

**THE COMMISSION ON ADMINISTRATIVE JUSTICE**  
**“Office of the Ombudsman”**



**Hata Mnyonge ana Haki**

**AN INVESTIGATIONS REPORT ON THE ALLEGED MALADMINISTRATION  
AT THE NAIROBI REMAND AND ALLOCATION MAXIMUM PRISON**

**September 2020**



## Foreword

The Commission on Administrative Justice (CAJ) undertook investigations on *Suo Motu* basis, into the allegations of unfair treatment, injustices meted out on inmates, dereliction of duty, abuse of power and general governance failure at Nairobi Remand and Allocation Maximum Prison.

The investigations were prompted by local electronic and print media coverage of hunger strike by inmates at Nairobi Remand and Allocation Maximum Prison due to the above allegations. The Commission sought to establish the veracity of the allegations contained in the media reports.

The Commissioner General, Kenya Prison Services was notified of the decision to investigate the alleged maladministration in the management of Nairobi Remand and Allocation Maximum Prison vide a letter, Ref: CAJ/IE/6/65/18 dated 29<sup>th</sup> August, 2018.

The investigations team visited the Nairobi Remand and Allocation Maximum Prison, interviewed a number of officers and some inmates and recovered several documents relevant to the matter under investigation.

This report was informed by the analysis of information gathered and the examination of documents recovered in the process of the investigations.

The Commission made recommendations to the relevant authorities for implementation. The full adoption and implementation of the recommendations will impact positively on the governance of the prison facility.

Signed this <sup>24<sup>th</sup></sup>..... day of September, 2020



**HON. FLORENCE KAJUJU, MBS**  
**CHAIRPERSON OF THE COMMISSION**

## Table of Contents

Foreword .....	iii
Acronyms .....	v
Executive Summary .....	vi
1.0 Introduction to the investigation .....	1
1.1 Issues under investigation.....	1
1.2 Investigation Process.....	1
1.3 Legal Framework .....	2
2.0 Analysis and Findings .....	6
2.2 Cause of the strike.....	6
3.0 Consequential findings .....	10
4.0 Conclusions .....	15
5.0 Recommendations.....	17



## Acronyms

CAJ	Commission on Administrative Justice
DCI	Directorate of Criminal Investigations
SP	Superintendent

## Executive Summary

The Commission undertook investigations on *Suo Motu* basis, into the allegations of unfair treatment, injustices meted out on inmates, dereliction of duty, abuse of power and general governance failure at Nairobi Remand and Allocation Maximum Prison.

The investigations team visited the facility and interviewed a number of prison officers and prisoners besides recovering several documents relevant to the matter under investigation. The information gathered was analysed to inform the findings of the investigations.

It was confirmed that inmates held at the Capital Block of Nairobi Remand and Allocation Maximum Prison staged a protest by refusing to take meals served at the facility on 20<sup>th</sup> and 21<sup>st</sup> August, 2018 as a result of stringent measures the management of the facility had adopted to tackle contraband items such as mobile phones, hard drugs (heroin and bhang), prescription medicine (*Valium*, *Cosmos*) and cigarettes smuggled into the facility. Evidence revealed that the practice was aided by prison officers.

It was also established that the facility is very congested with about 2,612 inmates instead of the standard capacity, 1,288. This was attributed to delay in processing of bond or bail applications by the courts and when issued they were too high for the inmates, thus exacerbating the problem of congestion. Consequently, the cost of feeding the inmates was high at KSh.648, 000 per day.

It was also established that the facility faces a number of challenges including deplorable housing conditions, strained infrastructure (accommodation blocks, visitation room and health facility), lack of modern security equipment (CCTV cameras, metal detectors and mobile phone detectors), limited buses to transport inmates to various courts and non-payment of allowances to prison officers who escort inmates to various courts around the country. Other challenges include provision of inadequate supplies (uniform and blankets for inmates, and cleaning detergents), lack of adequate number of counselors,

lack of complaints handling desk and poor records management hence misplacement and loss of important documents in the documentation office.

Variation in salary grades and allowances between prison officers and police officers of the same rank was noted. For instance, prison officers of the rank of Superintendent are in Job Group M and Grade 7 while officers of the same rank from their counterparts, National Police Service are in Job Group N and Grade 8.

