

Appraisal of the Provisions of Section 4 (B) of the Borstal Institutions Act Cap 92 Laws of Kenya to Children in Conflict with the Law at Shikusa Borstal Institution in Kakamega County, Kenya

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Abstract

The study focuses on the appraisal of reform training as stipulated in section 4 (b) of the Borstal Institutions Act Cap 92 of the Laws of Kenya for juveniles in conflict with the law. The reform trainings recommended for the juvenile offenders by the Borstal Institutions Act include educational, industrial, and agricultural training. With modernization and industrialization, the magnitude and complexity of crimes committed by juvenile offenders have changed over time and the population increase has led to noticeable increase in juvenile delinquents in both developed and developing nations. This state of affairs has prompted governments and other international institutions such as the United Nations to develop measures to address the increasing number of Juveniles who are in conflict with the law. Due to their young age, children who are in conflict with the law may not possess the maturity to realize the extent of their acts; they should therefore not be exposed to the company of adult offenders since it is likely to have an aggravating impact on them. The specific objective of the study was to assess the needs of juvenile offenders undergoing training in Shikusa Borstal Institution in Kakamega County, Kenya. The study used stratified random sampling to identify sample of 100 juvenile offenders and 18 instructors and teachers. Data was collected using questionnaires and interview schedules. This was a mixed research study focusing on human behavior examining their attitude, ideas, motives and intentions. The study comprised of a sample size of 99 Juvenile offenders in Shikusa Borstal Institution, 18 teachers/instructors of the institution. Study data was analyzed and presented using descriptive statistics with the aid of the statistical package for the social sciences (SPSS) version 23 for windows. Study findings revealed that reform trainings met the needs of offenders in Shikusa Borstal Institution thereby having a positive influence on their reform. The study therefore recommended that juvenile offenders be involved at the onset in the selection of training before they were enrolled since it emerged that some offenders were not interested in the reform training assigned.

Keywords: Provisions, Section 4 (b), Borstal Institutions Act Cap 92 Laws of Kenya, Children, Conflict with the Law

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1.1 Background to the Study

Crime is common in society dating back to the old ages and juvenile crime is not a new phenomenon (Griffiths, 2017). Over the time, communities have experienced the negative effects and consequences of the phenomenon in such a manner that it has been assumed that crime is part of our society. As a society the main focus therefore is how best crime can be contained and reduced. Rehabilitation is seen as one of the structures within which crime may be managed (Ministry of Justice, 2013). Notably, crime is among the leading social problems in the world and offences committed by the youth have become an emerging global problem therefore the very need of getting a solution to this complex vice (Nguku *et al.*, 2017).

Measures have been put in place to control crime throughout the world with a mixed degree of success and failures (Tilley, 2014). Almost every society in the world has adopted some principles, rules or norms in form of binding legislation to focus on the special needs of juveniles who commit crimes. Over time, crime and punishment have evolved with a view of finding solutions of misconduct in society (Martínez, 2016). For example, during the early period death penalty was considered the cheapest and more permanent solution to crime based on the fact that the offender is incapacitated in the society for good with zero chances for recidivism (Derrida, 2017). This has changed over time with the application of a wide range of punishment for commission of crime in the modern world.

Historically, retribution served as the key solution to solving criminality, this included in cases involving both

juvenile and adult offenders. A proper government was not in existence and therefore individuals had to come up with mechanisms to provide their own security. This included using revenge as the most appropriate strategy for serving justice. This perspective can be termed as one of the key characteristics depicting a dysfunctional society that thrives on violence and vengeance (Shelden & Vasiliev, 2017). However, there were serious changes when the state took over the management and administration of the CJS. The CJS process of arrest, prosecution, trial and sentencing of criminals became a preserve of the state, however the punitive retribution in the CJS remained constant. This preceded the emergence of classical and Neoclassical schools of criminology pioneered by Jeremy Bentham and Cesare Beccaria, who advocated for radical reforms within the justice system (Schmallegger, 2012).

In the African traditional perspective crime among juveniles was controlled by established societal norms and values (Igbinovia, 2012). Before the advent of the modern justice system brought about by the colonization of the dark continent as an aftermath of the Berlin Conference of 1884, juvenile delinquency was purely a family and societal affair. In this case, respective families shouldered the responsibility of controlling children who ran afoul of social customs (Michalopoulos & Papaioannou, 2015). As society evolved to be more industrial and dynamic in its functions, the rate of juvenile delinquency increased thus necessitating more modern ways of combating the rise of crime (Shoemaker, 2017). The rise in juvenile offending led to an increase in delinquents sent to correctional facilities for rehabilitation and eventual re-integration back into mainstream society (Ndegwa, 2014).

The industrial revolution and the coming of colonial governments in Africa led to the formation of towns and cities, thus resulting in youngsters running to towns to look for a good life (Rodney, 2018). This turned out negatively since there was no better life in town, and most youths became delinquents (Krohn & Lane, 2015). It is generally upheld that to address adult crime, several interventions must be implemented to address juvenile crime since it is a catalyst for adult crime if proper rehabilitation measures are not put in place. Notably, there is a strong continuity in deviant behavior throughout childhood, adolescence to adulthood (Loeber & Farrington, 2012). Most adult offenders at one time in their lifetime have interacted with the juvenile justice system as juvenile offenders, thus, there is a significant relationship between juvenile offending and adult offending. Ideally, intervention programs and trainings must be applied at the onset stages to ensure juvenile offenders do not evolve into chronic adult criminals. Proper rehabilitation will determine if they will evolve into responsible and adult citizens (Craig *et al.*, 2013).

The development of institutions focusing on rehabilitating juveniles in America can be traced to an incident in 1786 when one Hannah Ocuish, a 12 year old was subjected to hanging in Connecticut for the murder of a six-year-old girl in a fight that was attributed to insufficient religious instruction. In the reforms introduced due to the incident, many philanthropists in 1820 established homes of refugees to house, educate, and discipline poor and disorderly youths (McGovern, 2016). The reformation of offenders has conflicted for a long time among professionals and politicians, resulting in two distinct groups of “nothing works” and “what works” movement (Stevens, 2012). Researchers such as Hovane *et al.*, (2014) argued that most rehabilitation trainings have little to no significant effect on recidivism. In continental Africa, the political, economic, and evolution of the CJS that plays a significant role in reforming offenders is influenced by the long history of colonial rule. This is in addition to formal and non- formal mechanisms of social regulation prior to colonialism (Stamatel & Sung, 2011).

The Kenyan legal system, which is the basis of reform training, dates back to 1897 with the coming and operationalization of the English statute of general application. The establishment of Borstal Institutions in Kenya aimed to teach youthful offenders to be good citizens instead of sending them to Prisons (Onderi, 2017). The state of juvenile rehabilitation institutions in Kenya faces challenges, with over sixty percent of juvenile offenders feeling that they are not effectively rehabilitated. It is, therefore in order, to call for an audit of training being offered (Onyango, 2013).

1.2 Statement of the Problem

In Kenya, the CJS has been handling cases of juvenile delinquency for many years, with the recommendation of relevant authorized officers through the courts, juvenile offenders are committed to government rehabilitation institutions such as Borstal Institutions, which were established under the section, sub-article (1) (a) (b) and sub-article (2) of Cap 92 of the Kenyan laws. The issue of the juvenile delinquency continues growing because of many reasons, among them modernization and industrialization, inadequate parental control, and weak family and societal ties. There is much literature on the rehabilitation of juvenile offenders but very little on the reform measures or training as stipulated in section 4 (b) of the Borstal institutions Act Cap 92 of the Laws of Kenya. Information available is not detailed enough to help in the Borstal Institutions appraisal, thus the need of the study. The research problem is an in-depth appraisal of reform trainings offered to juvenile offenders who have been committed to Borstal Institutions for character reformation. In Cap 92 of the Borstal Institutions Act section 4 (b) laws of Kenya, offenders committed to the institution are expected to be given educational, industrial, and agricultural training as a reform measure, among other exposures. The Borstal Institutions are credited with success, but there are accusations of turning them into a breeding ground for hardcore juvenile and adult criminals (Onderi, 2017). As in section 4 (b) of the Borstal Institutions Act, the reform trainings are supposed to act as behavior and

character change agents. With reform and change of character being the main intended achievements in committing juvenile offenders to Borstal Institutions, it is expected that the youthful offenders will be law-abiding citizens on release after completing the period stipulated in the committal order by the court of law.

