

Embracing the New Technologies to Decongest Kenyan Prisons

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Abstract: New technologies present opportunities to improve the manner in which the criminal justice system operates. One of the problems faced in the criminal justice system is the overcrowding in the prisons across the world. Through a literature review, this paper sought to investigate the available technologies that the Kenyan prisons can adopt to solve the current overcrowding situation. The technologies identified include the electronic monitoring through the use of global positioning and radio frequency systems, video technologies, and automated and integrated information system.

Keywords: Automated and Integrated Information System, Decongest, Electronic Monitoring, Global Positioning System, Overcrowding, Prisons, Radio Frequency.

I. INTRODUCTION

As defined by the United Nations Office on Drugs and Crime (2013) a prison is an authorised detention place within the criminal justice system for holding all prisoners including those held during an investigation of a crime, awaiting trial, after conviction, and before and after sentencing. As public institutions, prisons are developed by governments around the world for the purposes of rehabilitating and reforming of individual offenders who have breached the law. Opafunso and Adepoju (2016) noted that prisons were developed to support the criminal justice system by confining criminal offenders awaiting the final conviction decision to be taken on whether they are guilty or not. As rehabilitation and reformatory institutions, prisons are set in a specific geographical location that offers a different kind of social environment from the larger society and from where the prisoners are re-oriented to become useful members of the society.

In the recent decades, there has been a rapid and unrelenting use of imprisonment across the world in response to crime and social disorder. The Penal Reform International (2015) noted that the population of prisoners is growing in all the continents though not in every country. The United Nations Office on Drugs and Crime (2013) also reported that the number of prisoners across the globe was rising, placing huge financial burden on governments and at an enormous cost to the social cohesion of societies. In May 2011, over 10.1 million individuals, both pre-trial and sentenced prisoners, were held in penal facilities worldwide. This number implies that for every 100,000 people in the world, 146 were in prison.

This high growth in prisoners has seen the number in a given institution exceed the official prison capacity, a situation known as overcrowding. Bautista (2014) posited that congestion in prisons was a worldwide issue where facilities in most parts accommodate more prisoners than their ideal capacity. In such a condition, it is likely that the intended effective rehabilitation of incarcerated persons is not possible. Albrecht (2012) also noted that prison congestion was indeed a serious global problem despite the steps being taken by the national and international actors. The author added that overcrowding was a feature troubling the current prison system since it was invented in 19th century.

Jacobson, Heard, and Fair (2017) pointed out that the causes of prison congestion are complex. Bautista (2014) attributed the increase in the number of law violators to the advent of additional laws and the intensive campaign of law enforcements against criminality. Another reason cited by the author is the delays in finalising the prisoners' pending cases and inaccuracies of the manual monitoring of inmates qualifying for early releases from the jails. Albrecht (2012) attributed overcrowding to difficulties faced developing and implementing effective ways to reduce the prison population. The problem of prison overcrowding is also attributed to the issues related to the roles of prison sentences in the system of criminal sanctions, criminal sentencing, the standards adopted when accommodating inmates and offering enough healthcare and rehabilitative services, crime development especially that which leads to incarceration, the budget allocated for prisons and economic restraints, and the criminal policy that determines the course of criminal law and punishment in the society.

Problem Statement:

Majority of the countries globally are striving to deal with the prison congestion problems by undertaking various reforms. Albrecht (2012) noted that the policies aimed at reducing overcrowding in jails faced several problems such as how to introduce them and explain the changes in sentencing practices as well as the parole decisions to the public that equates long prison sentences of criminals to more security. The author added that although alternative measures to imprison had been introduced, overcrowding was still witnessed. Kenya has initiated large-scale community programs to decongest her prisons (Albrecht, 2012), but the challenge still persists, which has seen the President order that alternative correctional programs be implemented to release over 8,000 petty offenders (Citizen Digital, 2018; Daily Nation, 2017). In addition, the growing prison population presents financial pressure to the government as running of jails is costly (Jacobson, Heard, & Fair, 2017). Additionally, overcrowding hinders prisons in their core functions of reforming and rehabilitation, and aggravates the already miserable conditions of prisons (Bautista, 2014). On this ground, this paper conducts a desk-based research through a review of the literature on technology use in the criminal justice system, especially the prisons.

