.4 Justification of the Study**

Social economically, Recidivism imposes substantial economic, social, and human costs on societies. Repeated involvement in criminal activities not only perpetuates the cycle of crime but also strains law enforcement agencies, judicial systems, and correctional facilities. Additionally, it hinders the reintegration of individuals into society, contributing to unemployment, strained family relationships, and increased dependency on public services. Investigating the impact of individual socio-economic factors on recidivism can offer insights into how to mitigate these consequences. Tailored approaches for the offenders: Criminal offenders are a diverse group with varying backgrounds, needs, and motivations.

### **1.5 Significance of the Study**

Prison admission and discharge boards will benefit while engaging inmates in rehabilitative programs which will add value to their lives after prisons, based on age and level of education in a manner that addresses the inmates needs after discharge. Civil society organizations working with communities will enhance programming strategies that speak to the needs of the community as well as stakeholders engaged through the rehabilitative process. Tracking recidivism rates of program participants may serve as an indicator in program performance and support in needs assessment. Stakeholders and the society with interest on administering justice will enjoy safety and integration for a peaceful coexistence with ex-convicts, benefit from skills derived through the prisons rehabilitation programs and enhanced economic growth where the rate of crime is minimal. The ex-convicts will utilize the

skills received for their economic growth and development within their family setups and the society they live in.

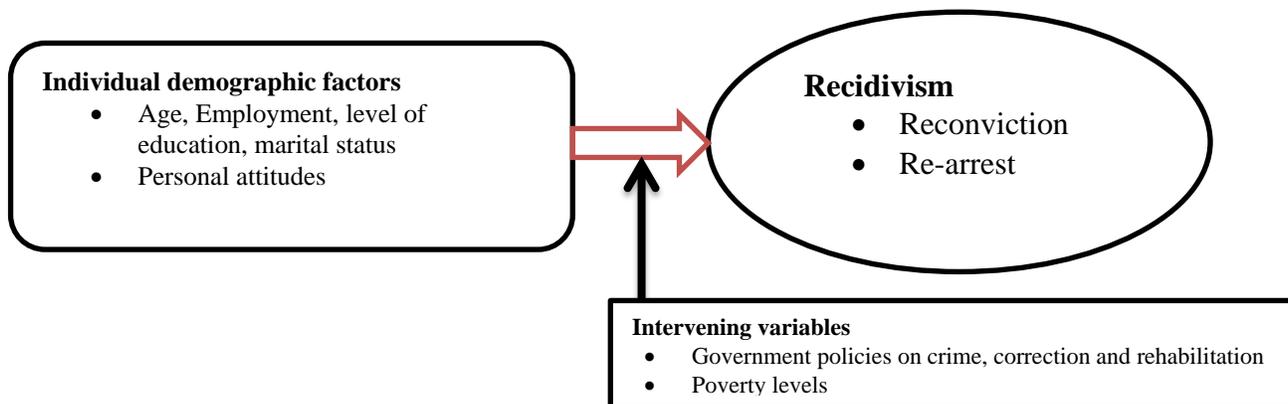
### 1.6 Scope and Delimitation of the Study

This study focuses on examining how individual socio-demographic factors contributes to criminal relapse of offenders in Nakuru Main Prison, Kenya. Recidivism is the re-engagement in criminal activities resulting in re-arrest, re-conviction, or re-incarceration. The study applied the routine theory to elucidate how these frameworks relate to recidivism among offenders participating in rehabilitation programs. An analysis of the social demographic and socio-economic characteristics of offenders, such as age, gender, ethnicity, educational background, and criminal history, was conducted to identify potential correlations with recidivism. The study is delimited in its geographical location since its only conducted in the main prison which hosts male offenders. This limited the generalizability of findings to a broader context and concentrated on recidivists with previous imprisonment history thus excluding others from the analysis. By setting specific boundaries and exclusions, the research provided a focused, relevant, and actionable findings that contributed to the understanding of effective strategies to address recidivism within Nakuru Main prison.

### 1.7 The Conceptual framework

*Independent variable*

*Dependent variable*



**Figure 1:** The Conceptual framework

**Source:** Own conceptualization. 2022

### 1.8 Literature review

This section presents theoretical review and empirical review related to the study.