Reforming juvenile offenders in Kenya needs significant attention given the high prevalence of juveniles who are in conflict with the CJS. According to a task force by the judiciary, the criminal justice system as currently managed does not facilitate offenders' proper training of offenders, thus affecting skills transfer (Judiciary, 2015). In another research that was carried out, it was established that the living environment is not favorable for child rehabilitation with fifty percent child respondents described it as bad (Okutoyi, 2015). Shikusa Borstal Institution is a government entity tasked with transformation of juvenile offenders to law abiding citizens when released in society as stipulated in Cap 92 of the Laws of Kenya. Shikusa Borstal Institution in Kenya like other Borstal Institutions in the country is tasked with rolling out reform trainings focusing on turning around the behavior and character change of individual juvenile offender incarcerated for a period of three years. Under section 4 sub section (b) of CAP 92 of Laws of Kenya the Borstal Institutions in Kenya shall provide the necessary rehabilitative programs (GOK, 2012). Shikusa Borstal Institution in Kakamega therefore has active rehabilitation trainings in carpentry, masonry, plumbing, agriculture, wiring, painting, school, tinsmith and tailoring which are lumped together into agricultural, industrial and educational reform trainings. What is in doubt is the contribution of these reform trainings to the overall rehabilitation of juvenile offenders. The appraisal of these reform trainings will assist in bringing up the weakness and strengths of the existing reform trainings and put forward authentic remedial measures. Putting into consideration information obtained from probation officers who were the main supervisors of ex-offenders released from Borstal Institutions after serving one year in the institution, only a minimum percentage of the ex-offenders from Shikusa Borstal Institution engaged in the craft they were trained in at the institution. This puts into focus the state and viability of the reform trainings offered in Shikusa Borstal Institution. It is therefore on this basis that this study sought to appraise the reform trainings as set out in the Borstal Institutions Act, CAP 92 section 4 (b) of the Laws of Kenya (GOK, 2012).

1.3. Objective of the Study

To assess the needs of juvenile offenders undergoing training in Shikusa Borstal Institution in Kakamega, Kenya

1.4 Research Question

What are the needs of Juvenile offenders undergoing training at Shikusa Borstal Institution in Kakamega County, Kenya?

1.5 Justification of the Study

The research generates knowledge on the contribution of Borstal Institutions in the reformation and character change of juvenile delinquents and the impact of reform trainings in the overall rehabilitation of juvenile offenders. Criminal Justice System at times commits juvenile offenders in Borstal Institutions for custodial rehabilitation.

Most of the young offenders are usually pupils either in primary school level or secondary school level and also a substantial number do not have any formal education. In order to allow the offender to acquire skills and knowledge, the institutions offer various technical courses in industrial, agricultural and educational fields.

Shikusa Borstal Institution is one of the three Borstal facilities in Kenya. The study is pertinent since it seeks to appraise the technical capacity of the institution in reforming juvenile offenders. The study was guided by the large number of juvenile offenders who undergo training in various technical fields and fail either to further or perfect the skills they were trained on or total failure to utilize the skills and knowledge they were trained for livelihood.

1.6 Literature Review

The study reviewed empirical, theoretical and conceptual literature as presented in this section.

1.6.1 Overview of Borstal Institutions

Borstal Institutions were first established in Britain in the towns of Bedford, Borstal and Darlmoor (Tebbutt, 2020). Borstal Institutions are named after Borstal village near Rochester in Kent, United Kingdom. The Borstal village is known in the first place as a prison for young offenders. The institutions were established under the legal framework of crime Act of 1908 for offenders aged between sixteen and twenty years and they were to serve a three years sentence, which could be shortened by good conduct or lengthened if the condition of license were transgressed. The Prevention of crime Act of 1908 removed those aged under 14 years from prison and made it mandatory that, for a court to send a young person to prison, there must be preliminary procedures (Reidy, 2012).

Similarly, in the United Kingdom, imprisonment of children was abolished and Crime Prevention Act of 1908 came up with specific correctional establishment for the young offenders at Bedford, famously at the Borstal. Hence other subsequent similar institutions were called Borstal. The inmates were housed separately and exposed to formal education, physical exertion and work training but on the whole, under the Borstal system much attention

was paid to personality of the offender (Parsloe, 2017).

In Kenya, Borstal Institutions were established during the colonial period under the Borstal Institutions Act CAP 92 of the laws of Kenya. Borstal Institutions are established under CAP 92 of the Kenyan law section 3, and under sub sections (1) (a) and (b) in case of dissolution of the institution (GOK, 2012). In section 3 of the Borstal Institutions Act under powers to establish Borstal Institutions the Minister under sub section 1,a and b is authorized to establish and close Borstal Institutions as he thinks fit to. Today the Borstal Institutions facilities are under the umbrella of Kenya Prisons Service, Correctional Department and in the Ministry of Interior and Coordination of National Government. Under the same Act, section (5) spells out necessary conditions to be put into consideration before sentencing youthful offender to Borstal Institution, (GOK, 2012). Under this section the court is required to consider the presented evidence, the nature of the offence, the juveniles character and past offending history in determining the period and the type of training.(GOK, 2012). These facts are collected by a Probation officer after a court order demanding the same. Probation officers are mandated under Probation of offenders Act, CAP 64 of the Kenyan laws to gather relevant information from relatives and significant others culminating in a report presented in court known as PR 1 or probation officers report. This is the instrument under whose basis a magistrate or judge commits a juvenile offender to a Borstal Institution for three year period after confirmation of a vacancy. The Superintendent in charge of any Borstal Institution in Kenya is under strict obligation to admit a juvenile offender only when the escorting authority in this case the police produce a genuine court order and PR 1 (UNODC, 2012). Under section 4 (a) the requisites for Borstal Institution include proper sanitation, clean water supply, availability of food, clothing and comfortable beddings for the juvenile inmates and under sub section (c) the institution shall provide proper medical facilities to receive and handles ill inmates (GOK,2012). These could easily be referred to as the needs of juvenile in contravention with the law committed to Borstal Institutions across Kenya.

The reformation measures in Borstal Institutions across Kenya include industrial, educational and agricultural trainings which were rolled out to tackle factors that trigger juvenile delinquency. They are established for the purpose of re orienting and re capturing the character of young persons who stand on a moral precipice by reasons of their criminal proclivity, to make them useful again to themselves and the society at large upon their release. This is to fulfill the learning objectives of transfer of knowledge, imparting of skills and change of attitude in juvenile delinquents. Borstal Institutions in Kenya are three in number and receive juvenile offenders both boys and girls of ages fifteen and seventeen years old convicted by courts of law under the recommendation of the probation officer. As per section 18 of the Borstal Institution Act Cap 92 of the laws of Kenya, males and females should be incarcerated separately. This explains why we have separate Borstal establishments for boys and girls in Kenya. The youthful offenders are committed for a period of three years where one year is served in the institution and the remaining two years' offenders are supervised by Probation officers as recommended by the Board of Visitors which is established under section 20 of the Borstal Institutions Act Cap 92 of the laws of Kenya which is mandated to have four meetings annually (UNODC, 2012). Any breach of the order by an offender under supervision in the community leads to revocation of supervision license by a court of law resulting in the offender being recommitted to the Borstal Institution. Shikusa Borstal Institution in Kakamega County and Shimo la tewa Borstal Institution in Mombasa County admit male delinquents from across the country. The third Institution is Kamae Borstal Institution in Kiambu County which admits female youthful in conflict with the law from all over Kenya.

The primary concern of Borstal Institutions in Kenya is protection, reeducation, rehabilitation of youthful offenders and this can be realized via different measures such as education, industrial and agricultural trainings are applied as stipulate in CAP 92 of the Laws of Kenya. At the end of the reform trainings juvenile offenders sit for national examinations and certificates are awarded just like in any normal school or vocational training institution to those who pass national examinations. Further, committal to Borstal Institutions serves a purpose of separating juvenile from adult offenders to avoid contamination.

