

HISTORY OF POLICE REFORMS IN KENYA, 1885 - 2022

BY

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DECLARATION

This research thesis is my original work and has not been presented for a degree in any other university.

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DEDICATION

I dedicate this work to my family and to the entire police fraternity.

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ABBREVIATIONS AND ACRONYMS

Administration Police: Administration Police

AU: Africa Union

DRC: Democratic Republic of Congo

EAC: East Africa Community

Kenya Police: Kenya Police

PR: Public Relations

PRIC: Police Reforms Implementation Committee

RTD: Retired

UN: United Nation

USA: United States of America

DEFINITIONS OF SIGNIFICANT TERMS

Accessibility	Act of being approachable and within close proximity
Capacity building	training on skills and knowledge concerning police work on a particular subject
Decentralized structures	Specialized departments at station level with Autonomy of operations
Junior officers	Police officer from the rank of Police Constable to Senior Sergeant
Managerial structure	The structures that manage police operations, planning and administration
New legislations	Constitution of Kenya, National Police Service ACT 2012, national service commission act 2012
Police culture	Behaviour, belief and informal guides that police follow in their work.
Police division	A unit in police composed of several police Stations and governed by an officer commanding police division.
Police Reforms	The internal reorganization of the police force for the purpose of making it more efficient and able to fulfil its mandated functions.
Professionalism	Operating within standards of job requirements.
Professionalization	Movement towards police becoming a professional body or behaving in a professional manner.
Responsiveness	Becoming prompt in case of a crime report
Senior officers	Officers of the rank of Inspector, Chief Inspector, Superintendent and Senior Superintendent.
Police Service delivery	Discharge of police duties assigned to them by law equitably, diligently and with a high degree of professional responsibility.
Values	Observance of law and Integrity

ABSTRACT

The study analyzed the police reforms implemented in Kenya starting from 1885. The inaugural police station in Kenya was founded in Mombasa in 1896, merely a year subsequent to the proclamation of the Protectorate. Subsequently, in 1920, a contemporary police force was established with the primary objective of ensuring security. Consequently, the police were predominantly employed as a "punitive citizen containment squad." Throughout the independence and post-independence period era, reforms were made to enhance the organization and efficacy of the Kenyan police force. Nevertheless, despite certain measures being undertaken, there is still a pressing need for substantial reforms, and the legislation controlling police reform has yet to be enforced. The absence of advancement in implementing the reform agenda elevates the potential for infringements on human rights and hampers the police's capacity to address such infringements in an equitable and efficient manner. The study's primary objective was to investigate the history of police reforms in Kenya from 1885 to 2022. The specific objectives were to examine the transformation of the Police Force in Kenya during the colonial period (1885-1963), assess the nature and scope of Police Reforms in Kenya since 1964, analyse the implementation of police reforms in Kenya (2007-2022) and assess the progress and challenges on implementation of the police reform package and emergent possible solutions. The study employed Kurt Lewin's three-step transition theory, also known as the theory of change to analyze and present the findings. A historical research design was employed, utilizing semi structured interview guides and conducting in-depth interviews with key informants. The study targeted a population of 210 police officers in 7 Sub-County police stations and 17 key informants drawn from the civil society and the public. In each station, the police officers/constables were sampled purposively based on years of experience and responsibilities. Similarly, Key informants who included station commanders and civil society members were purposively sampled. The sample size for police officers and key informants were 21 and 17 respectively. A semi-structured interview schedule was used to conduct interviews with the Officers Commanding Stations and members of civil society because of its flexibility to gather in-depth information from sensitive topics. On the other hand, open ended questionnaires were used to collect data from police officers from all the police stations because of its ability to collect information from large samples and uphold confidentiality. Secondary data was gathered by conducting a thematic assessment of literature pertaining to police reforms. Qualitative data was analyzed using thematic method. The study revealed a significant lack of awareness among police officers regarding police reforms. The report also indicated that the enforcement of a new hierarchical system and the thorough examination of police officers had encountered challenges in adhering to legal requirements. The study recommended that the National Police Service Commission should initiate a comprehensive evaluation of all police officers and conduct informative campaigns to educate them about the significance of police reforms. Additional areas for further research should assess the manner in which police officers have embraced the new organizations such as the National Police Service Commission, the Independent Police Oversight Authority, and the office of the Inspector General. Further research on police reforms in Kenya should also be done within the larger context of security sector reforms in order to harmonize and integrate security concerns in Kenya.

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CHAPTER ONE: INTRODUCTION

1.1 Background to the Study

Article 3 of the Universal Declaration of Human Rights establishes the right to physical safety as a fundamental human right. The police, with the military and private security corporations, are the primary entities responsible for upholding law and order. As per the 2000 United Nations police manual, police officers have the duty to uphold law and order and must fulfill their obligations with professionalism, integrity, and responsibility. The police department is a governmental entity that functions within the boundaries of national jurisdiction and is regulated by the central government.

Given their prominent role as the state's primary representatives, it is common for individuals to mistakenly generalize the sentiments of the police in a specific region to be representative of the entire state. An imperative requirement for a nation grappling with elevated levels of corruption, alcohol consumption, physical violence, nepotism, and various other forms of human rights violations is the establishment of a law enforcement system that embodies these principles in its interactions with the public and provision of services. Law enforcement faces a challenge due to the state's primary responsibility of upholding and promoting human rights (Walker 2010).

Law enforcement officers are authorized to employ physical coercion in the execution of their duties, and in certain situations, they are compelled to do so. International standards, such as the Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, establish specific limits and safeguards that must be respected when employing force. Law enforcement professionals are required to consistently adhere to these standards and principles. These regulations mandate that the police use effort to resolve conflicts without resorting to physical coercion.

The utilization of physical force should be limited to situations that are absolutely necessary, and even then, it should be employed in direct correlation to the gravity of the circumstances. Additionally, the police are required to furnish a justification for their use of force subsequent to the incident, and individuals who perpetrate human rights transgressions such as homicide or the capricious or oppressive application of force must

be held accountable under the law for their actions. These norms also extend to the policing of protests that authorities deem to be unlawful or characterized by violence.

Consequently, significant alterations, also referred to as police reforms, are enacted to ensure that the police force adheres to global standards. This facilitates the preservation of public trust in the government's ability to govern (UN, 2009). During the process of police reform, there is a strong focus on the necessity of altering the fundamental concepts that guide domestic security services and establishing a fresh and improved image. According to Bayley, effective police reforms encompass the modernization of the police force, the use of new tools and technology, structural redesign, the delegation of power within the organization, and the decentralization of decision-making (2001).

In order to emphasize fundamental principles such as community policing and the protection of human rights, it is necessary to reassess the school curriculum. Ultimately, the development and execution of policies and procedures lead to a police force that is knowledgeable about the demands of institutions and the broader community (Walker, 2010). The guiding values are accountability, integrity, nondiscrimination, impartiality, fairness, and professionalism. It is imperative to uphold the rights of both individuals and others (Bayley, 1999).

Democracies, such as the United States of America, initiated the process of reforming their police forces in response to a distressingly extensive record of political misconduct. The utilization of force by American police officers while on duty lacked both a discernible pattern and effective management (Walker 2010). Abuse and corruption are prevalent among the police force in the United States, leading to a widespread bad perception of law enforcement among the general population (Alpert 2004).

Carey (2001) identified that implementing measures to regulate the use of force and establishing an internal control system were crucial steps in enhancing the quality of the services provided. The capacity of the United States of America to effectively address transnational crime has been enhanced due to changes implemented in five key areas of police operations in Latin America (Ungar, 2012). The police force was partitioned into zones based on the objectives of the investigation and preventive units (Ungar 2012). An extensive reorganization was carried out to optimize the structure of the police force.

Control systems advancements have bolstered the authority of general ombudsmen and internal affairs authorities, resulting in increased influence over the conduct of police officers.

Policing reforms in Asia entailed a shift away from colonial policing structures and a transition towards a more democratic framework, wherein the police served the interests of the general public rather than those of the ruling elite or a big institution. Due to the prolonged existence of colonial police regimes, a modification became necessary. The organization governing law enforcement underwent reform, resulting in a transformation of its institutional culture and the revision of its laws and regulations. Khan (2006) argues that the initiatives resulted in an enhancement of the delivery of police services.

Over the past six to seven decades, Africa, as an independent and self-governing continent, has seen episodes of social upheaval, civil conflict, and military seizures of power (Gambino 2008). Bayley asserts that the political history of Africa after gaining independence has been characterized by the presence of authoritarian governments and institutions, including military dictatorships and the prevalent one-party state. Military dictatorships are a prevalent kind of authoritarian governance and institutions (2001). Police departments have fulfilled their responsibilities amidst a politically charged environment. Some police units only started receiving human rights training in the early 1990s, coinciding with the period when several African governments were introducing democratic reforms.

Kenya has two separate and clearly defined police forces. The Kenya Police is the inaugural law enforcement agency, founded under the authority of the Police Act. The appointment of a Commissioner of Police is made by the President in accordance with the provisions of the Constitution. The Administration Police, governed by the Administration Police Act and overseen by the Minister of Internal Security, constitutes the secondary category of law enforcement agency. The Administration Police operates under the authority of the Commandant. The history of both military forces are intricately intertwined with the nation's colonial legacy. Previously, matters pertaining to civil law were under the jurisdiction of the Kenya Police Department, while instances related to customary law were under the purview of the Administration Police. Nevertheless, the system of customary law has been forsaken, and currently, both forces are responsible for

similar duties and jurisdictions in law enforcement.

The East Africa Trading Company, later renamed the Imperial British East Africa Company, operated in the region to further British goals and is considered the precursor to the Kenya Police. Established in 1887, its primary objective was to promote commerce within the Kingdom of Uganda and throughout the country's interior. The emergence of the Kenya Police occurred during this era. In 1887, under the guidance of Sir William Mackinnon, the Company employed Indian Police and watchmen to ensure the safety of its facilities and stores.

The Company achieved this by utilizing the Police Act, Evidence Act, Criminal Procedure Code, and India Penal Code (Foran, 1962). By 1889, the Company's sphere of control along the caravan route from Mombasa to Uganda had significantly grown. The Company constructed trading outposts along the caravan's path, which were staffed by askari, indigenous employees who were subordinate to the commanding officer of the outpost. Askari were frequently assigned maintenance and construction duties, and their duties and obligations were more similar to those of armed sentinels rather than police officials (Foran, 1962, 4). Essentially, Mombasa did not establish an independent police force until 1896.

The dispute regarding leadership and the framework of police intelligence was a crucial matter that required resolution during Kenya's transition from a colonial to an autonomous government prior to the complete transfer of authority. In October 1963, the argument was conclusively resolved through a Cabinet resolution that mandated the appointment of an African as the director of intelligence prior to the nation's attainment of independence (Throup, 1992). Contrary to the Cabinet's resolution, Prime Minister Kenyatta opted not to carry out the Africanization of the command of police intelligence. Kenyatta's confidence in the police system was bolstered by the significant contribution of the Special Branch during the Shifta incursions in Northern Kenya (Throup, 1992).

However, even after Commissioner Catling's departure in 1965, when the police leadership began to become more Africanized, no significant reform of the policing system was enacted to fulfill the requirements of the bulk of the African population. Following Commissioner Catling's departure in 1965, the police force did not undergo a significant

shift towards becoming primarily African-American. The newly autonomous government assumed control of the police force previously under the authority of the colonial government. The objectives and operational strategies of this police force, designed to protect the interests of the administration, closely mirrored those of the colonial police force. The newly established autonomous government maintained the interests of the colonialists even as power transitioned from the colonial elite to the emerging African elite (Branch, 2009).

The objectives of state policing were endorsed by the judiciary and parliament, and were also supported by statutory and constitutional provisions. Although the Administration Police may have seemed grave, they received assistance. Each examination or modification of laws and regulations sought to enhance the monopoly of police authority, while also concentrating and centralizing power within the executive branch, rather than promoting the welfare of the general public. Significant importance was given to maintaining public order and security as being of greater significance than the individual rights and fundamental freedoms of each citizen. The police forces established by subsequent governments were not characterized by legality; instead, they were utilized to maintain political convenience and the continuity of those in power (Branch, 2009).

The police force's objectives during the initial years of the Moi administration were aligned with the overall objectives of the entire government. Following the unsuccessful coup attempt in 1982, there was a rise in political repression, when the police served as intermediaries in dealing with any perceived risks to the government's ability to uphold stability. Prior to the annulment of the constitution in 1991, which paved the way for multiparty democracy in the country, legislative and policy reforms concerning public order control were implemented to legitimize the suppression of political opposition.

During the period of multiparty democracy, the initial term of the Moi administration failed to bring about substantial constitutional reform that would have resulted in the restructuring of the police force. As a result of the government yielding to the requests of the opposition and civil society, there were very modest constitutional and legislative modifications, mostly focused on altering the voting system (Ngugi, Were, & Titany, 2010). While the gains are often attributed to the reforms associated with the implementation of the new constitution in 2010, it is plausible to attribute the establishment of the groundwork for

substantial police force reforms to the Kibaki government.

Before August 2010, the reform program did not have the necessary legislative backing, and the responsibility for pushing reform initiatives rested with the police institution as a whole, rather than just its chief. It is important to note that these measures were not spearheaded by the chief of the police organization, despite their potential to be more forward-thinking than those of the Moi era. The post-constitutional reform agenda for the police presents numerous opportunities for the establishment of a police force that is democratically governed and caters to the requirements of the population (Ngugi, Were, & Titany, 2010).

Following the alteration of Kenya's Constitution in the early 1990s to permit a multi-party system, the recognition of the need for police reform has emerged. However, the attempts made by the civil society and donors to initiate a conversation with the Kenyan government over police reform only had limited and inconsistent results. According to Saferworld (2008), a significant development took place during a regional conference in Kampala in June 2001. During this meeting, government specialists on gun control discussed the concept of "community-based policing" (CBP). Senior officers from the Kenya Police Department attended the conference and were inspired by this notion, which they later carried back with them.

In March 2002, the Executive Office of the President issued an executive order mandating the establishment of a national steering council for community policing. Furthermore, Kenya conducted elections on December 27, 2002, resulting in the establishment of a new government that was given a clear mandate by the citizens to implement police reform. The government only recognized the police's role in causing the nation's unease and instability once the National Rainbow Coalitions (NARC) took control as the ruling party.

The deterioration of the public security system in Kenya over the past two decades has reached a point where the government is no longer capable of guaranteeing the protection of its residents, encompassing both personal safety and the security of their belongings (Government of Kenya, 2003, 9). The subsequent governments' decisions to enact reforms were driven by political expediency and aimed at bolstering the dictatorship rather than prioritizing the welfare of the nation's populace. Consequently, a legislative measure that

encompassed a bold strategy for police reform could be enacted in 2011.

If completely implemented, this framework will result in the establishment of the first autonomous police oversight body, the implementation of new standards for police conduct, and a complete restructuring of the police force to address existing weaknesses that enable and perpetuate impunity for police abuses. The failure to execute the reform agenda, therefore, heightens the probability of human rights infringements and diminishes the police's preparedness to address human rights infractions in an equitable and efficient manner. Examining the evolution of Kenyan police reforms from 1885 is crucial in understanding the impact of these changes.

1.2 Statement of the Problem

Police reforms have been in place in Kenya's history since the colonial period. Reforms in the colonial period targeted Africanization of the police force, training and creation of new units defined by security functions. The independence period witnessed limited reforms at the early stages, instead, laws and regulations were modified to enhance the monopoly of police authority and to legitimize the suppression of political opposition, rather than promoting the welfare of the general public. The main role of the police force during the independence period was to maintain public order and security rather than the individual rights and fundamental freedoms of each citizen.

The repeal of section 2 (A) of Kenya's Constitution in the early 1990s to permit a multi-party system, marked the beginning of increasing recognition of the need for police reform, with the introduction of the National Police Service Commission Act of 2011 and the Independence Police Oversight Authority (IPOA). However, despite the democratic changes that have occurred, there have not been any substantial reforms and reorientations that have brought the Kenyan constitution and regional and international human rights norms into compliance with the activities of the police force. Several reports from organizations like Amnesty International, Human Rights Watch, and Kenyan daily newspapers demonstrate how frequent cases of police brutality are.

These developments have inspired speculative ideas, such as; do the political elites oppose police reforms or is there lack of goodwill on the government on police reforms? Or, could it be that there is a lack of conceptualization of what democratic and human rights policing

should involve as well as a relevant contextual knowledge? Or is it difficult to conceptualize policing concepts within the local context? Based on such speculations, this study investigated the history of police reform in Kenya from 1887 to 2022 to trace the progress in putting the reform agenda into action.

1.3 General Objective

The study's primary objective was to investigate the history of police reforms in Kenya from 1885 to 2022.

1.3.1 Specific Objectives of the Study

The study was guided by the following objectives:

- i) To examine the Transformation of the Police Reforms in Kenya during the colonial period (1885-1963)
- ii) To assess the nature and scope of Police Reforms in Kenya from 1964 to 2006
- iii) Analyse police reform initiatives in Kenya from 2007 to 2022
- iv) Assess the progress and challenges towards implementation of the Police Reform package and emergent possible solutions from 1963 to 2022.

1.3.2 Research Questions

The following research questions guided the study.

- i) What were the major developments in the management of the police in Kenya from 1885 to 1963?
- ii) What were the respective reforms undertaken in Kenya from 1964 to 2006?
- iii) What was the nature and scope of police reform initiatives in Kenya from 2007 to 2022
- iv) What have been the challenges facing police reforms and possible solutions from 1963 to 2022?

1.3.3 Assumptions of the Study

The basic assumption of the study were,

- i) The management of the police during the colonial period from 1885 to 1963 focused on the interests of the colonial regime
- ii) During the leadership of Kenyatta and Moi, reforms aimed at securing the regimes in Kenya and not improve the performance of the police force from 1978 to 2002.

- iii) Significant Police reform initiatives in Kenya were realised from 2007 to 2022
- iv) The challenges that were facing police reforms were economic, social and political in nature while several measures have been put in place to curb those challenges from 1963 to 2022.

1.4 Justification of the Study

The lengthy and turbulent history of Kenya's Police Service and Kenya Police is marked by inefficiency, corruption, and disregard for the law, police brutality, and flagrant breaches of human rights. Since the eighteenth century, the Kenya Police Force and Police Service have served as the state's main instrument of dominance, repression, and tyranny, limiting rather than extending the rights of its population. These are the main challenges to providing efficient and effective services to Kenyan citizens, hence it is important to track and assess the development of the proposed police reforms in Kenya. This would be helpful in addressing issues that the Kenya Police Service will face in the future.

1.5 Significance of the Study

The study generates information on the emergent police reforms from 1887 to 2017. It also presents information on police reforms from 1978 to 2002. The work produces information on police reforms from 2002 to 2017. The study also presents information on the effects of police reforms on service delivery and security apparatus. The findings provide policies for police service delivery as well as efficient and effective protection of the citizens.

1.6 Scope of the Study

The study was conducted in Kisumu County with an estimated population of 120 police officers. The study included both junior and senior officers consisting of Senior Sergeants, Sergeants, Corporals and Police Constables selected from Sub-County police posts and senior officers involved in the management of the police operations in Kisumu County.

