

# The Role of Prison Experience on Recidivism in Kakamega County, Kenya

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## Abstract

Recidivism is the relapse into criminal activity and is generally measured by a former prisoner's return to prison for a new offence. The rate of recidivism in Kenya is estimated to be about two - thirds, which means that two - thirds of released inmates will be re - incarcerated after their release from prisons. As a result of this, crime by former inmates alone account for a substantial share of the current and future crimes. From the trend in the high prevalence of recidivism in Kenya, there are a staggering high number of people being incarcerated and eventually released back to the community and the high risk of re-arrest and re-incarceration is a concern for policymakers, criminologists, and those involved in corrections. High rates of recidivism result in tremendous costs both in terms of public safety and in monies spent to arrest, prosecute, and incarcerate re - offenders. High rates of recidivism also lead to devastating social costs to the communities and families of offenders, as well as the personal costs to the offenders themselves. This made the researcher to be interested in recidivism by looking at the role of prison experience on recidivism. The study adopted survey research design. This is a type of descriptive research that adopts descriptive and fact finding enquiries of different kinds of information that describes existing phenomenon by asking individuals about their perception, attitudes, behavior or values. The study was carried out in Kakamega County, covering the three penal institutions, that is, Kakamega Male, Kakamega Female and Shikutse G.K prisons. The study population was repeat offenders found in all the three penal institutions in Kakamega County. Purposive sampling was used to identify recidivists from the general prison offender population based on the existing official prison records. a total of one hundred and forty six respondents were sampled for this study. Random sampling was used to achieve the desired representation from the study population. Questionnaires were used as data collection tools and interviews method was also utilized to collect data. Findings revealed that the longer the duration spent in prison, the worse the reentry experience since those inmates who had served longer sentences suffered the greatest reentry experiences occasioned by disintegrated families, inability to easily secure employment after release, and high chances of reoffending. Therefore the need to come up with working pre-release programs meant to enable inmates to have smooth transitions from correctional institutions to their communities by working with the offenders to develop plans, including housing, employment and participation in post-release programs.

**Keywords:** recidivism, prisoner, re-incarceration

## 1.1 Background

Recidivism in a Criminal Justice context is defined as the reversion of an individual to criminal behavior after he or she has been convicted of a prior offence, sentenced and presumably corrected (Maltz, 1981). Recidivism has variously been defined as return to custody for any reason, including technical violations (Verbrugge et al., 2002). Others see it as re-arrest (Benda, 2005), reconviction and re-incarceration (Law, 2004). Recidivism is a technical term which, if construed narrowly, by-passes the important problem it represents, the problem of persistency in criminal behaviour. There are approximately 83,000 adults in prison in England Wales (Howard League, 2008) which is nearly double the number from 1991-1992 (Morgan & Liebling, 2007). In 2008, the male prison population increased by four per cent in England and Wales, while the female prisoner population increased by 5 per cent to approximately 4,500 female prisoners (Fawcett Society, 2006). In England and Wales in 2002, 67 per cent of male prisoners discharged from prison were reconvicted within two years (LeBel *et al*, 2008). Similarly, in 2004, 64 per cent of female prisoners released in England and Wales reoffended within two years (Fawcett Society, 2006). Prison populations are out of control, for many reasons. Not only are more offenders imprisoned for less serious offences, more are being imprisoned for breaching their release conditions. As Baroness Corston stated in her report 'breach is ricketing up the use of custody to little avail and there are alternative community solutions to be explored' (Corston, forward: I, 2007).

Recidivism is now a common phenomenon among inmates in the Nigerian prisons. These include both the male and female offenders/inmates in the Nigerian prison custody. Soyombo (2009) reported that the

prevalence rate of criminal recidivism in Nigeria in 2005 was 37.3%. Abrifor (2010) estimated the prevalence of recidivism in Nigeria prisons at 52.4% in 2010. Since then, there has not been any indication that the trend has declined. Wilson (2009) also reported that studies conducted in Nigeria have documented that 81% of male criminal inmate offenders and 45% of female criminal inmate offenders were re-arrested within 36 months of discharge/release from the prison custody. The recidivism rate in South Africa ranges between 55.3% and 95%, Muting (2001). This is a phenomenon that cannot be ignored in the fight against the high crime rate in South Africa. In 1997 statistics indicated that an average of 7,177 serious offences were committed annually per 100,000 people in the population of South Africa.