II. EMBRACING TECHNOLOGY TO DECONGEST PRISONS

Over the last two decades, the development witnessed in the field of computers and digital communications technologies has made them part and parcel of people's lives. Tabansky (2012) noted that computerisation has improved and streamlined virtually all fields of human endeavour including work, entertainment, criminal justice system, and learning. In its website, Saint Joseph's University (2018) noted that the number of available digital equipment now to make criminal justice jobs more effective continue to grow rapidly. Important technologies such as the global positioning systems (GPS), advanced cameras, robots and high-powered computer systems have improved surveillance, investigation and analysis procedures. This paper reviews those technologies that can be adopted to help in decongesting the prisons.

Automated and Integrated Information System:

As noted by Bautista (2014) the manual procedures of a nation's correction system are complex and there is the need to automate the huge amount of highly viable documents. The Penal Reform International (2015) posited that effective case management systems were needed to ensure that the suspects are timely produced in courts and to collate data that can be used to identify risk levels and needs among the inmates. Jacobson, Heard, and Fair (2017) also pointed out that the lack of modern case management systems were responsible for the congestions in prisons. The overcrowding problems cannot be solved by expanding the infrastructure, but rather via good and innovative solutions such as electronic connection of databases across the various prisons to monitor the prisoner's qualifications, enable fast as well as timely release of inmates and track the aging cases that require prompt and immediate actions by the courts (Bautista, 2014). For example, the Penal Reform International (2015) reported that the Indian government was working with the National Informatics Centre to develop software for tracking pre-trial detainees through the system and ensure that they do not take longer in prison than they should.

Electronic Monitoring:

The United Nations Office on Drugs and Crime (2013) noted that electronic monitoring is a new technique of keeping track and supervising those who have been released, but awaiting trial, as a way of enforcing a number of sentences that are executed in the community, and early release. Electronic monitoring was first developed in the United States in the 1980s to keep track of suspects and offenders, and has since become predominantly used in high-income economies.

Among the ways in which it is used include: a pre-release measure for the imprisoned, during pre-trial phase, as a condition for executing or suspending a prison sentence, in combination with other probation interventions, monitoring the execution of a criminal sanction, an intensive guidance and supervision measure for certain offenders after release, monitoring internal movement of inmates, and a means of protecting certain crime victims from suspects or offenders (Penal Reform International, 2015).

Reinhart (2014) noted that electronic monitoring was used by parole and probation officers in monitoring offenders in the community. The commonly used types of monitoring are the global positioning system (GPS) and radio frequency (RF). The GPS monitoring demands the offender to put on an ankle bracelet and permits the probation officers to track the offenders' location. The officers set exclusion and inclusion zones for participants, and which can be permanent or set to a schedule. Inclusion zones may be set limiting a given participant to be in a given workplace during working hours. On the other hand, exclusion zones can be established limiting an individual's contact with a given address and the bracelet sends an alert when the person comes within the range of that address. Also, the GPS system identifies the offender's travel speed and when he or she stops at a given location.

In regard to the RF system, the offender also wears a bracelet and a home monitoring unit is placed in his or her house. When the participant comes near the unit, the bracelet is detected and a notice sent to the monitoring centre that is 24 hours staffed. Based on the nature of the offender, the court sets an individual's schedule such that he or she comes and goes from the home according to that schedule (Reinhart, 2014).

Video technology can also be adopted and used in arranging court hearings remotely, which will assist in barring transportation of detainees to the courtroom and back to the detention rooms (Penal Reform International, 2015).

III. CONCLUSION AND RECOMMENDATIONS

New technologies present opportunities to improve the manner in which the criminal justice system operates in general and addressing the prison overcrowding problems in particular. The use of GPS, RF and video technologies will make it not necessary for petty and nonviolent offenders to remain imprisoned. These technologies will see the offenders subjected to home confinement subject to the set time and geographic restrictions. However, the government should ensure that these technologies do not replace the professional supervision that is aimed at rehabilitating the offenders.

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