It is stated by African Network for the Prevention and Protection against Child Abuse and Neglect ANPPCAN that forty percent of the total children in Kenya needs care and protection and this include child offenders (Lynch, & Onyango, 2013). It is further estimated that in Kenya two hundred and fifty thousand and three hundred thousand children live on the streets (GOK,2015), and these children are potential customers of the criminal justice system. These children are vulnerable to criminal activities due to social economic inadequacies that face their families. In order to address the criminological needs of juvenile in conflict with the law, emphasis is placed on regular educational, agricultural and industrial trainings with a demanding physical training. Borstal Institutions in Kenya offer technical courses such as masonry, carpentry, tailoring, metal works, electrical wiring, painting, and sign writing. In addition, the Institutions offer formal education, counseling and religious teachings.

The establishment and implementation of various educational, industrial and agricultural reformation trainings as per the law in Borstal Institutions in Kenya is part and parcel of government public social policy of addressing the challenges of juvenile delinquency, social maladjustment, irresponsible parenthood and fulfillment of various child rights as contained in the United Nations Convention on the rights of the child (Njue, 2014)

1.6.2 The Treatment Paradigm of Juveniles in Reform Institutions

Many theories have been fronted to give plausible explanations of criminal conduct in both juvenile and adult offenders and this has given rise to various hypotheses on what should be done to reduce crime or possible intervention measures. These intervention measures are referred to as treatment. The treatment measures may be in the form of medical, psychiatric, case work, counseling techniques, group work, development of skills and community re-integration treatment which includes measures to provide accommodation, further training and employment (Taye, 2020). The reformation trainings adopted by Borstal Institution aim at character transformation with the overall objective of molding the juvenile delinquent into responsible and law-abiding citizens on release. Treatment is therefore seen as a transformative undertaking with far reaching positive results in respect of the juvenile offender and the wider society.

In Western societies in the early years, the rich took to themselves the mandate to address the crime problem.. Punishments of crime were harsh, and involved public humiliation, mutilation, burning and execution (Stinneford, 2016). This changed over time after it emerged that punitive measures were not productive in crime and control and prevention (Chen, & Einat, 2015).

Re introduction of harsh punishment in crime management in 1980s resulted in implementation of harsh measures such as Short, Sharp, Shock (SSS) with an aim of reformation and rehabilitation of offenders. Short, Sharp, Shock sentences are quick, severe punishment which target young offenders. Under the sentence the youthful offenders are tasked with hard work, more physical education and fewer privileges. The sentences are usually short for instance in Kenya at Kamiti Youth Corrective Training Centre (K.Y.C.T.C) the maximum period of sentence is 4 Months. This is the period that most governments especially in Europe reduced funding to rehabilitation and shifted funds to situational crime prevention. Situational crime prevention refers to measures put in place in an environment where crime is likely to occur. This is done to prevent commission of crime and it focuses on how crime is committed and prevented. These are interventional techniques which are instituted to reduce crime. These intervention measures are used to make it difficult for an offender to commit crime in addition to decreasing offender's motivation for committing a crime. Notably, situational crime prevention is seen in the various ways which include , the use of alarms, CCTV cameras and use of electronic tags on offenders (Steenkamp, 2014). This was also the time when there was close scrutiny of many research work with a bias on rehabilitation and treatment of offenders and all notions of rehabilitation were looked on with skepticism and disfavor; however, in the 1990s there was a spectacular resurgence of rehabilitation ideals. Chadwick *et al.*, (2015) conducted research which concluded that some training produces positive results when exposed to offenders. This research work once again rejuvenated rehabilitation as a correctional intervention measure (Jeglic & Calkins 2018). Many Kenyans have also had misgivings on the capacity of Correctional Institutions both for adult and juvenile offenders in imparting knowledge and skills that will lead to character transformation.

There has been a long-standing argument on which measures to take between punishment and rehabilitation in an effort to have positive impact on offenders. It is noted that the type of treatment accused person receives whether juvenile or adult offender, affects the individual and the society during and after arrest, adjudication and conviction. Many experts in forensic science believe that an offender can change provided that they are accorded proper treatment in terms of legal advocacy, therapies, social services and other rehabilitative programs (Cullen, & Jonson, 2011).

Treatment and rehabilitation of offenders can be classified into three main activities which include treatment programs which are intended to address particular aspects such as anger management, drug and substance abuse and sex offending. The second activity is addressing the social aspect of the rehabilitation which covers trainings, education and social soft skills designed to prepare offenders for life on release. They are focused in particular on trying to increase ex-prisoners' chances of finding employment. It is directed at equipping ex-prisoners to reintegrated back to society, secure gainful venture and home and cope with life without committing another crime. The third activity involves special provisions and place such as special hospitals for the mentally disordered and special therapeutic wings and institutions (Fortune, Ward, & Willis, 2012).

1.6.3 Justification of Rehabilitation for Persons in Conflict with the Law

Over eighty percent of all adolescents' have at one time in their lifetime have engaged in chargeable offence (Kettrey, & Lipsey, 2018). Due to the prevalence of youths prone to criminality, there is a need to design approaches that seeks to address juvenile crimes. According to Gunnison, & Helfgott (2013), imprisonment plays little or no role in altering offender's personality. Notably, the offender, is known to adapt and reinvent regardless being in prison or out on the streets. He further opines, that an offender may upgrade by learning more tricks while in custody and come out and use the methods to advance criminal activities (Bales, & Piquero, 2012).

On the overall, it is expected that all punishments applied to an offender would be effective and that they will discourage the individual from engaging in other criminal activities. From practical experience the stated threats of penalties tend to have very minimal impact on offender reformation and the recidivism rates for crime in general (Graig *et al.*, 2013). There are therefore other factors such as social, ineffective child rearing, school failure, unemployment, drug trafficking, low educational level, egocentrism and many more which cannot be addressed

through handing down harsh imprisonment sentences to offenders. These criminogenic needs need special attention to address the challenges of recidivism. As part of the push to reduce re offending many countries have introduced offender rehabilitation strategies by using structured intervention measures in prisons and probation services at the same time the same strategies are used to neutralize the roots of delinquency and criminal behavior (Maguire, et al, 2019). This rehabilitative strategy is linked to positivist criminology who rooted for offenders to reform with proper rehabilitative treatment (Tumbo & Birech, 2019). The introduction of agricultural, educational and industrial trainings in Borstal Institutions in Kenya aim at reforming juvenile offenders as directed in section 6 sub- section (1) of the Borstal Institutions Act Cap 92 of the laws of Kenya where a juvenile offender is expected to undergo training for purposes of reformation.

Juvenile offender rehabilitation shapes and changes child offenders positively from criminality to law abiding and productive adult citizens leading to a safer society. Studies have shown that juvenile offender can be easily rehabilitated compared to adults since children are viewed and treated as in need of care when in trouble and not to be considered as entirely responsible and capable of forming criminal intent (Losel, 2012). Rehabilitation shapes and molds a child offender from criminality to become productive and law abiding as an adult citizen leading to protection of society from crime (McNeill, 2014). This is the main aspect behind establishment of Borstal Institutions in Kenya and indeed juvenile rehabilitation schools. Before a juvenile delinquent is sent to a Borstal Institution in Kenya, the character and previous conduct of the juvenile must be established by an authorized court officer, since the reformation will be based on the previous conduct and character.

Historically two important goals must be achieved in offender rehabilitation and risk management. The first goal is compliance which depends on the notion that juvenile offenders who conform to supervisory and legal guidelines will be successful in desisting from persistent criminal conduct, compliance leading to a brief stabilization of behavior. The second and the most important goal is behavior change which entails a blend of motivation, self-evaluation and the development of new behavior (Stinson & Clark, 2017). The offender's capability to change depends on other people, support systems and social factors interactively working together besides the offender. Existing conditions or rehabilitation environment may facilitate behavior change or hinder it. This therefore means that the application of rehabilitation training for delinquents does not guarantee their community reintegration. Treatment programs therefore are fundamental but not absolute part in rehabilitation of juvenile offenders. Compliance in rehabilitation of offenders is more observable and can be easily measured but the reality is that an offender cannot attain compliance without change of behavior (Stinson & Clark, 2017). These models tend to introduce individual assessment of participating offenders both adult and juveniles and introduce relevant treatment model that will aid in selecting and exposing relevant treatment.