#### Theoretical review

##### *Routine Activities Theory*

Incorporating the Routine Activities Theory into rehabilitation programs and strategies for reducing recidivism involves understanding how individuals' daily routines and activities can contribute to criminal behavior. The Routine Activities Theory, proposed by Lawrence Cohen and Marcus Felson, suggests that the convergence of a motivated offender, a suitable target, and a lack of capable guardianship leads to criminal events. Focusing on disrupting the daily routines and patterns that contribute to criminal behavior, introducing structured activities, such as education, vocational

training, and job assignments and replacing idle time that might have been used for criminal acts would reduce recidivism. Making it difficult for offenders to engage in criminal activities by altering the environment. Implement security measures and supervision that increase the risk and decrease the reward of criminal behavior, Strengthening the presence of positive role models, mentors, counselors, and peers who act as capable guardians for offenders would as well lead to reduced criminal behaviors through providing guidance, support, and accountability and thus reducing the opportunities for criminal activities. Recognize the role of peers in influencing criminal behavior and promoting positive peer interactions within rehabilitation settings, where individuals encourage each other to pursue pro-social activities and aspirations. By focusing on building positive social connections, both within the rehabilitation program and in the community, recidivists will reduce the motivation to engage in criminal activities.

By modifying routines, enhancing guardianship, and addressing vulnerabilities, you can create an environment that minimizes opportunities for criminal activities and encourages positive behaviour change. This approach can contribute to reducing recidivism rates among individuals participating in rehabilitation programs. The theory makes a specialty of crime opportunities on the basis that even if a motivated perpetrator is present, no crime can take vicinity except the possibility is there (Cohen & Felson, 1979). A lack of shape permits extra time for deviant conduct, the presence of peers makes deviance easier and greater worthwhile, and the shortage of an authority discern reduces social control (Cohen, 2007). This theory explains why and how young people are at increased risk of becoming involved in and becoming victims of crime. A person's demographics influence their daily activities and thus predict the risk of harm. Men are most likely to be victims due to their activities which takes them away from the safety of their homes. When these youth are out at night, they are more likely to encounter delinquents, engage frequently into high-risk situations and areas. (Kennedy and Ford, 1990 and Lauritsen, Sampson, Laub, 1991). As such they are at much higher risk of victimization due to their routine activities and lifestyle.

## **Empirical review**

### ***Individual Social- demographic Factors and Recidivism***

Studying offender characteristics helps predict the level of threat a person poses or the likelihood of recidivism. Characteristics include age, marital status, unemployment, level of education, peers, and personal attitudes, among others. Offenders with greater family support in returning to the community have better chances of finding work. In Chile, Fernández, (2021) assessed offenders on recidivism, and noted that youthful offenders with prior convictions are likely to relapse after months of discharge. Age remains utmost in understanding recidivism, this varies according to prisoner's characteristic. Offenders characteristics affects recidivism differently and that the prisons segregate offenders according to their characteristics increasing the likelihood of reoffending. Family ties hypothesis may be a contributing factor to reoffending when discharged inmates lack spousal support.

In Chicago, Steffens, Meier, Allan, Harer, and Streifel (2014) conducted a study of age differences in differentiating trait impressions and found that older inmates are less likely to relapse compared to younger inmates and are also less likely to relapse. The association between age and crime is reasonably robust, although there are some differences in the distribution of crime by crime, by crime stage, and by crime type. Tittle and Grasmick (2010), in their research on crime and delinquency,

found that the tendency toward delinquency or delinquency appears to be an inverse pattern. Crime or delinquency increases throughout the teenage years, reaching its maximum in late adolescence or early maturity, and then gradually decreasing after that time. A significant number of ex-prisoners have lower or lower levels of education than never-prisoners (Abrams & Lea, 2016) and are therefore disadvantaged in the labor market. Ex-offenders are not only disadvantaged due to a lack of education, but also face structural discrimination in the workplace, as regulations (public and private) require applicants to undergo criminal screening.

Stansfield (2020) while examining changes in family conflict and violence after release from prison noted that increased contact with family members during incarceration as well as post release support can decrease family conflict which might lead to recidivism. Providing inmates with chances to gain helps after release, thereby contributing to overall public safety. Simiyu (2017), in his study on the factors contributing to juvenile recidivism revealed that most juveniles had low education levels attributed to other social economic factors, religion, lack of spiritual guidance which resulted to recidivism. Due to these factors, most of the reconvicted juveniles had recommitted different offences due to peer pressure. The duration of rearrests increases with the level of education, low income levels and also the type of offence committed is attributed with their levels of education. Simiyu (2017) only investigated the levels of education and failed to look into other social demographic factors which may lead to recidivism. In their study on effects of custodial sentences on recidivism, Nyariki et al. (2019) and while examining on the educational attainment of offenders, he noted that most re-offenders are less educated. In his study, he found that crime increases as the level of education falls. An examination of the educational level of recidivists shows that a lack of basic education forces recidivists to do menial jobs and, due to limited income, leads them to engage in criminal activities. He further noted that most recidivists are unable to secure employment after their first conviction. Individuals' weakness influences reoffending. Bitterness, inability to withstand peer pressure, drug abuse and lack knowledge (Omboto, 2019).