1.7 Limitations of the Study

The circumstances outside of the researcher's control that can limit the study's conclusions and their applicability in other contexts are referred to as limitations by Best and Kahn (2006). The researcher tried to be as kind and upbeat as possible, but was unable to change the respondents' biased attitudes or subjective perceptions. The intended research endeavor

was forced to deal with limited funding resources. This was brought on by expensive transportation costs to get to the respondents in the study area. Some of the intended respondents were located in rural places, which made transportation difficult. The available transportation options were, however, fully utilized.

Some participants expressed anxiety about the confidentiality of their history data if they provided the researcher with sensitive personal information during the interview. Some participants reported feeling anxious as a result of the interview's setting, their discomfort or lack of chemistry with the researcher, stressors in their everyday lives, their environment, or the setting for data collection. Due to the sensitivity or seriousness of the topic being discussed, some interviewees were upset or emotional when discussing their past or present personal experiences at the site. Low literate participants indicated difficulties comprehending the language of lengthy questions or the wording of interview questions, and they asked clarification on certain terminology, which added to the complexity of the data collection process. The length of the data collecting process might boost participant comfort; alternatively, participants might feel uncomfortable and not want to answer the survey questions or need help to complete the interviews. In some cases, participants supplied useless information in an effort to complete the data gathering process quickly. Due to the delicate subjects covered in the survey, sensitive information could hinder the process. Some respondents were also unwilling to reveal their home address.

1.8 Delimitation of the Study

By confirming the respondents' confidentiality about their personalities, the researcher reduced cases of subjectivity and bias in the respondents. The researcher utilized his or her personal savings to address the issue of insufficient funding. The researcher had to conduct interviews in a neutral setting that was practical and secure for both the participant and the researcher due to geographical constraints. The places picked made it possible for participants to express themselves freely so that the researcher could get high-quality data. Due to language barriers, the researcher had to modify the data collecting instrument's interview questions by condensing long words and reducing their complexity in order to accommodate the participants' limited literacy. Prior to conducting the interview, the instruments were also tested through piloting. This allowed the researcher to estimate the duration of the data collection process and tell participants in advance. Complete data collection in a room with restricted access proved helpful for sensitive information. Before

the interview starts, incorporate icebreakers (a prior explanation that this is merely an academic exercise) to increase participant and interviewer comfort. The use of alias names during the interviews was permitted for the participants. Additionally, they were permitted to omit their precise address.

1.9 Literature Review

This section presents a critical review of the literature on the topic of police reforms in Kenya. It covers the introduction and the general overview of police reforms in Kenya and across the globe. The section further contextualizes police reforms in Kenya by placing it in the wider historical review of the Kenya Police Force. In addition, critical preconditions of police sector reforms and existing gaps in the literature reviewed. Lastly the theoretical perspectives used in the research has also be explained.

1.9.1 Police Reforms: Global and African Perspectives

The contextual drivers for police reforms operate at a variety of levels that are country specific in some instances while some are as a result of global developments which impact on police organizations across nation states (Savage, 2007). However, exposure of system failures within the police institution in its pre-existing arrangements has played a critical role in supporting the quest for police reforms (ibid). According to Alemika (2007), there has been an increasing demand for police reform precipitated by the need to have an efficient, responsive and accountable police services.

In the United Kingdom, police reforms were catalyzed by exposure of system failures that included police corruption and miscarriages of justice (Savage, 2007; Punch, 2003; Hahn, 2003). Authoritative sources of information on police reforms in Africa indicate that lack of or absence of rule of law enforcement efforts to combat a variety of crimes both conventional and non-conventional has been a major catalyst of police reforms (Opolot, 2007). Political will and preparedness to undertake police reforms has also been cited as one of the motivating factors.

Writing about police reform in South Africa for example Ranch (1993) argued that, “the African National Congress and other democratic forces, on the one hand, were severely underprepared and under-resourced for tackling the problem of police reforms.” The history of the two police services in Kenya depicts a regime-based policing that have been

used by successive governments in Kenya to terrorize its citizens (Ruteere, 2003). Some scholars have argued that during the colonial period they were used by the colonial masters as agents of pacification and punishment of the Kenyan public instead of protecting them (Ruteere, 2003; Maende, 2004).

The notion of restructuring the security sector was initially introduced in the late 1990s by a handful of donor agencies (Brzoska, 2006). When the term "security sector reconstruction" is used, it means the establishment of a legitimate monopoly on the use of force. The phrase "reform" pertains to the imperative need for fresh regulations that control domestic security institutions. Brzoska states that security sector reform has three primary goals: firstly, the consolidation and provision of security, which requires the establishment of a functional police force, army, court system, and prison system; secondly, the governance of the security sector, which necessitates the implementation of a set of rules, particularly transparency, accountability, and professionalism; and thirdly, the effective functioning of security institutions. This study investigates the policies, administration, and the influence of values on the quality of services offered by the police institution in Kenya.

The significance of the police lies in their provision of services that are intimately linked to the safeguarding of both individual and collective rights. The police are responsible for a multitude of responsibilities and operations that ensure the smooth operation of a nation. The police have a vital function in society since they enforce the law, protect individuals and their property, and ensure public order. Certain individuals necessitate comprehensive instruction in the appropriate manipulation and utilization of guns, as well as the application of force and authority. Furthermore, the processes may necessitate the use of advanced technologies (Pilant 2003). Police reform, as defined by Walker (2010), involves the creation and execution of changes aimed at developing a police force that prioritizes serving the needs of both the public and institutions. The guiding principles, as stated by Bayley (1999), encompass accountability, honesty, and respect for human rights, nondiscrimination, impartiality, fairness, and professionalism. Police reform is a part of a larger effort to reform the security sector, which includes crime control and prevention in relation to the exclusive use of force, as well as principles of human rights, professionalism, and accountability in terms of governance.

Revamping the police force is a laborious and costly endeavor. Based on Hartz's (2000) findings, a typical endeavor to reform the police would need approximately five years, without including any ongoing organizational modifications. Hence, it is imperative to diligently oversee the reform process to ensure that it enhances the provision of services. Bayley (2008) found that significant reform efforts in the United States have consistently been driven by external influences and implemented from the highest levels of authority. According to him, for reform to be effective, police personnel must participate in its development and execution, serving as catalysts for change.

In order for the reform process to achieve success, it is imperative that officers are both motivated and supported in delivering the services that the public anticipates from them (Rauch et al 2006). According to Rauch, this perspective contrasts with that of an authoritarian society, when individuals anticipate law enforcement officials to advocate for their own narrow interests and are influenced by political factors. Law enforcement institutions have a crucial role in the functioning of democratic societies (Jones, Newburn, & Smith, 1994). Hence, democratic reform involves disentangling the police from political affairs and aiding them in prioritizing the welfare of the public (Jones, Newburn, & Smith, 1994). Police officers are required to acquire new methodologies for carrying out their responsibilities and comply with updated rules in accordance with democratic principles (Rauch et al 2006). Reforms aimed at facilitating citizens in upholding human rights must be accompanied by measures to provide the police with the requisite knowledge and skills to carry out their tasks efficiently, while respecting the limits set by human rights norms. If this does not occur, the police will either return to their former conduct or get disinterested.

Bayley (1999) suggests that a police force that operates democratically can meet the needs of both individuals and institutions. Democratic police officers encounter individuals with diverse traits due to their commitment to treating everyone impartially in the execution of their responsibilities. A common denominator throughout all of these occurrences is that individuals resort to contacting the police when they encounter a predicament that they are incapable of resolving independently (Pinc 2010). While the outcome of these combinations is challenging to predict, it is expected that law enforcement will be well equipped to handle a range of demands and will act in accordance with the law. In order to achieve the necessary level, it is imperative for the police to possess well-trained staff

and established control mechanisms. Most countries are adapting the resources at the disposal of their law enforcement agencies and redefining their approach to engaging with the public. To assess the potential impact of public involvement on the effectiveness of the Kenyan police, this study investigates the historical evolution of the Kenyan police force.

Geoffrey Alpert and Roger Dunham (2004) identify three significant eras of policing in the United States: (1) non-regulation, (2) self-regulation, and (3) external regulation. In the absence of regulations or constraints, American police officers have unrestricted discretion to utilize any level of force during their duties. Consequently, corruption and police brutality became pervasive. Physical strength was the primary asset for most daily tasks, and due to their limited or nonexistent political power, the police focused their attention on the most impoverished individuals.

The initial step towards implementing changes occurred during a period of self-governance. There is currently a demand to professionalize the police force. The measures were designed to enhance the structure and functioning of the police organization. The criteria for recruiting new officers and progressing in their professional trajectories have intensified. An illustration is the magnitude of force that law enforcement officers could employ. These topics were taught through training programs. The primary aim of these alterations was to provide a framework for internal police supervision. The training program was modified and the hiring requirements were strengthened in order to boost the professionalism of the Kenyan police force (Ndungu et al., 2011).

The third phase, distinguished by external regulation, was triggered by acts of civil disobedience. The rise in community policing can be attributed to police advancements that heightened the sense of guilt among criminal defendants during court proceedings. Throughout this period, individuals advocating for change who were not part of the police force were actively involved in the legal system, political sphere, and community groups. Furthermore, social science research has offered a novel instrument for both critics and law enforcement to comprehend the manner in which force is employed.

Additionally, a novel approach of ensuring police officers' responsibility was introduced during this period. Individuals were able to establish norms for their own conduct and maintain discipline due to the regulations implemented within and beyond the police

institution. In addition, American law enforcement has devised inventive techniques to elevate the level of staff quality and standards. The U.S. government implemented laws and democratic values to actively regulate the performance of the police force during a period characterized by both internal and external constraints. To ensure the operational effectiveness of the police inside the newly established organizational framework, the government made financial investments to enhance their level of professionalism.

Rokeach and Ball (1989) found that implementing structural change in Latin America improved the region's capacity to address transnational crime. This was achieved by the decentralization of previously centralized organizations, transforming them into regional agencies at the province and municipal levels. Additionally, militaristic hierarchies were streamlined, and certain responsibilities were assigned to units such as preventative, investigative, penal, and special crimes units. The task of overseeing police activities no longer rests with general ombudsmen.

The legislation has undergone modifications, resulting in increased challenges for law enforcement officers in the execution of their responsibilities. These modifications included the implementation of revised penal procedure laws that enhanced the fairness of legal proceedings, transitioned from written to verbal hearings, moved investigative power from the police to the prosecutors, and often formed separate courts for conducting investigations and imposing fines. Community policing was implemented to involve individuals in security planning and prevention. Examples of initiatives include the establishment of police-citizen councils and the implementation of social work outreach programs targeting vulnerable groups such as youth. Kenya also made an effort to achieve this, and the reorganization of the police should be done promptly, as recommended by the 2009 Ransley research. The administrative police and the Kenya police have merged into a single entity. A singular hierarchy was constructed, accompanied by the implementation of the inspector general position. The study aimed to ascertain the impact of these alterations on the delivery of services.

A consolidation of eleven police departments in South Africa resulted in the establishment of a unified new police organization. It was necessary to prioritize issues such as the integration and restructuring of command structures and personnel (Janine 2002). One of the most important components of the reform process was to address complaints about the

police service's demographic representation of different population groups, as well as men and women. The establishment of the Independent Complaints Directorate introduced a civilian control entity. In addition, a novel labor relations framework, more transparency, and oversight of police conduct along with a mechanism for parliamentary observation were established.

In order to enhance public confidence in the police, the South African Police Service implemented community policing forums and incorporated community policing into their standard operating procedure. This allowed a greater number of individuals, particularly those who had experienced unfair treatment during apartheid, to avail themselves of police services. Additionally, changes were made to police symbols, such as rank, uniforms, insignia, and the color of their cars (Bruce & Neild, 2005). Additional improvements included the implementation of a human rights training program, the adoption of a novel candidate selection procedure, a revision of the basic training curriculum, and the establishment of a code of conduct. Kenya established an autonomous police oversight board and an internal affairs division inside the police force. The study aimed to determine the influence of these groups on the police's effectiveness in carrying out their responsibilities.

The police force of the Democratic Republic of the Congo is structured in a manner similar to that of a military organization (Rauch & van der Spuy, 2006). Most of the prominent Congolese police officials had previously held positions as military commanders. Lower-ranking officers exhibited a greater propensity for being severe and cruel due to the influence of this type of leadership on operational dynamics. Prior to 2007, an individual with vicious and dishonest tendencies, employed by former President Laurent Kabila, held the position of overseeing the Congolese police force (Gambino, 2008: 15). John Numbi, a seasoned Air Force officer and successor, held a contrasting viewpoint to the donors' assessments of the police. However, he placed a higher importance on military-style tactics, going against the instructions given by the donors (Davis, 2009).

The officers were accused of committing misconduct and participating in illicit behavior with the aim of personal gain (Rauch & van der Spuy, 2006). The force's low morale was influenced by factors such as inadequate compensation, inconsistent work schedules, and the absence of essential equipment for regular police troops (International Crisis Group,

2006). Gambino (2008: 6) asserts that the security services in the Congo have limited effectiveness. The police are inept at conducting criminal investigations in their present condition, and United Nations inspectors have witnessed numerous policemen idling around their stations instead of actively monitoring the community (Davis, 2009).

According to the International Crisis Group (2006), the traffic police are known for their persistent efforts to illicitly obtain payments from both individual drivers and public transportation workers. The lack of political determination to bring about change at a higher level indicates the discontent of police personnel towards their responsibilities. In Kenya, where the police are infamous for their lack of integrity, tendency towards violence, and limited accessibility, the situation remains unfavorable.

Davis (2009: 18) criticizes the Congolese administration for their lack of political determination and the absence of a comprehensive plan for security sector reform. The government's failure to improve the overall efficiency of the army or police is highly discouraging (Gambino, 2008: 15). Officials from several security agencies may have been resistant to institutional reform prior to the 2006 elections to ensure their ability to use force if the election results did not align with their expectations (International Crisis Group, 2006). Donors lacked the necessary political influence to convince institutions to take action again due to their failure to collaborate and their poor relationships with government representatives (Rauch & van de Spuy, 2006). The changeover phase did not adhere to fundamental investigation methodologies as the training mostly emphasized election-related subjects, such as crowd control (Davis, 2009). The lack of synchronized strategic planning for police support programs by bilateral donors is the primary reason of failure, for which the Congolese security services bear responsibility. In the Democratic Republic of the Congo, modifications to the police force are implemented solely when deemed absolutely essential, and policy decisions are based on the preferences of individual contributors and their level of desire to contribute.

Most local police officers have not undergone any formal training in almost a decade, and a significant number of them have never received any training whatsoever. The statement suggests that the global community's ability to provide training is significantly inadequate (International Crisis Group, 2006). The training of more advanced skills has progressed smoothly, but the training of less advanced skills has been a total disaster. The police force

remained fragmented as the administration refused to centralize it (Gambino, 2008). The ineffectiveness of police reform in the Democratic Republic of the Congo was exacerbated by the country's inability to enhance its criminal justice and prison systems. Criminals can easily evade punishment for their offenses as a result of the worsening state of prisons and widespread corruption (Davis, 2009).

Davis (2009) argues that for police reform to be effective, it must be accompanied by modifications to the justice system. The absence of a centralized entity responsible for security sector reform is a contributing factor to the limited progress made in the eight years following the end of the conflict (Davis, 2009). In 2008, a committee was formed to oversee and administer the restructuring of the police force, which occurred five years after the establishment of the transitional government (Davis, 2009). The European Community has furnished office premises, equipment, and support for the initial tasks. However, even after a year of its establishment, the committee is still grappling with the task of defining its role within the complex network of reform-related activities.

The police reforms (Frevel, 2009) resulted in a restructuring of the internal organization of each police agency. When designing the organizational structure of the police force, it is important to examine both the existing problems and the desired results (Dawnes, 2004). Some of these include decentralizing decision-making to the lowest operational level, minimizing political influence in operational areas, establishing a well-defined organizational structure with a clear chain of command and lines of responsibility, optimizing resource utilization through an effective organizational structure, facilitating coordination of activities, and prioritizing horizontal development over vertical development. Structural police reforms also encompass modifications to management and leadership structures that facilitate the ability of police officers to make discretionary judgments necessary for restorative problem solving and the widespread implementation of principles (Bazemore and Curt Griffiths, 2003). These modifications also impact job descriptions, definitions, incentives, and institutions that facilitate reforms.

Examining organizational change in other police forces that prioritize decentralizing local decision-making and addressing national crime issues that impact all areas could provide valuable insights. Police forces across Europe have universally embraced a standardized design that is characterized by its flat, uncomplicated, and secure structure (Dawnes, 2004).

The most notable changes to police reform in Latin America were decentralization and re-centralization (Ungar, 2012). Latin American countries have decentralized their police and other important government services as they transition to democracy.

From a security perspective, it is logical to support the idea of sub-regional administrations being more capable of addressing local matters. Nevertheless, these governments were ill-equipped to fulfill their responsibilities, especially when it came to addressing crimes that occurred beyond their territorial jurisdiction. The efforts of the police have led to the implementation of federal programs in Argentina and Brazil, as well as the re-centralization of power in countries such as Venezuela and Mexico.

Barley (2003) asserts that a robust police accountability system relies on several key elements, including laws that delineate police powers and limitations, practical guidelines derived from these laws, educational resources such as lectures and publications that align with legal principles, workshops that promote adherence to both the intent and specifics of the law, policies that establish priorities for police utilization, and comprehensive training programs for law enforcement personnel. Accurate information regarding the police's efficacy in fighting crime and maintaining public order, as well as their honesty and the public's confidence, is crucial. Additionally, it is essential to have systems in place for managing feedback, assessment, and grievances, which contribute to the formulation of new policies, protocols, and guidelines. Police accountability is crucial in ensuring that law enforcement agencies possess the appropriate mindset to effectively battle organized crime. It involves addressing the potential for police officers to engage in dishonesty or collude with criminals (Barley, 2003). In addition, the police department may showcase its commitment to public service by ensuring that reports of abuse are handled with integrity, transparency, and neutrality. This will enhance public trust and collaboration with the law enforcement agency. Prioritizing accountability and enhancing the service's internal affairs capabilities is vital.

Accountability pertains to the functioning of the police force and the extent to which the public is informed about its activities, as well as the internal disciplinary measures and thorough investigation of individuals who breach human rights norms. This pertains to the close association between the police department and the media in order to provide information to the public and equip citizens with the necessary knowledge to enhance their

personal safety. This can be enhanced by the utilization of regional accountability programs. Within South Asia, specifically in the Philippines, the police force underwent comprehensive evaluations conducted by both internal and external auditors. A self-governing internal structure of accountability was created, resembling a police complaint authority accessible to both the public and the police (Aglipay, 1997).

Annually, the National Commissioner of Police in South Africa is mandated to delineate his foremost priorities and objectives for the year. The objective of this initiative was to enhance comprehension of the process of police policy formation and to oversee the efficacy of police performance (Rauch, 2000). According to Rauch, the creation of Community-Police Forums was legally required to facilitate communication and reporting between local police station commissioners and the community. In addition, an Independent Complaints Directorate was established. The primary duty of this entity was to gather and examine public grievances related to misconduct by law enforcement. The Directorate would not include any law enforcement personnel. Instead, it would be answerable to the Minister of Safety and Security. These measures were implemented to enhance police accountability.