The role of Commissioner General of Kenya Prisons in the recruitment process is not clear as the exercise is led by Principal Secretary, State Department for Correctional and Rehabilitation Services.

CAJ did not pursue the alleged brutal murder of an inmate by a prison's officer as it was under investigation by DCI.

The Commission recommends the following:

- I. The Cabinet Secretary, Ministry of Interior and Coordination of National Government should:
  - a) Disband and demolish the current dilapidated makeshift houses constructed by prison officers at Nairobi Remand and Allocation Maximum Prison and utilize the vast land available to construct decent houses. In the meantime, prison officers should be paid house allowance to seek for accommodation outside the facility.
  - b) Improve the infrastructure of Nairobi Remand and Allocation Maximum Prison to international standard of a maximum prison.
  - c) In consultation with the Public Service Commission, consider and promote Mr. Samwel Rutto, the Officer in Charge, Nairobi Remand and Allocation Maximum Prison and SP Wilson Tonui for diligently and bravely taking decisive action to tackle the menace of contraband goods being smuggled into the facility and the illegal business of extortion within the facility.

- d) Enhance the security of Nairobi Remand and Allocation Maximum Prison by using modern technology such as installing CCTV cameras, providing radio communication, scanners and mobile phone detectors.
- e) Improve transport at the facility by providing new buses to cater for the large number of remand prisoners who require court attendance.
- f) Employ professional counsellors for prisons to deal with the various psychological challenges among staff and inmates.
- g) Establish a body to handle personnel and welfare of prison officers similar to the National Police Service Commission.
- h) Provide a clear role to the Commissioner General in the recruitment process.
- i) In consultation with the Public Service Commission, harmonize terms of service (job grades and allowances) for both police officers and prison officers.

II. The Commissioner General of Prisons should:

- a) Constitute a task force to vet prison officers at Nairobi Remand and Allocation Maximum Prison on integrity matters under Chapter Six of the Constitution of Kenya.
- b) Introduce computerized records management system in the documentation office for safe keeping and easy retrieval of documents.
- c) Address the issue of staff accommodation at Nairobi Remand and Allocation Maximum Prison and in particular the allocation of staff quarters.
- d) Civilian staff who are paid house allowance and the retirees living in the staff quarters should vacate the staff quarters immediately. The houses should be reallocated to staff serving at the facility currently.
- e) Train officers on emerging security challenges to improve their skills and competency to discharge their duties more effectively.
- f) Provide lunch allowance for prison officers escorting inmates for court cases especially those officers who remain outside their workstation for a whole day and sometimes travel outside Nairobi.
- g) Consider rotation of staff in line with the policy to avoid overstay at one station and eliminate boredom.

- h) Improve the Health Centre at the facility by refurbishing the consultation rooms, providing laboratory and imaging equipment and equip the pharmacy with adequate medicine.
- i) Establish effective complaints handling mechanism at the facility and liaise with CAJ for capacity development of prison officers on complaints handling.

### III. The Judiciary

- a) The Judiciary should expeditiously process bail applications for remandees and consider making bonds affordable in order to decongest the remand facility which was housing nearly three times its original capacity.
- b) Provide court interpreters for ease of communication.

## **1.0 Introduction to the investigation**

On Monday 20<sup>th</sup> August, 2018 the local electronic and print media carried a caption alleging that inmates at Nairobi Remand and Allocation Maximum Prison had gone on hunger strike. According to the media coverage, the reasons for the protest were alleged brutality meted out on in-mates by prison officers and the use of excessive force particularly by one officer that led to the death of seven inmates. The Director of Operations, Prisons Department was reported to have refuted the allegations, saying the inmates were protesting a change of guard and confiscation of contraband goods including drugs and mobile phones at the facility.

The foregoing raised pertinent issues of maladministration in the management of prison facility. Besides, there were allegations of organized crime, drug and contraband substances trafficking involving officers within the prison. Pursuant to its mandate, CAJ undertook investigations on *Suo Motu* basis, into the allegations impinging on unfair treatment, injustices meted out on inmates, dereliction of duty, abuse of power of power and general governance failure at the facility.