### **1.9 Methodology**

This study is based on a cross-sectional survey design using mixed methods of data collection and analysis. Nakuru main prison is located -0.2633692547481404 latitude and 36.05493455853551 longitude, in London ward, Nakuru town west constituency Nakuru county. The prison contains offenders in a human way both pretrial detainees and prisoners who are admitted from different court systems. The study targeted one hundred and six (106) respondents, ninety-six (96) recidivists both prisoners and pretrial detainees and ten (10) officers from the documentation offices, welfare, industry and paralegal office as the key informants of the study. Random sampling was performed on each subgroup to create the study sample. However, it is worth noting that the study included only those inmates who had a criminal record and had participated in rehabilitation programs prior to being re-incarcerated. The Nakuru Main Prison records were used to identify and classify the pre-trial detainees and prisoners. A stratified random sampling technique was applied to prison officials to create a homogeneous subset of prison officials who had served over five years in the documentation, social services, industry, and paralegal departments due to their extensive experience in prison rehabilitation. The study was conducted in Nakuru main prison. Respondents were selected randomly from a segment of detainees with previous criminal record. The sample size was determined according to Cochran (1977)

$$S = Z^2 * P(1-p) / M^2$$

**Where**

S= Sample size

Z= Z-Score (confidence level)

P= population proportion (50%) = 0.5

M =Margin of error = 5% = 0.05 – (Small amount that is allowed in case of miscalculation or change of circumstances)

Confidence level - if 95% then we use 1.960 score (probability that the value of a parameter falls within a specified range of values)

Z=1.96, P=0.5, M=0.05

$$S = (1.96)^2 \times 0.5(1-0.5) / (0.05)^2 \quad S = 3.8416 \times 0.25 / 0.0025$$

$$S = 384.16$$

Adjusting to the total population of Nakuru Main prison based on the lockup figure in August was 1680 prisoners. Out of the number, 128 inmates consented to participate in the study and had had previous criminal records. A sample was therefore selected from the 128 recidivists.

$$S = 384.16 / 1 + ((384.16 - 1) / 128) = 3.0$$

$$S = 384.16 / 1 + 3 = 384.16 / 4$$

$$S = 96.04$$

$$S = 96$$

**Table 1: Distribution by age of the number of re-offenders in Nakuru Main prison**

Category	20-25 years	26-30 years	31-35 years	36-40 years	Totals
Convicted	13	20	10	8	51
Pretrial detainee	9	23	8	5	45
Prison officers(Key informants)	-	1	4	5	10
<b>Totals</b>	<b>22</b>	<b>43</b>	<b>18</b>	<b>13</b>	<b>106</b>

**Source: Researcher (2022)****Table 2: Sample Matrix**

Category	Population	Sample size	Sampling Technique
Convicted prisoners	75	51	stratified random sampling
Pretrial detainees	63	45	stratified random sampling
Prison officers (Key informants)	28	10	stratified random sampling
<b>Total</b>	<b>166</b>	<b>106</b>	

**Source: Researcher (2022)**

The study used a questionnaire containing both open and closed questions. The Key Informant Interview (KII) guide was used as a guide for prison officers participating in the study, while focused group discussion guide steered the engagement with inmates during discussions. Questionnaires contained different aspects concerning the subject of study. This was used as the main instrument of collecting quantitative data. The questionnaires were administered to recidivists using a face to face approach. They were pre-coded to facilitate the process of data entry into SPSS which was used for

