

# PERFORMANCE AUDIT REPORT ON PROVISION OF HOUSING TO PRISON OFFICERS IN KENYA



**MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT**

**NOVEMBER 2018**

### **Vision**

Effective accountability in the management of public resources and service delivery.

### **Mission**

Audit and report to stakeholders on the fairness, effectiveness and lawfulness in the management of public resources for the benefit of the Kenyan People.

### **Core Values**

Independence

Integrity

Professionalism

Innovation

Team Spirit

### **Motto**

Enhancing Accountability

## **Foreword by the Auditor – General**

I am pleased to present this performance audit report which assessed the provision of housing to Kenya Prison Service Officers. My Office carried out the audit under the mandate conferred to me by the Public Audit Act, 2015 Section 36. The Act mandates the Office of the Auditor – General to examine the Economy, Efficiency and Effectiveness with which public money has been expended pursuant to Article 229 of the Constitution.

Performance, financial and continuous audits form the three pillar audit assurance framework that I have established to give focus to the varied and wide scope of the audit work done by my Office. The framework is intended to provide a high level of assurance to stakeholders that public resources are not only correctly disbursed, recorded and accounted for, but that the use of the resources results in positive impacts on the lives of all Kenyans. The main goal of our performance audits is to ensure effective use of public resources and promote service delivery to Kenyans.

Our performance audits examine compliance with policies, obligations, laws, regulations and standards, and whether the resources are managed in a sustainable manner. They also examine the economy, efficiency and effectiveness with which public resources have been expended. I am hopeful that corrective action will be taken in line with our recommendations in the report.

The report shall be tabled in Parliament in accordance with Article 229 (7) of the Constitution. I have as required in Section 36 (2) of the Public Audit Act, submitted the original copy of the report to Parliament. In addition, I have remitted copies of the report to the Commissioner General, Kenya Prisons Service, the Cabinet Secretary, Ministry of Interior and Coordination of National Government, the Principal Secretary, National Treasury and the Secretary Presidential Delivery Unit.

**FCPA Edward R.O. Ouko, CBS**

**AUDITOR – GENERAL**

**12 February, 2019**



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## List of Abbreviations

AIE	-	Authority to Incur Expenditure
BOQs	-	Bill of Quantities
KPS	-	Kenya Prison Service
Ksh.	-	Kenya Shillings
MICNG	-	Ministry of Interior and Coordination of National Government
OAG	-	Office of the Auditor-General
OIC	-	Officer in Charge
PPHP	-	Police/ Prison Housing Programme
RRI	-	Rapid Results Initiative
SDCS	-	State Department of Correctional Services
SDHUD	-	State Department for Housing and Urban Development
SDPW	-	State Department of Public Works

## Glossary

KPS has various types of staff houses as illustrated in **Appendix 3**. These include:

- a) **Permanent house:** A house made of either stone, bricks or other permanent building materials. It can either be single-roomed, double-roomed, bed-sitter, one-bedroomed, two-bedroomed or three-bedroomed. Some of the permanent houses are self-contained-i.e have basic amenities of water and sanitation facilities within the house [**Appendix 3 (a-c)**].
- b) **Semi-permanent house:** A house built using mud then plastered to make it strong. It can either be single room, double room or one-bedroomed [**Appendix 3(e)(vii)**].
- c) **Iron sheet (Mabati) house:** A single-roomed house made using iron sheets both on the wall and roof [**Appendix 3(e)(iv)**].
- d) **Mud (Matope) house:** A single room mud house with iron sheet roofing [**Appendix 3(e)(iii)**].
- e) **Timber house:** A wooden single room house [**Appendix 3(e)(vi)**].
- f) **Uni-hut:** A circular shaped pre-independence single room made of either stone or iron sheet [**Appendix 3(e)(ii)**].
- g) **A-frame:** A pre-independence A-shaped iron sheet single roomed house [**Appendix 3(e)(i)**].



# Executive Summary

## Background of the Audit

1. Kenya Prisons Service (KPS) is a department under the Ministry of Interior and Coordination of National Government (MICNG). The Service<sup>1</sup> draws its mandate from Prisons Act (CAP 90) and Borstal Act (CAP 92). Among other functions, KPS's core mandate is containing and rehabilitation of offenders and facilitation of the justice system. To discharge this mandate, KPS has a staff establishment comprising of uniformed and civilian officers. The uniformed officers are accommodated within KPS's prison lines for ease of mobilization.
2. KPS staff housing dates back to colonial era, the time during which African prison staff were housed in huts constructed similar to those that they lived in the villages. After independence the government started constructing modern houses for staff. However, the staff population was already high and kept increasing with recruitment over the years. In 1954, the staff population was 11,025. This had risen to 23,831 as at June, 2017 and is projected to rise to 33,840 by the year 2030. Matching the pace of constructing modern houses with increasing number of staff has become a challenge. To address this challenge, the government introduced prison reforms in 2003.
3. The audit was initiated following public concern about the state of housing for prison staff. Concerns about the inadequate housing for prison officers have been discussed in Parliament and have also been covered by the local print and electronic media.
4. Further, as part of the reforms introduced in 2003, KPS was to be allocated about Ksh. 500 million annually, from 2004/05 up to 2013/14 to construct staff houses. It was, therefore, necessary to assess the extent to which these funds addressed prison staff housing problem.

## Objectives of the Audit

5. The audit assessed the state of housing for prison officers in Kenya. This was examined through the following specific objectives:
  - a) To establish whether KPS has adequate housing units to accommodate its staff
  - b) To establish whether KPS staff are decently housed, given officer's rank
  - c) To assess the physical condition of the houses used by KPS staff

## Scope of the Audit

6. The audit covered housing provision activities that had occurred over a period of five years, from July 2012 to June 2017. Documents were reviewed at the prisons headquarters covering the whole country. For purposes of physical verifications, the audit sampled fourteen (14) stations, spread across six (6) regional commands, namely; Nairobi, Central, Rift Valley, Coast, Nyanza and Western.
7. Data was collected through interviews, document review and physical observations (including taking photographs). The audit also used a survey to capture data on individual officer's perception of the provision of housing.

## Summary of audit findings

8. Kenya Prisons Service (KPS) has made efforts to provide housing for its staff since the introduction of prison reforms in 2003. The initial stages of the reforms saw the construction of two and three-bedroomed self-contained houses, commonly known as Moody Awori houses<sup>2</sup>. This was followed by the Rapid Results Initiative (RRI) in which Officers-In-Charge (OICs) were given money and encouraged to use locally available labour and materials to construct staff houses. As at the time of audit, the Ministry of Interior and Coordination of National Government (MICNG) was implementing the first phase of Kenya Police/Prisons Housing Programme (PPHP) through the State Department for Housing and Urban Development (SDHUD). The programme seeks to construct houses for both

<sup>2</sup> The houses constructed during the programme are generally known as "Uncle Moody Houses" or "Moody Awori Houses" in reference to the former Vice President, Hon. Moody Awori under whose tenure the houses were constructed.

<sup>1</sup> The Service: means the Kenya Prisons Service



police and prisons services.

9. These efforts notwithstanding, the audit revealed that the Service faces staff housing problems. The housing problems facing KPS can be broadly categorized into non-availability of enough housing units compared to staff population and poor condition of the houses used for officers' accommodation.

a) **Kenya Prisons Service has not provided adequate Housing Units to accommodate its Staff**

10. KPS is expected to provide adequate housing units to accommodate its entire staff within the prison line in accordance with Section 149(1) of Prison Rules under Section 74 of the Prison Act Cap 90. This was however not the case as was revealed by the audit. Interviews and scrutiny of documents availed for audit revealed that the Service had a total of 3,894 permanent houses (i.e. one-bedroomed and above) against a staff population of 23, 831 as at June 2017. Apart from Kisumu station, which had a deficit of 31%, all the other stations visited had a housing deficit of more than 50%. Stations such as Kakamega, Kaloleni, Kilifi, Murang'a, Ruiru and Shimo la Tewa Women had housing deficits of between 82% and 95%.
11. Although staff numbers have increased over time, KPS has not constructed houses at the same pace. Interviews and review of documents revealed that KPS staff population increased by 34% from 17, 777 to 23,831 while housing units increased marginally by 6% from 3,660 to 3,894 during the period 2008 to 2017.
12. The housing deficit has been compounded by regular shifts in housing development policy. It was observed that the beginning of prison reforms in 2003 was marked by Moody Awori housing programme, which was later replaced by Rapid Results Initiative (RRI) as from 2007/08 and eventually Police/Prisons Housing Programme (PPHP) in 2013/14.
13. The shift in housing development policies led to interruptions in provision of houses to officers. In some cases, buildings under construction by an earlier programme were abandoned before

completion as a new programme was initiated. For example, the audit observed 30 units of unoccupied abandoned stalled houses under the Moody Awori programme in Eldoret G.K prison while officers were accommodated in mud houses. Besides, concerns on the slow pace of implementation of PPHP were also reported.

14. Further, the audit revealed that prison staff housing has suffered lack of prioritization by the government over the years. It was only after the introduction of prison reforms in 2003 that staff housing received government attention. Even so, the current PPHP appears to favour the Kenya Police Service over KPS in the allocation of housing units. For example, a project involving construction of 1850 housing units was underway as at the time of audit. Out of the 1850 units, KPS was only allocated 350.
15. As a result of the housing deficit, the majority of officers were accommodated in temporary structures, ranging from mud houses to aged pre-independence structures and in some cases open halls. Instances of officers sharing houses were also reported and observed during the audit. Moreover, eight (8) out of the 17 stations visited had officers residing outside prison line while all the stations also had uncontrolled house extensions. Further, housing deficit has affected officers' family life as 85 out of the 450 officers who participated in the survey reported not living with their families in the prison line due to lack of accommodation.

b) **Most of the Prison Staff were not decently housed, given Officer's rank**

16. KPS's Service Charter considers decent housing as one of the rights of its members of staff, though the charter does not define how a decent house should look like. Discussions with KPS management revealed that a decent house at the minimum should be: a bedsitter with basic amenities for junior officers without family and one bedroom with basic amenities for junior officers with family and; two bedrooms with basic amenities for senior officers with or without family.
17. Interviews with OICs revealed that it has not been possible to match progression of staff across the

various staff cadres with the type of house. Often, senior officers are housed in units appropriate for junior cadres while junior officers are housed in temporary structures. An analysis of audit survey data revealed that 76% of the 450 officers who participated were housed in units lower than their entitlement. The audit observed officers accommodated in temporary structures, including; pre-independence A-frames and uni-huts, mud houses, iron sheet houses and timber houses. In addition, the audit observed several instances of officers accommodated in single rooms with their families while other officers shared rooms.