### **1.1 Issues under investigation**

1. Alleged unfair treatment and injustices meted on the inmates by prison officers.
2. Failure of governance on the part of the facility administration leading to the strike.
3. Malfeasance by inaction on the part of the facility management on possible complaints by inmates prior to the strike.
4. Abuse of power and dereliction of duty by prison officers.

### **1.2 Investigation Process**

#### **1.2.1 Notification**

The Commission notified the Commissioner General, Kenya Prison Services of its decision to investigate the alleged maladministration in the management of

Nairobi Remand and Allocation Maximum Prison vide a letter, Ref: CAJ/IE/6/65/18 dated 29<sup>th</sup> August, 2018.

### **1.2.2 Documents Recovered**

1. Copies of transfer signals
2. Copies of lists confiscated items (including mobile phones)
3. Copy of relevant policy guiding management of the facility
4. Prisons' Act on duties of In-charge
5. UN Convention
6. Brief on the death of Kibowen/postmortem
7. Brief on actions taken by the In-charge in relation to the DCI's report
8. Standing orders – sections for searches
9. Food provision/ration guide
10. Copy of the search register for 20<sup>th</sup> August, 2018
11. Letter from the Makadara Magistrate about collusion of officers and prisoners
12. Report on Housing Audit

### **1.3 Legal Framework**

*The investigations were hinged on the Constitution, the Commission on Administrative Justice and the Access to Information Act. The Constitution and CAJ Act mandate the Commission to, inter alia, investigate any conduct in state affairs or any act or omission in public administration in any sphere of Government and complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct. In the context of the Access to Information Act, the Commission is empowered to investigate any complaint of violations of the right of access to information under the Act.*

*In addition to the CAJ's investigative powers under Article 252(1) (a), Sections 26, 27, 28 and 29 of the CAJ Act gives the Commission powers to conduct investigations on its own initiative or on a complaint made by a member of the public, issue Summons and require that statements be given under oath,*

*adjudicate on matters relating to Administrative Justice, obtain relevant information from any person or Governmental authorities and to compel production of such information.*

*The Commission has power not limited by other provisions to investigate an administrative action despite a provision in any written law to the effect that the action taken is final or cannot be appealed, challenged, reviewed, questioned or called in question. After undertaking its investigations, the Commission is required under Section 46 of its constitutive Act, to prepare a report to the State organ, public office or organisation to which the investigation relates. The report shall include the findings of the investigation, action the Commission considers to be taken and reasons whereof and recommendations the Commission deems appropriate.*

*The Commission may, upon an inquiry into a complaint, undertake such other action as it may deem fit against a concerned person or persons where the inquiry discloses a criminal offence as provided for under Section 41 of the CAJ Act. Section 8(g) of the CAJ Act gives the Commission power to recommend compensation or other appropriate remedies against persons or bodies to which the Act applies. Section 46(4) provides that 'if there is failure or refusal to implement the recommendations of the Commission within the specified time, the Commission may prepare and submit to the National Assembly, a report detailing the failure or refusal to implement its recommendations, and the National Assembly shall take the appropriate action.*

*Section 52 (b) and (d) of the CAJ Act provides that a person who knowingly submits false or misleading information to a member of staff of the Commission commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or both. Further, Article 59(2) (j) of the Constitution empowers the Commission to report on complaints investigated under paragraph (h) and (i) and take remedial actions.*

### **1.3.1 Powers relating to investigation**

*(1) The Commission may, for the purpose of conducting any investigation pertaining to an inquiry, utilise the services of any public officer or investigation agency of the Government and where a public officer is so utilised under this subsection, the Commission shall pay such expenses as may be incurred by the public officer or agency for the service rendered.*

*(2) For the purpose of investigating any matter pertaining to an inquiry, a public servant or agency whose services are utilized under subsection (1) may, subject to the direction and control of the Commission—*

*(a) summon and enforce the attendance of any person for examination;*

*(b) require the discovery and production of any information;*

*(c) subject to the provisions of this Act, requisition any public records or copy thereof from any public officer; and*

*(d) take a statement under oath in relation to any investigation it is undertaking.*

### **1.3.2 Prisons Act CAP 90**

*12. Use of force by prison officer*

*(1) Any prison officer may use such force against a prisoner as is reasonably necessary in order to make him obey lawful orders which he refuses to obey or in order to maintain discipline in a prison.*