analysis. The questionnaires were preferred because they are easy to manage, less expensive than other data tools, and timely to deploy. There were two sections; Section A focused on the demographics of the respondents, while Section B included questions about study objectives. Key informant's interviews collected qualitative data from the respondents, which was used to supplement the qualitative data collected from the questionnaires. In this study, 10 key informants selected from the documentation, prisons welfare, industry and paralegals were interviewed based on their experience and knowledge of recidivism. Five (5) FDGs were conducted to collect information from the inmates. This is a form of qualitative research that selects inmates based on their age and asks them questions about their opinions and beliefs about recidivism. This served to collect qualitative data to complement the quantitative data from the questionnaires. The FDGs consisted of 8 to 12 members and a safe space was created to allow free discussion, protection and safety. A focus group discussion is a useful way to gauge response from respondents. It provides immediate suggestions for improving a concept and provides information about the current status of the respective situation. During the analysis process, the researcher identified relationships or discrepancies that support or conflict with the study objective. Qualitative data was analyzed thematically while quantitative data were statistically described numerically. Data was presented in tables and charts.

### 1.10 Study findings

#### Age of Respondents

**Table 3: Age of respondents**

The table represents respondents age brackets and helps in analyzing whether person's age can lead to recidivism

	Frequency	Percentage
20-25 years	22	22.9
26-30 years	43	44.8
31-35 years	18	18.8
36-40 years	13	13.5
Total	96	100.0

**Source: Researcher (2022)**

From the findings, 43(44.8%) of the respondents aged between 26 to 30 years had reoffended more than twice and had been accused of committing a serious offence during the second time of their period in custody, followed by youth of between 20-25 years at 22 (22.9%), 18(18.8%) of the respondents were aged between 31 and 35 years, while 13(13.5%) were aged between 36 and 40 years. The number, based on the interviews conducted may be attributed to the social economic issues of offenders while mingling in the normal life within the areas of residence. The nexus between the age of respondents and recidivism is attributable to the life goals that each of the age groups would like to achieve and if this fails, the levels of frustrations, the urge to compete to achieve them may lead to their criminal behaviors. Individuals above the ages of 36 years are likely to rethink of settling in life in terms of having families, concentrate on family social bonds and support for their children unlike young adults still struggling to make ends meet to enable them settle with their families.

### Respondents' employment history

From the findings, 51(53.1%) of the respondents were not employed while 35(36.5%) were employed before arrest.10 (10.4%) were self-employed with small scale businesses. Majority of those employed worked as casual laborers, farmhand workers, domestic work, sales persons, while the unemployed ones were not in any gainful legal means of income.

**Table 4: Percentage distribution of respondents based on employment history**

The presentation will assist the researcher in identifying whether a person's employment history can lead to recidivism

	Frequency	Percentage
Yes	35	36.5
No	51	53.1
Total	86	89.6
Others	10	10.4
Total	96	100.0

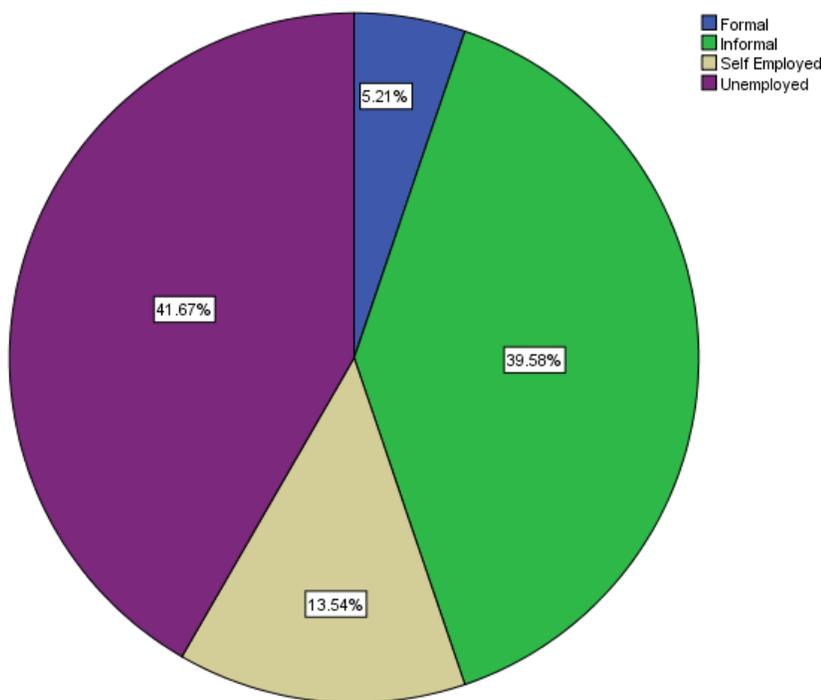
Source: researcher (2022)

### Respondents' means of livelihood other than employment

From the findings, 41 (41.7%) of the respondents are unemployed,35 (39.6%) are in an informal means of employment, 15(13.5%) are self-employed, while10 (5.2%) are formally employed. The respondents who were self-employed were engaged in areas of *boda bodas*, hawking, who may not have a stable livelihood while the majority are unemployed. The recidivism rate is highest among the unemployed because it is difficult for them to earn a living legally in this way resulting to crime and even worse still recommitting serious offences.