In 2003 the statistics indicated an increase of 12%, with 55% of all the offenders recorded in the Criminal Record Centre in South Africa being recidivists (Prinsloo, 2003).

In Kenya, released citizens have a seventy-five percent chance of committing another crime and a fifty percent chance of returning to prison two years after release from prisons (Gathu, 2012). There are inadequate reintegration programs in the prisons and very few resources on the outside to help returning citizens avoid recidivism. Enhancing the quality of life of Kenyans through strong and safe communities was the premise of this study and an essential part of the fabric of our society. It is a fact that most offenders will one day return to the community and therefore there was need to examine the prison's experience on ex-offender's recidivism.

### **1.2 Statement of the problem**

Data on recidivism around the world show that most offenders leaving prison are likely to be rearrested within 3 years of release; nearly 80% of prisoners are likely to be rearrested within a decade of release (Freeman, 2003). Studies conducted around the world suggest that re-arrest may occur within the first year after release if no support is available to the released offender (Hassin, 1989). High rates of recidivism mean more crime, more victims, and more pressure on the criminal justice system. According to Dennis Lumiti (2004), 700 out of 744 inmates released under Presidential amnesty it was found that more than 60% of the inmates had returned to prison. This high rate of recidivism has tremendous costs in terms of public safety and in money spent to arrest, prosecute, and incarcerate re-offenders.

From the trend in the high prevalence of recidivism in many countries globally, including Kenya, there is a staggering high number of people being incarcerated and eventually released back to the community and the high risk of re-arrest and re-incarceration is a concern for policymakers, criminologists, and those involved in corrections. As a result of this, crime by former inmates alone account for a substantial share of current and future crimes. From this background, peace, safety of lives and property are threatened thereby affecting the rate of investment in social and economic growth and developmental processes. Thus, it became imperative to examine the role of Kenya Prison Service experience on recidivism.

### **1.3 Research objective**

To examine the role of prison experience on recidivism

### **1.4 Study hypothesis**

$H_0$ : Prison experience does not significantly influence recidivism

### **1.5 Literature review**

#### **Prison experience and recidivism**

Under prison experience and recidivism, literature concerning prior criminal history of the offender, prior term of imprisonment and prison programs has been reviewed below according to various scholars.

#### **1.5.1 Prior criminal history**

Prior criminal history, encompassing the number of prior arrests/convictions and the age of first offence/conviction, has not only been consistently related to recidivism in empirical studies, but it has also proved to be a strong correlate of recidivism. Pritchard (1979) reviewed 71 recidivism studies, involving 177 independent samples of offenders, and found that the presence or number of prior adult convictions was related to recidivism in 99 of 116 studies in which it was investigated, while age at first arrest was related to recidivism in 77 of 95 studies which investigated its influence on recidivism. Furthermore, Burgoyne (1979) found the number of prior criminal convictions and age at first conviction to be the strongest correlates of recidivism in a sample of robbers released from Victorian prisons between January 1972 and December 1973. Specifically, a higher recidivism rate was found for those offenders with a greater number of prior convictions, and those whose first conviction occurred at an early age.

Similar results were reported when prior offence history was defined in terms of the number of prior adult arrests (U.S Bureau of Justice Statistics, 1989). The study found that the more extensive a releasee's prior adult arrest record the higher his or her probable rate of recidivism. Of those releasees with only one prior adult arrest, 38.1 percent were rearrested during the three-year follow-up period compared to 82.2 percent of releasees

with 16 or more prior adult arrests. The number of prior adult arrests remained a strong predictor of recidivism even when age at release from prison, sex, and race and the number of prior imprisonments (Illinois Criminal Justice Information Authority, 1985) were taken into account.

### 1.5.2 Prior term of imprisonment

Empirical studies have found that offenders who have a prior term of imprisonment (U.S Bureau of Justice Statistics 1984, 1989; Burgoyne 1979d), have been wards of the state, or have received a number of prior probations orders (Burgoyne 1979d) show high levels of recidivism, suggesting that prior sentence and correctional history is also a correlate of recidivism.