*(2) Any prison officer may use any weapons which have been issued to him, including firearms, against a prisoner if—*

*(a) he is escaping or attempting to escape and refuses, when called upon, to return; or*

*(b) he is engaged with other persons in breaking out or attempting to break out of any part of a prison and continues to break out or attempts to break out when called upon to desist; or*

*(c) he is engaged with others in riotous behaviour in a prison and refuses to desist when called upon; or*

*(d) he is endangering the life of, or is likely to inflict grave injury to, the prison officer or to any other prison officer or person and the use of weapons, including firearms, is the only practicable way of controlling the prisoner: Provided that weapons shall not be used as authorized in paragraphs (a), (b) and (c) of this*

*subsection unless the officer has reasonable cause to believe that he cannot otherwise prevent the escape, breaking out or riotous behaviour, as the case may be.*

### **1.3.3 Other relevant legislations**

- 1) *Kenya Prisons Standing Orders – Chapter 57 Searches*
- 2) *CAP 92 Laws of Kenya*

## **2.0 Analysis and Findings**

### **2.1 Overview of Nairobi Remand and Allocation Prison**

Nairobi Remand and Allocation Maximum Prison was established in 1911 with a capacity of 1288 inmates as per international standards. During our visit the facility housed 2612 inmates, out of which 189 were convicted inmates, 2393 remanded inmates including 1020 capital offenders, 26 mentally ill inmates waiting for hospital admission, and 4 civil debtors. The total number of those remanded for ordinary offenses like stealing was 1374.

The staff number at the facility was 684 and the facility also houses officers working at other stations. Therefore, the facility was congested given the high population of inmates and staff.

The purpose of the facility was to hold remand prisoners awaiting trial or sentencing and it serves courts in Nairobi as well as outside the City. After sentencing, convicts are allocated to other prisons around the country and a few are retained for the purpose of undertaking manual work such as cleaning and cooking within the facility. It is against the law for remand prisoners to engage in any work while in detention, hence the need to retain a few of the convicts for that purpose.

### **2.2 Cause of the strike**

According to local and print media inmates at Nairobi Remand and Allocation Maximum Prison had gone on hunger strike between 20<sup>th</sup> August, 2018 and 21<sup>st</sup> August 2018, allegedly protesting against brutality by prison warders. It was further stated that the inmates had identified one officer who was fond of using excessive force leading to the death of seven inmates.

The investigations confirmed inmates in the Capital Block of Nairobi Remand and Allocation Maximum Prison staged a protest by refusing to take meals served at the facility from 20<sup>th</sup> and 21<sup>st</sup> August, 2018. However, the inmates



bought food from the Canteen and were not on hunger strike as widely reported in the media.

It was noted that the management of the facility attempted to address the protest by engaging the inmates directly to listen to their complaint. The Officer in charge, Mr. Samwel Ruto, conducted a general meeting with the inmates in order to understand the reasons for the protest and address them. However, the inmates refused to divulge any reason and demanded to speak to the Commissioner General of Prisons. The Officer in charge then consulted Regional Commander of Prisons who visited the facility to address the inmates. The inmates again demanded to be addressed by the Commissioner General of Prisons. Then the Deputy General Commissioner of Prisons attended the facility to address the inmates. At this point, the inmates complained about frequent searches at the facility which was deemed unfair, beatings by prison officers and poor diet.

In order to quell the protest, the management transferred 158 capital remand prisoners to Kamiti Maximum Prison. This decision was informed by the fact the protest began in the Capital Block that houses capital remand prisoners who instigated the strike.

The investigations did not establish the allegations of unfairness and injustice within the prison facility. On the contrary, according to responses obtained through various interviews conducted, it was established that the management of the facility had adopted more stringent measure to tackle the menace of smuggling contraband items into the facility. It was apparent the new measures did not go down well with some of inmates particularly those in the Capital Block where capital offenders were housed. These group of inmates instigated the protest at the facility in order to resist the new measures and thereby initiate a revolt against the Officer in Charge who was instrumental in the fight against contraband goods in the facility.

It was established that contraband goods such as mobile phones, hard drugs such as heroine and bhang, prescription medicine (*Valium, Cosmos*) and cigarettes were being smuggled into the facility. According to recorded statements by officers and inmates, rogue prison officers were colluding with inmates to smuggle in these contraband goods into the facility.