18. Further, most houses lacked basic amenities, especially water and sanitation facilities. Occupants of such houses use communal watering points and sanitation facilities located within the prison line. It was observed that some of the communal sanitation facilities were dilapidated and unhygienic.

19. The indecent housing has not only affected officers' work performance, but also social life as was revealed by the audit. Interviews reported low work morale, attributed to indecent housing, in five (5) out of 17 stations visited. Analysis of audit survey data also revealed that 139 out of 384 officers (36%) who described how prison housing has affected their performance, reported low work morale while another 50 (13%) stated that they suffer constant stress. In addition, a total of 138 officers reported not living with their family in the prison line. The main reason for separation from family reported by 62% of the 138 officers was lack of proper accommodation in the prison.

20. Further, the indecent housing has cost the government in terms of rental income. According to information obtained from KPS headquarters, the Service paid a total of Ksh. 129 million to officers in form of house allowance in 2012/13. However, only Ksh. 18 million was received in form of house allowance (market rate) paid in as rent. Again, as at the end of 2016/17, the house allowance had risen to Ksh. 192 million, whereas the receipts in form of house allowance (market rate) stagnated at Ksh. 18 million. Ideally, senior officers are expected to be accommodated in houses that attract monthly rent at market rate since they receive a monthly house

allowance. However, it was revealed that due to housing shortage, most of the senior officers are accommodated either in houses appropriate for junior cadres or in temporary structures, which do not attract rent.

21. KPS management interviewed attributed the indecent housing of prison officers to the acute housing shortage. Given the shortage any available structure is used for accommodation regardless of the rank and family size of the affected officers.

22. The indecent housing was also attributed to shift in policy by various government administrations. Interviews and scrutiny of documents revealed that the prison reforms started off with the decent two and three-bedroomed houses under the Moody Awori programme. The situation changed with the introduction of RRI in 2007/08. Most of the houses constructed under RRI were single rooms and bedsitters (i.e., 2,626 out of the total 3,190 RRI units as reported during interviews). However, interactions with prison officers revealed that single rooms and bedsitters cannot be considered as decent housing. Hence, RRI was not effective in addressing the housing problem despite approximately Ksh. 1.55 billion spent on the programme.

### c) **Most of the Houses used to accommodate Staff are not in Good Condition**

23. It is expected that the houses used for accommodation of prison officers are in good condition in accordance with Article 43(1)(b) of the Constitution. Apart from a few permanent houses, especially the Moody Awori units, the majority of KPS staff houses were generally in poor condition. Analysis of survey data also revealed up to 77% of the 435 officers who participated in the survey considered their houses to be in poor living condition.

24. The houses had broken windows and doors, damaged and faded walls, run-down amenities and rusted roofs. Instances of aged and dilapidated mud houses being used to accommodate staff were also observed in Eldoret and Kakamega stations. The audit also observed officers accommodated in

pre-independence aged structures in stations such as Kamiti Main, Nyeri and Shimo la Tewa Medium. Dilapidated houses were generally common in all the 17 stations visited during the audit.

25. Interviews with KPS management as well as audit survey revealed that the poor housing condition had affected officers work morale. The poor condition of the houses was attributed to lack of maintenance mainly due to: lack of maintenance procedures; laxity by OICs to inspect prison lines, and; unclear mandate for maintenance, especially for houses which attract rental income.

## Conclusion

26. From the findings of the audit it has been noted that KPS in conjunction with the Ministry of Interior and Coordination of National Government has through different programmes provided housing for staff over the years. However, these efforts have not been able to address the challenges of staff housing. The staff housing is characterized by an acute shortage with the majority of officers indecently housed in semi-permanent and temporary structures. Besides, most of the houses are dilapidated due to lack of maintenance. More specific conclusions were made as follow:

- i) KPS has been recruiting officers into the service over the years, but has failed to provide houses at the same pace. As at the time of audit, KPS had only 3,894 permanent houses (i.e. one-bedroomed and above) against a staff population of 23,831. The problem has been compounded by an apparent lack of prioritisation of prison staff housing by the government.
- ii) Addressing prison staff housing requires a long-term policy. In the contrary, provision of prison staff housing has witnessed continued shift in policy, which has affected project delivery in terms of: stalling of buildings; change in type of units being constructed, and; progress in implementation of projects. While the Moody Awori programme would have addressed the problem by delivering decent units, it only lasted for a while before being

replaced by RRI whose focus was more on numbers and not quality.

- iii) The houses officers live in affect all aspects of their lives; hence the decency of a house cannot be underestimated. The acute housing shortage has forced prison officers to live under indecent conditions, either in temporary structures or sharing rooms with other officers. As was revealed by the audit, the indecent housing of prison staff has not only affected officers' social life, but also work performance in general.
- iv) Due to lack of maintenance, the majority of prison staff houses are dilapidated and not fit for human habitation. Officers live in houses with broken windows and doors, cracked walls and leaking roofs.

## Recommendation

27. The Office made the following recommendations to improve on the provision of housing for prison officers:
- i) To address the prison staff housing shortage in the short-term:-
    - a) KPS should work with MICNG to facilitate the completion of all stalled prison staff houses
    - a) The KPS should work with SDHUD to fast track the construction of the units allocated to the KPS under the Police/Prison Husing Programme
    - b) The KPS should consider embracing a multi-faceted strategy whereby the Service is allowed to construct houses directly every year in addition to those constructed under major projects like the Police/Prison Housing Programme
  - ii) To ensure that recruitment of staff does not put strain on housing, KPS management should consider matching recruitment of staff with provision of housing by making arrangements to avail houses prior to posting of new staff to stations
  - iii) To shield staff housing from shifts in policy,

the KPS management should consider developing and implementing a long term strategy on staff housing

- iv) To improve on hygienic condition of staff houses, the KPS management should consider putting emphasis on basic amenities, especially water and sanitation, as important component of housing
- v) To improve on the current physical condition of staff houses, the KPS management should work closely with the SDHUD to refurbish the dilapidated permanent houses
- vi) To improve on maintenance of staff houses:
  - a) KPS should consider developing and implementing maintenance procedures for its staff houses
  - b) KPS, through its Officers in Charge, should consider carrying out regular inspections of staff houses to identify and document maintenance needs
  - c) KPS should consider identifying, clarifying and defining responsibility and obligations for maintenance of different categories of staff houses

# CHAPTER 1:

## 1.0 BACKGROUND OF THE AUDIT

### Introduction

- 1.1 The Kenya Prisons Service (KPS) is a department under the Ministry of Interior and Coordination of National Government (MICNG). The Service<sup>3</sup> draws its mandate from Prisons Act (CAP 90) and Borstal Act (CAP 92). The KPS core mandate is containing and rehabilitation of offenders and facilitation of the justice system among other functions. To discharge this mandate, KPS has a staff establishment comprising of uniformed and civilian officers. The uniformed officers are expected to be accommodated in KPS houses in the prisons for ease of mobilization.
- 1.2 The prison system in Kenya was introduced during the colonial era. By 1912, there were 30 prisons, graded into main, medium and women prisons, with staff establishment of 300 officers. By 1954, the staff population was 11,025 and this has risen to 23,831 as at June, 2017. KPS has projected to increase its uniformed staff strength to 33,840 by the year 2030.
- 1.3 Prior to independence, the African staff, who were the majority were housed in huts similar to those in the villages. After the colonial period, the prison department started constructing modern houses, especially for wardens. Over the years, KPS has recruited more staff without corresponding construction of modern houses to accommodate them. According to interviews with KPS management, the Service had 2,701 permanent houses against a staff population of 14,578 members of uniformed staff as at June 2003. To address this challenge, the government introduced prisons reforms- which included construction of modern staff houses- in 2003.

### Motivation of the study

- 1.4 The Auditor-General authorized the audit after taking the following factors into consideration:
- i) Article 43(1)(b) of the Constitution of Kenya stipulates that every Kenyan citizen has the right to “accessible and adequate housing, and to reasonable standards of sanitation.” It is therefore necessary to assess the extent to which KPS has ensured that its staff are housed in accordance with the constitutional provision.
  - ii) There has been public concern about the poor state of housing for prison staff. Concerns about poor condition and shortage of housing for the prison officers have been discussed in parliament and also covered by the local print and mass media.
  - iii) KPS has gone through a series of reforms, which began in 2003. As part of the reforms, KPS was to be allocated about Ksh. 500 million annually, from 2004/05 up to 2013/14, to construct buildings. It was, therefore, necessary to assess the extent to which this expenditure addressed the prison staff housing problem.

<sup>3</sup> The Service: means the Kenya Prisons Service



# CHAPTER 2:

## 2.0 DESIGN OF THE AUDIT

### Objective of the Audit

2.a The audit objective was to assess the state of housing for prison officers in Kenya. With this broad objective, the specific objectives were:

- a) To establish whether KPS has adequate housing units to accommodate its staff
- b) To establish whether KPS staff are decently housed, given officer's rank
- c) To assess the physical condition of the house used by KPS staff

### Audit Questions

2.2 The examination of these objectives was guided by the following audit questions:

- i) Does KPS have enough housing units to accommodate its staff?

#### Sub-questions:

- a) Does KPS match its recruitment of new staff with provision of housing for prison staff?
- b) To what extent has the shift in policy affected the provision of housing for prison staff over the years?
- iii) To what extent are the houses used for accommodation of KPS staff decent?
  - a) Is the allocation of houses commensurate with officer's rank?
  - b) Do the prison staff houses have basic amenities?
- iii) What is the condition of the houses used for accommodation of KPS staff?
  - a) How does KPS maintain its staff houses?

### Scope of the Audit

2.3 The audit focused on prison housing activities covering the period, from July 2012 to June 2018. It examined the state of housing for prison officers. Documents were reviewed at the prisons headquarters

covering the whole country. However, physical verification was carried out in fourteen (14) sampled stations spread across six (6) regional commands, namely Nairobi, Central, Rift Valley, Coast, Nyanza and Western. The selection of the sampled stations is discussed under the methodology section.