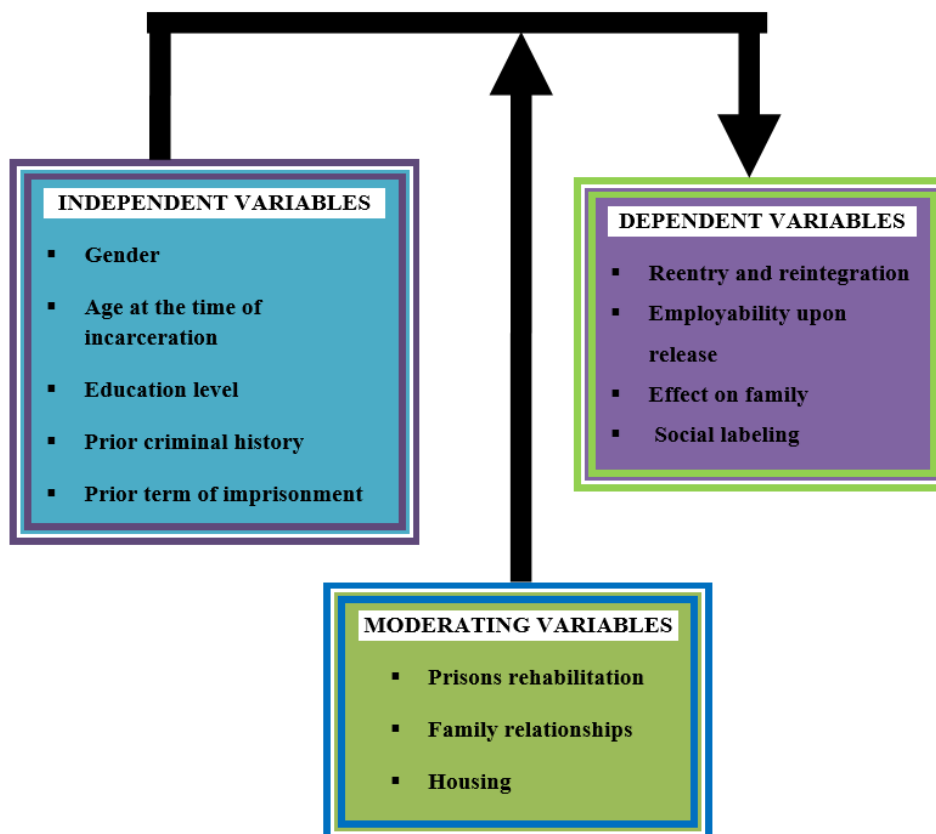
### 1.5.3 Prison programs

Although the prison population has grown dramatically in recent years, funding for programming has not, meaning fewer inmates have access to these programs (Lawrence et al., 2002). In addition, prisoners are often given some prerelease guidance before they are released, but this programming often does not translate into receipt of community services. Although 87% of respondents in an Urban Institute study of Chicago prisoners participated in prerelease programming, only 22% of them contacted a community program or accessed services through a referral when they were released (Vigne et al., 2004).

Ex-prisoners complain of the lack of relevance of their formal prerelease programming and information. One former prisoner from Chicago said of his reentry programming experience, “It’s usually a package of papers that say go to this place or that place for what you need. I went there thinking they could help me, but they weren’t there. It’s frustrating” (Scott et al., 2006). In part, this may reflect the difficulty of keeping information up to date and useful. It also may reflect capacity limitations of programs serving this population (Solomon et al., 2004). Similar problems emerge in reentry guides, which are often written at a level far above the abilities of a majority of former prisoners and include outdated or limited information (Mellow & Christian, 2008).

### 1.5.3 Conceptual framework

The conceptual framework operationalizes the study variables as indicated in figure 1.1. The framework seeks to illustrate the factors that were investigated to determine their influence on recidivism. Independent variable is operationalized using gender, age at the time of incarceration, level of education, criminal history and previous imprisonment experiences. The dependent variable is recidivism and has been operationalized using aspects such as reentry and reintegration of ex-prisoners, employability upon release, effect on family, social labeling and nature of offence.