According to a report from the Directorate of Criminal Investigations (DCI), Ref: CID/CIB/SEC/4/4/VOL.1/001 dated 25<sup>th</sup> January, 2018 a scam of extortionists existed at the facility perpetrated by inmates working in cohort with prison officers. The report identified a number of officers involved in the scam who were placed under investigations.

The Officer in Charge of the prison facility, Mr. Samwel Ruto, upon receiving the DCI report adopted more stringent measures to conduct thorough searches within the prison on inmates, staff and visitors to the facility. Gadgets were used to detect mobile phones within a distance of 20 meters. Superintendent of Prisons, Mr. Wilson Tonui stated that he bought the gadget to detect mobile phones with his own money. As a result, a total three hundred and fifty-eight (358) mobile phones were confiscated and surrendered to the Office of the Commissioner General of Prisons on 26<sup>th</sup> July, 2018. An additional 89 mobile phones were confiscated from 13<sup>th</sup> to 20<sup>th</sup> August, 2018.

Considering the foregoing, it was established that the allegations of brutality by prison officers was unfounded. The actual cause of the protest by inmates was rooted in the stringent measures adopted by the prison facility management to tackle the menace of smuggling contraband goods into the facility. These measures were necessary in order to disrupt and dismantle the cartel of prison based extortion identified by the DCI that was defrauding unsuspecting members of the public huge sums of money. A number of officers suspected to have colluded with inmates in the extortion were transferred from the facility to other stations.

One of the complaints by the inmates was insufficient diet, however, the investigations established that prisoners were being fed as per the recommended dietary scale. Some of the officers interviewed suggested additional grams of food above the current scale was necessary.

The investigation did not dwell on the death of the prison inmate at the facility because this was a matter under investigation by DCI. However, due to the allegation of excessive use of force by SP. Wilson Tonui, the investigations sought to establish the veracity of the allegation. It was established that SP. Tonui was discharging his duties diligently by pursuing the matter of contraband goods especially mobile phones using a gadget to track phone signals. As a result, he was able to track down large number of mobile phones within the facility by conducting through searches. In addition, the officer was away on leave the day the inmate died. Therefore, the allegations against the officer were found to be unfounded.

The prison facility was seriously congested with 2612 inmates against a capacity of 1288. It was noted among the things that was causing congestion at the facility was the frequent adjournments of court cases. Applications for bond or bail were not dispensed with quickly by the courts exacerbating the problem of congestion. Denial of bail was contributing to the huge cost of keeping remand prisoners (cost of feeding one remand prisoner per day was about Ksh. **240 \* 2700 inmates = KSh. 648,000** daily). As a result, the facility was heavily indebted to suppliers due to lack of sufficient funding to meet the cost. The language in the courts was also highlighted as being difficult to follow by the remand prisoners and many of them lacked legal representation.

The prison facility had no elaborate complaints handling mechanism. The welfare officers dealing with complaints lacked appropriate training on complaints handling mechanism and there was no complaints desk.

Records keeping was wanting in the facility leading to misplacement and loss of important documents in the documentation office. Records keeping was manual and not well organized for easy retrieval.

### **3.0 Consequential findings**

#### **3.1 Housing**

A visit around the compound of the facility during the investigation revealed that prison officers lived in deplorable housing conditions. Pictures 1-5 captured below portray a grim picture of dilapidated, old buildings that characterize the poor state of housing for prison officers. Indeed, investigators were informed that an officer would be lucky to secure accommodation in the old buildings as newly posted officers lived in a worse condition (See picture 3). A hall made out of corrugated iron sheets, partitioned by pieces of clothes houses a number of officers, some living with their wives and school attending children.

It was noted that the prison perimeter wall and residential area had close proximity as depicted in Picture 2 which poses security breach. Investigators were informed of collusion between inmates and some of the staff members in smuggling contraband goods into the prison including instances where items were thrown over the prison wall. Therefore, the close proximity of the prison perimeter wall and residential area exacerbates the illegal practice within the prison facility, besides posing safety and security threat to the prison facility.