### Methods used to Gather Audit Evidence

2.4 The audit was conducted in accordance with Performance Auditing Guidelines set by the International Organization of Supreme Audit Institutions (INTOSAI). The audit also used policies and procedures established by the Office of the Auditor-General (OAG). To understand the role of KPS in provision of prison staff housing, the audit used the following methodology:

### Sampling and Sample Size

2.5 The audit used both stratified and purposive sampling to pick the regional commands. KPS has eight (8) regional commands, which formed the strata. Six (6) regions out of the eight(8) strata were purposively picked for the audit. The regions picked were: Nairobi, Central, Rift Valley, Coast, Nyanza and Western.

2.6 Fourteen (14) stations spread across the sampled six regions were then purposively picked to form the units of observation. Sampling for the stations was done in such a way that each region had all the three prison types, namely; main, medium and women, included in the sample. As such 26 prisons spread across 14 stations were sampled for the audit as outlined in **Appendix 1(a)**. Except for Shimo la Tewa station, all the other 13 stations had pooled housing system<sup>4</sup>. As such, the prisons within Shimo la Tewa were treated as individual stations during data analysis giving a sample of 17 stations.

2.7 For purposes of the survey, the audit targeted a random sample of 500 officers spread across the six regions. The sample was divided into 100 respondents each for Nairobi, Central, Coast and Rift Valley. Nyanza and Western regions, however, had 50 respondents each, given that only one station in each case was visited. Out of the 500 questionnaires distributed, 454 were completed and returned. Out of this number, 4 were treated as spoilt questionnaires leaving only 450 questionnaires that were finally analysed. A breakdown of the survey sample is illustrated in **Appendix 1(b)**.

<sup>4</sup> Pooled housing system is whereby a station has two or three independent prisons but has a common prison line for all the staff within the command

## Survey

2.8 The audit used a survey to collect housing status information from KPS staff living in the prison lines. The officers were randomly sampled from various stations visited during the audit. A sample of the questionnaire used in the survey is in **Appendix 1(c)**.

## Interviews

2.9 The audit team conducted interviews with KPS staff, directly involved in the provision of staff housing, both at the headquarters and the sampled stations. **Appendix 1(d)** provides details of the people interviewed during the audit.

## Documents review

2.10 To gain an understanding of the audit object, the audit reviewed various documents as outlined in **Appendix 1(e)**.

## Physical Verification

2.11 Physical verification was carried out to assess the state of prison staff houses as well as progress made in the construction of new houses. The stations visited and the activities verified are listed in **Appendix 1(a)**.

## Assessment Criteria

2.12 The audit's main assessment criteria were as summarized in **Table 1**. The criteria are discussed in detail in the findings chapter.

**Table 1: Summary of Assessment Criteria**

Audit Question	Assessment Criteria
Does KPS have adequate housing units to accommodate its staff?	<b>Prison Act Cap 90:</b> KPS is expected to ensure that all its uniformed staff is housed within the stations' prison lines in accordance with Section 149(1) of Prison Rules under Section 74 of the Prison Act Cap 90.
To what extent are the houses used for accommodation of KPS staff decent, given officer's rank?	<b>KPS Service Charter:</b> Decent housing is considered as one of the rights of KPS members of staff.
What is the condition of the houses used for accommodation of KPS staff?	<b>Constitution of Kenya:</b> Article 43(1)(b) grants every Kenyan citizen the right to "accessible and adequate housing."



# CHAPTER 3:

## 3.0 DESCRIPTION OF THE AUDIT AREA

### Institutional Framework for the provision of Prison Staff Housing

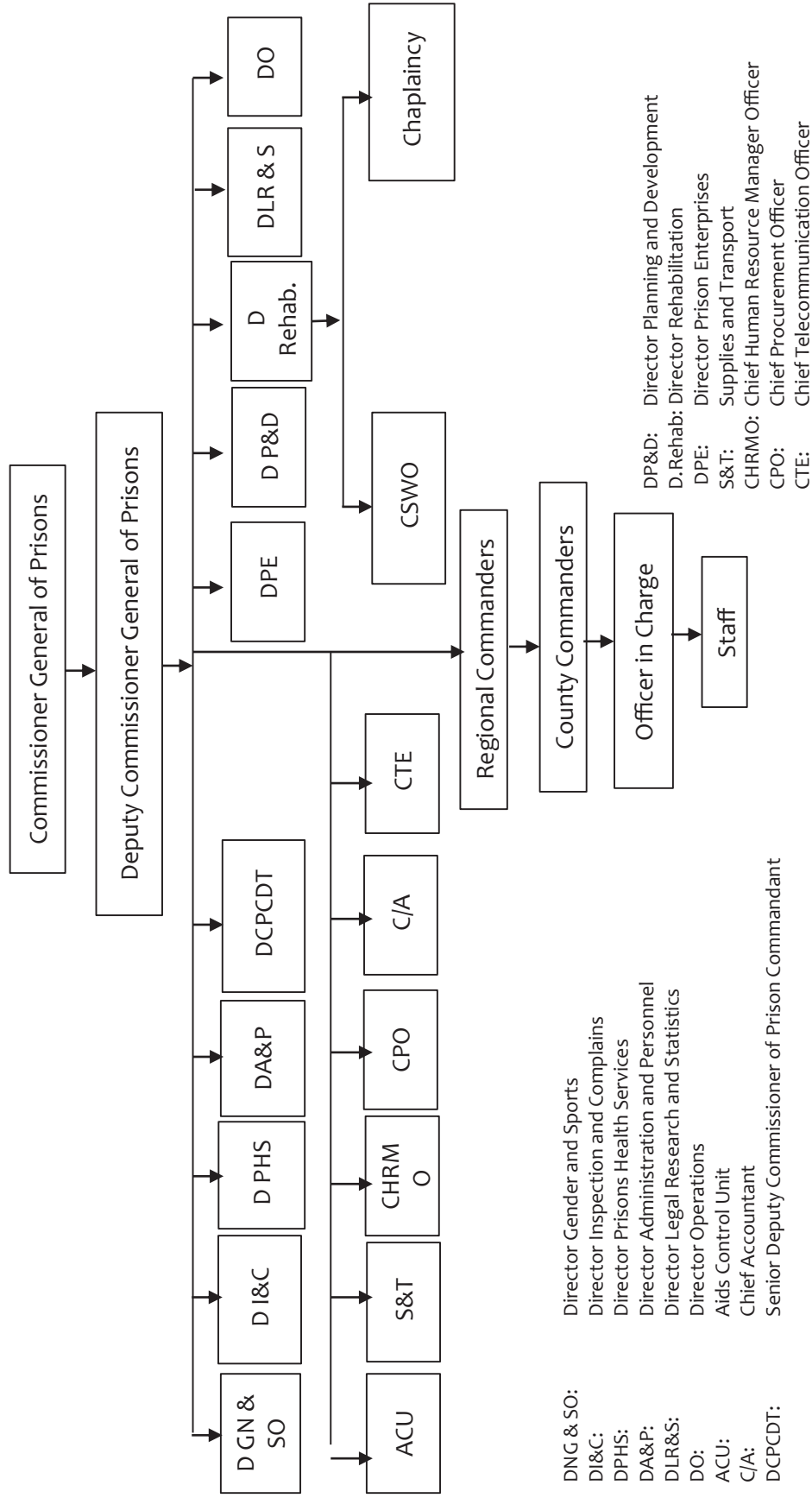
- 3.1 Kenya Prisons Service (KPS) is a department under the State Department of Correctional Services (SDCS) in the Ministry of Interior and Coordination of National Government (MICNG). Prior to restructuring of government ministries in 2013, KPS was under the then Ministry of Home Affairs.
- 3.2 KPS has the responsibility of providing accommodation to both inmates and the uniformed staff. The Service has Building Section, which falls under the Department of Planning and Development. The Department of Planning and Development is headed by an Assistant Commissioner of Prisons (Buildings) who is the Service's representative to MICNG in all matters affecting the planning and construction of buildings. Buildings in this case refer to prison cells, administration blocks and the staff lines.
- 3.3 At the station level, the Officers in Charge (OICs) are responsible for all the buildings within the station. The OICs are supposed to carry out regular inspections to ascertain the condition of the staff lines and to ensure that staff lines and quarters are kept to the highest standard of cleanliness and outlook.
- 3.4 To ensure that the staff houses are allocated in a fair and just manner, the OICs are supposed to form a housing committee. The housing committee comprises of officers from different cadres and departments

within the station. To ensure equity, the committee formulates allocation criteria, which differ from station to station according to the prevailing circumstances.

### Organizational Structure of the Kenya Prison Service

- 3.5 KPS is headed by a Commissioner General of Prisons assisted by a Deputy Commissioner General of Prisons. Under them are Directors, who head the various departments. The responsibility for provision of staff housing falls under the Department of Planning and Development. The department is further divided into Planning and Building sections, each headed by Deputy Directors.
- 3.6 Apart from Planning and Development, the Department of Rehabilitation and Welfare is also key in the provision of housing to staff. The department ensures that the available houses are allocated to staff in a fair manner. Both of these departments have offices at the station level.
- 3.7 At the station level, the OICs are responsible for ensuring that all officers are housed within the prison lines. The OICs are assisted by officers from building and welfare sections within the station. The OICs report to County Commanders who then report to regional commanders on the various activities of KPS including staff housing. Regional Commanders act as a link between the stations and the KPS headquarters and are responsible for coordinating activities of the various stations within their respective regions. The organisation structure of KPS is illustrated in **Figure 1**.

Figure 1: KPS organisation structure



Source: KPS 2013-2017 Strategic Plan

## Key Actors in the Provision of Housing for Prison Officers

3.8 Provision of housing for prison officers involves a number of stakeholders as discussed below.

### A. Ministry of Interior and Coordination of National Government (MICNG)

3.9 The KPS falls under State Department for Correctional Services in the MICNG. The Ministry's mandate in prison staff housing includes policy formation and mobilization of funds.