**Figure 1.1:** A conceptual framework showing the relationship between socio-biographical factors, Moderating variables and offender recidivism

## 1.6 Findings

### The role of prison experience on recidivism

The objective of the study was to examine the role of prison experience on recidivism. The researchers undertook to investigate if prison experiences of offenders play any role in future recidivism tendencies of inmates. In order to achieve this objective, the researchers formulated the following non-directional null hypothesis;

$H_0$ : Prison experience does not significantly influence recidivism

The hypothesis was tested using Chi-square and findings presented in table 1.1;

**Table 1.1: Chi-Square results for the effect of prison experience on recidivism**

Chi-Square ( $X^2$ )	23.475
Df	1
Asymp. Sig.	.000

The results in table 1.1 shows a statistically significant effect of prison experience on recidivism ( $X^2=23.475$ ;  $p<0.05$ ;  $df=1$ ). This means that prison experiences of inmates enhance the possibility of recidivism. Since only one degree of freedom ( $df=1$ ) was recorded in the  $X^2$  computation, Yates correction for continuity was performed and results accordingly incorporated in the final score. This was a single sample Chi-square where the researcher established the goodness-of-fit in the relationship between prison experiences and recidivism.

Specific prison experiences were singled out analyzed to determine their role in recidivism. Findings are presented in table 1.2.

**Table 1.2: One Way ANOVA for the effect of prison experience on recidivism**

Specific prison experiences	Influence of prison experience on recidivism			Mean square	F -Val	F-tab	P<0.05 sig.
		Sum of squares	df				
Number of time imprisoned	Between group	2.432	1	2.432	23.8	3.86	.000
	Within group	57.431	553	.075	3		
Type of offence	Between group	13.876	1	13.876	26.9	3.86	.000
	Within group	312.987	549	.543	2		
Type of prison term	Between group	6.021	1	6.021	9.69	3.86	.000
	Within group	332.059	569	.613	8		

Results in table 1.2 present a descriptive analysis of One-way Analysis of Variance (ANOVA) on the relationship between prison experience and recidivism at 95% confidence level. The data on number of times imprisoned and recidivism were subjected to One-way Analysis of Variance (ANOVA) analysis and yielded Mean Squares between Groups and Within Groups of 2.432 and .075 respectively ( $Msb_g = 2.432$ ,  $Msw_g = .075$ ). These yielded the F-val of 23.8 and F-tab of 3.86 which is significant at  $p<0.05$  level of significance ( $F\text{-val} = 23.8$ ,  $p<0.05$ ). This implies that the number time a person has been imprisoned is significantly related to the possibility of committing more crimes in the future.

With regard to the type of offence and possibility of recidivism, findings yielded Mean Squares between Groups and Within Groups of 13.876 and .542 respectively ( $Msb_g = 13.876$ ,  $Msw_g = .542$ ). These yielded the F-val of 26.9 and F-tab of 3.86 which is significant at  $p<0.05$  level of significance ( $F\text{-val} = 26.9$ ,  $p<0.05$ ). This shows that the time of offence committed was a statistically significant indicator of the possibility of recidivism. It was noted that most offences were burglary, stealing and other offences against persons and property.

ANOVA was also performed for the type of prison term and recidivism and the analysis yielded Mean Squares between Groups and Within Groups of 6.021 and .613 respectively ( $Msb_g = 6.021$ ,  $Msw_g = .613$ ). These yielded the F-val of 9.69 and F-tab of 3.86 which is significant at  $p<0.05$  level of significance ( $F\text{-val} = 9.69$ ,  $p<0.05$ ). This is an indication that the type of prison term influences recidivism. Most of the recidivists interviewed were those remanded awaiting trial of their cases these constituted over 50% of prison population. This is followed by those inmates serving short prisons terms of 3 year and below while the remaining were on long term prison sentences.

**Table 1.3: One Way ANOVA for the effect of prison experience on recidivism**

Specific experiences	prison	Influence of prison experience on recidivism	Sum	of	df	Mean	F -Val	F-tab	P<0.05
			squares			square			sig.
Vocational training in prison		Between group	4.654		1	4.654	19.00	3.86	.001
		Within group	135.991		499	.249	2		
Interaction with hardcore criminals		Between group	6.343		1	6.343	23.12	3.86	.003
		Within group	421.432		564	.461	0		
Involvement in reentry programmes		Between group	204.049		1	204.049	11.2	3.86	.001
		Within group	896.951		559	22.162	0		

Results in table 1.3 present a descriptive analysis of One-way Analysis of Variance (ANOVA) on the relationship between prison experience and recidivism at 95% confidence level. The data on vocational training while in prison and recidivism were subjected to One-way Analysis of Variance (ANOVA) analysis and yielded Mean Squares between Groups and Within Groups of 4.654 and .249 respectively (Msbg = 4.654, Mswg = .249). These yielded the F-val of 19.0 and F-tab of 3.86 which is significant at p<0.05 level of significance (F-val =19.0, p<0.05). This implies that vocational training in prison has a significant relationship with recidivism. Those offenders who receive vocational training in prison are less likely to reoffend as compared to those offenders who do not receive vocational training while in prison.