1.6.4 Essential Factors Necessary for Effective Rehabilitation

According to Vanstone (2017), "ideas and practice related to offender reformation extends back to the eighteenth century (pg. 1). Rehabilitation of offenders in penal institutions and in the community all over the world has undergone tremendous change. Initially, rehabilitation was associated with philanthropy and religious functions but this state of affair has changed to a more focused and specialized offender management system with full-fledged specialized workers who are involved in both the supervision of offenders and research work in crime related fields (Goodman, 2012). It is now more crucial that rehabilitation trainings providers evaluate the effectiveness of their programs in decreasing prevalence of recidivism. In response to that, correctional institutions and their stakeholders are embracing quality and accreditation systems to ensure the effectiveness of their rehabilitative programs (Leone *et al.*, 2015). Under the set standards it is believed that offenders will receive treatment and that the rehabilitation training will cure them of their criminal behavior thus restoring them to their original state of behavior (Fondacaro *et al.*, 2014). This is in line with the reformation trainings that are recommended in Borstal Institutions in Kenya which aim at restoring the character of the juveniles who are in conflict with law by providing an enabling environment for positive change. The Borstal Institutions help juvenile offenders recover from past disorganized lifestyle.

There are exogenous factors that act as a catalyst in the rehabilitation and treatment of offenders. These are commonly referred to as external readiness factors, which include the characteristics of the environment or the context in which rehabilitation is offered that impacts the ability of an individual to respond to a particular reform training or program (Pearson, 2017). Under the environmental factor, it is important that rehabilitation trainings and treatment need to be made available within the agency or Institution in which offender is located. Whether reform training is offered in an Institution or a community, the setting will have implication for whether certain skills can be meaningfully taught. Location determines the frequency and ability of family members visitations which supports the rehabilitation process. (Eck, & Guerrette, 2012). In the Borstal Institutions in Kenya parents and other relatives are encouraged to visit but given that Borstals are high security facilities prior arrangement must be made with the relevant authorities in the Institution. The offenders who are incarcerated in prison units characterized by caginess and suspicion may be less likely to come forward and take part in reform trainings and programs that they know will require self-disclosure and openness. Existing of rewards for successful completion of a rehabilitation training is also significant and, in some jurisdictions, prisoners are only eligible for parole if

they can demonstrate that they have addressed the causes of their reoffending by participating in and completing a training (Bonta & Andrews, 2012). There is also need to provide adequately resource to implement rehabilitation trainings and provide skilled and trained staff. It is also necessary that offenders are allocated training immediately they are sent to prison (Harding, 2014).

In the country, vocational training skills provided in rehabilitation schools including Shikusa Borstal Institution include among others carpentry, sign writing, masonry, electric wiring, tailoring, tin smith, bakery and agriculture. This study wanted to appraise the reform trainings exposed to juvenile offenders at Shikusa Borstal Institution as recommended in the Borstal Institution Act Cap 92 of the laws of Kenya and find out their relevance to character change.

1.6.5 The Processing of Juvenile Offender in Reform Institutions

All staff involved with managing juveniles children ought to be provided with necessary training relevant in addressing the needs of the juveniles. Notably, communicating with the juveniles is an essential skill as it is critical in reaching out to them in the effort to reform them. The juveniles committed to Borstal Institutions deserve special attention since most of them come from difficult environment and home situations and before any reform training is assigned to him juvenile offender must be given an opportunity to give a full disclosure of home circumstances and his previous conduct. This is only possible if the staff handling the youth have the skills and knowledge to assist the juvenile offender to give full disclosure (Caldwell, 2016).

When dealing with the children, listening, being authentic and explaining what is being said are aptitudes that are essential. Notably, communicating with children is challenging since their communication styles vary and complicated. For instance, children prefer more non verbal communication cues and more demonstrative than adults (Sauter, Panattoni, & Happe, 2013). Additionally, children are considered weak and powerless in the society, thus it is prudent to design ways to manage conversations with adults especially sensitive emotive topics. The juveniles in conflict with the law are committed to Borstal Institutions after having committed varied criminal offences such as stealing, manslaughter, sexual offences and in most cases the complainants in the cases are close acquaintances. Some juveniles might not be free to discuss their past because of the emotive nature of case. The staff at Borstal Institution must therefore establish a rapport with the juvenile to enable a full disclosure.

Another area of concern is the relevant knowledge, skills and experience required in designing and managing rehabilitative programs for juvenile delinquents. Notably, some personnel may lack the required competence to run programs geared at addressing the needs of youths at risk. In order to recruit competent staff therefore, every staff must demonstrate knowledge in the area of counseling, education, child development and psychology (UNODC, 2012).

1.6.6 The State of Juvenile Rehabilitation Institutions in Kenya

Juvenile rehabilitation institutions were established by the colonial government to accommodate youthful offenders with the aim of rehabilitation and treatment and helps in eliminating the vicious cycle of recidivism. In the process they were supposed to help juveniles readapt to society or be restored to former self (Omboto, 2013). Historically juvenile rehabilitation schools and services have oscillated between government ministers of education, Home Affairs, Gender Children and Social Development and currently under the department of Correctional Services in the Ministry of Interior and Coordination of National Government and the Ministry of Labour (Wambungu, 2014).

The functions of rehabilitation schools in Kenya include among others, provision of social training by the way of disciplining the child, provision of spiritual nourishment through religious institutions, provision of academic training, equip the child with useful skills to the child to be economically reliant, assisting the children obtain admission to regular schools upon completion of rehabilitation period as well as arrangement for aftercare services (Beth, 2015). These trainings are seen as constructive approach that seeks to bring about change in the functioning of juvenile offenders resulting in better self- control. The Institutions are founded on the principle of rehabilitation which is prevention of reoffending through available reform trainings (UNODC, 2012).

Juvenile crime in Kenya has gone up in the recent past and currently offenders going through the juvenile justice system have increased. According to the National Policy on Orphans and Vulnerable Children, an estimated 6 million Kenyan children require special care and protection from a wide range of issues (JICA, 2013). These include children who are in conflict with the law. According to the National Bureau of Statistics in the period between 2001 and 2009 fifty-nine percent of crimes in Kenya were committed by young persons aged between 16 and 25 years. Further fifty percent of all convicted criminals are young men between 16 to 25 years (GOK, 2016).

Rehabilitation institutions in Kenya target youths who have committed offences or are in need of care and have gone through juvenile justice system with the fundamental goal being to offer suitable Institutional programs to the young persons in conflict with the law (Beth, 2015). Various studies have shown that rehabilitation trainings play a vital role in decreasing the levels of delinquency (Onyango, 2013). In this respect the ultimate goal of child justice is to ensure that children are protected by the justice system and further ensure that the norms and standards for the rights of the children brought before court of law are safeguarded (Leiber, & Peck, 2015), and conform to international standards.

In Kenya there are various government departments and non-governmental organizations that handle juvenile offenders. The Children department under Children's Act 2001 of the Laws of Kenya is mandated to safeguard the welfare of children. The department deals with children who are in conflict with the law and those who are in need of care and protection (Odongo, 2012). Rehabilitation schools are established under the management of Children department to address the needs of children in conflict with the law while rescue centers cater for those in need of care and protection. Further, the department manages remand homes which are care centers for children being processed by courts. The rehabilitation schools are established under section 47 of the Children's act 2001 and the Children's court under section 73 of the Children Act 2001 (Odongo, 2012). Children department in consultation with relevant stakeholders in the Juvenile Justice system such as Judiciary, Police, Probation, Prisons, families and communities use the Institutions to rehabilitate youths who are in conflict with the law. This is done in conjunction with other non- state actors such as UNICEF, Save the Children Fund, JICA and many other voluntary organizations which include faith based and other social welfare organizations. These organizations contribute material assistance and are also involved in capacity building to improve the skills of both staff and children in conflict with the law (UNODC, 2012).