**Picture 1**



*Picture 1 depicts old dilapidated building that houses prison officers.*

**Picture 2**



*Picture 2 shows close proximity of prison wall and makeshift residential houses constructed by prison officers.*

**Picture 3**



*Picture 3 shows a hall constructed from corrugated iron sheets, separated by pieces of clothes which houses prison officers.*

**Picture 4**



*Picture 4 shows makeshift houses constructed by prison officers with poor sanitation facility.*

**Picture 5**



*Picture 4 shows makeshift houses constructed by prison officers with poor sanitation facility.*

It was noted that prison officers were demoralized and had a poor attitude towards work. This was attributable to poor living conditions, lack of allowances, low salary and long working hours.

### **3.2 Resources**

It was noted that the facility was not adequately resourced financially in order to meet its needs and had huge pending bills with suppliers. The facility was in dire need of procuring modern equipment and technology such as CCTV cameras, metal detectors, mobile phone jammers, scanners and radio communication network. The facility also lacked adequate beddings such as blankets for inmates, uniform and cleaning detergents.

Prison officers who escort inmates to various courts around the country usually spend the whole day within court precincts and are entitled to lunch allowance

or night outs when they travel outside Nairobi. However, the management was unable to provide such allowance due to lack of funding.

The Health Centre at the facility was not adequate enough to cater for the medical needs of the large number of inmates. The consultation rooms were small, the laboratory lacked imaging equipment and the pharmacy was devoid of sufficient medicine.

The rehabilitation services at the facility were hampered by lack of adequate counselors due to lack of funds to hire enough counselors.

The facility faced a huge challenge in terms of transport due to limited buses to transport inmates to court. The buses available were very old and prone to frequent mechanical breakdown due to lack of maintenance.

The facility was pronounced to be a maximum prison status but the infrastructure remains for a medium facility. The visitation room was too small and the accommodation blocks for inmates was crowded.

### **3.3 Recruitment process for prison officers**

Interviewed prison officers indicated that the role of Commission General of Kenya Prisons in the recruitment process is not clear as the exercise is led by Principal Secretary, State Department of Correctional and Rehabilitation Services. Being a discipline service, the Commissioner General should be included in the process.

### **3.4 Lack of harmonization of terms of service for prison officers**

It was established that there was variation in salary grades and allowances between prison officers and police officers of the same rank. For instance, prison officers of the rank Superintendent are in Job Group M and Grade 7 while officers of the same rank from their counterparts, National Police Service are in

Job Group N and Grade 8. Prison officers get lower risk allowance as compared to their counterparts, police officers.

#### 4.0 Conclusions

- I. It was confirmed inmates in the Capital Block of Nairobi Remand and Allocation Maximum Prison staged a protest by refusing to take meals served at the facility from 20<sup>th</sup> and 21<sup>st</sup> August, 2018. However, the inmates bought food from the Canteen and were not on hunger strike as widely reported in the media.
- II. The allegations of unfairness and injustice within the prison facility were not found. However, it was established that the management of the facility had adopted more stringent measures to tackle the menace of smuggling contraband items into the facility. The measures did not go well with some of the inmates in the Capital Block where capital offenders were housed. The inmates thereby staged a protest by refusing to take meals served at the facility.
- III. The investigations established contraband goods such as mobile phones, hard drugs such heroine and bhang, prescription medicine (*Valium*, *Cosmos*) and cigarettes were being smuggled into the facility. It was noted that rogue prison officers were colluding with inmates to smuggle in these contraband goods into the facility. The close proximity of the prison perimeter wall and residential area exacerbates such illegal practice within the prison facility.
- IV. The Officer in Charge of the prison facility, Mr Samwel Ruto, upon receiving a DCI report on prison based extortion, adopted more stringent measures to conduct through searches within the prison to inmates, staff and visitors to the facility.
- V. Superintendent of Prisons, Mr. Wilson Tonui bought a gadget to detect mobile phones with his own money. As a result, a total of three hundred and fifty-eight (358) mobile phones were confiscated and surrendered to the Office of the Commissioner General of Prisons on 26<sup>th</sup> July, 2018. An

additional 89 mobile phones were confiscated from 13<sup>th</sup> to 20<sup>th</sup> August, 2018.