The relationship between interaction with hard core criminals and recidivism was also examined using one way ANOVA and the results generated Mean Squares between Groups and Within Groups of 6.343 and .461 respectively (Msbg = 6.343, Mswg = .461). These yielded the F-val of 23.12 and F-tab of 3.86 which is significant at p<0.05 level of significance (F-val =23.12, p<0.05). This shows that the interaction with hard core criminals while in prison increases the chances of recidivism.

ANOVA was also performed for involvement in reentry programmes and recidivism and the analysis generated Mean Squares between Groups and Within Groups of 204.049 and 22.162 respectively (Msbg = 204.049, Mswg = 22.162). These yielded the F-val of 11.2 and F-tab of 3.86 which is significant at p<0.05 level of significance (F-val =11.2, p<0.05). This is an indication that involvement in reentry programmes reduces the likelihood of recidivating by inmates. The use of half way homes and other reintegration programmes play a significant role in preparing inmates for reentry back into the community.

**Table 1.4: One Way ANOVA for the effect of prison experience on recidivism**

Specific experiences	prison	Influence of prison experience on recidivism	Sum	of	df	Mean	F -Val	F-tab	P<0.05
			squares			square			sig.
Perception on need to conduct programmes involving convict, community and victim before release of offender from prison		Between group	15.733		1	15.733	27.9	3.86	.003
		Within group	316.811		572	.572	2		

Results in table 1.4 present a descriptive analysis of One-way Analysis of Variance (ANOVA) on the relationship between conducting programmes involving convicts, community members and the victims of their crimes and recidivism at the level of significance of 0.05. The data on perception of inmates regarding the need to conduct programmes of reconciliation involving the community and the victims of crime and how the same relates to prospects of recidivism were tested using one way ANOVA yielded Mean Squares between Groups and Within Groups of 15.733 and .572 respectively (Msbg = 15.733, Mswg = .572). These yielded the F-val of 27.9 and F-tab of 3.86 which is significant at 95% confidence level. This implies that holding reconciliatory programmes involving the community members, victims of crime and the inmate increased a sense of responsibility for the offence by the inmate and deterred the possibility of reoffending.

Majority of the respondents strongly agreed that it was necessary for such reconciliation programmes while no respondent strongly disagreed with the question. The findings of this study corroborate findings in other empirical studies which have studied aspects of prison experience and recidivism. A study conducted by the U.S Bureau of Justice Statistics 1984, 1989 and another study conducted by Burgoyne (1979) found offenders who have served prison sentences before or have received a number of prior probation orders show high levels of recidivism, suggesting that prior sentence and correctional history is also a correlate of recidivism.

In another study, Prior criminal history, encompassing the number of prior arrests/convictions and the age of first offence/conviction, has not only been consistently related to recidivism, but it has also proved to be a strong correlate of recidivism. Pritchard (1979) reviewed 71 recidivism studies, involving 177 independent samples of offenders, and found that the presence or number of prior adult convictions was related to recidivism in 99 of 116 studies in which it was investigated, suggesting that prison experience influences recidivism.

### 1.7 Conclusion

From the findings the study concluded that, there is a statistically significant effect of prison experience on recidivism and that prison experiences of inmates enhance the possibility of recidivism.

### 1.8 Recommendations

The study recommends that while in prisons, prisoners should have the opportunity of engaging in training and educational programs that will increase their employability. There should be an assessment of the individual prisoner's competences, needs and aspirations, at the point of admission, and on the basis of which an appropriate resettlement plan can be developed. The training that is offered in prison should be geared as closely as possible to the needs of, and skills gaps in, the surrounding labour market. Additionally, hard core criminals should be separated from minor offenders to avoid transmission of criminal traits through social learning.

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