### Percentage distribution of respondents based on other means of livelihood other than employment

The researcher was finding out the other means of livelihood that the respondents relied on to enable identify whether lack of a gainful employment can lead to recidivism



**Figure 2: Respondents’ means of livelihoods**

**Source: Researcher, 2022**

**Respondents’ offences committed during the first arrest**

From the findings, 46(47.9%) of the respondents were accused of stealing, 14(14.6%) were accused of assault related offences, 12(12.5%) committed robbery related offences, 10(10.4%) obtained other people’s moneys by false pretenses while others were misdemeanors ranging between 1 to 3 respondents. Respondents who engaged in stealing offences as first-time offenders had no means of livelihood and opted to look for the easiest ways to gain, most of who resides in the informal urban informal settlements. From the rural areas, respondent accused of stealing had stolen farm produces, like food items and could site instances where their families had no food on the table. Some of the respondents who lived in the informal settlements could speak of instances where they are forced to cause some chaos and as people disperse, find a way to steal their goods, especially in public gatherings. Some assault cases were caused to address some anger issues either to their family members or friends as some cited instances where they could cause some violence as a means of anger management.

**Table 5: Percentage distribution of respondents based on offence committed during the first arrest**

	Frequency	Percent
Assault	14	14.6
Attempted defilement	2	2.1
Breaking	1	1.0
Drunk and Disorderly	2	2.1
Grievous Harm	1	1.0
Indecent Act	1	1.0
Indecent Assault	1	1.0
Obtaining	10	10.4
Rape	1	1.0
Robbery	12	12.5
Stealing	46	47.9
Stealing by servant	3	3.1
Stealing farm produce	1	1.0
Trespass	1	1.0
Total	96	100.0