Kenya has undertaken multiple endeavors to enhance police accountability. Establishing a regulatory entity to ensure comprehensive investigation of police misconduct, streamlining the process for government agencies to hold police responsible, simplifying the collection and analysis of information by police, and promoting the advancement of research capabilities and access in the field of police activities are among these measures (Ransley, 2009). The inadequacy of the existing structures to sustain an effective police force in Kenya became evident due to the population growth, the declining safety of the nation, the emergence of new domestic and external dangers, and the increasing education and intelligence of Kenyans. The Task Force reached the determination that prompt modification of the Kenya Police structure was necessary to enhance police operations. The nation does not necessitate a centralized entity to oversee the police force (Ndungu 2012).

The consequences include inefficiency, heightened bureaucratic procedures, and diminished morale. Communities should have consistent opportunities to engage with the police in order to express their expectations regarding the police service, provide feedback

on its delivery, and offer suggestions for enhancement. The establishment of institutions should be designed to facilitate the development and distribution of a national Policing Plan to all levels of the country, and vice versa. Hence, the centralized organization necessitates a fundamental transformation into a decentralized one. As long as they fulfill their responsibilities and meet their obligations, they will have the opportunity to benefit from both operational and financial freedom.

1.9.2 History of Police Reforms in Kenya

The implementation of police reforms in Kenya has been progressing since the adoption of the new constitution in 2010. The rationale behind this reform initiative within the police force may be understood within the wider framework of public sector reforms in the country (Njuguna et al, 2013). The National Police Service in Kenya was established in 1887 by Sir William McKinnon of the Imperial British East Africa (I.B.E.A) Company with the purpose of safeguarding his warehouses located along the coastline of Kenya (Kenya Police, 2003). The organization was once known as the Kenya Police Force until its name was changed in 2010 due to a new constitutional arrangement.

As per Kagari's research in 2006, the Kenyan police force was tasked with protecting important individuals and politicians. Kagari asserts that this led to a pervasive culture of corruption, impunity, and brutality within the police force, resulting in a decline in public trust and compliance with the law. Upon amending its constitution in the early 1990s to accommodate a multi-party system, the Kenyan government recognized the imperative to reform the operations of its police force. Citing the UN rules on the exercise of police authority, the Kenyan Constitution Review Commission asserted in 2001 that the police were perceived by the general population as being both corrupt and violent (Kagari 2001). The government appointed a police working force in 2003 to examine the function of the police and explore potential reforms. In 2004, the task force implemented a community policing program and was granted a salary increase (Kagari, 2001).

The Economic Recovery and Wealth Creation Strategy 2003-2007 identified certain security concerns that need resolution. The initiatives encompassed the formulation of ethical guidelines, the establishment of autonomous mechanisms for lodging complaints and oversight, enhancing law enforcement's ability to combat corruption, enhancing the efficiency of local police services by transitioning from a reactive to a proactive approach,

and enhancing crime reporting procedures. The majority of these revisions were primarily focused on operational and administrative aspects, rather than addressing the necessary structural, policy, and legislative changes required for the transformation of the Police. In March 2002, the president's office issued a directive to establish a national steering group on community policing with the aim of upgrading the police force.

The security concerns outlined in the Economic Recovery and Wealth Creation Strategy for the period of 2003-2007 are as follows: Enhance the rapport between law enforcement and the general populace and augment the police-to-citizen ratio; Training law enforcement officers on contemporary technologies and emphasizing the importance of upholding the law will enhance their effectiveness in carrying out their jobs; Provide law enforcement officers with state-of-the-art equipment and cutting-edge technologies; Facilitate the execution of police officers' responsibilities and enhance their ability to find accommodation; Analyze and implement the necessary laws to tackle current criminal activities such as tax evasion, cybercrime, money laundering, and terrorism, among other offenses; Devise and execute a strategy for collaborating on the administration of security in territorial waters and for conducting law enforcement activities across borders.

The Kenya Police Strategic Plan, implemented from 2003 to 2007, incorporated many organizations and approaches to ensure efficient performance management. Notably, it involved the establishment of a Police Service Commission and an autonomous police monitoring entity. The Plan delineated a comprehensive strategy for national law enforcement, provided explicit instructions for operations, and established a fixed tenure for the Police Commissioner. The Strategic Plan proposed the allocation of more and enhanced resources, together with the enhancement of terms and conditions of service, in addition to addressing concerns regarding police governance. Following the 2007 elections, Kenya was on the brink of an economic, political, and social catastrophe. Upon the release of the election results, the country teetered on the brink of disintegration due to the pervasive violence that ensued (Amnesty 2013). Police reforms were prioritized as a key measure to reinstate the rule of law according to the National Peace Accord of 2008. The implementation of police changes in "Agenda Four" was motivated by the writers' strong conviction that if the police had behaved professionally and impartially, the post-election violence and destruction would have been significantly reduced. The Waki Commission Report (2012) extensively reiterated these beliefs.

The police were prosecuted by both the Commission of Inquiry into Post-Election Violence in Kenya and the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions for their actions before the new Kenyan Constitution was implemented. Both individuals proposed modifications to the existing police activities. The government established the National Task Force on Police Changes in May 2009, led by Judge (Rtd) Philip Ransley, with the objective of providing recommendations for nationwide police changes. The task force generated a report that categorized the challenges associated with reform into three groups: institutional, policy, and legal modifications; police accountability and cooperation; and terms and conditions of service; as well as police image, tools, and logistical capabilities. The objective of the study was to determine if the recommended modifications had been put into practice and what effect they had on the provision of services.

In order to accelerate and supervise the implementation of the 200 recommendations put forth by the Ransley Task Force, which align with the new Constitution, the President established the Police Reform Execution Committee (PRIC). The adoption of a unified police command structure had a substantial impact on the management of the Police Service. The police have effectively transitioned from a force to a service, abandoning decades of impunity, secrecy, and brutality in favor of a more transparent, empathetic, and proactive approach to policing (Ndungu, 2011). 2011 (Ndungu).

The improvements also addressed concerns over the effectiveness of the police force. The police had challenges in fulfilling their responsibilities due to a scarcity of personnel and inadequate training resulting from long-standing pervasive corruption, favoritism, and insufficient financial resources (Ndungu, 2011). Inadequate compensation, unpleasant living and working conditions, and a hostile public that fails to recognize the value of certain exemplary police efforts together contributed to diminished morale and reduced efficacy within the police force.

1.9.3 Challenges facing Police Reforms

The behavior inside a police organization is greatly influenced by the personal values of individuals (Lipsky, 1980). The absence of alteration in police conduct in Kenya has had an adverse effect on the reform objective, thus requiring the need for this study. People

exert a significant impact on police organizations due to their personal ideas, favored policies, and deeply rooted attitudes (Muir, 1977; Brecht and Simons, 2000). The relationship between an organization's organizational culture and the extent and intensity of shared values among its personnel is closely intertwined (Zhao et al., 1995; Wasserman and Moore, 1988). Regarding the examination of police organizational culture, most scholars in this field observe that human values are predominantly consistent and generally unyielding to alteration (Rokeach and Ball-Rokeach, 1989). Researchers studying organizational reform in police agencies have found that the bureaucratic policing paradigm is highly resistant to change (Goldstein, 1987; Trojanowicz and Bucqueroux, 1990; Wasserman and Moore, 1988; Nowicki, 1998). The police culture in Kenya has been heavily influenced by colonial governments, resulting in the acceptance of actions such as violence, torture, and corruption. The planned study may be necessary due to the bureaucracy, which could affect the delayed implementation of change in Kenya's police service and police force.

The prevailing institutional culture inside the Service greatly influences the long-term effectiveness of a police reform endeavor. A primary goal of police reform should be to overhaul the culture in situations where there is a lack of accountability and widespread corruption. The shift from being perceived as a "force" to being seen as a "service" is a substantial transformation in the approach and perspective of police officers towards their duties and their daily engagements with the public. The Service must effectively resolve concerns that have the potential to harm its reputation, both at a personal and institutional level. These factors are relevant to the proposed inquiry. Such behavior encompasses indifference, a deficiency in work ethics, a lack of dedication, a defensive reaction to difficulties, unquestioning obedience to external authorities, and an indifferent disposition towards service delivery. Hence, the suggested study holds significance as these actions have the potential to impede the progress of police reform initiatives.

Several elements might affect service delivery, such as staff compensation, training options, resource accessibility, information and communication technology (ICT), promotion strategies, and corporate culture (Luis and Joana, 2005). The provision of services by the Police Service has garnered attention from both internal and external contexts, and continues to do so. According to the East African Bribery Index Report (2011), Kenya's police force is the sole corrupt institution among the top 10 member states

of the East African Community (EAC). The report enumerated a total of 115 establishments, with 35 originating from Kenya, which encompassed the Kenyan police force. The objective of this planned study is to examine the impact of concerns such as corruption on Kenya's efforts to reform its police department.

The police corruption index witnessed a rise from 77.7% in 2010 to 81% in 2011, despite a decrease in the number of police officers soliciting bribes. According to The Star newspaper on October 22, 2011, the police were identified as having the highest level of corruption among all five nations in the East African Community (EAC). According to a 2011 survey by the World Bank, the Kenya Police Force receives the highest number of complaints across the entire country. The World Bank (2011) reported a rise in the proportion of complaints from 45% to 60% in 2011. The police's inability to effectively tackle security concerns such as terrorism and organized criminal syndicates, as well as their failure to significantly reduce crime rates, can be attributed to the prevalence of bribery within its ranks. The planned study is essential since it will provide crucial insights into the extent of progress in Kenya's police reforms.

1.9.4 The Existing Gaps on Police Reforms in Kenya

The demand for police changes in Kenya reached its peak following the notorious 2007/2008 post-election violence, which resulted in the deaths of several innocent citizens and the displacement of thousands from their residences. Consequently, a commission of inquiry was established, with Justice Philip Waki serving as its chairperson. One of the committee's conclusions revealed that the police were completely incapable of controlling the violence. Furthermore, in certain cases, they actively encouraged the violence by aligning themselves with specific political factions. The report suggested implementing significant and immediate changes to the police system in order to prevent the repetition of such severe human rights breaches (Waki, 2008). The Government established a task force on police reforms, chaired by Justice (Rtd) Philip Ransley, in response to the recommendations of the Waki report. The task force extensively utilized the two police strategic plans, namely the police strategy plan for the years 2003-2007 and 2008-2012. Additionally, they organized public hearings where they received both oral and written opinions from the general public, civil organizations, and all relevant parties. The task team also performed extensive research on global policing standards and best practices, gathering data from other countries.

Following an extensive examination, the task force generated more than 200 recommendations regarding police reforms in Kenya. The most crucial proposals included merging the two police forces into a single entity, renaming it as a service, creating the position of Inspector General, establishing the National Police Service Commission, setting up the Independent Policing Oversight Authority, forming the Internal Affairs Unit, revising the police training curriculum, conducting vetting procedures for all police officers, providing retraining for all police officers, restructuring the police ranking system, procuring sufficient operational resources, and enhancing the overall welfare and terms of service for police officers (Ransley, 2010).

The Ransley suggestions were overwhelmingly accepted and included in the new constitution that was established in 2010. To implement the constitution and enact police reforms, the Government took the lead in publishing the National Police Service Act, the National Police Service Commission Act, and the Independent Policing Oversight Authority Act. The enactment of these legal frameworks brought about the commitment to significant police reforms, subsequently leading to the development of three fundamental institutions - IPOA, NPSC, and the IGP - which marked crucial achievements in the process of reforming the police force. By establishing these offices, the aim was to transfer the responsibility for security from the Presidency to several organizations, granting the police greater autonomy from the administration and other potential sources of political intervention.

These Acts outlined a definitive plan for achieving the complete implementation of 27 police reforms. Nevertheless, the available research suggests that efforts to reform the police in Kenya have encountered significant opposition. Those who benefit from impunity and oppose change have vigorously fought to maintain the existing state of affairs (Amnesty International, 2013). In addition, many organizations have raised concerns about the Government's dedication to fully implementing police reforms, as certain components of the reforms, such as the vetting of police officers, seem to have been postponed or halted (Amnesty International, 2013; KHRC, 2012).

The researcher initiated this investigation due to the limited availability of information regarding the advancements made in police reforms and the subsequent obstacles

encountered. More precisely, given the sluggish rate at which police have adopted changes (Nyambura, 2012), it seemed that most police personnel had not received sufficient education on the essential components of police reforms. Furthermore, there was a dearth of explicit and well-documented data regarding the level of accomplishment attained by police reforms, the areas that experienced delays, and the subsequent issues that arose. The study thus aimed to address the existing gaps and provide an empirical analysis of the obstacles faced in implementing police reforms in Kenya. Additionally, it aimed to propose recommendations to overcome these issues and expedite the implementation process.

1.10 Theoretical Framework

The investigation was based on Lewin's three-step transition model, which provided the framework for the study. According to Kritsonis (2005), Lewin's three-step transition model, also known as the theory of change, posits that change happens in three distinct phases: unfreezing, changing, and refreezing. Hence, Lewin's three-step model of change consists of three distinct stages: unfreeze, move or change, and refreeze (Kurt Lewin, 1951; 1958). It functions as a platform for many writing styles discussing institutional transformation and reforms (Goodstein and Burke, 1995; Sapienza, 1995; Kotter, 1998; Goss et al., 1998).

The theory posits that individuals, both within and outside the organization, generally exhibit a natural inclination to oppose change. This indicates that it is necessary to incorporate all individuals who are essential to the process. This study highlights the difficulty of modifying behavior inside an organization, specifically in regards to transforming the culture of the police force. The Kenyan police system is undergoing a comprehensive overhaul, transitioning from a rigid and unprofessional organization to a contemporary, people-oriented, and adaptable service due to the significant reforms implemented by the NPS.

Implemented changes include leadership restructuring, workplace transformation, the emergence of novel governance and law enforcement approaches, the rise of new societal demands, and the recognition of ongoing human evolution. This necessitates a transformation in the operational and service delivery methods of police forces. Hence, it is imperative to ensure that all individuals within the NPS are fully cognizant of the modifications and their underlying rationales. It is imperative that the whole police force

assumes ownership and accountability for the process, encompassing all ranks from the lowest to the highest. The McKinsey 7s model enhances the significance of Lewin's three-step transition paradigm. The McKinsey 7s model emphasizes seven essential components that an organization requires: structure, strategy, systems, skills, style, staff, and shared values.

The National Police Service strategic plan incorporates these seven parts as a framework to direct the reform process, as changes are necessary in these fundamental seven domains (Peters and Waterman, 1980). In order for the NPS adjustments to be successful, these seven parts must collaborate in a cohesive manner. It can be inferred that the organizational structure of the NPS is the most vital aspect of Kenya's policing reforms, surpassing the significance of its resources or physical facilities. Consequently, this conceptual model has functioned as a framework to guarantee the success of implementation methods. In order to achieve the organization's goals, it is imperative that these seven components operate effectively in unison. Nevertheless, the impact of these methods is predominantly determined by the quality and capabilities of the workforce, rather than by traditional tangible assets such as capital, infrastructure, and equipment (Modahl, 2000). The McKinsey 7s model emphasizes that the seven essential components should be prioritized while implementing plans.

1.11 Research Methodology

The study's methodology is covered in this section. It emphasizes the research design, the study area, the target population, the sampling size, the sampling method, the research instruments, the pilot study, the reliability and validity of the research instrument, the methods for gathering data, the methods for analyzing data, and the ethical considerations.

1.12 Research Design

This study used a historical research design to direct the collection, analysis, and interpretation of primary data as well as the review of secondary data sources for purposes of corroboration. This yielded categories, patterns, and themes on past events that led to specific study findings and conclusions on the topic under study (Kothari, 2004). Oral interviews and archival sources were all used as primary sources. Information was gathered using archival records, including police files, province, county, and district annual reports, reports from the Local Native Council, reports on native affairs, colonial government

publications, and colonial reports. Secondary data sources such published reports, books, periodicals, newspapers, book chapters, and policy briefs were used to supplement primary data. According to Kerlinger (1969), a historical research design enables the study to evaluate historical events using the data that is now accessible, present the findings, create significant knowledge principles, as well as offer answers to significant problems in the research domain.

1.13 Study area

The study was carried out in Kisumu County in western Kenya. Kisumu County was initially an administrative district of Nyanza Province in western Kenya. Its headquarters is Kisumu City. It has a population of 504,359 (as of 1999) and a land area of 919 km². The main industries are subsistence agriculture and fishery on Lake Victoria. Kisumu Town is the main commercial centre in western Kenya. Kisumu County borders Vihiga to the North, Nandi County to the North East, Kericho County to the East, Nyamira to the South, Homa Bay to the South West and Siaya to the West.

1.14 Target Population

The target population in the study was two hundred and ten (210) police officers working in all the 42 police stations in Kisumu County. The population included officers commanding those police stations. The population also included 17 key informants drawn from the top police leadership and selected civil society organizations which deal with security sector reforms. The study considered police officers across all ranks, gender, age, years of service and the sections within the police stations.

1.15 Sampling Procedure and Sample Size

Police officers in Kisumu County were attached to various geographically distinct police stations that served the neighborhoods with people of different socio-economic status. Stratified random sampling technique was therefore used to draw respondents from the study population. According to Kothari (2004) stratified random samples provided detailed information and more reliable data in any study. The police stations in Kisumu County constituted the strata from which the respondents were purposively selected to give them equal chance of participating in the survey. This method was advantageous since it reduced costs by concentrating the survey in purposively selected samples within each stratum as estimates based on each stratum were more reliable per unit cost.

For the police constables, Gay (1981) rule was used to sample the informants. According to Gay (1981) at least 10% of study population is an appropriate sample size for a qualitative research. Kilemi and Wamahu (1995) also concurred with the formula. Therefore the sample size for the police officers in the study was 21 which represented the 10% of the 210 police officers in the 7 Sub-County stations/ headquarters. Three (3) police constables were purposively selected and interviewed in each station respectively using open ended semi-structured questionnaires (Pap Onditi, Muhoroni, Ahero, Kasagam, Kisumu central, Maseno and Kombewa). Furthermore, 7 OCS's and 7 OCPDS' were purposively selected from the 7 sub-county headquarters (Pap Onditi, Muhoroni, Ahero, Kasagam, Kisumu central, Maseno and Kombewa) for in-depth interviews contributing to 14 key informant interviews. Three informants from the Civil Society Organizations engaged in security sector reforms and Human Rights Activists were also interviewed. In total, 17 Key Informant interviews were conducted.

1.16 Research Instruments

A semi-structured interview schedule was used to conduct interviews with the Officers Commanding Stations because of its flexibility to gather in-depth information from sensitive topics. On the other hand, open ended questionnaires were used to collect data from police officers from all the police stations because of its ability to collect information from large samples and uphold confidentiality, while key informant interview schedules were used to collect data from officers at the police headquarters and civil society organizations.

1.16.1 Archival Records

These were obtained from the National Archives, institutional records, government records, library records, manuscripts, and previous reports in personal archives. These sources of information provided primary data for triangulation purposes with other primary and secondary data sources.

1.16.2 Secondary Data Sources

Available secondary data were reviewed to complement data from primary sources. Secondary data was obtained from journals, magazines, manuscripts, books, book chapters, and internet.