Another important entity in the rehabilitation of juveniles is the Borstal Institutions Act Cap 92 of the laws of Kenya (GOK, 2012). A modified version of British Borstal system was introduced in Kenya with the aim of addressing the problem of juvenile delinquency during the colonial period. Currently there are two Borstal institutions for boys and one for girls in Kenya and are managed by the Kenya Prisons Services. These institutions offer educational, industrial and agricultural reform trainings as stipulated in Cap 92 of the Borstal Institutions Act of the laws of Kenya section 4 subsection (b) including counseling services and religious instructions to inmates. The inmates committed to the institutions are youthful offenders aged between 15 to 17 years (GOK, 2012). An inmate is committed by court under the recommendation of a Probation Officer for a period of three years, but the final decision of committing a juvenile offender to a Borstal Institution is vested in the trial magistrate or judge subject to availability of a vacancy in the Institution (GOK, 2016). This is under section 8 of the Borstal Institutions Act Cap 92 where the court is required to first establish the availability of accommodation in Borstal Institution before a juvenile is admitted in the institution (GOK, 2012).

Another important entity in the rehabilitative journey of juvenile offenders in Kenya is the Probation and Aftercare Service. Probation and Aftercare Service is under the department of Correctional Services in the Ministry of Interior and Coordination of National Government. Probation and Aftercare Service is mandated by law to manage Probation Hostels. These institutions are established under section 5 of the Probation of Offenders Act Cap 64 of the laws of Kenya. Under section 5 (b) where the law requires that a probationer is not to exceed 12 months in a probation provided residence (GOK, 2018). The Hostels are open premises serving as home away from home mandated with provision of accommodation and reformation to both juvenile and adult offenders. Currently there are six probation hostels in Kenya. Probation and Aftercare service is the only juvenile agency that is mandated to commit boys and girls to these institutions.

1.6.7 The Theoretical Framework

These are theories which explain the causes of crime and more so delinquency and prescription of rehabilitation in addressing the challenges of crime. These are reform-oriented theories that came up as a result Positive Criminology which was first proposed by the Italians Cesare Lombroso, Eunirilo Ferri and Raffaello. They opined that an intervention that seeks to identify the root causes of the crime and recommends a diagnosis is the most appropriate. Notably, in Britain, the positivist influenced immensely their development of the rehabilitation reforms (Nellis, 2013) and advocate for reformation and prevention of future crime by helping offenders to reintegrated into society through education, industrial and agricultural trainings, these being the integral part of skills transfer.

1.6.7.1 Social Disorganization Theory

Borstal Institutions in Kenya admit juvenile offenders following a court order for a period of three years to undertake training as part of reform measures. It is expected after the reform training juvenile offenders would have received relevant skills and knowledge that will enable them take up work in the community upon release. The causes of juvenile crime are varied but social disorganization theory puts forward the aspect of socially disorganized environment as one of the main causes of juvenile crime. The introduction of reform trainings such as agricultural, industrial and educational are meant to mitigate the hard conditions the youth have to contend with. It is expected that after the reform trainings in the Borstal Institutions juveniles delinquents the skills can be utilized to acquire meaningful employment or improve on their circumstances. This will reduce case of recidivism and prevent juvenile crime in the community.

The theory shows a positivist perspective on the causes of crime and takes a social/ environmental explanation on the phenomenon of crime. Positivists argue that offenders are just but victims of the circumstances which are the external and internal forces. The argument of the positivists, is that the offender bears no responsibility for their crimes. Therefore, the offender should be accorded therapeutic treatment. According to positivist position delinquents cannot help themselves since they are at the mercy of external factors and internal factors that push

them towards criminality (Auerbach, 2015).

The establishment of juvenile rehabilitation institutions was meant to bring about alternative ways of assisting juvenile offenders revert to their original life and to a greater extent address the challenges of juvenile crime in the society. These challenges according to positivists cannot be entirely blamed on the offender but the society which plays an active role in creating an environment that goes a long way in destabilizing the juvenile offenders. The social disorganization theory was fronted by the Chicago school of criminology in 1942, by scholars Clifford Shaw and Henry McKay. This theory links crime rate to neighborhood ecological characteristics meaning that it matters where a person resides. In this theory cities evolve their own particular types of neighborhood, each with its own type of social life. Some are organized neighborhood but others are more socially disorganized, and it is here that social problems, including crime are concentrated (Bellair, 2017). Social disorganization theory looks at delinquency as a product of breakdown of institution and community-based controls (Walker, & Zawisza, 2014).

The theory is associated with rapid industrialization or urbanization and migration which leads to ineffectiveness of social controls. The aspects that are brought into focus as causes of delinquency include issues such as population density, poverty and education. The theory therefore explains crime as a social aspect influenced by the surrounding environment. Under this theory, criminality and criminals can be understood through establishing the link of the individual and the social structures (Weisburd *et al.*, 2014).

The theory has put a lot of focus on the poor neighborhood and associate crime with the unmanageable poor conditions but does not explain the causes of delinquency in a well to do economic environment. Despite the argument against this theory, it is widely upheld that disengagement from societal bonds leads to crime and delinquency (Thomas, & Shihadeh, 2013).

1.6.7.2 Social Conflict Theory

Under these theory juveniles commit crime due to circumstances beyond their control and a solution should be found to address the precarious conditions under which the juveniles live. Juveniles who are committed to Borstal Institutions are exposed to reform trainings as part of the government policy to address inequalities that comes about because of economic policies which divided the society into the have and have not. The introduction of these reform trainings in Borstal Institutions for juveniles in conflict with the law is part of the measures that address weak status in the have not in the society. It is expected that the educational, industrial and agricultural trainings will go a long way in bringing about an equal society and reduce exploitation and to a large extent reduce crime. This theory advocates for reduction of juvenile crime through relevant reform trainings for the affected juveniles.

Karl Marx is the main proponent of social conflict theory and argues that individuals and groups within society interact on the basis of conflict rather than consensus. This theory views offenders as victims of circumstances beyond their control and recommends intervention measures that will change offender's circumstances through rights-based systems or state obligated rehabilitation. Juvenile rehabilitation institutions and the trainings introduced are indeed examples of state initiatives put forward to address challenges of juvenile crime (Wilson & Petersilia, 2011).

In the theory, more powerful groups will tend to use their power in order to retain power and exploit groups with less power. Under this theory offender is not entirely to be blamed for crime committed instead the prevailing economic conditions brought about by owners of economic power are the main triggers of prevailing uneven society (Wilson & Petersilia, 2011).

Through reform trainings offered by the juvenile rehabilitation institutions, offenders are equipped with skills that unlock unequal distribution of wealth and opening new horizons for political and economic prosperity. Social conflict theory maintains that society is in persistent internal conflict and puts forward the role played by both social and government institutions as mechanisms for social control in addressing the problem of delinquency (Wieviorka, 2013).

The Marxist view crime as a product of capitalism and that explains the high rates of crimes in capitalistic societies compared to other systems such as socialists (Weis, 2017). Social conflict theory which is also referred to as critical theory generally indicates that persons who have power in society set the rules and control laws and decide using the set laws and rules as who is deviant, delinquent or criminal. The criminal justice system is seen as inherently exploitative and unfair towards criminals who originate from low class.

Under capitalist society property and wealth become increasingly concentrated in fewer hands thus polarizing society into two groups or classes where interests are fundamentally in opposition. This new system leads to denial of means of production to a section of the population resulting in emergence of a class of people who are typified by criminal conduct and vice ridden behavior (Newburn, 2017).

These rehabilitation measures as recommended by conflict theorist have the capacity of repairing harm caused by delinquency, juvenile crime and offer a safe landing for everyone who has suffered from the criminal activity. The reform trainings prescribed to the juvenile offenders in juvenile rehabilitation institutions are meant to address the challenges of crime which are brought about by several inadequacies in society. Through proper rehabilitation programs, reform trainings and empowerment the hopeless status of Borstal boys who are a product of unequal ordering of the society by the powerful capitalists is addressed, when released, this further assist in solving the

challenge of recidivism (Tolan, 2014).

1.7 Research Methodology

The research adopted descriptive research design. Descriptive design is a method of collecting information by interviewing or administering a questionnaire to a sample of individuals (Siedlecki, 2020). Descriptive research design was used to accurately and systematically describe facts on the overall appraisal of reform trainings exposed to children in conflict with the law currently admitted in juvenile rehabilitation institutions. This design was relevant since the study examined participants in their natural environment. Further this design enabled the researcher to gather large amount of data on the participants.