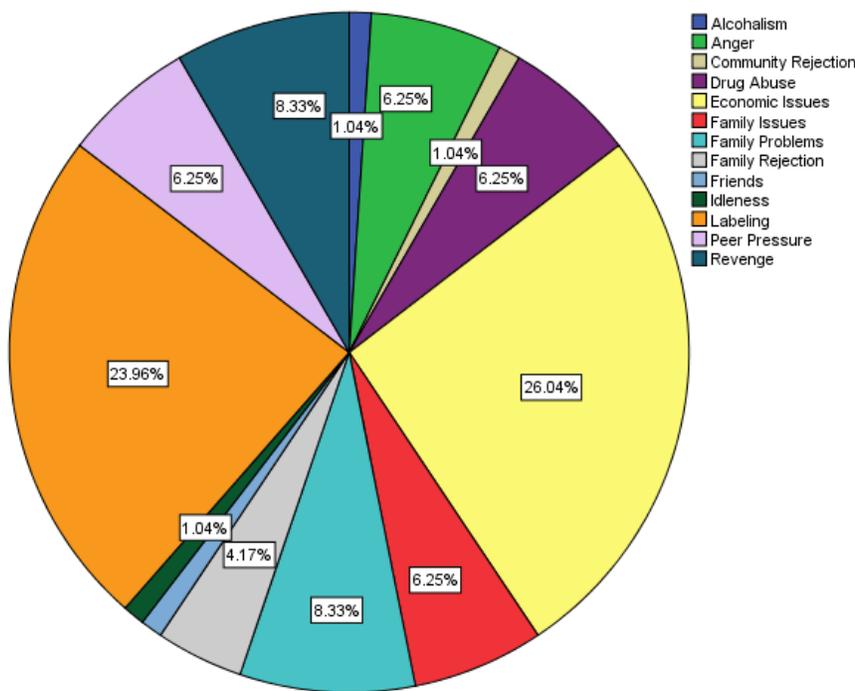
**Source: Researcher (2022)**

### **Respondents' offences committed during the second arrest**

Respondents confirmed having committed serious offences during their second arrest. Some of those who had been accused of stealing were arrested of having committed robbery with violence at 28(29.2 %), stealing at 16(16.7 %), robbery at 12(12.5 %). Serious offences like defilements and grievous harm were also committed during their second arrest at 7 (7.3 %). Preparation to commit a felony, murder charges, obtaining money at 6(6.3%), assault at 5(5.2%) rape at 2(2.1%) and obtaining by false pretenses at 1(1%). The second arrests attracted a more serious offence and in which offender spend much more time in custody as compared to misdemeanors. Respondents expressed interests in spending some time in custody as compared to being released due to the “harsh” as they termed it, conditions outside prison, including labeling and rejection by the families and the communities, lack of gainful employments to sustain self and lack of resources to set up own businesses. Respondents who had interacted with the rehabilitative programs during their first time in custody expressed their non-commitment to engage in the same due to lack of start up after discharge and also the competitiveness in the job market. They could cite alternatives based on personal interest as well as participatory engagement during admission that could make respondents choose what best suited them.

### **Respondents' reasons for reoffending**

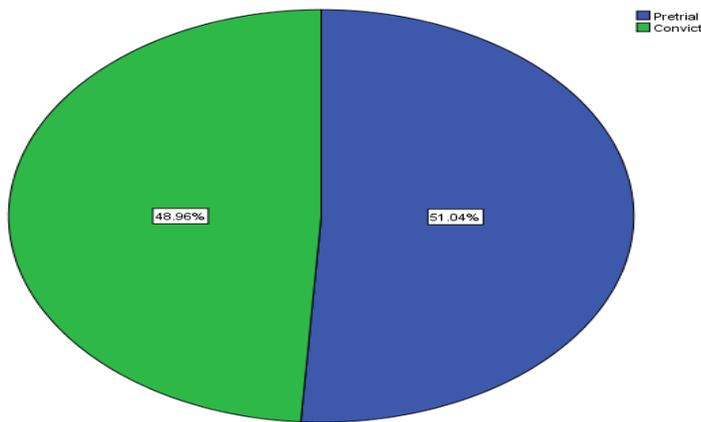
From the findings, 26.04% alleged that economic hardships drove them to recommitting the offences for the second and third times, 24% alleged that community labeling led to their recommitting the offences, Revenge for the complainants at 8.3%, anger, drug abuses, family issues peer pressure among others led the respondents to recommitting the said offences.



**Figure 3: Graphical representation of respondents’ reasons for re-offending**  
**Source: Researcher (2022)**

**Representation of respondents**

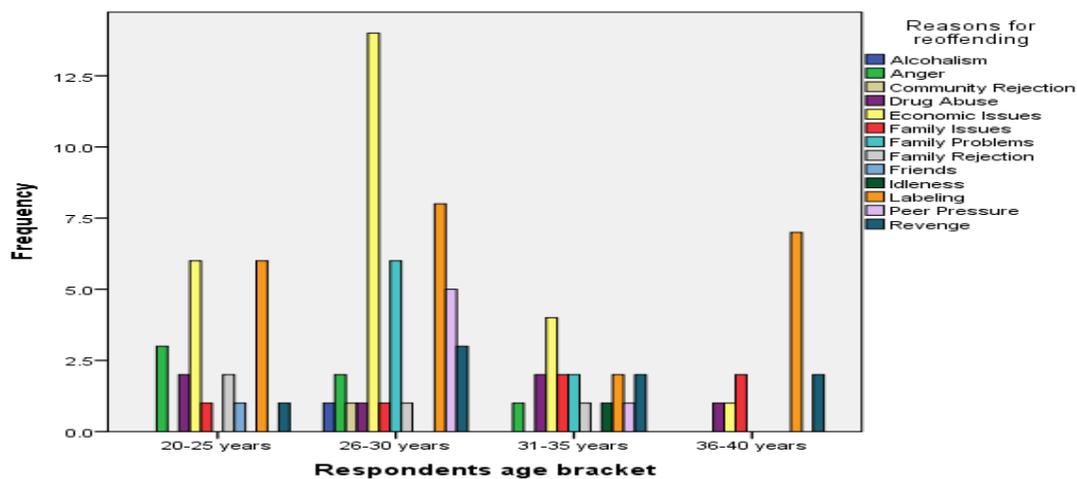
From the findings, 50(51.04%) of the respondents were pre-trial detainees while 46(48.96%) were convicted prisoners. The number of accused persons was higher compared to prisoners who consented to participate in the research. The beneficiaries of the rehabilitation programs are prisoners while little or no attention on rehabilitation is given to the pretrial detainees as most of them may be on transit back home either through other alternatives like cash bails and bonds, withdrawal of cases or other alternatives to incarcerations. The number of recidivists at the pretrial stage were alarming as some recommit offences after discharge through cash bails and bonds.