1.16.3 Pilot Study

Prior to the actual commencement of field work for information gathering process, the researcher conducted a pilot study of the history of police reforms with 21 police officers in Usenge division, Siaya County. Mugenda and Mugenda (2003), affirms that 10 % of the sample size can be used for piloting. Thus, a pilot study incorporated the target groups in areas which were not covered by actual study. The fundamental motivation of pilot study was to correct any unclear or ambiguous statements on the instruments and to acquaint the researcher with the organization of field study consequently improving the research instruments and methodology.

1.16.4 Validity of the Instrument

The instrument validity was measured by content validity test where it was determined by the experts and peers (Kothari, 2005). The supervisors examined and gave their recommendations on whether the research instrument (open ended questionnaires and key informant interview guide) were appropriate enough. The researcher also gave an expert in security studies and request him to assess what concept the instrument was to measure and determine whether the set of items represented the concept under study. According to Borg and Gall (1989), content validity of an instrument is improved through expert judgment. The pilot study assisted in confirming the degree to which data obtained from the instrument represents the theoretical concept under study.

1.16.5 The Reliability of the Instrument

Reliability is a measure of degree to which a research instrument gives consistent results after repeated trials (Mugenda and Mugenda, 2003). To determine instrument's reliability, a test-retest pilot study was conducted. The test-retest involved administering the same instrument twice to the same group of subjects (police officers). Orodho (2009) noted that the pre-test should be 10% of the sample, which was selected for pre-test but was excluded in the final actual research study. Administration of instruments for the first time was done in June 2022 and the second time was done after one month' in August 2022 to re-test if the subjects were able to remember how they responded the first time they completed the instrument. The reliability therefore, established the correlation of responses between the two instruments. The results established that there was consistency from responses from the selected individuals.

1.17 Data Collection Procedure

A pilot study was carried out to assess the appropriateness of the questions in the research instruments. The piloting was done in person by the researcher and where necessary, there was revision and restructuring of the questions to address the study objectives. The date when data collection commenced was noted. Before carrying out data collection, the researcher sought for permission by applying for a research permit from the National Commission of Science, Technology, and Innovation (NACOSTI) to carry out this study. A copy of the authorization letter and a research permit was sought. The interview guides assisted in interviewing some police officers, officials of the relevant national, county and sub- county departments, former police officers, church leaders, NGOs, church leaders, former and current chiefs, as well as assistant chiefs, traditional leaders, teachers, criminal experts and households. The interviews were conducted in English, Kiswahili, and Luo local language through interpreters. Secondary sources like books, journals, book chapters, the internet, and other relevant records were used in the study to gather information for corroboration with primary data.

The researcher subsequently reported to the County and Sub-County Commissioner to get permission to carry out data collection. During the field research, respondents were carefully selected and measures were put in place to ensure that they are willing participants. This was followed by the training of research assistants who assist with data collection. Both the research questions, which had been developed for data collection by the research assistants, were put to test during a pilot study. Equally, the researcher organized a pilot study to pre-test the data collection instruments to ascertain their validity and reliability after which they (research instruments) were revised. The researcher at this point gave an overview of the research premise to the respondents. After a week, the researcher, and research assistants set out to collect data. The researcher identified respondents to be interviewed with the help of the local administrators. The researcher and the research assistants noted down the information given by the respondents.

1.18 Data Analysis and Presentation

As per Cohen and Manion (1994), after data gathering, data editing ought to be done to recognize mistakes and get rid of them. As indicated by Keith (2009), data analysis is a procedure of discovering significance from data. Data editing was pursued to examine the information pieces, distinguish those things wrongly reacted to, spelling mistakes,

duplication, segment division and any clear spaces left unfilled by the respondents. In this study, thematic data analysis was used. Data was fully transcribed and typed by the researcher. The data was recorded and then grouped into major topics and sub-topics based on the similarities and differences of the responses. Data analysis involved categorizing the related topics together into thematic areas (themes). The extensive field notes gathered during oral interviews were corroborated with archival and secondary data to eliminate any bias and to ensure accuracy and reliability of study findings. Thematic analysis examined general patterns and dominant themes with respect to the objectives. Responses to each item in the interview guide was organized thematically to bring out information on police reforms from the colonial to post-independence period.

1.19 Ethical Consideration

The researcher obtained an approval letter from Jaramogi Oginga Odinga University of Science and Technology. The letter enabled the researcher to be granted a Research Authority Letter and a Research clearance permit from the National Council for Science and Technology (NACOSTI). The letter authorized the researcher to carry out research in Kisumu County. More permission was sought from the offices of the deputy county commissioners in the sub- counties. In the field, the researcher sought voluntary participation of the respondents. The respondents were assured that the findings to be generated were to be used purely for academic purposes. The respondents were also be assured of confidentiality where information recording was employed, only voice recording was used. This made the respondents develop confidence in answering the questions. The researcher acknowledged the works of other relevant authors. It observed the right to disseminate research findings to interested stakeholders. This research provided the premise upon which it was carried out.

Research assistants were trained on ethical issues relating to research with human subjects. The researcher obtained the consent of the informants. Recruitment of informants into the study was be primarily voluntarily and no informant was coerced to participate in the study. The informants were asked to give true and accurate responses that were kept as confidential as possible. Each informant was accorded an Identification Code to keep their identities anonymous, except those who wanted to be acknowledged by their real names. All informants who volunteer to participate in the study were required to sign a consent form. Consent forms will be presented both in English and local languages. Before signing

the consent forms, informants were provided with a detailed description of the study and, thereafter, allowed to ask questions for purposes of clarification. Informants were allowed to withdraw from the study if they so wished. The researcher remained open and honest when dealing with other researchers and the respondents. The exploitation of respondents by changing agreements was avoided at all costs. Necessary measures were taken to physically and psychologically protect the informants.

CHAPTER TWO

THE TRANSFORMATION OF THE POLICE IN KENYA DURING THE COLONIAL PERIOD (1885-1963)

2.1 Introduction

This section begins with an examination of the evolution of the police force in 1887. As part of the highly anticipated policing reforms, it investigates the transfer of authority from company rule, the administration of the Police Force by Indian officers, the transfer of administrative bases from Mombasa to Nairobi and its spread to other regions in Kenya, and the transformation of the Kenya Police Force into the National Police Service. This chapter begins in the late 1880s, at the time that Kenya was incorporated into the IBEAC sphere of influence and British merchants and company officials required an increase in protection. The situation on the ground necessitated the formation of a local army to bolster the restricted number of British forces.

2.2 The Police Force under the Imperial British East Africa Company (IBEACO), 1885-1902

The Imperial British East Africa Company, which was already well-established in the area and later renamed the East Africa Trading Company, was chosen by the British government to be used as a "tool" to further British economic interests without devoting national resources to the project (Kivoi and Mbae, 2013). The regional commissioner was granted the authority to assemble police force or other security personnel to guarantee the protectorate's security. The result was the creation of the armed forces (Kivoi and Mbae, 2013).

Under Sir William Mackinnon's leadership, the Company hired Indian Police and watchmen in 1887 to maintain the safety of its installations and stores. They did this by using Indian laws, including the Police Act, the Evidence Act, and the Criminal Procedure Code (Foran, 1962, p. 6). The Company's dominance along the caravan route from Mombasa to Uganda had significantly increased by 1889. The Company followed the path of the caravan-built trading posts manned by askari, or locally hired workers, who were under the authority of the post's postmaster. The Askari were often tasked with construction and maintenance duties and resembled armed guards more so than police officers (Foran, 1962, 4).

The British Foreign Office issued an order for the opening of the first police station in Mombasa one year after the Protectorate was proclaimed in 1896. The history of law enforcement in British East Africa began with this. But the term "askari" was widely used during this historical time. The term "soldier" is used in Arabic and Swahili to refer to native soldiers who served in the armies of European colonial powers in East Africa and the Middle East. The phrase can, however, also be used to describe security personnel and law enforcement personnel (Foran, 1962).

At the time, all of the European colonial powers that ruled East Africa enlisted Askari fighters from the local populace for their armies. They were key players in the early conquest of the various colonial possessions and afterwards served as garrison forces and forces responsible for maintaining internal security. Askari troops participated in combat in areas outside than their home colonies during the First and Second World Wars. The IBEAC hired the first police officers and sent them to patrol a few stores, warehouses, and financial institutions. This was carried out in response to the expanding economy (Foran, 1962).

The I.B.E.A. Company developed an administration in 1896 that included a security force with guns and fortified stations to protect its trading routes, infrastructure, stockpiles, and employees. Later, there were about 150 agents on the squad, including Comorans, Somalis, Swahilis, and Indians. The Imperial British East Africa Company also had access to police officers at all times. The Company had the option of applying to the East African Rifles and the Uganda Rifles, two military units that would later combine to form the King's African Rifles, to ensure the security of its commercial and trading operations. It wasn't until 1896 that Mombasa made its first attempt to put together something resembling a police force. One of the first policemen to join the newly established police department was Kapur Singh, who had previously served in India. He was born in a little village not far from Amritsar, and it was there that he initially enlisted in the neighborhood police force. He was initially assigned to Baluchistan before being moved in 1895 from the India Police Force to the Kenya Police Force. Kapur Singh gained a great lot of respect for his other accomplishments in addition to his lengthy service as a police officer in the Protectorate. He went back to India after retiring, where he later passed away (Wolf, 1973).

The Nairobi Police Department employed his son Satbachan Singh as well, although he

was eventually transferred around the nation and given job offers in numerous places. He stayed in Nairobi most of the time. The area was not entirely built in Nairobi's early years. He occasionally came upon lions while on duty during the time of the Settlers. He was sent to Lamu during the First World War with the directive to keep an eye out for enemy agents, especially Germans and Italians. He was given the responsibility of stopping the ongoing poaching of elephants for their ivory in the Voi region after the war (Wolf, 1973).

Mr. Singh fervently opposed all forms of poaching since he was a fierce protector of the natural environment. He spent a lot of time and effort wandering the adjacent woods before he found out who was behind the unlawful hunting. He assists his older brother Laxman, who left the police department earlier in his career, on the family farm in addition to working for Nairobi's Criminal Investigation Department. Satbachan Singh retired and came back to manage the family estate after the Second World War. On the contrary, he was called in because of the Emergency cases in 1946. One of the organizations Satbachan Singh assisted in establishing in Kenya was the Wildlife Society (Wolf, 1973).

The corporation understood that it had taken on a financial load and duty that well exceeded its financial capacity as it continued to widen its sphere of influence. To prepare for the possibility that the Company may leave East Africa and Uganda, the British Foreign Office took control of Uganda and the region in 1893 and 1895, respectively. This was finished in case the Company decides to leave these areas, which was a possibility. The Foreign Office hired R. M. Ewart in 1896 to create a "kind of" police force in Mombasa (Foran, 1962, 8). When the Uganda Railway Police were established in 1897, they were stationed at newly built railway stations to offer security during the building of new rail lines (Foran, 1962).

Numerous historical studies have found that company rule was the first type of colonial rule to be imposed in Kenya. Through the Imperial British East Africa Company (IBEAC), the British implemented their corporate dominance in Kenya. It was learned during a talk with a lecturer at a Nairobi-area university that the company had created an armed security unit with stations in 1896 to protect its Mombasa business operations (Foran, 1962). This information was obtained via speaking with the professor. This project was started by Sir William McKinnon, who had a personal interest in maintaining his business outlets, according to his explanation. As a result of this effort, the idea for creating a police force

in Kenya was established.

According to an oral conversation with a retired police officer, the majority of the personnel in this unit at the time were Indians and were subject to Indian police laws. During the interview, this information was revealed (KII, Kisumu, 14.5.2021). The elderly man claimed that the British reliance on Indians as a primary source of security in the army was based on the idea of racial superiority, according to which Indians were thought to be beneath Europeans and Africans, who were thought to be less intelligent and civilized than the Europeans and the Indians. As a result, the majority of force security was handled by Indians for the British. IBEAC officials opted to use and rely on the former over the latter as a result (KII, 14.5.2021). Both Wolf (1973) and Sommer (2007) supported this idea, noting that a sizable portion of Mombasa's police force was made up of people of Asian descent.

2.3 The Kenya Uganda Railway

It's crucial to keep in mind that the colonialists' principal objective was to strengthen colonialism and use Africa's resources to boost the economies of their home countries. Peacock noted in 1958 that several big corporations worked with the Colonial Office's approval to carry out the British colonization of Africa between 1850 and 1900. In the end, it was the British East Africa Company that seized power in Kenya and Uganda. In order to make it simple to go to the locations where raw resources were sourced and, in the case of East Africa, the port of Mombasa, they had to construct infrastructure within their colonies. In light of this, the Port of Mombasa to Uganda Kenya Uganda Railway was constructed (Wolf, 1973).

Around 1900, a railway engineer founded what would eventually become the Uganda Railway Police. These forces were often tasked with defending Mombasa's commercial and territorial interests in the vicinity of Kilindini Harbour, which was a major economic hub for the city. The majority of the security detail was made up of Indian police and watchmen, and the Indian police were in command of the entire operation. This led to the establishment of police units in Mombasa, Nairobi, and Kisumu as well as the Uganda Railway Police and small groups of unskilled askari who were directly under the Local Collector for the Assistant Collector by 1902. These agencies were all located in Uganda (Foran, 1962, 8).

It was discovered during an interview with a former police officer that the Kenya Uganda Railway required strong security to safeguard the construction supplies in each station. This indicated the requirement for a formal security force (O.I. 3.6.22). Not only were things built and fixed, but also the building supplies were kept secure by the police. According to a retired chief from Nyakach, R. M. Ewarl was tasked with foreseeing Mombasa's need for a police force, which would require the construction of the railway, when it was decided to build the railway in 1897. According to this chief, R. M. Ewarl was tasked with organizing the structure of the Mombasa police force (O.I, 8.6.2021). Centers had to be established in cities like Kisumu, Nairobi, and Mombasa in order for this to happen. The action detailed above demonstrates that at the time it was taken, colonial security and control were expanding in Kenya.

Wolf noted in 1973 that more police officers, including Africans, were employed to work in various jobs as the railroad grew deeper into the nation. The IBEAC had lost control of Kenya by the end of the 1880s, and the British colonial authority now ruled the country. The Kenya Uganda Railway was being constructed during the time. This took place at the same time that the railroad's construction was complete. However, it's crucial to keep in mind that African communities in Kenya responded to the entrance of colonialists in various ways, and that many of them actively opposed the formation of colonial power in their regions when it initially began.

The Agiriama and the Nandi, according to an academician who was interviewed in Kisumu, took up guns to prevent the British colonial authorities from annexing their territory (KII 8.8.21). Wanyiri discusses the Nandi's protracted conflict with the British in his 2005 book, *The Price of Freedom*. Communities like the Nandi opposed the construction of the railway because they feared losing their independence and being occupied by outsiders. The colonial commanders need a police force, according to a Mau Mau war veteran who was present in Mathari, in order to shield themselves from military resistance and to put an end to local community resistance (Elder 'O.I, 9.12.21).

2.4 The Palm Wine Regulation of 1900

Palm wine was a well-known product that was traded globally by the second half of the 19th century. People from the interior, including some Mijikenda, kept traveling to the

coast to exchange goods for palm wine. However, there were more and more coconut palms in several Mijikenda regions, particularly in the Rabai area. People from the remote countryside would travel to Giriama with calabashes to exchange for grains. Coconut palms were planted more quickly in the Mijikenda regions where palm wine is grown because of how vital it is to the local economy. Although juice could be obtained from various kind of palm trees, the most often consumed wine was made from coconuts. Planting coconut palms had advanced to the point towards the end of the 19th century when individuals in Rabai were spending an increasing amount of time planting and harvesting palms rather than farming.

In the 1800s, evangelists from the Church Missionary Society settled in the vicinity of Mombasa. These individuals were critical of palm wine. The earliest of these missionaries, Krapf, stated in a document he produced among the Mijikenda in 1848 that intoxication was "a formidable obstacle to the Gospel." The fact that there were palm trees everywhere and that their fruit was being collected only served to make people sluggish and inebriated, and the fact that Rabai was so skilled at creating palm wine made them miserable rather than happy, according to the missionaries. The expansion of the palm wine industry, according to a missionary, was accompanied by the following statement: "The Rabai people found that this was a very easy way to make a living, so they didn't do much else."

The first attempts to regulate palm wine sales didn't occur until 1900. In that year, Her Majesty's Commissioner released a set of guidelines known as the "Palm Wine Regulations" or the "Native Liquor Regulations." The following was stated in these regulations: "The sale of palm wine, pombe, fermented asali (honey), and all other native intoxicating liquors is hereby forbidden in the areas specified in the annexed Schedule, except under the conditions prescribed in these Regulations." In charge of the coasts in 1907 was concerned about a variety of issues that needed to be resolved. One of these was the labor market, which was a constant issue for would-be entrepreneurs across Europe. People believed that the Rabai and other individuals would need to find alternative sources of income in order to pay their taxes if they made less money selling palm wine. Because to the Wagiryama's illegal tembo trade, there is a labor shortage. Furthermore, it was said that some Arab landowners along the shore kept their staff by providing them with palm wine, giving European planters an unfair advantage.

According to Deflem (1994), control, for lack of a better phrase, was another major concern. Mombasa Town officials made a lot of effort to maintain law and order among a mobile and diverse population. They transformed the crowded, haphazard communities on the island into a planned metropolis with a manageable population. This was done to make it simpler to navigate Mombasa town. This order was endangered by men who were intoxicated and loitered in markets and other open spaces. The army of unofficial sellers who constantly moved around and made a living by selling at least some palm wine did the same. In a 1906 editorial about public intoxication, the East African Standard stated: "The drink curse has the lowest class of the natives in Mombasa District in its grip."

It is believed that the Palm Wine Regulations, which were passed in 1900, gave the police its first significant internal jobs. Anyone selling wine or distilling alcohol was required by this law to get a license from the District Collector. People believed that if wine could travel freely, Africans whose livelihoods depended on producing and selling wine would be able to avoid contract employment with the British invaders. This led some individuals to believe that Africans' prospects of landing positions in European corporations were harmed by the open flow of wine (Deflem, 1994). It was also discouraged since it was believed that drinking wine reduced the caliber of the job produced by African workers. The rules governing wine were directly influenced by the police because they were the ones to first bring these issues to light. The Africans were required to pay taxes on their huts in part due to financial constraints. Because they had to pay their taxes in cash, Africans were forced to work as wage workers for their European overlords. In an effort to maintain control over the African work force, the police also enforced the rules against vagrancy very severely. These legislations were passed with this objective in mind (Deflem, 1994).

2.5 The village headman ordinance of 1902-1928

Although the Village Headman Ordinance was adopted in 1902, its origins may be traced all the way back to the establishment of the Administration Police. This ordinance was created in order to integrate the locals into the financial system, impose taxes, manage agriculture, restrict the movement of workers and cattle, and establish a number of other social and economic norms (Mbuba & Mugambi, 2011). The chiefs were referred to as village headmen in those days. They would frequently implement unpopular policies of the Colonial Government using the Native Police, which were young men from the village.

Some of these measures included taxation without representation and the release of prisoners without compensation.