### B. Kenya Prisons Service

3.10 The KPS is one of the departments in the MICNG headed by a Commissioner General of Prisons. The KPS derives its mandate from the Prisons Act (CAP 90) and Borstal Act (CAP 92) which is to contain and rehabilitate offenders. To effectively discharge this mandate, the KPS provides housing for its staff within stations prison lines<sup>5</sup> for ease of mobilization. According to the KPS Strategic Plan 2013-17, the Prisons Act (CAP 90) and Borstal Act (CAP 92) empowers the Service to perform the following functions:

- i) Containment and safe custody of inmates
- ii) Rehabilitation and reformation of prisoners
- iii) Facilitation of administration of justice
- iv) Controlling and training of young offenders in Borstal institutions and Youth Corrective Training centres.
- v) Provision of facilities for children aged between 4 years and below accompanying their mothers in prison

### C. State Department for Housing and Urban Development (SDHUD)

3.11 The SDHUD is one of the five departments under the Ministry of Transport, Infrastructure, Housing and Urban Development (MTIHUD). One of the

functions of SDHUD is the development and management of government housing. It is also charged with the responsibility of implementation of Police/Prisons Housing Programme.

### D. State Department for Public Works (SDPW)

3.12 State Department for Public Works (SDPW) approves the designs and bill of quantities (BoQs) before construction of buildings by the KPS. The department also undertakes supervision during construction as well as issuance of certificate of completion once the construction is complete.

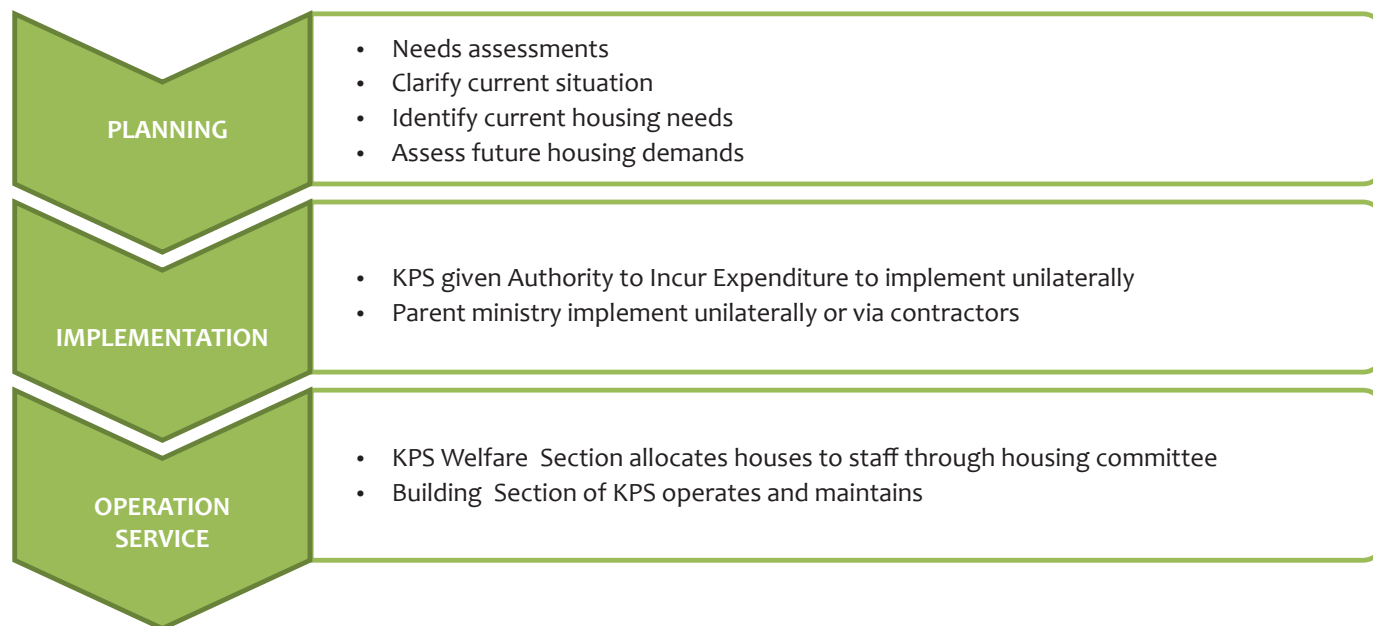
## Process Description

3.13 KPS plays a major role in the provision of housing for its staff. Major undertakings to provide houses for staff take the form of development projects. Invariably projects to construct houses are capital expenditures<sup>6</sup> undertaken by the government through KPS and the parent ministry. In general, housing development projects go through three main stages of planning, implementation and operational service as shown in **Figure 2**.

<sup>5</sup> Prison lines are the prison staff houses

<sup>6</sup> Capital expenditure: major investment undertaken to construct or improve buildings

**Figure 2:** Description of the process for the provision of housing



Source: Adopted from INTOSAI-WGEA: *Issues Associated with Infrastructure*

### A. Planning

3.14 In the planning stage, the KPS identifies the need for housing and the options available. This is currently done in consultation with the MICNG. Identification of housing needs is achieved through: clarifying the current situation including the current housing requirements and assessing future housing demands.

3.15 As in other government departments, the KPS incorporates its staff housing requirements within the annual budgetary supply cycle of the National Treasury. According to the cycle, the stations are required to inspect and clarify the current housing situation, identify existing gaps and assess the future needs for housing. The observations are then documented and submitted to the Regional Commands for onward transmission to the Headquarters.

3.16 The Headquarters compiles a report for the entire service based on the submissions of the Regional Commands and submits it to the National Treasury for consideration and incorporation in the national budget.

### B. Implementation

3.17 Once the project planning phase is complete and funds availed for the proposed housing project, the project proceeds to implementation stage. Two implementation methods have been used to provide houses for staff as follows:

- i) KPS is given the money and allocates it to various stations where the OICs are given Authority to Incur Expenditure (AIE) to enable them construct new houses. This was the case of Rapid Results Initiative (RRI) in which the OICs were given AIEs from KPS headquarters to construct houses using prison labour and locally available materials
- ii) The parent ministry implements housing construction either unilaterally or via contractors. This approach was used in the Moody Awori housing project where KPS engaged contractors, under the supervision of the SDPW, to construct modern two and three-bedroomed houses. The current Police/Prisons Housing Programme being implemented by the State Department for Housing

and Urban Development for the Ministry Interior and Coordination of National Government also follows this approach.

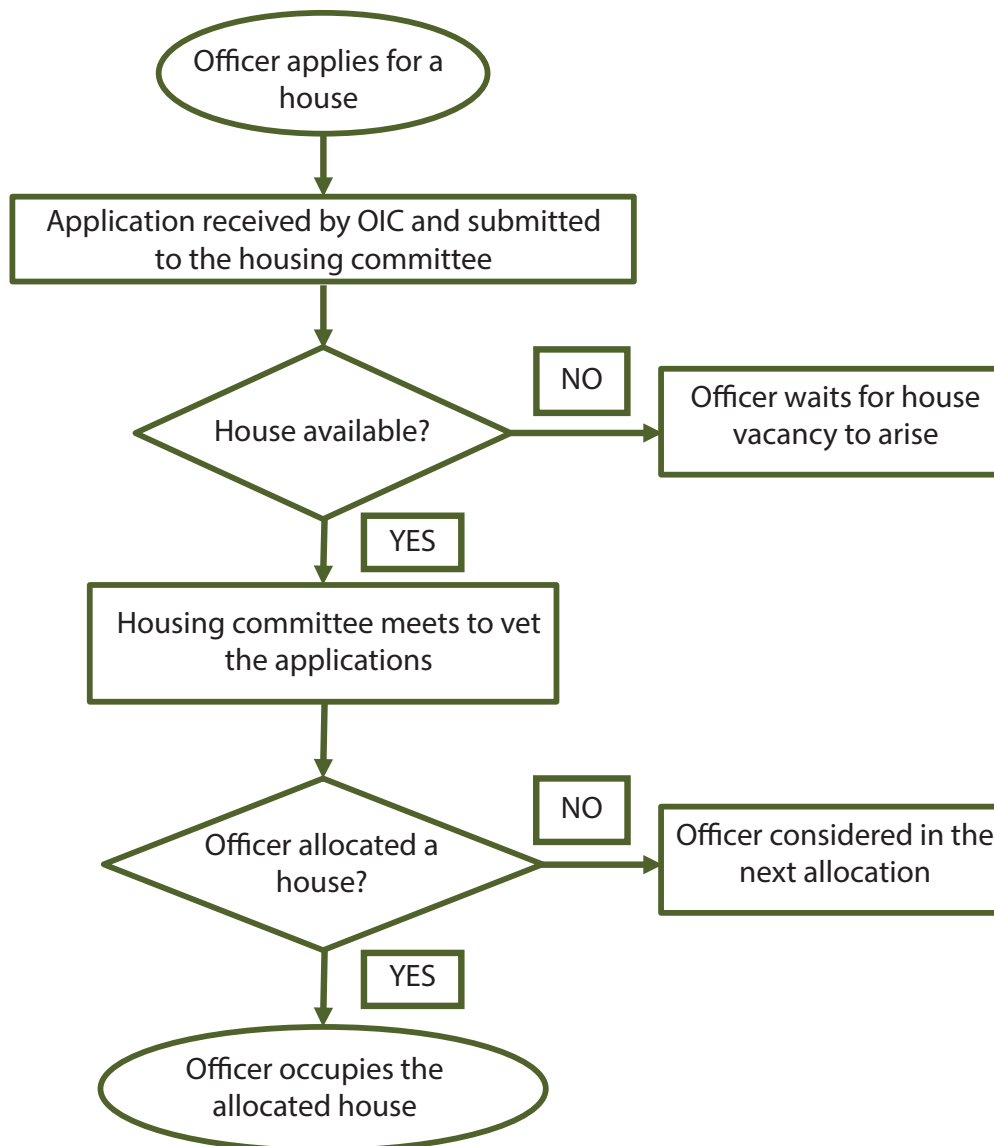
3.18 Where implementation is done by KPS, the OICs seek approvals for their bill of quantities (BQs) from the State Department of Public Works before starting construction of a new house. The houses are constructed under the supervision of the department, which also gives a completion certificate once the building is complete. Houses constructed by the parent ministry are handed over to KPS for operation service once they are complete.

### C. Operation Service

3.19 The operation and maintenance of the houses is performed by the buildings section

of the KPS. Allocation of houses is done by the station's housing committee chaired by the deputy officer in charge with the welfare officer acting as the secretary. Officers in need of houses are required to apply to the committee stating reasons why they need a house. These could be fresh applicants who have never been accommodated, officers sharing with a colleague or an officer in need of a bigger house. The committee meets only when a vacant unit is available that needs to be allocated. Decision on who to allocate is made based on; officer's rank, years in service, family size and health reasons among others. The process of allocating houses is described in **Figure 3**.