**Figure 4: Graphical representation of respondents**  
 Source: Researcher (2022)

**Comparison of respondents’ age and reasons for reoffending**

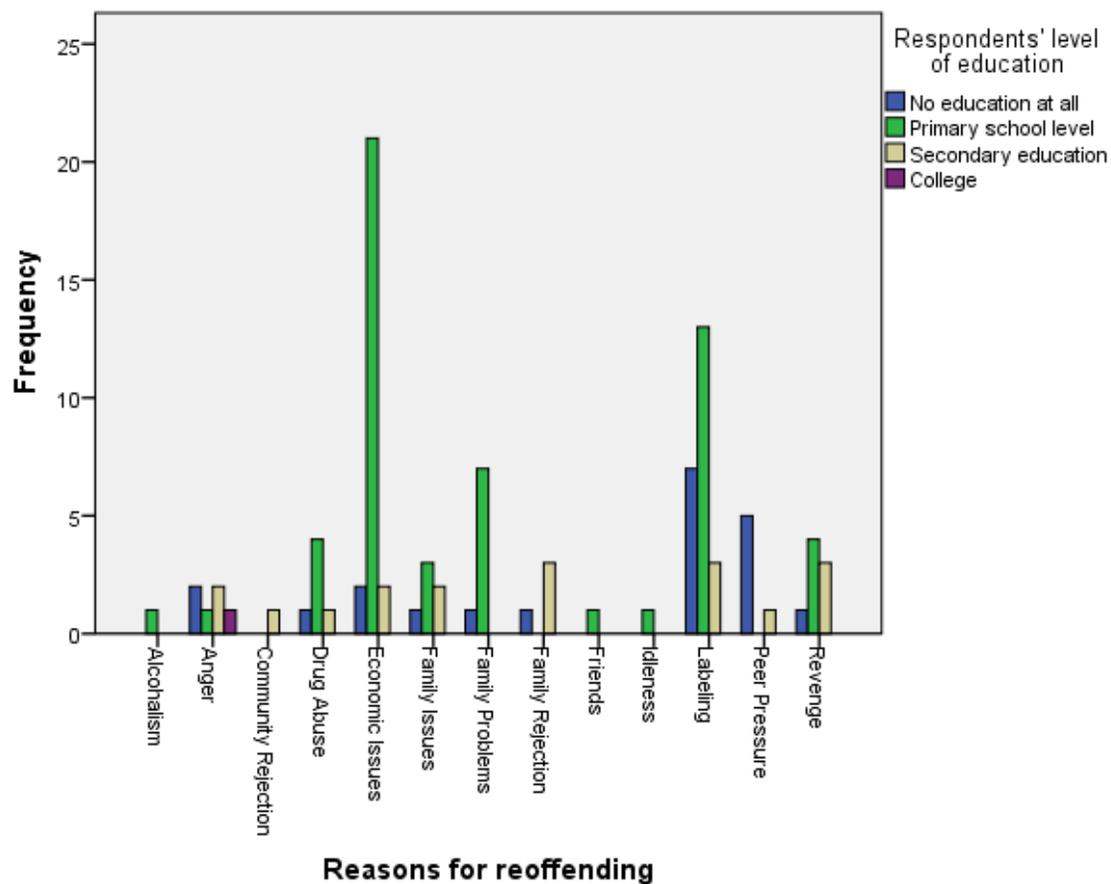
Respondents between the ages of 26 and 30 years decried reoffending due to the harsh economic issues. It is noted that the majority in this age group were jobless and hence the hit from the economy. The age group after assessment did not have a family of their own and therefore committing offences meant nothing to them. The feeling of hopelessness was real as most respondents had no plans to change even after attending the available rehabilitative programs. Most of them do not feel that the programs can only be affected if there are better rehabilitative programs from within the prisons and after life in custody. In the prisons setting, the pretrial detainees have so much time to mingle with the peers inside prisons unlike the convicted one since they are engaged in other programs and duties. The number is attributed to the fact that, most pretrial detainees had much time outside unlike the convicted inmates who were out participating in different engagements.