According to Killingray (1986), there were two different types of laws in every colony: "alien law," which was based on the legal system in England at the time, and "customary law." Consequently, "indirect rule didn't care about the rule of law; it cared about keeping the colonial structure in place" (Killingray, 1986, 413). In other words, colonial African police "did not do jobs that were similar to what police forces in Europe or the United States do now. As a substitute, the police in colonial Africa "acted as tax collectors, taking people's goods and destroying their villages if they didn't pay," according to one account. In times of war, they would also pick up employees and make them enlist (Killingray, 1986). This resulted in "vast areas of colonial Africa not being policed by the central government," and "day-to-day law enforcement, such as it was, was the responsibility of the native authority and local "tribal" police units bound by "traditional rules," among other things. Furthermore, "the central government didn't keep an eye on large parts of colonial Africa" (Killingray, 1986, 426). This is also the origin of the Administration Police as we know it today. The Administration Police used to be in charge of maintaining law and order in rural areas. Kenya Police, on the other hand, were entrusted of maintaining order in urban areas, near railroads, and in settlements with white residents.

A crucial element in establishing the rule of law, or more precisely, rule by law, was the village headman ordinance. The British commissioners decided to increase security after learning that Kenyans were hostile in an interview with a former police officer in Kisumu. (O.I., 2.12.21) The interview took place in Kisumu, Kenya. The officer continued by stating that the Village Headman Ordinance was enacted in 1902 because British colonial authorities believed that law and order were necessary throughout the nation. The administrative police unit was created as a result of this statute, which was passed in 1902. Giving the British a centralized authority they could always rely on was the aim of this ordinance. According to a retired chief from Nyakach, the fundamental objective of this ordinance was to integrate the locals into the capitalist system so they could regulate work and the movement of both humans and animals. This was done to enable the local populace to participate in the financial system (O.I., 1.1.22).

The Village Headman Ordinance, according to Bogonko (1980), was adopted in 1902. The

chiefs were given the responsibility for tax collection, maintaining public order, and ensuring that employers in Europe always have workers thanks to this statute. The village chief served as the government's envoy to the reserve during colonial times. The local headman had to rely on the village bullies and toughs for assistance in 1974 because the populace disliked the colonial policies. These policies were utilized by the colonialists to achieve their objective of profiting off the African people's economy. While the Kenyan officials who were already present concentrated their efforts on the cities, these local thugs served as the local police force.

The tribal police gradually took over the role of maintaining order in native communities from the village toughs, also known as the chief's retainers. Elderly males, FGD, 14.10.21). It was discovered during a focus group with older men at Katito that the unit had chiefs and sons of chiefs who were devoted to the colonial master. They continued by saying that the primary purpose of hiring these local loyalists was to allow them to conduct patrols into African reserves. These teams of security personnel were referred to as "chief's retainers" back then, according to an elderly man who had previously served as an AP officer for the colonial master in Kisii (O.I 3.11.21). After a discussion between the provincial commissioner and district officials from the central province, he claimed that eventually the chief retainers would turn into tribal police (O.I 3.11.21).

The Railway Police joined the newly formed British East Africa Police in 1904. (Foran, 1962). The Indian Railway Act (1890) and the Indian Police Act (1861) governed the force prior to 1906. Another critical advancement for the Kenya Police was the 1906 passage of the Police Ordinance. Another significant development was the founding of the Kenya Police in 1899 (Trench, 1993). The British East Africa Police's organization at the time, as well as their training, resembled that of a military unit. Simply put, the Royal Irish Constabulary Course for training European officers placed a greater emphasis on military instruction than on police instruction.

To make up for the Royal Irish Constabulary Course's lack of focus on police training, the Training Depot was established in Nairobi in 1911. They were nonetheless trained in a military manner since the British East Africa Police continued to play a semi-military function, particularly during the First World War when they were dispatched to fight alongside Kenyan soldiers. This held true in spades during the conflict (Foran, 1962, 40).

In addition, a variety of other tasks were frequently requested of the British East Africa Police. They were supposed to put out fires in towns as best they could because there was no fire department. Additionally, the police conducted nighttime city patrols, searched for property offenses, upheld labor regulations on settlement farms, executed death sentences, and, most significantly, ensured the safety of Europeans and their property. The majority of the police's time was spent investigating minor offences. For instance, in 1937, over 6,000 Africans were accused of residing in townships without authorization or a pass, over 3,000 of committing crimes against property, over 4,700 of failing to pay hut taxes, and over 1,000 of being homeless (Foran, 1962).

Despite these staggering figures, the police did not adhere to numerous regulations because they were not subject to colonial law. The force was still known as the British East Africa Police until the British East Africa protectorate expired, with the exception of a 10-mile-wide stretch of sand along the coast. The Kenya Police was the name given to the organization after that, and thus is regarded as the beginning of the current Kenya Police (Foran, 1962). Creating a police force was a crucial component in creating a legal system. The Indian Penal Code, which was based on English common law, was the model the British sought for the formal criminal justice system to follow. Common law was created by the English royal court and is based on previous decisions made by courts. Originally, the inhabitants of the country had their own set of social norms. Most of them were passed down verbally and were not recorded in writing. The conventional justice system came to be known as a result of these rules. Its regulations are founded on deep tradition (Salamone, 1983).

Traditional methods of problem-solving were still in use after the British arrived. Customary law was primarily utilized to resolve group rights disputes involving parties other than British nationals. For instance, it was applied to the settlement of claims for harm and death amongst and among native groups (Joireman, 2006). But colonial law prevailed when the British had a direct stake in a dispute. Colonial law served to create an overall framework of law and order that aided the British conquerors. This is demonstrated by how English property law was used to partition foreign nations and how a racial capitalist system was utilized to send a clear message: ownership and the capacity to take what was not yours had a great deal to do with one's perception of one's own value, capacity to seek redress, and legal standing. Europeans were able to acquire land with impunity

because to the Crown Lands Ordinances of 1902 and 1915. Other regulations were employed to keep the locals in check, such as the Vagrancy Ordinance, which restricted African movement after 6:00 p.m., and the Witchcraft Ordinance of 1925, which outlawed cultural practices that were considered barbarous.

2.6 Nairobi Police (1907)

The Police Ordinance was adopted in 1906. This made it possible to establish new police force the next year. The East Africa Protectorate was in command of this unit, known as the Nairobi Police. The British Kenya Colony began the same year that the force was officially established, in 1920. It received its current name at this time. Senior officers recruited from Britain and India made up the majority of the colonial force. Africans were given positions in the organization's lower levels (Hyde & Pallister, 2015).

Kenyans who were born and reared filled the ranks of British officers when Kenya defeated the UK and gained its independence. Nairobi needed its own police force, which is currently known as the Nairobi Police, due to the city's expanding prominence and population. The city needed to keep things operating smoothly, so this was done. Ewart received the assignment of overseeing the Mombasa Police Department in 1887. He was appointed Assistant District Superintendent and handed control of the police in April 1902, not long after the township of Nairobi was established (Foran 1962). The highest ranks of the Nairobi police force were run by two or three Indian inspectors or deputy inspectors. Africans, Somalis, and Indians constituted up the bottom echelons. Early on during Kenya's colonial era, discipline wasn't severely maintained and the Kenyan Police Force wasn't very effective. This occurred as a result of lax adherence to colonial regulations. According to Hyde and Pallister (2015), the main way that police officers learned their professions was through making mistakes and then learning from them.

The Nairobi police had to deal with the unpleasant behavior of inebriated Europeans who occasionally arrived in Nairobi from South Africa. People who were this inebriated almost usually ended up fighting. Even if it meant breaching the law and asking the police to investigate them under the Distressed British Subjects Act, some of these people felt they had to find a means to generate money because they were impoverished and didn't want to work (Hyde, 2015). Those who were discovered to have violated this statute were taken to Fort Jesus Prison, where they served their sentences before being returned to India. This

also applied to Native Americans, who were imprisoned after being proven guilty and then sent home after serving their sentences. The majority of the other crimes that the police had to deal with at the time were little thefts committed by dishonest Africans or Asian shopkeepers (Throup, 2017).

Both male prostitutes and male prostitutes frequented the Nairobi Railway Depot. These prostitutes were apprehended by the Nairobi Police, who then sent them back to their hometowns with a stern warning not to return. There were a number of women visiting the Nairobi Railway Depot in addition to men. The three distinct Kenya police divisions were combined by the colonial administration of Kenya in 1902 to establish the British East Africa Police. This organization would later become known as the Kenya Police Service. A statute was issued in 1906 that established the Kenya Police Department as the original entity of its kind. Sir James Hayes Sadler selected members of a commission to examine the operations of the police force and offer recommendations on how they could perform their duties more effectively (Marshall, 2017).

One of the concepts that emerged from the conversation was the establishment of a police training school in Nairobi. We took away this from the meeting, among other things. There were at least 2,000 members of the group in 1910. But they continued to carry out a lot of law enforcement in the cities. A training depot was established in 1911, not much more than a year after the incident. The responsibility for maintaining order in the interior Native Reserves fell to the Tribal Police, who did not possess firearms. The local chiefs were in charge of the day-to-day operations of the Tribal Police, despite the fact that the several District Commissioners were in charge of the tribal troops in their respective territories (Marshall, 2017).

2.7 Kenya Police Force 1920

In accordance with a local ordinance, a civilian police force of 1,800 individuals was established in 1906. This force was governed by the Indian Evidence Act, the Indian Criminal Procedure Code, and the Police Ordinance. By 1920, Kenya might be divided into "policed" and "unpoliced" districts. The first group included some of the African Reserves, whereas the second group included the peripheries (Waller, 2010). The Kenyan Police Force and the Tribal Police Force were both born and raised in the policed area. The Kenya Police has a larger headquarters in Nairobi and smaller outposts throughout the

country's regions. Chiefs who had been installed in the reserves had guards who assisted maintain colonial power. These retainers typically had ties to the chief and displayed allegiance to the province authority (Wambugu, 2010).

The Tribal Police was established, but it wasn't until 1929 that an ordinance outlined its responsibilities and established its organizational framework (Gatheru, 2005). The first significant modifications to how the police operated started around 1920. More police stations were constructed, and the Railway police merged with the British East Africa Police, the colony's recognized police agency. From the 1920s on, Kenya was referred to as the Kenya Colony instead of the East Africa Protectorate. The name of the police force now also includes Kenya police force. This was done to ensure that the police would operate under state control and adhere to the policies of the British government.

2.7.1 Tribal Police Ordinance and the Creation of Administration Police

The Tribal Police Ordinance was established in 1929. The Village Headman Ordinance now had the support of the law to function as intended (Administration Police, 2004, 6). In 1958, the law formerly known as the Tribal Police Ordinance received a new name. The Administration Police Act is what it is presently known as. A more thorough training program for police personnel was launched at the same time in Nyeri's Ruringu (Mbuba & Mugambi, 2011). It's crucial to keep in mind that tribal police officers continued to serve the British colonial government despite being frequently mistreated and the colonial government's desire to reduce the size of the force in order to save money.

To help the colony save money, this was done. On the other hand, 1958 marked a pivotal point in the development of Kenya's Tribal Police. According to an interview with a former tribal police officer, the colonial authorities resolved to reduce the cost of constructing training facilities for tribal police officers across the nation during a conference they held in September, under the direction of the provincial commissioner (O.I. 12.9.21). Therefore, he claimed, everyone was in agreement that constructing a single training facility in Nyeri, and more particularly in Ruringu, was of utmost importance. The reason the training facility was created in Ruringu was described by a retired chief. The majority of the local violence, according to him, was caused by the Mau Mau combatants (Mathenge, O.I. I4.12.21). He said that the first Mau Mau flag was flown and the colonial master was declared to be at war in 1952 in Ruringu, the first Mau Mau stronghold. Additionally, he

claimed that Kenyatta delivered the speech at the final political event before his arrest in Ruringu, which is only a hundred meters from the site of the training facility (Retired chief: O.I. 14.12.21).

According to Dutto (1975), Kenyatta delivered his final address in the Ruringu stadium in Nyeri town before being detained. Before being arrested, this was Kenyatta's final public appearance. Additionally, it is known that the majority of the Mau Mau leaders, including Dedan Kimathi and General China, are from the Nyeri (Waruhiu Itote) region. The British colonial ruler believed that the area needed extra security since it was risky. He established a training camp nearby as a result. This was due to the Mau Mau's involvement in significant local events at the time. Therefore, there was a change in the administrative police's operations in 1958.

We learned that the police force's designation changed from the tribal police to the administrative police this year during a conversation with a colonial chief in Maseno. This occurred as a result of the administration police act's passage into law, which replaced the tribal police ordinance (O.I. 8.6.21). The Colony and Protectorate of Kenya Ordinances, passed by the KNA (XXXVII) in 1958, state the same thing. This demonstrates the formation of the Administration Police force at that period. The 38 Administration Police Act, according to Muthondeki (2017), replaced the Tribal Police Ordinance in 1958. This occurred when there was an emergency, necessitating the expansion of the building. The same year, Her Majesty's Service began overseeing the force's training in Ruringu, which is in Nyeri.

The Provincial Administration and the Administration Police were transferred from the Ministry of Native Affairs to the Office of the Prime Minister and then to the Office of the President, where they have remained ever since Kenya gained complete independence in 1963. Prior to that, they had been under the control of the Ministry of Native Affairs. The Ministry of Native Affairs had previously been in control of how they carried out their duties. The Administration Police were viewed as a tribal police force that would assist the chiefs with their administrative responsibilities when colonial administration was in existence. This concept was first conceived when the British were in command. It was never intended to develop into a separate organization that would function independently of the Kenya Police or the government (Killingray, 1986).

On the other hand, despite continuing to collaborate closely with the executive branch, the Government Police finally split off to form an autonomous police force. The Administration Police had a slow transformation from a localized force in 1958 to the current national police force it is today. But it can still perform neighborhood police duties. This technique began in 1958. A nationwide structure has been established for the Administration Police force. This transformation took place over many years and decades. Many of the duties shared by the Kenya Police and the Administration Police are similar. The three that are most crucial are maintaining law and order, putting an end to criminal activity, and apprehending offenders (Killingray, 1986).

The administration police originated from the tribal police, according to a chat with a former education officer. He was informed that the Tribal Police was established in 1929 following the passage of the Tribal Police Ordinance of 1929. (O.I. 4.7.21). The document KNA PC/CP8/4B/3, which demonstrates that District Commissioners from several districts gathered to discuss the New Tribal Police Bill, states the same thing. Elders from several clans gathered in a focus group at Katito. According to what they claimed, the colonial master established the tribal police primarily to maintain law and order throughout the colony (clan elder, FGD, 20.10.21). For the colonial rulers, the tribal police in Kenya kept watch over the nation. In accordance with the rules established by the colonial political economy, they took measures to ensure that anyone who failed to pay the poll tax and hut tax were apprehended and penalised.

The colonial tribal police were also tasked with ensuring that the Africans adhered to the labor laws that the white man had established, according to an elderly man at Pap-Onditi in Nyakach who had served in that capacity in the early 1950s (O.I. 24.4.22). The tribal police officers were despised by the Africans because they were always loyal to their white superiors. Because they served the economic, political, and social interests of white people at the expense of the lives and well-being of the native Africans, Africans viewed the tribal police as their adversaries. They took action because they were trying to assist white people. In 1974, Muriuki claimed that the onset of British authority made it difficult for Africans to get along with one another.

Some people during this period worked with the British while others aggressively opposed

colonial rule. The chiefs and their retainers played a significant role in implementing colonial policies, making them extremely unpopular. When asked about the hiring procedure for tribal police officers at Sondu, a retired chief who had previously worked there replied that it was extremely selective due to what they did. According to him, the officials were chosen from among the sons of the chiefs (O.I. 20.8, 21).

Similar to the younger guy, a very old man in Sondu claimed that during the colonial period, the majority of police officers in the tribal police unit were selected due to their kinship with colonial chiefs or their loyalty to the colonial provincial administration (O.I. 15,3.21). As a result, one of the former police officers in Maseno remarked, "When I went to join the tribal police in 1945, the area chief was very helpful in my recruitment to the force because, unlike other young people his age, he was very loyal to the chief." As a member of the tribal police since 1945, the officer made this statement. (O.I. 12.9.21). However, it was also discovered that the recruiting process depended on the applicant's ties to and loyalty to the colonial chief. The colonial governor was in charge of authorizing, and the District Officers were responsible for recruiting as a result. According to (KNA PC/CP8/4A/9), this is accurate. However, it was also discovered that the most crucial factors in the selection process were the candidates' allegiance and connections to the colony.

The rational choice theory was used to guide the recruitment process, and the chief was aware of the loyalists who lived in the villages and would aid in implementing colonial objectives. When asked about joining the tribal police, a former chief stated his late father, a colonial chief, had said that new recruits would receive a registration certificate and a uniform. What the retired chief (O.I. 2022) mentioned during the interview was relayed. He discussed the many components of the costume, including the numbered brass badge, the blanket, the shuka, and the shorts. The province letter was embroidered on the shuka (retired chief O.I. 4.12.22) and the emblem indicated the officer's status. This outfit, according to an older member of the clan, was only worn on special occasions, such as when the officer was on duty or needed to complete a task in the district offices (O.I.4.3.21).

An officer received a registration certificate when they joined the tribal police force. The same details are provided by (KNA PC/CP8/4A/9), which also informs us that these things

were distributed every six months. By examining the markings on the brass numbered badge worn on the left arm, the officer's rank could be determined. A police officer was required to wear their uniform at all times while on duty. An elderly guy who used to serve for the tribal police force and was interviewed in Kisumu claimed that training came after the selection of new recruits. The training instructed the tribal police officers on their duties, how to applaud the colonial rulers, how to apprehend offenders in the community and report them to the chiefs (O.I. 12.9.21). He continued by saying that the overall length of the training was 1.5 months.

According to a retired chief who was questioned at Nyabondo, training was crucial because it provided tribal police officers with ranks, taught them how to be more obedient and disciplined, and explained their responsibilities and authority. All of this took place while being monitored in some way (O.I. 14.5.21). The former chief also claims that the superintendent officer, who oversaw the training programs, and the tribal police officers once had a residence at the police depot. An older man who had previously worked for the tribal police in the Nyabondo interview claimed that the majority of the supervisors were African men who had served in the military. He instructed the former service members to watch how the officers behaved and make sure they were abiding by the guidelines. Every gathering, which was typically referred to as a parade, required him to take rolls, and he was required to inform the district officers of any improper conduct by tribal police officers (O.I. 24.3.21).

It's vital to keep in mind that the tribal police squad was comprised entirely of males. There was absolutely no effort made to recruit women into the military. According to the elderly guy who was interviewed at Pap-Onditi, this may be the result of traditional African culture, which forbids women from being in public places (O.I. 14.5.21). However, a retired chief, who agreed with this, claimed that not even the colonial master believed Kenyan women, or African women in general, had much to contribute to the police force. When the retired chief attempted to explain it, he responded as follows (O.I, 5.5.21). In this instance, according to a former education officer, Kenyan women suffered twice as much under colonial rule since they were treated unfairly due to their African descent and gender. Europeans had no respect for African women when they bought them as slaves. He said that this may have been evident from the writings of the first travelers to Kenya's coast (O.I 13.3.17).

Their works on Africa were produced exclusively from a masculine point of view. The colonial ruler valued this distorted perspective so highly that he took it into consideration when selecting tribal police officers. After the hiring process was complete, a conduct sheet for the tribal officer was created in light of the findings. A colonial leader was questioned in Kisumu. He claimed that the details provided by the officers on the conduct sheet matched those on his ID card. It also included his pay and, if applicable, any documentation of recommendations or penalties. The retired chief continued by saying that the district officer was the only one in possession of this behavior document.