The study was conducted in Shikusa Borstal Institution in Kakamega County. This was preferred due to availability of juvenile offenders who provided the required samples. This site was purposely selected due to high number of juveniles in conflict with the law as compared to Kakamega rehabilitation school. The population of offenders in the institution currently stands at 268 and has a catchment of juvenile offenders from Nyanza, Western, Rift Valley, and Nairobi regions. This is fairly a larger representation and captures slightly more than half of Kenya. Shikusa Borstal Institution is located in Shinyalu sub-county and 3 kilometers from Lubao market on Kakamega Webuye road within the Republic of Kenya.

The study population was juvenile offenders currently admitted in Shikusa Borstal Institution undertaking agricultural, industrial and educational as ordered in the Borstal Institutions Act, Cap 92 of the laws of Kenya section 4 (b) which comprise of carpentry, electrical wiring, horticulture, tinsmith, schooling, tailoring, masonry, painting, building painting and agriculture including counseling and religious exposures that are compulsory for all offenders in the institution. The study also targeted prison officers who serve as security officers and instructors, in addition the study focused on teachers who are seconded by Teacher's service commission to the institutions.

Stratified random sampling was used to identify the required sample. Shikusa Borstal Institution has a population of 268 juvenile offenders currently assigned various training. Sampling was necessary in the research since the questions were put to respondents in a language they understood and it was also the work of the interviewer to write down the answers or sentiments of the respondents. Sampling was also necessary because of time factor since a lot of time was used in reading and interpreting the questions to juvenile offenders. This state of affair called for sampling in order to get numbers that are representative and in the budget of the researcher. Covering all the juveniles in conflict with the law in the Borstal Institution would have resulted in the researcher dedicating a lot of time in the institution. Each course unit under educational, industrial and agricultural trainings in the institution has a specific number of trainees. Each training unit within the institution represents strata. The training units include masonry, tailoring, electric wiring, agriculture, schooling, plumbing, tinsmith, carpentry, painting and counseling.

All the offenders in the institution undergo both counseling and chaplaincy instructions. This therefore means that all the 100 juveniles in the institution were considered as samples for counseling and chaplaincy.

This study used questionnaire where questions were put to all respondents in the same order. Standardized interview schedules were also used along with observation where the researcher watched other aspects of the study while visiting the institution to gain insight into the research problem.

Pilot study was necessary before the actual research in order to find out any missing aspects. Pilot study for the research was carried out at Kakamega rehabilitation school which has juvenile offenders with similar circumstances as the juveniles in Shikusa Borstal Institution. The institution also had youths who are in conflict with the law drawn from many parts of Kenya and are assigned reform trainings similar the ones in the Borstal Institution. The pilot study helped to determine the sufficiency of instruction to research assistants or respondents in completing a self-completion questionnaire. The pilot study also assisted the researcher to find out whether the questions asked were skewed towards more issues than others.

Validity of study questionnaire was possible by referring to previous studies on appraisal of reform trainings and more particularly for juveniles who are in conflict with the law and committed to reform institutions. This assisted in modifying the instruments to measure all aspects in the study (Mohajan, 2017).

Reliability is concerned with the question of whether the results of a study are repeatable that is whether the measure that are devised for social concepts such as poverty are consistent (Mohajan, 2017). Reliability can also be described as how far the an instrument can produce the same results consistently. It is a degree to which instruments give consistent measures therefore a scale or test is reliable to the extent repeat measurement made by it under constant conditions will give the same results (Kumar, 2011). To achieve reliability a pilot study was undertaken to pretest the research instrument. For example, questionnaires were tried out on smaller sample to see whether questions therein are measuring what they are supposed to measure. Further to reduce bias and misrepresentation, research instruments such as questionnaires was discussed with persons who have expertise in the area of study. The reliability errors that were encountered from the pilot study were rectified through changing the wording of questions leading to test/retest of the instrument thus allowing the instrument to be compared with itself.

Coding of data was carried out to break down into their components parts and labeled (Bryman, 2012). Closed questions were entered into the computer directly through coding of 1-9 assigned to relevant variables. At this point the researcher ensured that all open-ended questions were also closed and also assigned a code depending on the response available from the respondents. Data analysis was done using Statistical Package for Social Sciences (SPSS) version 23 for windows. The analyzed data was communicated and displayed through text, tables, graphs and statistical measures (Kumar, 2011).

1.8 Research Findings

The study targeted 118 respondents being 100 juvenile offenders and 18 instructors/ teachers of Shikusa Borstal Institution. Out of the 118 identified for purpose of sampling, 117 respondents` being 99 juveniles and 18 instructors/teachers participated in the study and returned data collection instruments. In order to determine if the collected data was appropriate for such an analysis, the Kayser-Meyer-Olkin (KMO) measure of sampling adequacy was applied to give a value that provides an indication as to the sampling adequacy for the study. This study recorded a value of 0.854, which implied that the study data was significantly adequate (Table 4.1).

Bartlett's Test of Sphericity was also conducted in order to test if there were any relationships at all in the correlation matrix or if the matrix was an identity matrix (in an identity matrix all correlation coefficients would be zero). For the data at hand, Bartlett's Test gave a highly significant result at 0.05 level of significance. In conclusion, the data was significantly adequate and appropriate for this kind of statistical analysis.

Table 1: Test of Sampling adequacy and Sphericity of data

Kaiser-Meyer-Olkin Measure of Sampling Adequacy	.854	
Bartlett's Test of Sphericity	Approx. Chi-Square	29522.533
	Df	21447
	Sig.	.000

Source: Field Data, 2019

Due to the nature of this study where an appraisal of the provisions of section 4 (b) of the Borstal Institutions Act Cap 92 of the laws of Kenya to children in conflict with the law at Shikusa Borstal Institution in Kakamega County was interrogated, assumed univariate and multivariate normality were analyzed. Numerical tests were used to derive the skewness and kurtosis statistics. Numerical tests were used because they are more objective. Univariate normality was analyzed by merging responses from the study respondents and conducting the Shapiro-Wilk D statistics on the total factor scores (Refer to Table 2). The statistical procedure was analyzed if the distribution as a whole deviate from normal distribution.

Table 2: Normality in Study data distribution

Variables	Statistic	Shapiro-Wilk	
		Df	Sig.
Needs of juvenile offenders	.857	45	.001
Learning environment	.809	45	.001
State of training facilities	.811	45	.002

- a. Test statistic is normal
- b. Test statistic is uniform

N =117 listwise

Source: Field Data, 2019.

The test resulted in significant results, indicating that the data was normally and uniformly distributed.

1.8.1 Demographic Characteristics of Respondents

Demographic attributes of the respondents were sought before the actual analysis of the objectives of the study. To start with, the study categorized the age of the respondents into three categories. These were 15-16 years, 17-18 years and 19-20 years. The findings are presented as shown in Figure 1