**Figure 5: Comparison of respondents’ age and reasons for reoffending**  
 Source: Researcher (2022)

**Comparison of respondent’s education levels and reasons for reoffending**

From the findings, 21(25%) of the primary school leavers and were the hardest hit by economic related reasons to recidivism, followed by 16% labelling, family related problems, desire to revenge against their accusers, besides peer pressure, anger and drug abuse. Labeling was also cited as a reason to offend besides peer pressure for respondents who has acquired primary level education and those with no education at all. Anger was quoted as a reason for reoffending by respondents with tertiary level of education and the respondents cited having committed assault related cases and obtaining someone’s’ money by false pretenses besides stealing by servant, an offence committed by virtual of being someone’s employees.



**Figure 6: Comparison of respondents Level of education and the reasons for reoffending**  
 Source: Researcher (2022)

### **1.11 Conclusions**

From this study, one of the most important facts learned about recidivism in Kenya is that extra-punishment factors which are socio-economic, individual, and community based in nature largely influence re-offending in convicts. In the socio-economic category, poverty as a factor is the major cause of recidivism. It is characterized by lack of employment or capital to start business from which the ex-convicts can earn a living through their own sweat. This lack forces this category of ex-convicts to eke out a living through crime. The individual factors responsible for recidivism are weaknesses inherent in an individual offender, which influences reoffending. These factors established in a few convicts include bitterness and drive for revenge, inability to withstand peer pressure, drug and alcohol abuse, and ignorance or lack of knowledge.

### **1.12 Recommendations –Action/ Policy Change and by who or which agencies?**

The study recommended that:

- i. Rehabilitative programs should be market driven and that which responds to the need of the inmates who should benefit through the restorative and rehabilitative processes. Majority of the recidivist emanates from low income areas, are poverty stricken and are more prone to negative peer influence as they strive to make ends meet. Options based on new business ventures, that which attracts customers, programs that responds to the current market demands should be explored by the Kenya prisons as they rehabilitate offenders in a humane way, for instance bricks making, new technologies in which youthful offenders can venture in and which are responsive to the current market demands.
- ii. The county government should plan to support youth friendly centers in the county in order to rehabilitate drug addicts and youthful offenders as well as setting up a centralized supervision hub, not only for the persons discharged from custody but also those in the community and can seek help and other alternatives as opposed to rushing to committing crimes. Reform programs for drugs and alcohol addicts' offenders should be addressed holistically to ensure that the officers working to their rehabilitation has capacity in terms of programs and the necessary reforms suitable to reintegrate them back.
- iii. Offenders should be prioritized through the probation and aftercare services. This will address issues like labelling, stigmatization and rejection. Prisons discharge boards, should plan the reintegration back to the community at least six months before an inmate is released. The early preparations should also include family-based conferencing targeting the family members in readiness to accepting the prisoners back to the community. The probation and aftercare services, should provide an environmental adjustments report, in consultation with the community members, the area chief, the church and the family where the offender came from to ensure that all issues are resolved before discharge.
- iv. Enhanced reformation and rehabilitation of convicts by either using other alternatives to incarceration, alternative punishments, classification of first-time offenders and the recidivists

and drawing some appropriate reforms to support in correcting the prisoners with some recidivist history

- v. Respondents had received punishments during convictions. Majority whom are from low income areas and were petty offenders in their first convictions are unemployed and quoted harsh economic times as the reasons for reoffending. This calls for a relook into the sentencing guidelines and the nature of offences committed, the type of punishment to be employed. Stakeholders like the probation and aftercare services should be engaged throughout the trial process and advice through their enquiry reports on the possible punishments to be given to the petty offenders and recidivists, who might be risky to recommitting even serious offences after rearrests. First time petty offenders should not be exposed to imprisonment but rather should be punished through other alternatives to imprisonment for offenders whose punishment term is less than three years.
- vi. Correctional institutions should allow offenders to select after guidance the skills they need to use after discharge and if they must engage in the existing programs, then, the discharge boards should assess the environment in which the prisoners would go to after serving their sentences. The government should ensure that there are qualified professionals to deal with rehabilitation of different offenders, for instance, sexual offenders, capital offenders and petty offenders. Advice on pardoning should be guided by correctional institution recommendations on inmate behavior and character after conviction. Therefore, this recommends avoiding rushed releases at all costs. The opinion of key informants is that laws and amnesties nullify prisoner reform by shortening deadlines and abruptly ending reform and rehabilitation programs.

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