It is noteworthy to note that the tribal police division experienced several advancements (Elder, O.I. 14.4.22). He clarified that the promotion was determined by an individual's reading and writing skills, their proficiency in English and Kiswahili, as well as their level of discipline and intelligence. He remarked that

“Because I am able to read and write in Kiswahili, I was given the opportunity to advance from the position of constable to that of sergeant. Because the majority of my fellow officers lacked an education, it was challenging for them to be promoted within the tribal police force. In addition, because I am fluent in English, I have been spared from performing laborious tasks on numerous occasions. For example, a white man would frequently ask me to wash his clothes and deliver messages to other members of the tribal police force. This was an extremely rare and prestigious opportunity at that time” (Elder, O.I 14.4.21)

The tribal forces were commanded by the various District Commissioners in their respective regions, although the local chiefs ran the Tribal Police rather independently on a day-to-day basis. Criminal activity was not, of course, limited to the jurisdictional boundaries established by British colonization, thus one could always commit a crime in one place and then run into a Native Reserve where the local chief would not execute the law. At least 2,000 members of the group were present in 1910. They nevertheless carried out a sizable amount of law enforcement in the urban areas. A training depot was established in 1911, not long after that. The responsibility for upholding law and order within the inland Native Reserves was given to the unarmed Tribal Police.

Although the several District Commissioners were in control of the tribal forces in their

respective areas, the local chiefs were in charge of running the Tribal Police on a day-to-day basis. The Police Service Battalion was set up to oppose the German invaders in the region that was then known as German East Africa during the First World War. Following the war, the civil police's responsibilities were reinstated, and the police force's size was enhanced (Opolot, 1992).

The Stock and Produce Theft Ordinance was enacted in 1913 to encourage greater activity coordination between the federal and tribal police forces. If the local chief and the tribal police did not work together to apprehend criminals, the law authorized collective sanctions. The Police Service Battalion was established during the First World War to engage the German adversary in nearby German East Africa. Following the war, civil police responsibilities were picked up again, and the police force was grown (Deflem, 1994).

Throughout the colonial period, the police force expanded and by 1945, there were almost 5,000 police personnel dispersed among 162 postings and 59 police stations. Unpoliced areas were still present, though, where locals relied to their traditional leaders for guidance and self-defense as well as direct confrontation with criminals (Crow, 1971). The rank and file were entirely made up of Africans, while the inspectors and deputy inspectors were all of European descent. The force had at least 2,000 members by 1910, although they were still primarily enforcing the law solely in urban areas, leaving the unarmed Tribal Police in charge of the inland Native Reserves (Deflem, 1994).

There was an increase in the number of European settlers moving into Kenya after the First World War. Despite the fact that the growth was becoming increasingly harmful to the aboriginal population that had been displaced, they were given land concessions, and it persisted. The administration was informed by the white settlers that they expected a greater standard of safety and, as a result, wanted increased funding for the police force. The contemporary Kenya Police force was established in 1920. 2010 (Waller). The territory under police supervision expanded under the British occupation, and by 1945 there were as many as 5,000 police personnel dispersed among 59 police stations and 162 postings. The construction of new police stations served to accomplish this. However, there were still unpoliced areas where people defended themselves, dealt with offenders head-on, and looked to local traditional leaders for guidance (Anderson, 2017).

2.7.2 Kenya Police

The region that needed to be policed expanded while Britain was in charge. Up to 5,000 police personnel were employed in 59 stations and 162 posts by 1945. In order for this to occur, new police stations were constructed. However, there were still areas that were unpoliced, where people looked to traditional leaders for authority and self-defense as well as direct confrontation with criminals (Anderson, 2017). Although they were hired, Africans were only given positions in the army's lowest echelons, where they were expected to assist officers from Europe and Asia. In order to keep Nairobi safe for the settlers, the police force had to keep the crime and mayhem caused by the unlawfully residing Africans in Nairobi's Eastlands slum districts under control. This was carried out so that the settlers may continue to live in peace (Waller, 2010).

According to a statistic from 1937, at least 6,000 Africans were accused of residing in townships without authorization or a pass. More than 3,000 Africans have been charged with property offences, more than 4,700 with failing to pay hut taxes, and more than 1,000 with homelessness. The police force has this opportunity to reflect on its performance and make improvements. In the years leading up to World War II, organized and professional crime increased in frequency, and the police department responded by expanding its facilities and hiring additional policemen.

The Criminal Intelligence Unit (CID) was established in 1926 as a result of ongoing indications from the police that they were evolving into an investigative unit. Its sole function was to gather, tabulate, and record data about undesirables, criminals, and suspicious individuals. It took a while for the police to transition into an investigative agency. The prospects for schooling were increased for those in lower positions (Anderson, 2017). As time went on, the police were tasked with solving an increasing number of traffic-related issues, including parking and auto accidents. The police were also requested to handle cattle theft cases in rural areas. Police trainees were dispatched to the Northern Frontier Districts in preparation for World War II so they could deal with the threat posed by Italian Somaliland and Ethiopia. Along with fighting alongside regular soldiers, Kenyan police officers also served as translators, guides, and carried out reconnaissance missions in enemy-held territory (Throup, 2017).

Specialty divisions were expanded, including the fingerprint bureau. A small team of former police officers from South Africa and Britain were first assembled to undertake this. The Kenya Police took over the majority of the tasks that the Tribal Police forces had previously performed near the close of World War II. Kenya had roughly 5,000 police officers during this time. They were mostly Africans from Kenya (Throup, 2017). The police in early Kenya were mostly used by the colonists from the start. The police's primary responsibilities included conducting nighttime city patrols, investigating property offenses, enforcing labor regulations on settlement farms, carrying out death sentences, and guarding Europeans and their property. This section of the police force has been referred to as a "punitive citizen containment squad." The majority of the police officers' time was spent pursuing people who had committed relatively minor offenses.

Salus Populi, which translates to "Let the welfare of the people be the supreme law," is the official motto of the Kenya Police Force. It was adopted in 1929. The Kenya Police Review's cover included the force's slogan for the first time in December 1929. It was written beneath the crest of the force (Waller, 2010). Despite having this as their motto, the colonial authority frequently referred to the early Kenya Police as "a punitive citizen containment squad," using them as a tool (National Task Force on Police Reform, 2009, 14). According to a statistic from 1937, at least 6,000 Africans were accused of residing in townships without authorization or a pass. More than 3,000 Africans have been charged with property offences, more than 4,700 with failing to pay hut taxes, and more than 1,000 with homelessness. The police force has this opportunity to reflect on its performance and make improvements. In the years leading up to World War II, organized and professional crime increased in frequency, and the police department responded by expanding its facilities and hiring additional policemen.

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Frontier Districts in preparation for World War II so they could deal with the threat posed by Italian Somaliland and Ethiopia. Along with fighting alongside regular soldiers, Kenyan police officers also served as translators, guides, and carried out reconnaissance missions in enemy-held territory (Throup, 2017).

This is due to the fact that under colonial control, new "crimes" were created, the majority of which were transgressions of the colonial management framework (Killingray, 1986). For instance, in Kenya, the approach to keeping Nairobi safe for the settlers in the cities was to keep the crime and disorder that was believed to come from the Africans under control. David Killingray wrote in 1986 that "[f]or colonial governments, keeping the law and order meant taking firm action against any threat to the British system of rule." This was carried out in order to preserve Kenya's standing as a peaceful nation (Killingray, 1986). On the other hand, the British had to contend with an already-existing social structure that was heavily reliant on familial relationships on the African continent.

The country's criminal justice system was shaped in part by both indigenous traditions and traditions that were imported, despite the stark differences in language and culture between the many types of law in Kenya. The English common law-based Indian Penal Code, which served as the cornerstone of the nation's formal criminal justice system, was a target of British efforts to modify it. The English royal court's actions are the source of common law, which is based on what judges have done in the past (Throup, 2017).

The social customs of the area's original inhabitants were passed down primarily verbally from one generation to the next. The conventional justice system came to be known as a result of these rules. It is governed by custom, a great reverence for the past, and a feeling of shared accountability. They are upheld by the family or, in major cases, by courts made up of elders from several lineages whose mission it is to resolve conflicts and administer justice. The elders are typically more concerned with making things right than with punishing people. Traditional conflict resolution techniques were always applied, even when the British arrived (Throup, 2017).

Customary law was frequently employed to resolve rights-related conflicts (that did not include British citizens). It was used, for instance, to determine who would be responsible for damage and fatalities that occurred inside and between indigenous tribes. Today's cities

and industrialized regions, formerly known as the White Highlands, are where the "formal" legal system thrives. The "traditional" methods of settling conflicts are still extensively utilized and even favored in rural areas and on the country's periphery, despite the numerous state-led attempts that have been made in recent years to link the two systems. Later in the study, this will be covered in more detail. This is still the case, despite the fact that there have been many new proposals in the recent years following the violence during the 2007–2008 elections. (1993, Anderson).

But colonial law prevailed when the British had a direct stake in the battle. In general, colonial law was employed to establish a framework of law and order that aided the British colonizers. This was as a result of British lawmaking in the colonies. This is demonstrated by the fact that a racist capitalist system was put in place, sending a clear message, and that English property law was employed to partition up other nations. The underlying message was that one's sense of self-worth, capacity for seeking redress, and legal standing were all inextricably linked to one's sense of ownership and capacity for stealing from others.

The Vagrancy Ordinance, for example, made it difficult for Africans to roam around after 6 o'clock. The locals were kept in check using the Witchcraft Ordinance of 1925, which made it unlawful for anyone to engage in behaviors that were considered savage in their culture. The guidelines for how Europeans could acquire land were laid forth in the Crown Lands Ordinances of 1902 and 1915. Laws that are included include (Anderson, 1993).

The Kenya Police took over the majority of the tasks that the Tribal Police forces had previously performed near the close of World War II. Kenya had roughly 5,000 police officers during this time. They were mostly Africans from Kenya (Throup, 2017). The change in the ethnic composition of the Kenya Police is particularly intriguing when you realize that Kenya once hosted 42 tribes in addition to Asian immigration and European settlers. Indians were employed by the Imperial British East Africa Company in 1887 to serve as police officials. The Kenya Police then hired additional Asians and native Africans. The hiring of Africans, which was in keeping with the indirect rule policy, most likely served to prevent the Asian community, which predominated in trade and business, from gaining excessive control over the region (Throup, 2017).

Once more, the selection of which African tribal tribes would be recruited was heavily

influenced by the concept of the "martial race". In 1949, there were more than 5,500 African sergeants and constables, 22 Asian sergeants, 269 British, 41 Asian, and 115 African inspectors, and 84 British officers. The data illustrates how these concepts function. Despite making up 20% of the population in 1954, only 2% of African police officers were Kikuyu, and 18% were Kamba, representing roughly 12% of all Kenyan tribes (Throup, 2017).

The office of the Attorney General was given control over the police force in 1946. To address the new scenario and guarantee that the police officers have the necessary training to do their duties, Maseno established a new police training depot. The Force saw a number of significant improvements in 1948. As an auxiliary component of the Kenya Police Force, the Kenya Police Reserve was established. This group was stationed in risky areas of the city and drove armored vehicles. In order to increase the effectiveness of crime control, a dog section was established in 1948. The General Service Unit was also established that year and was used to respond to emergencies in difficult areas. Both of these actions were carried out (Hills, 1996).

A powerful workers union was established in June 1947, when Jomo Kenyatta was in head of the Kenyan African Union. Kenyatta and several other leaders were promptly taken into custody by the imperialist British government. Over 100,000 workers in Kenya participated in a general strike as a result. For nine days, Nairobi could not function normally. After two days, nothing changed on the docks or in the harbor of Mombasa. Mombasa experienced strikes in 1947. To address the labor unrest in response, the government established an emergency company (Hope, 2015).

As a division of the Kenya Police Force, the Kenya Police Reserve was established in 1948. Its duties included providing assistance in an emergency and including the apprehensive settler populations in security activities. Area for dogs and the General Service Unit were added to be used in emergency situations. It wasn't until 1949 that the Police Air Wing was established to facilitate communication and the transportation of sick persons to hospitals. Due to factors including an increase in the number of vehicles, an increase in traffic accidents, and the implementation of new traffic laws all in the same year, the police have been extremely busy this year. At the end of January 1953, it was formally added to the permanent Police service. Every day in 1951, the Nairobi Traffic Court heard 30 to 40 counts of traffic offenses (Hope 2015).

The militaristic heritage of the police force made them aggressive and responsive to crime. Because they were underpaid and undertrained, police officers were more inclined to use physical force. Depending on where they were and who they were with, the police officers behaved differently. The majority of the Europeans settled in the White Highlands, which are located in what is currently the southwestern region of Kenya. The Kenya Police visited the location because it was elevated, frequently rained there, and was normally cool. In this region, the police maintained more order, deployed various techniques to apprehend offenders, conducted routine patrols, and investigated both minor and large offenses (Hope 2015).

Security concerns and the use of force were prioritized more by the police in the African Reserves, where regions like the Northern Frontier bordered what is now Somalia. The police's duties included maintaining order and upholding the law in addition to other duties like tax collection and inducing labor so that the needs of the settlers could be addressed. By forming clever alliances, the cops got around the local power structures. The provincial government and police were not trusted by the populace, and in certain cases, they were even detested. This is because the colonial authority permitted practices like holding family members as hostages, taking away property, and striking people with sticks, and the police tended to target the worst offenders (Njuguna & Achilles, 2015).

The main factor causing the disparities in policing is entrenched racism that is accepted as normal within the police force. Africans and white settlers received distinct treatment and had different access to police services. This deliberate distinction in therapy was made. There were several classes inside the police force, just as there were various classes outside of it. The majority of lower-ranking police officers were black while the majority of their superiors were white because the British placed more emphasis on hiring persons of particular ethnicities than others. The majority of the security personnel were made up of members of the Kikuyu and Kama ethnic groups, which aided the British tactic of "divide and rule" (Njuguna & Achilles, 2015).

Many white settlers, particularly those with large property holdings, believed they were above the law and frequently resorted to self-defense, just like individuals in places where there were no police. This was particularly true for those who owned huge tracts of land.

The settlers had great strength as a group, were heavily equipped, and had friendly contacts with high ranking police personnel. The majority of legal breaches were resolved informally or never at all (Sitienei, 2015).

2.8 The Emergency Period (1952-1960)

Important events that altered how the Kenya police were organized and operated occurred with the development of the Mau Mau movement in the early 1950s. A noteworthy illustration of how policing in the Kenya Colony contributed to maintaining British power was the armed Mau Mau Uprising, which took place from 1952 and 1960 and was the final significant resistance to colonial administration. It took place within that time period. Due to the Second World War and the Great Depression, Kenya's economy suffered, and the resentment of the 25,000 Africans employed as farm laborers in the country's White Highlands grew (Njuguna & Achilles, 2015). This religious-political organization used terrorism, arson, and the murder of Europeans and Africans who cooperated with the British to overthrow British rule. Its strategy included keeping the police from learning about crimes involving Africans.

The Special Branch of the police had issued warnings about the threats the Mau Mau movement could pose to British rule by the time it had begun to act around 1947. However, at initially, British authorities took no action in response to these claims because they believed the movement to be a religious organization with no connection to politics. A state of emergency was declared in October 1952 as the Mau Mau movement's revolutionary political objectives became obvious. As a result, political activities once again revolved around the police force (Sitienei, 2015).

Now, anytime the Mau Mau movement accomplished something, the police reacted immediately. Regular police work had to give way to semi-military operations as part of a three-pronged offensive against the Mau Mau by the colonial government, the army, and the police. By 1954, the campaign had resulted in the capture of 78,000 detainees. The Special Effort Force, a special police agency established in 1953 to deal with the Mau Mau movement, the expansion of the Special Branch, the importation of more British-trained police officers, the appointment of several District Military Intelligence Officers, the establishment of nearly 200 Police Signals stations for the exchange of information, radio-equipped vehicles, and two aircraft all assisted in improving police operations (Njuguna &

Achilles, 2015).

In 1954, there were roughly 14,000 police officers tasked with keeping an estimated 5 million citizens safe. Because they worked harder, the police were able to halt the Mau Mau's activities. In spite of earlier police efforts failing, the Mau Mau movement had been nearly entirely crushed by 1957. After that, the police could resume their regular duties, and the nation was once more regarded as secure. Political meetings may once again be organized in Africa during the final few years of the 1950s as long as they were authorized by the British government (Sitienei, 2015).

The police forces gradually became more African in order to improve relations between them and the public. However, the period of time when police operations was quiet and concentrated on maintaining the peace was quite brief. The nation was once again exceedingly tense at the start of the 1960s due to high unemployment, a faltering economy, and racial turmoil. For African majority rule to take place, the road needed to be opened up. When independence was imminent, the proportion of Africans in the police force increased quickly, and the tribes represented in the force were modified to reflect the ethnic diversity of the nation. Following elections in 1961, Kenya attained independence in 1963. In the new state, regular police activities resumed, which was unexpected but not quite unexpected given its colonial past. To assist the new African rulers, the police also began gathering political intelligence (Foran, 1962).

The Kenya Land and Freedom Army (KLFA), the organization in charge of the rebellion, was made up of irate Kikuyu people who were residing on land owned by white settlers. Immediately upon the death of Senior Chief Waruhiu, a British supporter, Governor Evelyn Baring declared a state of emergency. Jomo Kenyatta, the leader of Kenya's African Union, and his supporters were detained as a result. The death of Senior Chief Waruhiu prompted the declaration of an emergency. More than 10,000 British troops, 15,000 police, and 20,000 home guards were engaged in the conflict by 1953. Additionally, there were almost 20,000 home guards. "When the fighting was at its worst, the Kikuyu districts of Kenya turned into a police state in the fullest sense of the word," stated a well-known academic in the field of African studies. Most Africans believed in traditional ways of justice and didn't want to be treated "equally" according to the rules put up by the laws of British

colonial control (Sitienei, 2015).

In October of 1952, a state of emergency was established. The army replaced the police, who had previously been in charge of maintaining the law. When rebel organizations came up in October 1952 and alarmed the white settlers, Kenya proclaimed a state of emergency. As a result, the Kenya Police's connection with the native Kenyan community deteriorated. The police are no longer in charge of maintaining the peace as a result of the emergency declaration. The military is in command instead. The disparities between urban and rural areas, as well as between various racial, ethnic, and social strata, on the other hand, were accelerated and accentuated by colonial justice. Numerous people were detained without being charged as a result of the state of emergency, thousands of Africans were imprisoned, and more people's rights were violated. Kenya gained its independence in 1963 as a result of the Mau Mau Uprising (Foran, 1962). (Foran, 1962).

The Kenya Police was in the forefront of the development of using torture to induce confessions from those who were purportedly taking the Mau Mau oaths during this time, demonstrating their complete alignment with the government (CHRI and KHRC, 2006, 4). Additionally, a significant portion of the way torture was used to coerce people into purportedly taking Mau Mau oaths was through the Kenya Police. Several different security units were activated throughout the event. These included the Kenyan police force, the Home Guards, the British military, and volunteer military formations. To combat the Mau Mau movement, a detachment of police officers known as the Special Effort Force was formed in 1953. The Criminal Investigation Department and the Kenya Police Reserve were handling the majority of cases. There were roughly 14,000 officers in the Police Department in 1954 (Foran, 1962). (Foran, 1962).