**Figure 3:** The Process of Allocation of Houses to Officers



## Funding for Prisons Housing

3.20 Housing for staff of the KPS is funded by the Government through the budgetary allocation process of the National Treasury. Although the provision of staff housing falls under building budget line in the Estimates of Government Expenditure, a scrutiny of the estimates of government expenditure for the KPS for the period under review did not reveal any provisions made for the construction of houses for staff.

3.21 Interviews revealed that the Service does not plan for the construction of houses prior to recruitment of new staff. Interviews with the OICs revealed that often times, some funds to construct makeshift and temporary structures for accommodation are allocated just a few weeks before the newly recruited officers are deployed to the stations. **Table 2** shows the receipts that had been obtained between 2012/2013 and 2016/2017 for construction of staff houses by the stations visited during the audit. The team made requests to KPS Headquarters for the basis of the allocations and actual expenditures on the provision of staff housing for the period 2012/2013 to 2016/2017, to no avail<sup>7</sup>. Further, however, the details relating to the number of houses constructed using the funds shown in **Table 2** were not availed for audit review.

**Table 2:** Financial allocation during the period 2012/13-2016/17

Station	Financial Year				
	2012/2013	2013/2014	2014/2015*	2015/2016*	2016/2017
Kakamega		4,000,000	–	–	4,000,000
Eldoret	6,000,000	4,000,000	–	–	8,399,000
Shimo la Tewa	4,000,000	8,000,000	–	–	5,000,000
Kilifi	2,000,000	2,000,000	–	–	2,000,000
Kaloleni	4,000,000	–	–	–	2,000,000
Nyeri		2,000,000	–	–	–
Naivasha	2,000,000	4,000,000	–	–	–
Kisumu	750,000	2,000,000	–	–	2,000,000
Murang'a	–	–	–	–	2,000,000
Ruiru	2,000,000	4,000,000	–	–	3,200,000
Lang'ata Women	4,000,000		–	–	–
Kamiti	4,000,000	10,000,000	–	–	–

*\* Following the launch of Police/Prisons housing programme in 2013/14, the stations did not receive any funds for the years 2014/15 and 2015/16*

Source: KPS Financial documents

3.22 The KPS also receives revenue in form of monthly rental income (known as House Allowance Market Rate, from KPS officers accommodated in government houses. During the period from July 2012 to June 2017, the revenues received in form of House Allowance (Market Rate) from prison staff remained fairly constant at an average of about Ksh. 1.5 million a month (Ksh. 18 million a year) as shown in **Table 3**.

<sup>7</sup> It was noted that KPS does not have a running budget for the provision of staff housing. Monies utilized for construction of houses are occasionally obtained at times from reallocations which normally occur at year end.

**Table 3:** House Allowance (Market Rates) Received from July 2012 to June 2017

Month	Financial Year				
	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
July	1,423,300	1,502,900	1,520,400	1,508,000	1,491,400
August	1,424,900	1,532,000	1,529,900	1,510,500	1,512,000
September	1,445,000	1,525,400	1,532,500	1,525,500	1,521,000
October	1,545,300	1,497,500	1,535,100	1,535,300	1,534,300
November	1,537,700	1,500,550	1,519,100	1,528,900	1,551,300
December	1,510,900	1,503,600	1,529,600	1,523,100	1,543,300
January	1,519,000	1,539,300	1,502,100	1,509,100	1,538,500
February	1,485,200	1,569,900	1,503,400	1,512,800	1,520,400
March	1,475,100	1,564,800	1,504,700	1,510,800	1,507,900
April	1,484,700	1,545,300	1,517,300	1,522,800	1,507,800
May	1,487,200	1,525,600	1,518,100	1,517,100	1,499,600
June	1,493,500	1,535,800	1,525,100	1,505,100	1,488,600
<b>Total</b>	<b>17,831,800</b>	<b>18,342,650</b>	<b>18,237,300</b>	<b>18,209,000</b>	<b>18,216,100</b>
<b>Average</b>	<b>1,485,983</b>	<b>1,528,554</b>	<b>1,519,775</b>	<b>1,517,417</b>	<b>1,518,008</b>

Source: Analysis of KPS records

3.23 Further, the KPS pays house allowance and housing supplementation<sup>8</sup> to senior<sup>9</sup> and junior<sup>10</sup> officers respectively. Whereas the house allowance is meant to enable the qualifying officers afford suitable housing like other public servants, the housing supplementation is provided as stipend to non-commissioned officers in order to cushion them from the effects of accommodation within the prison lines. The annual house allowance (HA) and housing supplementation (HS) grew from about Ksh. 129 million and 424 million to about Ksh. 192 million and Ksh. 801 million respectively during the period 2012/2013 to 2016/2017. **Appendix 2** shows the house and supplementation allowances paid by the KPS from 2012/2013 to 2016/2017.

8 Housing Supplementation: A small amount ranging between Ksh. 3, 000 and 4, 400 paid monthly to junior officers in compensation for housing

9 Senior Officer: an officer of the rank of Inspector and above. Also known as commissioned officer

10 Junior Officer: an officer below the rank of Inspector. Also known as non-commissioned officer



# Chapter 4:

## 4.0 AUDIT FINDINGS

- 4.1 Kenya Prisons Service (KPS) has made efforts to provide housing for its staff since the introduction of prison reforms in 2003. The initial stages of the reforms saw the construction of two and three-bedroomed self-contained houses, commonly known as Moody Awori houses. This was followed by the Rapid Results Initiative (RRI) in which Officers-In- Charge (OICs) were given money and encouraged to use locally available labour and materials to construct staff houses. As at the time of audit, the Ministry of Interior and Coordination of National Government (MICNG) was implementing the first phase of Kenya Police/Prisons Housing Programme (PPHP) through the State Department for Housing and Urban Development (SDHUD). The programme seeks to construct houses for both police and prisons services. Illustrations of the typical houses constructed under these programmes are as shown in **Appendix 3**.
- 4.2 These efforts notwithstanding, the audit revealed that the Service faces staff housing problems. The housing problems facing KPS can be broadly categorized into non-availability of enough housing units compared to staff population and poor condition of the houses used for officers' accommodation.

1. **Kenya Prison Service has not provided enough Housing Units to accommodate its Staff**
- 4.3 Section 149(1) of Prison Rules under Section 74 of the Prison Act (Cap 90) states that “all prison officers shall live in such quarters as the Commissioner may assign to them; and they shall not sleep out of such quarters without the permission of the officer in charge”. The KPS is, therefore, expected to ensure that its staff is housed within the stations' prison lines.
- 4.4 The audit revealed that the KPS does not have enough houses to accommodate its staff. Interviews and review of documents revealed that the KPS had only 3,894 permanent housing units against a staff population of 23,831 as at 30 June 2017. This represents a housing deficit of 84%. The 3,894 units comprised of: 3,614 documented in the KPS 2016 Housing Status Report; 200 PPHP units constructed in Kamiti main prisons and; the 80 Kibera Slum Upgrading Programme units constructed in Lang'ata Women prison.
- 4.5 Review of documents in the 17 sampled stations visited during the audit revealed that all the stations had housing shortage as shown in **Table 4**. Whereas Kisumu station recorded a deficit of 31% , the rest of the stations had a deficit ranging from 50% to 95%. Kilifi and Kakamega prisons recorded the highest deficits of 92% and 95% respectively.

**Table 4:** Housing Shortage as Portrayed by Stations Sampled for the Audit

No	Station	Total staff population	No. of Decent Units (Bedsitters and above)	Housing Deficit	% Deficit
	Kakamega G.K Prison	544	26	518	95
	Kilifi G.K Prison	142	11	131	92
	Shimo la Tewa Women Prison	138	16	122	88
	Ruiru Farm Prison	256	30	226	88
	Murang'a G.K Prison	284	43	241	85
	Kaloleni G.K Prison	73	13	60	82
	Nairobi Remand	1386	298	1088	78
	Shimo la Tewa Borstal	117	27	90	77
	Eldoret G.K Prison	646	151	495	77
	Shimo la Tewa maximum Prison	523	131	392	75
	Nairobi West	411	114	297	72
	Nyeri G.K Prison	598	188	410	69
	Shimo la Tewa Medium Prison	183	58	125	68
	Kamiti Main	651	228	423	65
	Naivasha G.K Prison	811	354	457	56
	Lang'ata Women	494	235	259	52
	Kisumu Command	744	514	230	31

Source: OAG's Analysis of the KPS documents, 2017

4.6 In view of the acute housing shortage, majority of prison officers across the country were accommodated in temporary structures ranging from mud houses to aged iron sheet structures and open halls. Officers also shared houses leading to overcrowding. The audit observed newly recruited officers housed in overcrowded halls while others in old stores converted into residential houses, for instance in Nyeri and Kisumu stations.

4.7 Instances of officers living in condemned houses were also observed. In Murang'a prison for example, staff were accommodated in houses jointly owned by the KPS and State Department for Housing and Urban Development. The KPS stated that the houses were condemned yet the staff are utilizing them. At the same time,

private developers had occupied a section of the land on which the houses stood and had put up permanent structures side by side with the prison houses.

4.8 Further, OICs had to go against the provisions of CAP 25(8) of the Prisons Standing Orders to allow individual officers to construct temporary alterations/extensions to the main houses. Interviews and observations revealed that all the 17 stations visited had uncontrolled structures erected by officers in a bid to extend accommodation space. Plate 1 shows some of the uncontrolled structures and extensions observed during the audit.

**Plate 1:** Sample photos of extensions observed during the audit



*\*To address the shortage of houses, officers do extensions and erect uncontrolled structures to create more space.*

Source: OAG, 2017

4.9 As a general rule, prison officers are expected to stay in the prison lines for ease of mobilization. However, interviews and document review revealed instances of officers residing outside prison line in eight (8) out of the 17 stations visited. The number of officers residing outside prison line in the stations visited is as shown in Table 5. Even though a break down on the ranks of officers residing outside was not provided, except for Nyeri station, interviews revealed that most of them were junior officers who are not entitled to house allowance. For example, 188 (93%) of the 202 officers residing outside prison line in Nyeri station were junior officers.