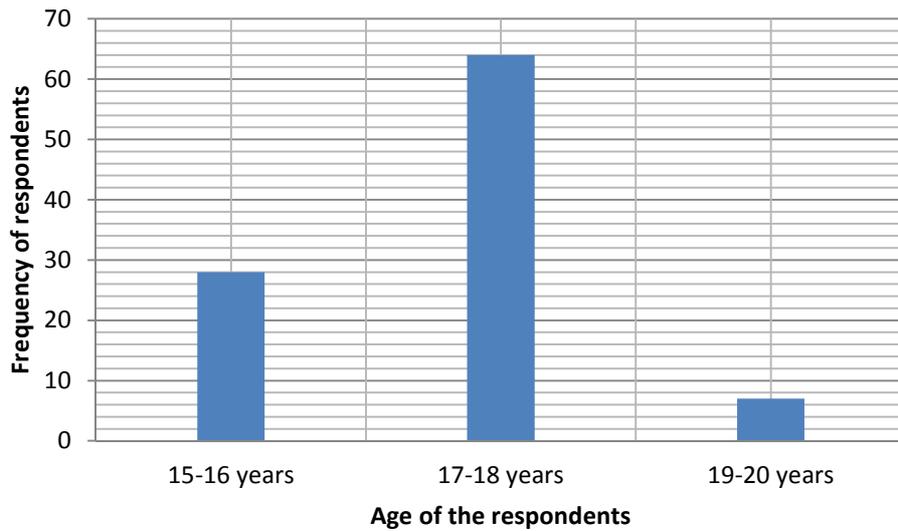


Figure 1: Age of the Respondents

The findings imply that majority, 64 (64.65%) of the juvenile offenders in the institution were aged 17-18 years followed by 28 (28.8%), aged 15-16 years, and finally 7 (7.07%) aged 19-20 years. From these findings, it emerged that majority of the juvenile offenders in the study school are in the category of 17-18 years. This confirmed that juveniles in conflict with the law in Shikusa Borstal Institution are of the right age as prescribed by the law since the institution admits children between the age of 15 and 17 years for a period of 3 years, the presence of offenders between the age of 15 and 21 years is therefore within the stipulated age limit. Children are released from the institution on account of good conduct and after seating for trade test or national examinations. The Children admitted to the institution seat for trade test examination and normal national examination in vocational training and normal school section respectively and national certificates are awarded. Under section 22 sub sections 1, 2 and 3 of the Borstal Institutions Act CAP 92 of the Laws of Kenya the age limit of admission at the time of conviction is set at between 15 and 17 years, the board of visitors or the superintendent in charge are mandated to ensure that the law is strictly followed, it is further ordered that no person shall be detained in a Borstal Institution after he has attained the age of 21 years (GOK 2012). It follows therefore that Shikusa Borstal Institution strictly followed the law in admission, retention and discharge of juvenile in conflict with the law as stated in the Borstal Institution Act.

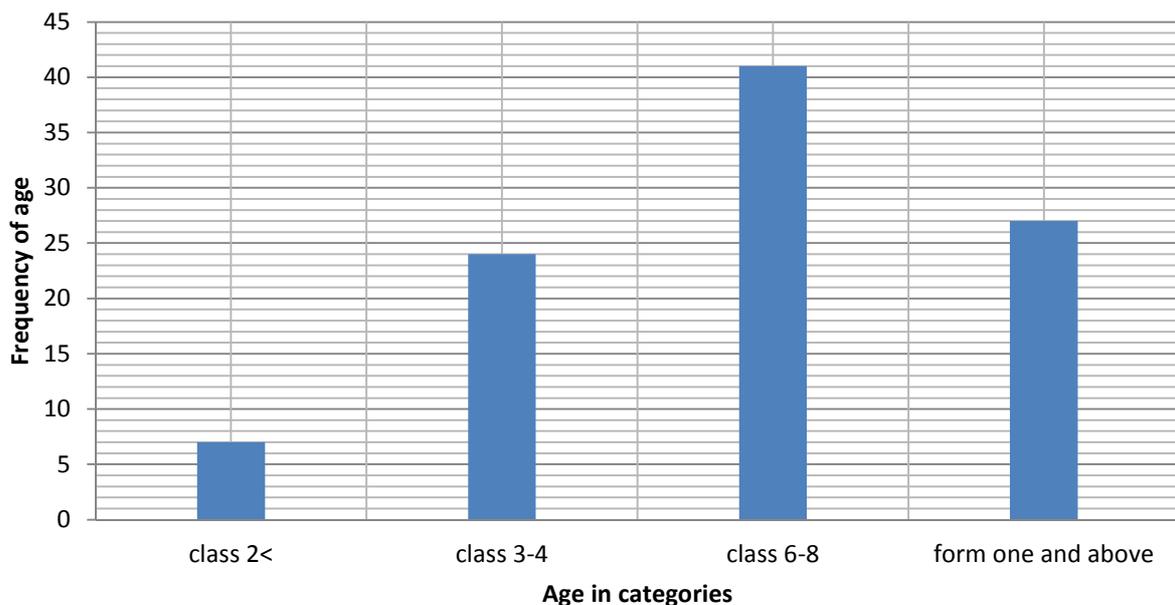


Figure 2: Level of Education on admission of juveniles in conflict with the law

Majority of the juvenile offenders' level of education at the time of arrest were still in primary schools. From the findings, 41 (41.41%) were in classes 6-8, 27 (27.27%) were in form one and above but the rest were in lower

primary. At least 24 (24.24%) are in classes 3-4 while 7 (7.07%) are in class 2 and below. From these findings, it emerged that majority of the respondents were in the required age category and were either in lower or upper primary. This is shown in figure 2.

The validity of the respondents' participation in the current study was also based on whether the children in the institution had been charged in the court of law earlier on. They were therefore asked to indicate if they had previously been charged in a court of law. The findings are presented as shown in Table 3

Table 3 Juveniles who were previously charged in court of law

Category	Frequency	Percent	Cum
No	28	28.28	28.28
Yes	71	71.72	100.00
Total	99	100.00	

The findings indicate that majority of the Children in conflict with the law in Shikusa Borstal Institution had previously been charged in a court of law. This therefore means that majority of the respondents were not first offenders, they had committed criminal offences on other occasions. Committal to the Borstal Institution was therefore meant to reform their character through the recommended reform trainings in agriculture, industry and education. This is also the reason as to why they were classified as juvenile offenders, for instance, 71 (71.72%) indicated that they had been charged therefore second offenders while only the minority, 28 (28.28%) had not been previously charged therefore first offenders. This means that majority of offenders admitted in Shikusa Borstal Institution are repeat offenders which is the likely reason why institutionalization was found appropriate by probation officers and magistrates in the prevailing circumstances. These are juvenile offenders who could not be reformed in the community as established by an authorized court officer and described as being beyond parental control therefore institutionalization was found appropriate. In the Borstal Institution Act, Cap 92 laws of Kenya section 5 the court is required to put into consideration the presented evidence coupled with the past behavior of the offender in making their determination. The reformation can be achieved by exposing the juvenile offenders to industrial, educational or agricultural trainings along with counseling and religious exposures as stipulated in section 4 (b) of the Borstal Institutions Act, Cap 92 of the laws of Kenya. Borstal Institutions in Kenya therefore admit only juveniles who are in conflict with the law after a court order for purposes of reformation training for a period of three years.

Duration of the juveniles' stay in the institution at the time the research was carried out was also appraised in the study. The findings are presented as shown in Figure 3 that follows

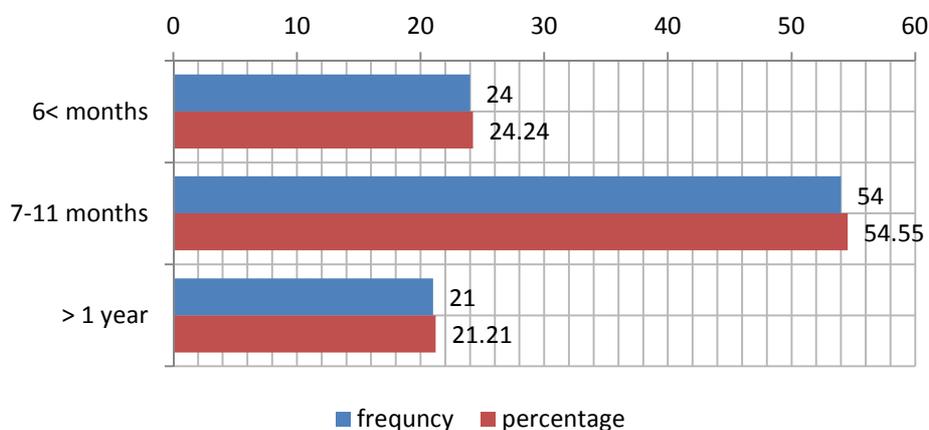


Figure 3: Duration of Juvenile's Stay in School

From the findings, majority of the learners, 54 (54.55%) have stayed in the institution for a period of 7 to 11 months at the time of the study. The second category have stayed in the institution for a period of 6 months and less, 24 (24.24%) while the least, 21 (21.21%) have stayed in the institution for a duration of 1 year and above. Committals to the Borstal Institution are reviewed on quarterly basis by a board of visitors and most offenders are released after 1 year on license under the supervision of a probation officer for the remaining period and after seating for trade test examination, but offenders in the school category are kept for a longer period since they must seat for standard eight or form four examination. The release of juvenile offender on license is subject to a Final Home Report (FHR) compiled by a probation officer and approval by board of visitors who meet on quarterly basis to deliberate on the welfare of juvenile offenders. The Board of visitors is established under section 20 of the Borstal Institutions Act Cap 92 of the laws of Kenya. In the appraisal it was established that children in conflict with the law stay in Shikusa Borstal Institution for a stipulated period of between one year and three years. The Committee of Board of Visitors which meets on quarterly basis ensures compliance with this condition.