A total of 200 Police Signals stations were established, additional UK-trained police officers were hired, wireless communication was added to the vehicles, and District Military Intelligence Officers were deployed across the nation to deal with the challenging situation. The nation was no longer in a state of emergency in 1960. The British government was forced to depart the province in 1963 and hand over power to more moderate African politicians due to the insurrection and the threat of another one. Kenya eventually attained independence in the same year (Sitienei, 2015).

More personnel were immediately rushed in to handle the crisis and the Mau Mau revolt when the state of emergency was proclaimed in 1952. To address the situation, this was done. A commission was established in 1953 to examine the Force's potential for expansion as well as its structure and management. Nevertheless, the Police were reorganized, and new personnel were hired, but the way the Police operated remained unchanged. Instead, the Police persisted in serving as a tool of the colonial administration. The police officers and the natives were very different from one another. It turned into something obnoxious during the emergency era, which lasted from 1952 to 1960. When rebel organizations like the Mau-Mau sprung up in the late 1940s and early 1950s, European settlers felt threatened. The Rift Valley and the central region of Kenya were its most significant regions. The events at Mombasa, which were already highlighted, were indications that opposition to the colonial laws enforcing the coast was beginning (Kithure, 2014).

The current Police Headquarters' structure was inaugurated in 1957. The following year, in 1959, the Police Force merged with the Ministry of Defense. The Kenya Police Department played a crucial role in maintaining law and order during political rallies and when Kenya's independence was up for vote during the period preceding its independence. When Kenya eventually gained its independence from Britain on December 12, 1963, a significant shift in how the Administration of the Force was managed was required. Africans consequently filled the highest echelons of expatriate officer employment. Since that time, the Force has excelled in numerous operational theaters (Kithure, 2014).

A variety of specialist teams have been established as a direct response to the increase in crime. The police department's strategy to address possible threats to public safety and reduce crime to acceptable levels includes this. The Presidential Escort Unit, the Anti-Terrorism Police Unit, the Tourism Police Unit, the Anti-Corruption Police Unit, and the Anti-Stock Theft Unit are a few of the units in this organization. Nairobi and Kisumu each received their separate headquarters at the start of the 20th century. These headquarters were in Kenya. There are numerous police checkpoints along the highway and rail line that connect Nairobi and Kisumu. So, more colonial security forces were dispatched there.

2.9 Conclusion

This chapter focused mostly on the development of the Kenya Police Force between 1885

to 2022. According to the study, Kenya's police force has a history dating back to 1885. Kenya became a British sphere of influence in that year as a result of the Berlin Conference, which resulted in the split of Africa. IBEAC recognized the necessity for protection and responded by assembling security groups made up primarily of Indian citizens. On the other hand, the village headmen law of 1902 stated that Kenya would be the location of the administrative police headquarters.

In accordance with the new tribal police code, the Village Headman code was repealed in 1929 and replaced by the Tribal Police Ordinance. The protection of the colonial master's financial interests was the primary objective of the tribal police force. They were able to accomplish their objective by apprehending those who refused to pay. They were also employed as court guards throughout the colonial era. You had to be obedient to the colonial chiefs and proficient in both English and Kiswahili in order to join the force. However, being able to read and write in both languages was regarded as advantageous, particularly when applying for promotions.

The chapter also demonstrated the exclusivity of tribal police officers, the majority of whom were the sons of colonial supporters and chiefs. This information was presented within the context of the chapter. Additionally, it was discovered in this chapter that residents in GEMA settlements resisted joining the local police force. Particularly following the onset of the Mau Mau revolt in the late 1940s, they had demonstrated a strong antipathy for white people. Training took place over a period of two weeks, and each new member received a sheet of paper with his personal data on it as soon as he signed up. Each of them also received a blanket, a short, and a badge. The majority of them resided in police lines run by former military personnel.

The findings also demonstrated that these cops received training in a variety of skills, including how to make a parade, how to fire, and how to apprehend criminals. They also learned how to salute the boss during the session. The instruction resembled paramilitary training at its most fundamental level. More tribal police personnel were hired during the second resistance movement in Kenya, which was led by Mau Mau, particularly between the end of the 1940s and 1953. Particularly as the decade came to an end, this was true. The primary duty of the tribal police officers at this time was to apprehend the warriors and members of the Mau Mau who were coercing others into swearing oaths.

They encountered a lot of antagonism as a result, and the native people who were resisting colonization gave them a poor reputation. The chapter demonstrated that the tribal police officers continued to collaborate closely with the chiefs and other forces despite the animosity up until 1958, when the colonial government organized a meeting to decide where the force would go. It was decided at this meeting where the force would go. At that meeting, it was decided that it would be more cost-effective to establish one tribal police training center in Ruringu, which is only a short distance from the location where the Mau Mau flag is preserved, rather than many training facilities in each province. The force's name was changed to the Administration Police in the same year that the Administration Police Act was passed.

One of the largest Colonial Police Forces, the Kenya Police had more than 700 European officers in 1961. Senior officers came from Malayan and Palestinian police forces as well as other colonial police agencies. Many of the individuals who joined the RMP afterwards had previously worked for UK police forces or the RMP. Many individuals who were born in Kenya or resided in the UK enlisted in the army during the Emergency. They all attended the illustrious African Sergeant Majors' Kiganjo Police Training School, which set high standards for all ranks.

The Imperial British East Africa (I.B.E.A.) Company and a businessman named Sir William McKinnon laid the groundwork for the Kenya Police, which is discussed in this chapter. Sir William McKinnon felt it was important for his enterprise to provide some level of protection (security) for his stores along Kenya's coastline. This is where the idea for establishing a true police force in Mombasa originated. Police operations typically focused on safeguarding the operations of the I.B.E.A. Company, whose workforce was primarily of Indian descent with a small number of Africans known as "Askaris." The little police force's responsibilities at the time were minimal. Brig. Gen. F.S. Edward served as Colonial Commissioner of Police from 1908 until 1922, followed by F.D. Thysen, R.C.A. Cavendish, A.J. Kingsley-Heath, Mr. W.M.G. Sandwith, C.H. Ward, Mr. M.S. O'Rorke, Mr. D.M. McGoun, OBE and Mr. M.S. O'Rorke.

The policing and upholding of the law during the colonial era contributed to Kenya's

current status as one of the more stable nations in Africa, but it is also thanks to the high standards of discipline, training, and service established during those times and passed on to the Kenya Police after independence. This assertion has one regrettable exception. The Kenya Police nowadays are plagued with corruption at all levels, from constables accepting small bribes at traffic barriers to the failure to pursue top level corruption in government. During the colonial era, corruption in Kenya Police ranks was essentially unheard of. Although the Kenya Police Association's members can rightfully take credit for the Kenya Police's sterling performance during the colonial era, it is not something that is recognized in Kenya today.

CHAPTER THREE

NATURE AND SCOPE OF POLICE REFORMS IN KENYA-1964 TO 2006

3.1 Introduction

The most significant events that have affected the Kenyan Police Force since its independence in 1964 through 2007–2008 are briefly summarized in this chapter. The chapter is divided into two segments. The first section deals with developments during the single party regimes of Moi and Kenyatta from 1963 to 2001, and part two covers the period from 2002 focusing on the Kibaki Regime and the Police Reform Process (2002-2007) and Regulations and Acts governing police operations, Structure and staffing of the police Force, Negative perceptions of the Kenyan Police Force and the need for Reforms over this period.

3.2 After independence: 1964-1992

The emergency ended in 1960. Anger in Britain about the way the government handled emergencies, the anti-colonialism movement in Europe, and the rising interest in the Cold War all contributed to the success of the Kenyan independence movement. Kenya had its initial national elections in 1961. After being released from prison following the election, the winning party, the Kenya African National Union (KANU), appointed resistance leader Jomo Kenyatta to lead the government. The new Kenyan authorities met with officials from the colonial administration and British government in Lancaster House in London to complete the nation's political and legal structures. Feelings between the various political parties and ethnicities were running high as several draft constitutions were proposed, discussed, and eventually rejected. Finally, a convoluted Constitution was adopted, and on June 1, 1963, fresh elections resulted in the installation of a KANU government under Kenyatta. The nation attained complete independence on December 12, 1963 (Constitution of Kenya Review Commission, 2002).

Rules in the 1963 Constitution were designed to create a competent, unbiased police force. The police force was given its own authority under the Constitution. The management of the police force was to be the responsibility of a Police Service Commission and a National Security Council. According to the Police Service Commission's recommendations, the President would appoint the Inspector General of Police (Constitution of Kenya Review Commission, 2002). These regulations were never implemented. A constitutional amendment repealed the police's independence in 1964. In its place, the police joined the civil service. The 1964 revisions increased the President's authority. He or she was elevated to the position of head of state and the executive branch. The administration also granted themselves unrestricted emergency powers in 1966. Similar events

occurred in the previous ten years (Constitution of Kenya Review Commission, 2002).

Kenya transitioned from colonial rule to independence. There was much discussion over who should be in charge and how police intelligence should be organized prior to the full transfer of control. The issue appeared to be settled when a Cabinet resolution from October 1963 stated that the director of intelligence will be replaced with an African before independence (Throup, 2017). The Africanization of the command of police intelligence was not put into effect, despite the Cabinet's decision to do so, at the Prime Minister Kenyatta's insistence. Due to the Special Branch's significance during the Shifa assaults in Northern Kenya, Kenyatta eventually grew to accept the current police system (Throup, 2017).

From the colonial government to the Kenyatta government, not only was the leadership constant, but so too remained the actions of the police as a whole. After Commissioner Catling retired in 1965, the police leadership did not become more African. However, even after he left, there were no significant adjustments made to the police system to better serve the interests of the vast majority of Africans. The colonial government left the new government with a police force that had the same makeup, similar personnel, and, for the most part, the same objectives and procedures, all of which served to safeguard the administration's interests (Throup, 2017).

The autonomous government, which granted authority to the new African elite rather than the colonial elite, preserved the interests of the colonialists (Branch, 2009). The objectives of state policing may appear serious, but they were backed by the legislature, the courts, the laws, and even the constitution. Any study or revision of the legislation or policy was done not to benefit the populace but to bolster the police's monopoly on power and to consolidate authority under the presidency. There was a lot of discussion over how upholding public safety and order is more crucial than a person's fundamental liberties and rights. The police were anything but legitimate under every previous government. Instead, they were applied to maintain political comfort and power (Branch, 2009).

Jomo Kenyatta, who was elected as Kenya's first president in 1963, utilized his increased executive authority to stifle political opponents' speech and prevent them from protesting. Additionally, he employed the police as a political instrument to advance the objectives of the new elite, which included a small Kikuyu clan known as the "Kiambu Mafia." The Tribal Police Force was renamed the Administration Police Force by the Administration of Police Act No. 13 of 1958, although the Kenya Police Force was still governed by the Police Act of 1960 and the Police Standing Orders of 1962. Before the nation gained its independence, both of these laws were already in effect (Slater & Smith, 2016).

The Kenyan Police Force under Kenyatta underwent the most significant transformation during his administration when senior-level positions held by British expats were replaced with Africans. Since 1908, the Colonial Commissioners of Police have been: Brigadier General F.S. Edward (1908-1922), F.D.Thysen (1922-1925), R.C.A. Cavendish (1931-1941), A.J. Kingsley-Heath (1941-1943), Mr. W.M.G Sandwith (1942-1947), C.H. Ward (1947-1949), Mr. M.S. O'Rorke (1950-1951), Mr. (19 (Slater & Smith, 2016). The Kenyan police force underwent a period of administrative reform following the country's independence in 1963. Kenyans succeeded the British police officers as police commissioners. The Police Commissioner was appointed by the President and directly served the President's Office ministry. Additionally, more police units were needed to serve a rising population. The Kenyan people's rules have to be adhered to by the newly established independent police force. (Thoup, 2017).

On the other hand, coercive methods were still employed and underprivileged populations were overpoliced. The most extreme instance of this occurred when Somali villages were subjected to collective punishment during the Shifta War (1963–1967), which was waged against the Somali-supported Northern Frontier District Liberation Movement. The Shifta War took place between 1963 and 1967. Between 1963 and 1967, this battle took place. Morrison (2013).

The independent police force of Kenya was also drawn into the conflict due to the political and tribal links of the country's recently established government. According to Korwa and Munyae, the police were used to oppress people who disagreed with Kenyatta's ideas as well as the leaders of other communities throughout his presidency, which was presided over by Kikuyu elites, the so-called Kiambu mafia, who were from Kenyatta's home region. Several politicians, including Pio Gama Pinto, Tom Mboya, and J. J. Kariuki, were allegedly murdered by the police as a result of Jomo Kenyatta's criminalization of political disagreements and restrictions on the right to free speech, while others received lengthy prison sentences without being given a chance to defend themselves (Adar & Munyae, 2001).

Political killings were frequent during this time, and the police frequently assisted in killing opponents of the ruling party or concealing up their murders. J.M. Kariuki, an assistant minister in Kenyatta's cabinet, was detained by police in 1975. Because of his outspoken criticism of the government's corruption, which cost him influential friends, he was apprehended. He vanished without a trace, and a few days later, his dismembered body was discovered. The police were charged with attempting to cover up the truth regarding his passing. Additionally, they were charged with altering the scene of the crime, unlawfully trailing witnesses, and attempting to frighten them away (Adar & Munyae, 2001).

When Kenyatta passed away in 1978, Moi, who had served as Kenyatta's vice president, became president. Because of his heritage, Moi, who was Kalenjin, was viewed as an outsider by the most influential Kikuyu people. His second goal, which was to remove the long-standing animosity between Kenyans, was therefore his first goal. As you can see, I was bound by several laws. He assured Kenyans that he won't tolerate corruption or tribalism, which helped to soothe their concerns. In 1978, he let loose of 26 political detainees and fired Bernard Hinga, a longtime Kikuyu police commissioner. After some time had passed and the majority of Kenyans believed that the main causes of the alleged opposition to Moi's leadership were the ongoing persecution by Kikuyu elites led by the then-attorney general Charles Njonjo and the failed coup in 1982, Moi was more interested in eliminating those people. He promised to follow Kenyatta Nyayo, and he kept his word (Adar & Munyae, 2001).

The police were employed to silence critics of his leadership and government from the 1980s until 2001. When the worst instances of police brutality, massacres, and people getting away with crimes occurred, Moi was in command of Kenya. According to Khamisi, "the police, among other things, have become the new frontier for corruption in the government." The public first viewed Moi as a leader who could combat corruption and a political culture built on ethnic antagonism. But throughout Moi's administration, many of the issues that beset the initial KANU administration persisted. He has been accused of overseeing killings, economic crimes, violent crackdowns on protests, and the unlawful arrest, torturing, and execution of critics in order to quiet them (Njiri, Mwangi, & Wasonga, 2020).

Even though Moi began a campaign to fire corrupt government officials, which resulted in the resignation of Bernard Hinga, the first African Police Commissioner, Moi swiftly formed a new group of close friends, some of whom would eventually be accused of major crimes. Kenya became a one-party state in 1982 when he put an end to the existence of many parties. Similar to Kenyatta, Moi used the police and other security apparatus as political props while ignoring pleas for change. Kenyatta followed suit. He employed the police as a terror tool in the Northern Frontier District to address the Somali issue. President Moi dispatched the police to quell the protests that ensued after his government betrayed its pledge to involve the public in the revision of the constitution and instead handed his regime complete control of the procedure.

3.3 A move towards Multi-Party Democracy (1992- 2002)

The nation's first multi-party elections since becoming independent were held in December 1992. According to claims of police violence and intimidation of voters, KANU won the elections (Commonwealth Secretariat, 1993). (1993, Commonwealth Secretariat). Leaders of KANU

requested that anyone who backed the opposition be ejected from the Rift Valley region before the elections. According to Human Rights Watch (1993), these land disputes directly caused the relocation of over 300,000 people and the death of over 1,500 persons. The police assisted the regime in gaining a stronghold in the area by either turning a blind eye to the violence or taking part in it themselves (Commonwealth Secretariat, 1993).

Election-related violence increased during the ensuing ten years. Most of the time, the cops were either guilty or complicit. Additionally, there was a completely new generation of party members to deal with. The *Jeshi-la-Mzee*, which in Kiswahili means "the army of the boss," is accused of intimidating voters, harassing candidates, extorting voters, and committing violent crimes in the run-up to the election. Soon after, every political party established their own *de facto* armed wing. These private gangs were frequently used by the government to kill people who belonged to particular ethnic groups or to put an end to protests. The police did not step in when the groups physically attacked civilians since it was well known that the government supported the organizations (Commonwealth Secretariat, 1993).

The first five years of multi-party politics showed that, despite the Constitution's new provisions for several political parties, all prior political arrangements supported a one-party dictatorship. To call for a constitutional amendment, nationwide strikes were organized, and regular demonstrations took place. During this time, the President made a number of concessions regarding civil freedoms, most notably the 1996 creation of the Standing Committee on Human Rights (Article 23 (1), Constitution of Kenya, 1963, which later became the Kenyan National Commission for Human Rights). Small structural adjustments were made, but neither the administration nor the police experienced a change in how they conducted their business. Following that, in 1997, there were other community altercations in Coast Province, which were once more attended by police. When Moi and Mwai Kibaki ran for president in the 1992, 1997, and 2002 elections, the police also frequently used excessive force. Kibaki's election in 2002 put an end to the KANU's forty-year dominance. For eleven years, Kibaki served as Moi's vice president before falling out of favor. From 1998 to 2002, Kibaki advanced to lead the formal opposition in parliament (Murunga & Nasong'o, 2006).

3.4 The Kibaki Regime and the Police Reform Process (2002-2006)

A memorandum of understanding (MOU) between the Liberal Democratic Party (LDP) and National Alliance of Kenya (NAK) helped potential candidates from various ethnic, educational, and political backgrounds create the National Rainbow Coalition (NARC), which they used to unseat Moi. NARC overcame KANU in 2002, ending its forty years as the dominant force. Joy

spread throughout the nation as Kenyans sung during the inauguration of their third president, President Kibaki (2002–2013), "yote yawezekana bila Moi" (everything is possible without Moi) (KTN-TV (2004), 9pm News, March 7, 2004). However, after gaining control, misunderstanding developed between coalition members regarding the MOU, particularly with reference to power-sharing arrangements, constitutional amendments, and how to address past wrongs (UNO, 2005). When the NARC coalition broke up, racial and ethnic political tensions and impunity returned. Kibaki followed the well-established practice of utilizing police to maintain regime security.

This was made clear during President Kibaki's reelection, which set off the unrest following the 2007–2008 elections (Daily Nation, 26 January 2004). On Election Day, according to the Daily Nation newspaper, General Service Units (GSU) police officers stormed the main counting hall at KICC and threw everyone out, including the opposition leaders (ODM party), election observers, and the media (Daily Nation, 26 January 2004). This was before the violence broke out. Finally, the head of the Electoral Commission of Kenya (ECK) declared President Kibaki the victor. Following the violence, Human Rights Watch recorded multiple murders and assaults that may have been committed by police. p. 95 of Daily Nation, January 26, 2004.