**Table 5:** Officers residing outside prison line per station

Station	Total staff population	No. of officers not accommodated (residing outside prison line)	% of staff not accommodated
Nyeri	598	202	34
Murang'a	287	84	29
Eldoret	638	158	25
Kilifi	142	30	21
Ruiru	256	49	19
Nairobi Remand	542	91	17
Nairobi West	402	40	10
Lang'ata Women	494	34	7

Source: KPS Documents



- 4.10 Further, the audit revealed instances of officers opting not to live with their families within the prison line. This was observed in all the stations visited during the audit and also confirmed through analysis of the survey data. For instance, 138 out of the 450 officers who participated in the survey indicated that they were not living with their families in the prison lines. The main reason for separation from family was lack of proper accommodation in the prison line as was reported by 85 (62%) out of the 138 officers. Some of the alternative family accommodation options cited by officers included rural homes and rental houses as was cited by 96 (70%) and 32 (23%) out of 138 officers respectively.
- 4.11 The causes of acute housing shortage were: inadequate planning in that recruitment into the Service is not matched with provision of housing; shift in policy in the provision of housing and; lack of prioritization of prison staff housing by the KPS and the Ministry of Interior and Coordination of National Government.
- a. Recruitment into the service is not matched with provision of staff housing**
- 4.12 Once the officers graduate from training college, accommodation should be provided at the duty station in which the officer is posted in accordance with Section 149(1) of Prison Rules under Section 74 of the Prison Act Cap 90. KPS should, therefore, ensure that provision of housing is kept at pace with the rate at which new officers are joining the Service.
- 4.13 The audit revealed that although staff numbers have increased over time, the KPS has not constructed houses at the same pace. Scrutiny of documents availed during the audit and interviews revealed that during the period 2008 to 2017, the KPS staff population increased by 34% from 17,777 to 23,831 while housing units increased marginally by 6% from 3,660 to 3,894 during the same period.
- 4.14 Interviews revealed that the Service does not plan for the construction of houses prior to recruitment of new staff. Interviews with the OICs revealed that often times, some funds to construct makeshift and temporary structures for accommodation are allocated a few weeks before the newly recruited officers are deployed to the stations.
- 4.15 The little funding is normally used to construct makeshift and temporary structures for the accommodation of recruits. The marked shortage of funds for construction of houses is as indicated in Chapter 3 of this report.
- b. Shift in policy in the provision of housing**
- 4.16 Interviews and document review revealed that the acute housing shortage has also been attributed to continued policy changes by various government regimes. Since the start of prison reforms in 2003, provision of staff housing has been implemented using three different policies, namely: Moody Awori between 2003 to 2007; RRI during the period 2007/08 to 2013, and Police/Prisons Housing Programme (PPP) as from 2013/14.
- 4.17 The shift in policy has led to housing not being provided in a coherent and continuous manner. The audit revealed instances of houses being abandoned as new policy replace previous ones. According to a correspondence from KPS to Ministry of Lands Housing and Urban Development dated 24th November 2015, a total of 230 units, both RRI and Moody Awori houses, were abandoned before completion mainly due to shift in policy. For example in Eldoret GK prison, the audit observed that 30 units of Moody Awori houses, started in 2006, had stalled. Plate 2 shows some of the stalled buildings.

**Plate 2:** Stalled buildings in Eldoret GK Prison



*\*Top two photos: Stalled Moody Awori houses at about 90% of completion. Bottom photo: Due to housing deficit, officers live in the incomplete RRI houses.*

Source: OAG, 2017

4.18 Further, the audit observed slow progress in construction of houses under PPHP due to external coordination and funding delays. Only 200 out of the 350 PPHP units were complete as at 30th June 2017 yet the project was supposed to have been completed by closure of 2016/17 financial year.

**c. Lack of prioritisation of prison staff housing by the government**

4.19 The KPS management interviewed reported that the provision of staff houses was neglected during the 1980s and 1990s. It was not until the 2000s when reforms were introduced in the prison service that effort was made to provide housing for staff as evidenced by Moody Awori and RRI housing projects.

4.20 As at the time of audit, housing for both the KPS and Kenya Police Service was being addressed under Police/Prison Housing Programme. A project involving construction of 1850 housing units was underway as at the time of the audit. Out of the 1850 units, KPS was allocated 350. Interviews and scrutiny of documents further revealed that another project involving construction of 5000 units was proposed for the financial year 2017/18 of which the KPS was to be allocated 1500 units.

**2. Most of the Prison Staff were not decently housed, given Officer's Rank**

4.21 The KPS, in its Service Charter, considers decent housing as one of the rights of its members of staff. While the service charter does not define what a decent house should



look like, it was generally agreed after discussions with KPS management that a decent house would be:

- A self-contained single room (bed-sitter<sup>11</sup>) with basic amenities (water, electricity and sanitation facility) for junior officers without family and a self-contained one-bedroomed house with basic amenities for junior officers with family, and;
- A two-bedroomed self-contained house with basic amenities for senior officers with or without family.

4.22 Interviews with OICs revealed that it has not

**Plate 3:** Structures used for accommodation of officers



**\*Officers were accommodated in temporary structures and open halls**

Source: OAG, 2017

11 Note: Though treated as a decent house in this audit, bed-sitters are only considered as temporary housing and are never included when giving the stock of permanent units available as was documented in the 2016 KPS Housing Status Report.

been possible to match progression of staff across the various staff cadres with the type of house. Mostly, senior officers are allocated houses suitable for junior cadres while junior officers are accommodated in temporary structures. This was also confirmed through a survey in which 76% of the 450 officers who participated were not decently housed according to their rank and family size

4.23 The audit observed that officers were accommodated in temporary structures, including; aged A-frames and uni-huts, mud houses, iron sheet houses and timber houses. The audit also observed newly recruited

officers accommodated in open halls and stores, partitioned using cardboards, newspapers, bed sheets or polythene papers. Plate 3 shows pictures of some of the structures where officers were accommodated.

4.24 In addition, the audit observed instances of officers accommodated in single rooms with their families while other officers shared rooms. This compromised their privacy. For example, there were instances where two bedroom houses were shared among four families whereas one bedroom houses were shared between two families. A survey conducted during the audit also revealed that 150 (33%) out of the 450 officers interviewed were found to be sharing houses. Shimo la Tewa Main and Kilifi stations recorded the highest percentages of officers sharing at 75% and 71% respectively while Kaloleni and Murang’a stations had the least percentage at 6% and 14% respectively.

4.25 Further, 76 (51%) out of 150 officers who were sharing houses had families. This was more predominant in Coast and Rift Valley regions where 28% of officers had their families living with them in the shared houses. Besides, up to 57% of the officers living with family in shared houses were either accommodated in single rooms or bed-sitters as shown in **Table 6**.

**Table 6:** Officers with families, but sharing houses as depicted by the survey

Region	Frequency count per each house type					Total
	Two-bedroom	One-Bedroom	Bed-sitter	Single room	Hall	
Nairobi	2	0	0	4	2	8
Coast	3	9	2	7	0	21
Central	0	4	0	2	1	7
Rift Valley	1	8	5	7	0	21
Western	0	2	2	10	0	14
Nyanza	0	1	2	2	0	5
<b>TOTAL</b>	<b>6</b>	<b>24</b>	<b>11</b>	<b>32</b>	<b>3</b>	<b>76</b>

*\*The figures shown here are frequency counts of the sampled officers who had families and mentioned sharing a house. They should not be interpreted to mean number of officers sharing each house type*

Source: OAG’s Analysis, 2017

4.26 Further, most houses lacked basic amenities, especially water and sanitation facilities. The non-availability of basic amenities may be attributed to lack of emphasis on basic amenities as important component of housing. Occupants of the temporary structures were forced to use communal watering points located approximately 500m away from the house. In most of the flats like in Kamiti Main, Lang’ata Women, Kisumu Main, and Ruiru stations, the audit revealed that despite the fact that the houses were equipped with running water, most of the taps were dry as at the time of audit.

4.27 Most houses also lacked sanitation facilities. The officers, therefore, shared the available

toilets and bathrooms while others constructed temporary sanitation facilities. The audit also observed dilapidated sanitation facilities used by officers, for example in Shimo la Tewa and Kisumu Main prisons as shown in **Appendix 3(d)**. Non-availability of sanitation facilities was also confirmed through analysis of the survey data. 261 (59%) of the officers interviewed indicated that they did not have sanitation facilities in their houses. The most common alternative sanitation methods were communal and own-built temporary sanitation facilities as was reported by 202 and 16 officers respectively.

4.28 The indecent housing has not only affected officers’ work performance but also social



life as was revealed by interviews and analysis of survey data. Interviews reported low work morale in five (5) out of 17 stations visited. The OICs attributed the low work morale to indecent housing. This was also confirmed through analysis of survey data. Out of 384 officers who participated in the survey and described how prison housing has affected their performance, 139 (36%) stated that they have low work morale. Another 89 (23%) and 50 (13%) stated that their work performance is generally affected and suffer constant stress respectively. Moreover, a total of 138 officers who participated in the survey reported not living with their family in the prison line. The main cause of separation from family was lack of proper accommodation as was reported by 62% of the 138 officers.

4.29 Further, the indecent housing also cost the government in terms of rental income. According to available information on rental income and expenditure presented in **Table 3** and **Appendix 2**, the KPS paid a total of Ksh. 129 million in form of house allowance in 2012/13 to officers, but only received Ksh. 17.8 million in form of house allowance (market rate) paid in as rent. Again, as at the end of 2016/2017, the house allowance paid by the KPS to staff had risen to Ksh. 192 million whereas the receipts in form of house allowance (market rate) had stagnated at Ksh. 18 million. Ideally, senior officers are expected to be accommodated in houses that attract monthly rent at market rate since they receive a monthly house allowance. However, the audit revealed that most of such officers are accommodated in houses which do not attract rent.

4.30 The KPS management as well as the OICs interviewed attributed the indecent housing of prison officers to the acute housing shortage. The management indicated that given the shortage, any available structure is used for accommodation regardless of the rank and family size of the affected officers.