1.8.3 The Desires of Juvenile Offenders undergoing Reform Training

The study sought to appraise the desires of juveniles in conflict with the law undergoing reform training. Therefore, among the factors considered were: period taken to allocate the rehabilitation training, choice of the training, the level of involvement in selecting the training, benefits, relevance, and importance. These were significant aspects in appraising the reform trainings offered in Shikusa Borstal Institution. The findings are presented as shown in Table 4.

Table 4: The Needs of Juvenile Offenders undergoing Training

Statements	Category	F	%
What is your opinion on the period taken to allocate training	Very satisfied	4	4.04
	Satisfied	67	67.68
	Somewhat satisfied	25	25.25
	Not satisfied	3	3.03
Did you personally choose the rehabilitation training	Yes	92	92.93
	No	7	7.07
How do you describe your level of involvement in selecting the rehabilitation training	Very good	3	3.03
	Good	72	72.73
	Fair	23	23.23
	Poor	1	1.01
Is the training you are undertaking of any future benefit to you.	Very good	6	6.06
	Good	63	63.64
	Fair	29	29.29
	Poor	1	1.01
How do you rate the relevance of the training you are undertaking	Highly relevant	7	7.07
	Relevant	61	61.62
	Somewhat relevant	29	29.29
	4 = Not relevant	2	2.02
In your opinion are counseling important aspects in your overall rehabilitation	Strongly agree	2	2.02
	Agree	92	92.93
	Disagree	5	5.05
	Strongly disagree		
In your opinion are religions exposures relevant	Strongly agree	10	10.10
	Agree	88	88.89
	Disagree	1	1.01
	Strongly disagree		

The findings indicate that majority of the juvenile's opinion on the period taken to allocate the reform training was satisfying as indicated by 67 (67.68%), and supported by 25 (25.25%) of them who indicated that they were somewhat satisfied whereas 4 (4.04%) were very satisfied. This implies that there is enough time taken to allocate the reform training which satisfies the juvenile participants. The second question was whether they personally chose the rehabilitation training. Majority of the respondents indicated personal choice as indicated by 92 (92.93%) while only 7 (7.07%) did not personally choose the training. Their level of involvement was queried as well. The respondents were asked to describe their level of involvement in selecting the reform training. From the findings, majority of the respondents indicated that their level of involvement was good, 72 (72.73%) followed by 23 (23.23%) who indicated that it was fair. Three of the respondents indicated that it was very good and only one of the respondents said that it was poor. The trainings were termed as relevant by majority of the respondents, 61 (61.62%) who were supported by 7 (7.07%) who said the reform trainings were highly relevant as well as 29 (29.9%) that indicated that the trainings were somewhat relevant.

Finally, the study sought to determine whether the counseling exposures were important aspects in their overall reformation. The findings implied that majority, 92 (92.93%) of the juvenile offenders agreed that the counseling exposures are important aspects in their overall reformation. This therefore indicates that the reception where the briefing on reform trainings available is done can be described as friendly since most of the respondents are in approval of the trainings assigned and find them relevant and of benefit in future. This means that they intend to use skills knowledge acquired to improve on their individual status. Counseling and religious exposures received high approval by respondents and the same is confirmed by welfare officers who were interviewed. Welfare officers stated that during counseling and religious session juveniles express their feeling freely without any intimidation from staff.

The findings are presented as indicated in Table 5.

Table 5: Summary Results on the Desires of Juvenile Offenders undergoing Training

Statements	Mean	Std Dev
What is your opinion on the period taken to allocate rehabilitation training	2.27	.58
How do you describe your level of involvement in selecting the rehabilitation training	2.22	.50
Is the training you are undertaking of any future benefit to you.	2.25	.57
How do you rate the relevance of the training you are undertaking	2.26	.61
In your opinion are counseling exposures important aspects in your overall rehabilitation	2.03	.26
In your opinion are religions exposures relevant in your rehabilitation	1.91	.36
	2.15	.48

The findings indicate that the overall mean on the desires of juvenile offenders undergoing reform training was 2.15, which based on the scale used had a high rating implying that their desires were met and the trainings were of a great value to them. Each of the independent aspects of the factors was also examined. The findings revealed that the greatest desire occurred on the relevance of the religious exposures which had a mean of 1.91 and standard deviation of 0.36. The second factor of highest desire was the importance of the counseling exposures which garnered a mean of 2.03 with a standard deviation of 0.26. Other factors such as benefit of the trainings (M=2.25), relevance of the training (M=2.26) level of involvement (M=2.22) and period taken to allocate training (2.27) was also indicated as a desire on the reformation of the juvenile in conflict with the law. Further analysis using Pearson Chi square on the association between reform trainings of juvenile delinquent was also carried out. The findings revealed that there was a significant association between reform trainings as indicated in section 4 (b) of the Borstal Institution Act Cap 92 of the laws of Kenya and overall reformation of juvenile offenders Pearson $\chi^2(3) = 14.0987$ Pr = 0.003. This implies that the reform trainings affect reformation of juvenile in conflict with the law. Given the positive view of the respondents on the assessment of desires juvenile offenders, it can be concluded that reform trainings have a positive association and therefore a positive effect on reformation of juvenile offenders admitted in Shikusa Borstal Institution.

Further analysis of the teachers and instructors was also carried out through a number of questions. From the findings, most of the staff revealed that the trainings offered by Shikusa Borstal Institution were very relevant to the juvenile offenders since most of the offenders are released after passing trade test or national examination for offender in the schooling section. However, it was not clear on whether they had benefited the learners on release. The appraisal of the reform training as recommended section 4 (b) of the Borstal Act Cap 92 indicated that the reform trainings were relevant to children who are in conflict with the law and admitted to Shikusa Borstal Institution for reformation therefore the needs of juvenile offenders were met.

1.9 Conclusion

Studies carried out indicate that reform trainings as stipulated in section 4 (b) of the Borstal Institution Act Cap 92 of the laws of Kenya are expected to have some impact on the juvenile offenders in addressing their plight with crime both in the institution and in society upon release and that it is explicitly expressed in the Borstal Institutions Act that the juvenile offenders are committed to Borstal Institutions for reformation and change of character through reform trainings. In the current study of Shikusa Borstal Institution, the findings revealed some insights on the areas that will have positive impact in the reformation of the juvenile in conflict with the law. The institution offers educational, industrial and agricultural reform trainings with the main purpose of helping the juvenile in conflict with the law to be self-sustaining after going through the reform trainings. Most of the offenders expressed some satisfaction with the reform trainings, particularly the way they are determined, such as the period taken as well as their choice among other factors. It can be concluded from these findings that these trainings are relevant, especially the counseling on their overall treatment. It is also important to note that the religious exposures are of great importance to the juvenile offenders and therefore as an appraisal, it can be concluded that the reform trainings meet the needs of juveniles in conflict with the law and have a positive influence on their reformation.

1.10 Recommendation

From the study, various recommendations were drawn. In the first objective of the study, it was clear that the reform trainings offered at Shikusa Borstal Institution were likely to meet the needs of juveniles in conflict with the law. However, it emerged that as much as the reform trainings were concluded to meet the needs of the juvenile offenders, their influence was very little. It can therefore be recommended that the juvenile offenders be involved on the onset in the selection of the training that they are enrolled. They should be taught the importance and the need for them to undergo these trainings before they are engaged as it emerged that some offenders were not interested in the training assigned and some took up reform trainings that will assure them early release from the institution. This therefore calls for the involvement of relevant stakeholders including parents in the selection of trainings by offenders. Probation officers and magistrates who establish initial contacts with the juvenile offenders must play an important role in the selection of reform trainings. This can be included in the probation officers initial report which must be presented to the Borstal Institution on admission. Further efforts should be made to

also involve parents in the overall rehabilitation of juvenile offenders. All stakeholders should be therefore involved in the rehabilitation of juveniles in conflict with the law.

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