- VI. CAJ investigations found the allegations of brutality by prison officers was unfounded. The actual cause of the protest by inmates was rooted in the stringent measures adopted by the prison facility management to tackle the menace of smuggling contraband goods into the facility.
- VII. The allegations against SP Wilson Tonui of being brutal were found to be unfounded. SP Tonui was discharging his duties diligently by pursuing the matter of contraband goods especially mobile phones using a gadget to detect and track mobile phone signals. As a result, staff were able to track down large number of mobile phones within the facility by conducting through searches. SP Tonui was on leave the day the inmate died.
- VIII. According to recorded statements rogue prison officers colluded with inmates to smuggle contraband goods into the facility. A number of officers who were suspected of this collusion were transferred to other stations.
- IX. The investigations revealed that prison officers lived in deplorable housing conditions which including low pay and long hours of working contributed to low morale and poor performance.
- X. The prison facility was not adequately resourced and was in dire need of procuring modern equipment and technology such as CCTV cameras, metal detectors, and mobile phone jammers.
- XI. Prison officers who escort remand prisoners to various courts worked for long hours and were not paid lunch allowance.
- XII. The facility also faced a huge challenge in terms of transport due to limited buses to transport inmates to court.
- XIII. Remand inmates appearing before different courts complained of delay in processing bail applications and that the bonds were very high.
- XIV. The facility was heavily indebted to supplies
- XV. The role of Commission General of Kenya Prisons in the recruitment process is not clear as the exercise is led by Principal Secretary. Being a

discipline service, the Commissioner General should be included in the process.

- XVI. There was variation in salary grades and risk allowance between prison officers and police officers of the same rank

## 5.0 Recommendations

The Commission recommends the following:

- I. The Cabinet Secretary, Ministry of Interior and Coordination of National Government should:
  - a) Disband and demolish the current dilapidated makeshift houses constructed by prison officers at Nairobi Remand and Allocation Maximum Prison and utilize the vast land available to construct decent houses. In the meantime, prison officers should be paid house allowance to seek for accommodation outside the facility.
  - b) Improve the infrastructure of Nairobi Remand and Allocation Maximum Prison to international standard of a maximum prison.
  - c) In consultation with the Public Service Commission, consider and promote Mr. Samwel Rutto, the Officer in Charge, Nairobi Remand and Allocation Maximum Prison and SP Wilson Tonui for diligently and bravely taking decisive action to tackle the menace of contraband goods being smuggled into the facility and the illegal business of extortion within the facility.
  - d) Enhance the security of Nairobi Remand and Allocation Maximum Prison by using modern technology such as installing CCTV cameras, providing radio communication, scanners and mobile phone detectors.
  - e) Improve transport at the facility by providing new buses to cater for the large number of remand prisoners who require court attendance.
  - f) Employ professional counsellors for prisons to deal with the various psychological challenges among staff and inmates.
  - g) Establish a body to handle personnel and welfare of prison officers similar to the National Police Service Commission.

- h) Provide a clear role to the Commissioner General in the recruitment process.
- i) In consultation with the Public Service Commission, harmonize terms of service (job grades and allowances) for both police officers and prison officers.
- j) Improve means of transport by acquiring more buses and properly servicing existing ones

II. The Commissioner General of Prisons should:

- a) Introduce computerized records management system in the documentation office for safe keeping and easy retrieval of documents.
- b) Address the issue of staff accommodation at Nairobi Remand and Allocation Maximum Prison and in particular the allocation of staff quarters.
- c) Civilian staff who are paid housing allowance and retirees should vacate the staff quarters immediately as well as retirees. Instead, these houses should be reallocated to staff serving at the facility currently.
- d) Train officers on emerging security challenges to improve their skills and competency to discharge their duties more effectively.
- e) Provide lunch allowance for prison officers escorting inmates for court cases especially those officers who remain outside their workstation for a whole day and sometimes travel outside Nairobi.
- f) Consider rotation of staff in line with the policy to avoid overstay at one station and eliminate boredom.
- g) Improve the Health Centre at the facility by refurbishing the consultation rooms, providing laboratory and imaging equipment and equip the pharmacy with adequate medicine.
- h) Establish effective complaints handling mechanism at the facility and liaise with CAJ for capacity development of prison officers on complaints handling.

### III. The Judiciary

- a) The Judiciary should expeditiously process bail applications for remandees and consider making bonds affordable in order to decongest the remand facility which was housing nearly three times its original capacity.
- b) Provide court interpreters for ease of communication.