4.31 Further, indecent housing was also attributed to shift in policy. Interviews and

scrutiny of documents revealed that the prison reforms started off with the decent two and three-bedroomed Moody Awori houses. The situation changed with the introduction of RRI in 2007/08. Most of the houses constructed under RRI were single rooms and bed-sitters. However, interviews with prison officers revealed that single rooms and bed-sitters cannot be considered as decent housing. Hence, the RRI was not effective in addressing the housing problem despite about approximately Ksh. 1.55 billion spent on the programme.

### 3. Most of the Houses Used to Accommodate Officers were not in Good Condition

4.32 Article 43(1)(b) of the Constitution stipulates that every Kenyan citizen has a right to “accessible and adequate housing...” In this regard, the houses used for accommodation of prison officers should be in good living condition. Apart from a few permanent houses, especially Moody Awori units, the majority of KPS staff houses were in poor condition. For instance, up to 77% of the 435 officers who participated in the survey considered their houses to be in poor living condition. Besides, even the houses that met the criteria of a decent house were not in habitable condition as was reported by 48% of the 98 decently housed officers.

4.33 The dilapidated houses generally had broken windows and doors, damaged and faded walls, run-down amenities and rusted leaking roofs. Instances of aged and dilapidated mud houses being used to accommodate staff were observed in Eldoret, Kakamega, Shimo La Tewa and Kilifi stations among others. Besides, the audit observed officers accommodated in aged structures in stations such as Kamiti Main, Nyeri and Shimo la Tewa Medium. Dilapidated houses were generally evident in all the 17 stations visited during the audit. Some pictures of the dilapidated houses are shown in Plate 4.

**Plate 4:** Samples of dilapidated residential houses as observed during the audit



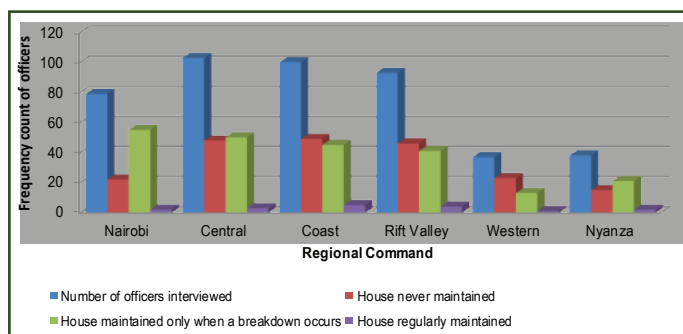
Source: OAG, 2017

4.34 Interviews with the KPS management and analysis of survey data revealed that the poor housing condition has affected prison officers work performance as earlier discussed as well as their social life. Officers were asked to describe how living in the prison line had affected their social life. Analysis of answers to this question revealed a close correlation between condition of house and social life. Officers who reported that their houses were in bad condition also reported that: their family life is affected; they are embarrassed to entertain visitors, and; lack privacy in the house among other issues. On the contrary, those living under good housing condition reported having a good social life.

4.35 The audit revealed that the poor condition of houses is attributed to lack of maintenance. The KPS management indicated that the houses are rarely maintained unless a major breakdown occurs. This was also confirmed

through analysis of survey data. According to the survey, 203 (46%) out of 445 officers reported that their houses are never maintained while 137 (57%) out of the 242 who reported their houses being maintained stated that they did the maintenance on their own. Western regional command recorded the largest number with 62% of officers who claimed that their houses are never maintained followed by Rift Valley, Coast and Central with 49%, 49% and 47% respectively. **Figure 4** shows the Maintenance status of the houses as reported by respondents from various stations visited across the sampled regions.

**Figure 4:** House maintenance status as reported by officers who participated in the survey



Source: OAG Analysis, 2017

4.36 Interviews revealed that maintenance of the KPS houses was hampered by inadequate funding. However, documents in support of this were not availed for audit. The audit revealed that inadequate maintenance of KPS houses could also be attributed to the following:

- i) Lack of maintenance procedures
- ii) Lack of inspection of prison lines by the relevant officers
- iii) Unclear mandate on maintenance of prison staff houses

4.37 Interviews revealed that the KPS does not have documented maintenance procedures for its prison lines. As a result, the stations lack a clear procedure to be followed by individual house occupants who are constantly undertaking general maintenance activities in their houses. Besides, CAP 25(8) of the standing orders requires house occupants to undertake general maintenance of the house but this requirement is not implemented mainly due to lack of procedures.

4.38 While CAP 25 (14) of the Prison Standing Orders requires OICs to undertake regular inspection of prison lines, interviews revealed that this is rarely done. It would be expected that when inspections are done, they would be done in a systematic manner and also be documented. However, in all the 17 stations visited, no evidence was provided to show that inspections were done. The officers interviewed cited the lack of facilitation of maintenance as a demotivating factor. According to the officers, it makes no

point inspecting prison lines to determine maintenance needs if there are no funds to maintain the houses. The lack of inspection of the houses leaves officers in charge with little knowledge on maintenance needs, which could be used for planning purposes.

4.39 Although the KPS has a building section which should operate and maintain the houses, there has been confusion about who has the responsibility. Even though CAP 25(8) of the Standing Orders puts the responsibility of general maintenance on house occupant, it appeared like the officers were not aware of this responsibility. Further, it has been understood that maintenance of houses whose occupants pay rent should be handled by the SDHUD instead of the KPS.

#### Kenya Prisons Service Response to Audit Findings

4.40 At the conclusion of the audit, the Office of the Auditor- General sent a management letter to the Kenya Prison Service requesting for comments on the audit findings but the Service did not provide any comments.



# Chapter 5:

## 5.0 CONCLUSION

5.1 From the findings of the audit it has been noted that KPS in conjunction with the Ministry of Interior and Coordination of National Government has through different programmes provided housing for prison staff over the years. However, these efforts have not been able to address the challenges of prison staff housing. The prison staff housing is characterized by an acute shortage with the majority of officers indecently housed in semi-permanent and temporary structures. Besides, most of the houses are dilapidated due to lack of maintenance. More specific conclusions were made as follows:

- i) KPS has been recruiting officers into the service over the years, but has failed to provide houses at the same pace. As at the time of audit, KPS had only 3,894 permanent houses (i.e. one-bedroomed and above) against a staff population of 23,831. The problem has been compounded by an apparent lack of prioritisation of prison staff housing by the government.
- ii) Addressing prison staff housing requires a long-term policy. In the contrary,

provision of prison staff housing has witnessed continued shift in policy, which has affected project delivery in terms of: stalling of buildings; change in type of units being constructed, and; progress in implementation of projects. While the Moody Awori programme would have addressed the problem by delivering decent units, it only lasted for a while before being replaced by RRI whose focus was more on numbers and not quality.

- iii) The houses officers live in affect all aspects of their lives; hence the decency of a house cannot be underestimated. The acute housing shortage has forced prison officers to live under indecent conditions, either in temporary structures or sharing rooms with other officers. As was revealed by the audit, the indecent housing of prison staff has not only affected officers' social life, but also work performance in general.
- iv) Due to lack of maintenance, the majority of prison staff houses are dilapidated and not fit for habitation. Officers live in houses with broken windows and doors, cracked walls and leaking roofs.

# Chapter 6:

## 6.0 RECOMMENDATIONS

6.1 The following are the recommendations made by the Auditor-General to improve on the provision of housing for prison staff:

- i) To address the prison staff housing shortage in the short-term:-
  - a) KPS should work with MICNG to facilitate the completion of all stalled prison staff houses
  - b) KPS should work with SDHUD to fast track the construction of the units allocated to KPS under the Police/Prisons Housing Programme
  - c) KPS should consider embracing a multi-faceted strategy whereby the Service is allowed to construct houses directly every year in addition to those constructed under major projects like the Police/Prisons Housing Programme
- ii) To ensure that recruitment of staff does not put strain on housing, KPS management should consider matching recruitment of staff with provision of housing by making arrangements to avail houses prior to posting of new staff to stations
  - iii) To shield staff housing from shifts in policy, KPS management should consider developing and implementing a long term and continuous strategy on staff housing
  - iv) To improve on hygienic condition of staff houses, KPS management should consider putting emphasis on basic amenities, especially water and sanitation, as important component of housing
  - v) To improve on the current physical condition of staff houses, KPS management should work closely with the SDHUD to refurbish the dilapidated permanent houses
  - vi) To improve on maintenance of staff houses:
    - a) KPS should consider developing and implementing maintenance procedures for its staff houses
    - b) KPS, through its Officers in Charge, should consider carrying out regular inspections of staff houses to identify and document maintenance needs
    - c) KPS should consider identifying, clarifying and defining responsibility and obligations for maintenance of different categories of staff houses

# Appendices

## Appendix 1: Methods of gathering evidence

### a) List of Stations Visited

Region	Prison Name	Activities Verified
<b>Nairobi Region</b>	1. Kamiti Main Prison	- Project being implemented under the police and prisons housing programme - Houses constructed under Moody Awori's prison reforms - Houses constructed under RRI programme - Various types of houses used to accommodate officers
	2. Lang'ata Women Prison	- Houses constructed under Moody Awori's prison reforms - Houses constructed under RRI programme - Various types of houses used to accommodate officers
	3. Nairobi West Prison	- Houses constructed under Moody Awori's prison reforms - Houses constructed under RRI programme - Various types of houses used to accommodate officers
	4. Nairobi Remand and Allocation Prison- (Nairobi Main)	- Houses constructed under Moody Awori's prison reforms - Houses constructed under RRI programme - Various types of houses used to accommodate officers
<b>Central Region</b>	5. Nyeri Prison Command (Nyeri Main, Nyeri Medium, Nyeri Women, Central Regional Commanders office)	- Houses constructed under RRI programme - Various types of houses used to accommodate officers
	6. Ruiru Command ( Ruiru Main)	Houses constructed under Moody Awori's prison reforms - Houses constructed under RRI programme - Various types of houses used to accommodate officers
	7. Murang'a Command (Murang'a Main and Women)	Various types of houses used to accommodate officers
<b>Rift Valley Region</b>	8. Naivasha Prison Command (Naivasha Main, Naivasha Medium, Naivasha Women)	- Houses constructed under RRI programme - Various types of houses used to accommodate officers
	9. Eldoret Prison Command (Eldoret Main and Medium)	-Houses constructed under Moody Awori's prison reforms - Houses constructed under RRI programme - Various types of houses used to accommodate officers
<b>Western Region</b>	10. Kakamega Prison Command (Main and Women)	- Various types of houses used to accommodate officers
<b>Nyanza Region</b>	11. Kisumu Prison Command (Main, Medium and Women)	Houses constructed under Moody Awori's prison reforms - Houses constructed under RRI programme - Various types of houses used to accommodate officers
<b>Coast Region</b>	12. Shimo La Tewa ( Main, Medium and Women)	-Houses constructed under Moody Awori's prison reforms - Houses constructed under RRI programme - Various types of houses used to accommodate officers
	13. Kilifi Prison (Medium)	-Various types of houses used to accommodate officers - Houses constructed under RRI programme
	14. Kaloleni (Medium)	- Various types of houses used to accommodate officers

b) Breakdown of Survey Sample Size

Region	Target sample size	No. of questionnaires completed and returned	*No. of questionnaires spoilt	No. of questionnaire used in analysis	Response rate (%)
Nairobi	100	79	0	79	97
Coast	100	100	0	100	100
Central	100	106	3	103	103
Nyanza	50	38	0	38	76
Rift Valley	100	94	1	93	93
Western	50	37	0	37	74
<b>TOTAL</b>	<b>500</b>	<b>454</b>	<b>4</b>	<b>450</b>	<b>90**</b>

*\*A spoilt questionnaire is one completed by a respondent not within the target population or one that had several questions unanswered*

*\*\*A response rate of at least 90% is considered good in any scientific data collection*





The Office of the Auditor-General is conducting a performance audit on the Provision of Housing for Prison Officers. As a general rule, Kenya Prison Service is expected to provide accommodation for its staff since prison officers are required to reside in prison lines for ease of mobilization. In this connection I would like to ask you a few questions. Any information provided will be treated as private and confidential and will be used only for the purposes of this audit.

**Respondent's Demographics**

1. The following information relates to issues about you (Please tick (✓) inside the box where appropriate).

<b>Station Name</b>	
<b>Your Rank</b>	
<b>Years in the Service</b>	
<b>Years of service in the Current Rank</b>	
<b>Years of service in your previous Rank</b>	
<b>Gender</b>	<input type="checkbox"/> Male <input type="checkbox"/> Female
<b>Marital Status</b>	<input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Separated

<b>Age</b>	<input type="checkbox"/> 18-26 <input type="checkbox"/> 27-35 <input type="checkbox"/> 36-44 <input type="checkbox"/> 45-52 <input type="checkbox"/> 52-60 <input type="checkbox"/> >60
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2. Do you have children?

Yes  How many? .....

No

3. Is your family living with you in the prison line? **(Family means spouse and/or children only)**

Yes

No  Why? .....

4. If your family does not live with you in the prison line, where do they stay?

.....

**Type and condition of house currently occupying**

5. What is the type of the house you currently live in?

3-bedroomed   
 2-bedroomed   
 1-bedroomed   
 bedsitter

Temporary structure (Specify type)

.....

6. Do you share your house with other officers?

Yes  How many? .....

No

7. How long have you lived in this house? .....

8. Does your house have the following basic amenities?

<b>Water</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No If <b>NO</b> , where do you get your water from? .....
<b>Electricity</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	If <b>NO</b> , what do you use for lighting? .....
Sanitation facilities (toilet, bathroom)	<input type="checkbox"/> Yes <input type="checkbox"/> No If <b>NO</b> , what do you use instead? .....

9. Is your house in good living condition?

Yes  No

If **NO**, why do you consider it so?

.....  
 .....

10. Who does maintenance work in your house?

Me  Staff of prisons  Both me and staff of prisons

11. How often is the house maintained

- Only when there is breakdown  
 Once per year  
 Frequently (specify period .....)  
 It's never maintained

12. How has staying in prison houses affected the following aspects of your life?

Work performance (e.g. work morale)	..... ..... .....
Social life (e.g. family, relationships)	..... ..... .....
Personality (e.g. self-confidence)	..... ..... .....

Any other area	..... ..... .....
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13. What is your general comment on the houses used for your accommodation?

.....  
.....  
.....  
.....

THANK YOU

d) List of People Interviewed

Person Interviewed	Reasons for Interview
Director, Planning and Development	To obtain general understanding of prison staff housing including efforts that have been made in the past as well as present
Director, Rehabilitation and Welfare	To obtain understanding of how vacant houses are allocated to staff as well as how the housing situation has impacted on staff welfare
Building Section Staff	To obtain understanding of processes, applicable legal framework, current status of prison staff housing as well as efforts being made to address the problem
Accounts Section Staff	To gather information on accounts concerning revenues and expenditures of Kenya Prisons Service
Human Resources Section Staff	To obtain information about the staffing of Kenya Prisons Service
Regional Commanders	To obtain general information regarding the staff housing
Prisons officers in charge and other officers directly involved in staff housing at the station level	<p>-To obtain general understanding of prison staff housing at the station level including efforts that have been made in the past as well as present</p> <p>-To gather information on the current status of prison staff housing at the station level</p>
Officers from various Prisons	-To obtain an understanding of the current status of staff housing and to understand how the inadequacy affects their performance socially and at work.

## e) Documents Reviewed

Document Reviewed	Information Obtained
The Constitution of Kenya, 2010	Understanding of the legal provisions on housing in general
Prisons Act Cap 90	Understanding of the legal framework governing the operations of Kenya Prisons Service
Kenya Prisons Standing Orders	Understanding of the legal framework governing the operations of Kenya Prisons Service
Kenya Prisons Service Charter, 2013	Provisions on what prisons staff should expect from the service with regards to housing
Kenya Prisons Service Strategic Plan	-Understanding of Kenya prisons including: <ul style="list-style-type: none"> <li>➤ Mandate</li> <li>➤ Strategy and objectives</li> <li>➤ Stakeholders</li> <li>➤ Planned activities for achievement of the objectives</li> </ul>
UN publication on the Right to Adequate Housing	-Understanding of the definition of adequate housing
Report of the High level committee on Prisons Crisis (Madoka Report)	-Understanding of the history of prisons staff housing -Understanding of the challenges and recommendations for improvement of prisons staff housing
Kenya Prisons Service Staff Housing Report, April 2016	-Understanding of the status of prisons staff housing as at April, 2016
Correspondences between the Ministry and Kenya Prisons on staff housing	-Understanding of the past and present progress on prison staff housing -Understanding of the police/prison staff housing programme -Understanding of RRI staff houses
Financial Documents	Understanding of the trend in funding and expenditures of Kenya Prisons especially with regards to staff housing
Staff nominal rolls	Understanding of the staff population and distribution across the ranks at the station level
Station specific records on staff housing	Understanding of the staff housing status at the station level, including: <ul style="list-style-type: none"> <li>➤ Various types available</li> <li>➤ Number of units available per type</li> <li>➤ Housing deficit</li> <li>➤ Efforts made to address the deficit</li> <li>➤ Challenges</li> </ul>
Staff Establishment Document	Understanding of staff population trend over the years



Appendix 2: House Allowance and Housing Supplementation

FY ITEM MONTH	2012/2013		2013/2014		2014/2015		2015/2016		2016/2017	
	HA	HS	HA	HS	HA	HS	HA	HS	HA	HS
JUL	10,235,375	32,656,987	12,338,351	36,810,221	12,047,799	60,716,088	11,538,452	58,264,978	15,595,405	65,894,020
AUG	10,116,520	35,475,054	12,132,515	36,457,210	11,944,145	59,775,222	11,484,961	58,134,926	15,514,297	64,574,475
SEP	10,237,363	35,422,913	12,135,726	35,699,462	11,790,300	59,477,258	13,202,912	58,062,959	15,329,788	64,390,197
OCT	10,205,810	35,515,642	12,745,819	61,428,913	11,854,881	59,432,025	12,923,194	57,936,766	15,691,983	64,030,444
NOV	10,310,836	35,607,239	12,440,765	61,059,069	11,983,877	59,408,469	13,755,032	57,686,838	15,422,062	64,073,898
DEC	10,193,571	35,464,196	12,135,710	60,689,224	11,853,442	59,106,262	13,718,162	57,898,129	16,040,154	64,783,823
JAN	10,142,923	35,445,028	12,072,336	60,846,586	11,935,829	59,054,442	13,677,628	57,586,403	16,654,956	64,180,196
FEB	10,217,700	35,439,591	12,110,083	60,644,813	11,849,995	59,095,023	13,748,651	57,478,478	16,194,994	63,901,301
MAR	11,430,796	35,454,977	12,138,487	60,555,146	11,790,700	58,921,097	13,631,005	57,492,948	16,018,579	64,045,522
APR	11,361,499	35,910,644	12,154,266	60,198,943	11,771,100	58,972,550	13,765,540	59,264,838	15,977,650	70,081,219
MAY	11,927,705	35,736,443	11,793,600	57,696,158	11,742,900	58,817,817	13,775,786	63,743,506	16,311,229	75,127,317
JUN	12,762,514	35,821,786	12,333,321	62,445,685	11,753,300	58,761,583	13,747,658	76,461,156	17,543,480	75,538,597
TOTAL	129,142,612	423,950,500	146,530,979	654,531,430	142,318,268	711,537,836	158,968,981	720,011,925	192,294,577	800,621,009

Key:  
 HA- House Allowance  
 HS- Housing Supplementation

Source: Analysis KPS Records

### Appendix 3: Sample Photos Depicting the State of Prison Staff Housing

#### a) Moody Awori Houses



*Flat done under Moody (Kamiti)*



*Bungalow under Moody (Kamiti)*

#### b) Rapid Results Initiative Houses



*Bungalow under RRI (Kilifi)*



*House under RRI (Lang'ata Women)*

c) Police/Prisons Housing Programme Houses



*Police Prison Housing (Shimo La Tewa)*



*Police Prison Housing (Kamiti)*

d) Sanitation Structures



*Common pit latrine (Shimo La Tewa)*



*Common pit latrine (Kamiti)*



e) Temporary Structures



*i) Colonial A-Frame (Kamiti Main)*



*ii) Colonial Uni-huts (Eldoret)*



*iii) Colonial Mabati Uni-hut  
(Nairobi Remand)*



*iv) Mud house (Kakamega G.K Prison)*



*v) Iron sheet house (Nairobi Remand)*



*Vi) Colonial Timber house (Kamiti Main)*



*Vii) Semi-permanent house (Shimo la Tewa  
Medium)*



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