Nevertheless, the NARC Government established a Police Force Task Force in 2003 to study the function and reform of the police and created a number of new plans and policies for police reform. Police reforms in Kenya began in 2003, when the Kibaki government launched the sector-wide Governance, Justice and Law and Order Sector (GJLOS) Reform Programme to improve security and justice after realizing the importance of security for economic growth. The new President named Edwin Nyaseda as the new Police Commissioner when the NARC Government took office in January 2003. A little more than a year later, in April 2004, the President abruptly fired the Commissioner and named Brigadier Hussein, a serving army officer, to lead the police. The new Commissioner's military background, which is more frequently associated with imposing law and order by force than with the flexibility and discretion needed for effective democratic civilian policing, and the fact that the new President was relying on the outdated methods of appointment raised significant controversy (Hills, 2007).

There has also been concern at the local level that the NARC regime has not introduced a new policing strategy. For instance, a provincial police chief who was asked about "the release of a politically well-connected suspect" in February 2003 claimed that he had to release the suspects because of orders from above but declined to say where these orders had come from (Daily Nation, 4 February 2003). There were huge expectations for police reform following the 2002 elections, but none materialized. When attempting to lead a group of protesters to a contentious piece of private property in April 2004, the Assistant Minister of Provincial Administration and Internal Security

reportedly told a police officer that he was his boss and that his orders superseded any police orders. When the protesters tried to forcefully enter the property, the police officer kept his position and gave the order to fire tear gas at them. Only two days later, the officer and 56 other police officers were forced into retirement. However, the government insisted that the cops had nothing to do with the occurrence. The subject was discussed in Parliament, but to no avail.

There seemed to be a sincere desire to thwart attempts at political meddling. For instance, in 2003, the Provincial Administration and National Security Minister explicitly advised police commanders to defy pressure from above when he acknowledged the issue of involvement. According to reports, he promised the police,

"I have word from the President that there shall not be orders from anywhere else except your immediate superiors" (Daily Nation, March 28, 2005).

These declarations are crucial, and if they are upheld, they could serve as a true springboard for longer-lasting initiatives to ingrain police accountability. When the Commissioner said in an interview a few days later that "Such things will never happen under my watch," the Minister of Internal Security's executive shoot-to-kill order from March 2005 was rescinded. Since the law applies to all of us equally and without exception, I won't hesitate to sue such individuals (Daily Nation, 28 March 2005). The Commissioner assumed ownership of the force and was resolute in his denial of any political meddling in his job. When questioned about whether politicians have any influence over his judgments, he responded,

"I have never encountered any circumstance of that type. The law guides police work. Nobody directs them as to who they should or should not arrest. I'll be categorical and say that no one not even one has attempted to sway my decisions in the year that I've been here. You may use my statement in the Daily Nation (5 April 2005).

Generally speaking, Kenyan policing had been plagued by numerous issues up until this time, which covered three previous governments since independence. The police have repeatedly failed to respond professionally to policing situations, whether for calls for assistance, criminal investigations, traffic management, dealing with terrorist threats, or managing peaceful protests, according to reports of rising crime, including corruption and international and transnational crime (Gastrow 2011).

According to Ruteere and Pommerolle (2003), Kenyan policing was characterized by an excessive use of force, extrajudicial killings, torture, and corruption. The police force was unable to evolve into a service that complies with worldwide professional standards because of persistent underfunding, improper allocation of supplied monies, and frequent inappropriate intervention in police operations. The general people lacked trust in the

police as a result, and they were less likely to report crimes or give them information (Commission of Inquiry into Post-Election Violence 2008). Not only did the police violate the rights of others and fail to maintain security, but there were also numerous internal abuses and infractions. Other police officers were intimidating, harassing, and violating the rights of police officers including their superiors (National Task Force on Police Reforms 2009).

Kenyan police have rarely faced internal or external accountability. Disciplinary actions were frequently enforced unfairly, if at all (National Task Force on Police Reforms 2009), and there was long a period of ineffective independent police monitoring. The officer in question was frequently reassigned without additional investigation or looking into the causes of claimed or verified police misbehavior in order to stop it from happening again. Sometimes, police oversight was dishonest, false, or lacking in any other way. Police officers were not given written copies of police regulations; instead, training was the only time they received them. People were hesitant to report instances of police wrongdoing because they thought their complaints would go unanswered.

Civil society and other stakeholders have regularly asked for police reform in order to solve the challenges mentioned above. Some reforms were implemented by the Kenyan government, however they had little effect. A task force on reforms was established by the police in 2004, but its findings were never made public. In its strategy plan for the years 2003 to 2007, the National Police Service (NPS) made a number of pledges to various reform efforts. These included the decentralization of a portion of the police force, making modernization of the force the top priority, retraining and training of officers, protecting policing from political interference, eliminating a resource shortage within the force, tearing down institutional and structural barriers to police reforms, and recognizing the value of promoting police reforms.

By establishing a National Police Service Commission and an independent civilian monitoring agency, this strategy plan also recognized the significance of enhancing both individual and institutional responsibility. These two organizations would be in charge of providing monitoring. The plan recognized the institutional culture of impunity and corruption within the ranks of the police department as well as the institution's intrinsic

lack of accountability (Mutua, 2016).

3.5 Regulation and Performance of the Police Force

Kenyan policing is subject to a lot of rules and regulations. This includes the rights guaranteed by the Constitution, the specific laws that control the formation and conduct of the police (such as the Police Act, the Police Regulations, and the Standing Orders), and the general laws of the land that control the criminal justice system. All of these together form the legal basis for how the police must operate. Additionally, Kenya is obligated to import and adhere to accepted worldwide standards for police through the system of international treaty responsibilities imposed by its membership in organizations like the African Union, Commonwealth, and United Nations. Kenya's local legal system, however, does little to support accountability or put into practice global principles of good police conduct. The foundations of Kenya's police system are examined in this chapter.

3.5.1 The Constitutional Framework

An independent police force that reported to independent bodies was required by the independence constitution. In particular, a Police Service Commission was to be established by legislation and oversee the operation of the police force. All organizational concerns were to be handled by the National Security Council. Based on the recommendations of the Police Service Commission, the President was going to appoint the Inspector General of Police. However, due to a series of events that resulted in a one-party state in 1982 (National Police Service Act, chapter 84), these accountability mechanisms were never implemented.

As a result, the executive now has considerable power over the police. The fact that the President has the authority to appoint and dismiss the Police Commissioner is particularly disturbing since it contradicts the notion that the police are autonomous. To maintain control over the police, stifle opposition, and put an end to political activity and protest, the administration must remain in office. There have been attempts to alter the constitution in Kenya. A proposed constitution known as the Bomas draft was created in 2001 and 2002 through a process of soliciting public input. This proposal underwent significant revisions by the NARC Government, which produced the Kilifi or Wako document that was given to the public in a yes/no referendum in November 2005. After the referendum's negative outcome, Kenya preserved its outdated original Constitution (Article 282(1), Bomas Draft

Constitution 2002 Kenya).

By establishing various layers of accountability and a focus on giving the police more independence in their daily work, the Bomas draft attempted to break the President's close monopoly on the police (Article 282(6), Bomas Draft Constitution 2002-Kenya). It included establishing a Police Commission and a National Police Security Council, both of which were in charge of running the police and Administration Police forces, making the courts independent, and putting measures in place to make an expanded Bill of Rights fully functional. Parliament was also made accountable for how well the police performed their duties. Also discussed were the hiring and firing of the police commissioner. The Commissioner was still subject to appointment by the President, but only with the National Assembly's consent. Article 282(1), Bomas Draft Constitution 2002 (Kenya), states that the Commissioner could only be dismissed if a specially constituted tribunal so declared.

Public service standards under the proposed Constitution

Article 245(1) of the proposed Constitution set out the guiding principles of the public service. As public servants themselves, police officers have a duty to live up to these standards, which should guide any policy and reform process within the police force. Specifically, the police force was expected to uphold maintenance and promotion of a high standard of professional ethics, to be effective, impartial, fair and in providing services to the public, to provide prompt, efficient and timely response to people's needs, be committed to the implementation of public policy and programs. By these standards, the police force is also expected to be accountable for administrative acts of omission and commission, be transparent and provide the public with timely, accessible and accurate information.

3.5.2 Domestic Laws

Kenya has a long history of passing faulty laws to mask the actions of the government. For instance, the Communications Act, the Miscellaneous Amendment Act, and the Preservation of Public Security Act all made it more difficult for the media to do their duties. These laws have harmed the police because they must implement laws that are severe and prejudiced. A significant domestic statute that has an impact on the police is the Penal Code. It outlines the specific behaviors that are prohibited in Kenya. Notably, the Code also allows for charges against the police. For instance, the Code allows for charges of murder to be brought against a police officer who murders someone outside of court

(Mugo, 2019).

All criminal justice organizations in Kenya must follow the Criminal Procedure Code whether conducting investigations into crimes or appearing in court. The police, prosecutors, judges, and those who work in the court's administrative offices are all subject to the Code. If police personnel don't investigate and handle matters in accordance with the Code, the Court may hold them responsible (Bwonwong'a, 1994).

The Evidence Act outlines particular guidelines for handling evidence. The Code establishes the kind of evidence that can be introduced in court and aims to create a standard that everyone must abide by. For instance, if a confession is made in front of a magistrate, it can only be utilized in court. This admits the excessive use of torture to coerce confessions of inappropriate behavior. The police will have to concentrate on other types of evidence, such as forensic evidence, witnesses, or evidence that supports other evidence if these kind of confessions are never permitted (Mahoney, McDonald, Optican, & Tinsley, 2010).

By include abuse of office, misappropriation, theft of public resources, and conflicts of interest in the definition of corruption, the Anti-Corruption and Economic Crimes Act expands upon the Prevention of Corruption Act. Additionally, it creates the Kenya Anti-Corruption Commission, which is able to look into and find stolen property without filing charges. This body could investigate allegations of police corruption, although it appears to be concentrating on larger corruption cases right now (Muthomi, 2006). All public employees, including police and politicians, are required to abide by a code of conduct that forbids lying, favoritism, and conflicts of interest. All public authorities, including the President, are required to disclose their assets at the beginning and end of each fiscal year, according to the law (Mwenzwa, 2015).

3.6 International Standards

Through its membership in the African Union, the Commonwealth, Kenya is a member of the global community of countries. In Kenyan law and practice, policing-related international accords should be reflected.

3.6.1 United Nations Standards

Kenyan law does not immediately incorporate international agreements. Instead, specific legislation must be passed to achieve it. Although several significant areas have been addressed, there are still many gaps. In fact, the UN Human Rights Committee, which is in charge of ensuring that the International Covenant on Civil and Political Rights (ICCPR) is upheld, recently stated that "The Covenant has not been made a part of domestic law, and the provisions of international human rights instruments, especially the Covenant, are not used in court. The Committee recommended that the appropriate procedures be taken to enable the exercise of Covenant rights in Kenyan courts, although this has not yet been done (Auerbach, 2003).

Kenya has promised to do things like report to organizations that keep an eye on things in exchange for adhering to some fundamental principles of how a state should conduct itself. The UN Human Rights Committee reviewed Kenya's second periodic report on the ICCPR in April 2005 and provided recommendations. The Committee commended the government for a number of its efforts, but regretted that Kenya's report was 18 years overdue and provided insufficient information regarding the effectiveness of implementation members' work or the concrete steps that had been taken to ensure Covenant guarantees were upheld (Kagari & Thomas, 2006). The Committee is concerned about a number of issues, some of which are directly related to police activities, such as "extrajudicial killings by police units (flying squads?) Or other law enforcement personnel." The Committee expressed particular sadness at the fact that "de facto impunity" the lack of investigations or prosecutions in incidents of unlawful killings by police remains widespread.

Kenya was requested by the UN Human Rights Committee to provide information on the implementation of its recommendations, including those regarding extrajudicial executions, widespread de facto impunity, abuse of torture, deaths in custody, and the requirement to "provide increased resources for the administration of justice," within a year. No submission had been made to the Committee as of the time of publishing, which was just one year before the deadline.

3.6.2 Regional Mechanisms

Numerous regional measures to safeguard human rights could be compromised by police activity. They are the African Court on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights, and the African Union (AU). The Organization of African Unity (OAU) was established in 1963 as a forum for newly independent African nations to discuss democracy and political freedom. The OAU became the African Union, or AU, in 2002 (Shelton & Carozza, 2013).

The OAU members approved the African Charter on Human and Peoples' Rights, often known as the Banjul Charter, in 1981, and it came into force in 1986. The International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights both provide protection for civil and political rights, which is crucial for police. The Charter does the same. For instance, the Charter declares that being detained without a trial or undergoing torture is illegal. Additionally, it states that everyone has the right to a fair trial, an impartial judge, and a means of obtaining justice (Umozurike, 1983).

Kenya was one of the first nations to ratify the Banjul Charter, but it has not been held accountable for violations of human rights that contravene regional and international agreements. Unfortunately, little effort has been made by the organization to advance and defend human rights in AU member states. Instead, it has prioritized issues such as independence in politics and the economy, eliminating discrimination, and ending colonialism at the expense of individual liberties. Improvements to the AU are being done as part of the New Partnership for African Development (NIPAD) program (Metz, 2014).

3.6.3 The African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights was established in 1987 according to the Banjul Charter. Promoting and defending Charter rights in Africa is its responsibility. The Commission's responsibility is to investigate abuse and advise states on how to look into it and prevent it from happening again. Although the Commission hasn't achieved any notable victories to date, it has the potential to be a tool for victims of police brutality to hold the police accountable and have their rights upheld. This has been partially attributed to a lack of resources (people and money) that make it difficult for applicants to deal with process issues (Kioko, 2005).

3.6.4 The African Court on Human and Peoples' Rights

Under the African Charter on Human and Peoples Rights, the African Court on Human and Peoples Rights was founded, however it is not yet completely active. Although the court's initial judges were chosen in January 2006, it is currently anticipated that the African Court of Justice would absorb the court. According to the Charter, the Commission, signatory governments, and African intergovernmental organizations may all file cases with the Court. If no other options for redress have been explored, then individuals and NCOs may, at the Court's discretion, petition the court on behalf of a state. The Court will only hear the matter, though, with the approval of the relevant state (Bekker, 2007).

According to Article 7, Protocol to the African Charter on Human and Peoples' Rights, the Court may consult the African Charter on Human and Peoples' Rights "and any other relevant human rights instruments ratified by the States concerned" while making decisions. As a result, complainants may rely on UN policing rules, which enable a wider body of law than the African Charter alone permits. According to Article 7 of the African Charter on Human and Peoples' Rights, the court may mandate the payment of restitution or compensation as suitable remedies for infringement of human rights. According to Article 30 of the African Charter on Human and Peoples' Rights Protocol, States that recognize the Court must abide by its rulings. According to Article 31 of the African Charter on Human and Peoples' Rights, the AY Council of Ministers is responsible for AY Assembly oversight of the court's judgements being carried out. (Article 32, Protocol to the African Charter on Human and Peoples' Rights) The Pan African Parliament, the Assembly, and other organizations are meant to be in charge of enforcement, pressing a non-compliant country into upholding a court verdict. The Court has not yet examined any police abuses of human rights.

3.7 Regulations and Acts Governing Police Operations

The Police Act of 1961 governs the Kenyan police service. Section 14 of the Police Act of 1988 (Kenya) outlines the duties of the police as maintaining law and order, maintaining the police, protecting life and property, preventing and detecting crime, apprehending offenders, and enforcing all laws and regulations with which it is charged. In addition, according to Sections 26 and 27 of the Police Act of 1988 in Kenya, police must control traffic, maintain public order, and "prevent unnecessary obstruction on the occasion of assemblies" (Section 16(1)). The Police Act also allows for the use of the police force for

private hire (Section 45, Police Act 1988 (Kenya), Part V, Police Regulations) or, less frequently, for the deployment of police to assist in short-term emergencies under reciprocal agreements with neighboring countries (Part VI, Police Act 1988 (Kenya), which is covered in the Police Act. Being able to hire the police is troubling, especially considering that only those with money and connections can hire the police.

A number of rules also apply to the police in addition to the Police Act. Section 5 of the Police Act 1988-Kenya), which was first published in 1961, defines one of the regulations and lists the administrative issues such gun stores, certifications, and forms as well as the list of disciplinary offenses. The Standing Orders enlarge these. Notably, Section 53(2) of the Police Act 1988-Kenya oversees the Kenyan Reserves, whose purpose is to aid the police force, and Part IV of the Police Regulations. The Police Act, 1988 Revised Edition, contains a comprehensive compilation of all of this legislation.

According to Section 4 of the Police Act of 1988 in Kenya, the Standing Orders are responsible for "general control, direction, and information of the Force" and set down the tasks of the police. The Police Commissioner issues the Standing Orders, which set forth policies for routine operational and administrative issues. They were largely drafted in 1962, but have since undergone various revisions, the most recent of which was in 2001. Individual officers and constables are responsible for obeying all legal commands, looking into and apprehending suspects, gathering data pertaining to law and order, and preventing crime and public disturbance. However, these general rights are restricted by the Police Act. For instance, pursuant to Section 20(1) of the Police Act of 1988-(Kenya), the powers of search and seizure are subject to the issuance of magisterial warrants, and even the decision to search a property without a warrant is subject to this requirement when delay may jeopardize an investigation.

The Police Manual, the Standing Orders and Regulations, and the Criminal/Procedural/Code procedures all apply to the use of these authorities. For instance, the Police Manual outlines three distinct techniques for searching someone in accordance with the general authority granted by Section 19 of the Police Act. The care and issuance of weapons are covered under Chapter 31 (Arms and Ammunition) of the Standing Orders, which effectively restricts the use of the firearms usage authority granted by Sections 28

of the Police Act and Section 14 of the Administration Police Act.

The duties of the police are also outlined in the 1997 Police Manual. The Manual is a useful manual that provides advice on appropriate behavior, right protocol, and legal measures to be followed in specific circumstances, as well as a description of the pertinent legislation. Every police officer has access to the Kenya Police Manual, which is given to them upon recruitment and contains an explanation of all pertinent laws, rules, and Standing Orders. This concise, in-depth description of best practices for police officers performing their jobs is meant to serve as a practical guide. It is easy to read and complete.

The Constitution and Organization of the Force, General Instructions, General Police Duties, Arrest and Search, Criminal Investigation, Criminal Procedure, Criminal Evidence, Courts, Civil Disorders and Crowd Control, Use of Force and Firearms, and Traffic Control are all covered in the Manual. It offers straightforward explanations of the law, such as in Chapter 4's first sentence: "What does arrest mean? A person is taken into custody after being arrested in order to give a legal statement regarding a specific crime. As a result, a police officer **MUST** have cause and authority to make an arrest. He must exercise his powers wisely and carefully. It lays out rules of behavior, such as how to behave in court, and describes crucial procedures, such as how to preserve forensic evidence and take witness testimony (Chapter 5). Public relations is given special attention throughout, as seen in the handling of complaints in Chapter 2's paragraph 12: "Police officers called upon to answer complaint made against them will adopt a quiet and courteous manner."

The Administration Police is governed by its own set of Standing Orders and Manual and was founded by the Administration Police Act of 1958. The Administration Police dealt with customary law and reported through a local provincial council structure to a national Commandant who reported to a government Minister. Historically, Kenyan law was divided into civil and customary streams. The predecessors to the Kenya police dealt with the civil law and reported through a police structure to a Police Commissioner.

Today, the Administration Police still function, reporting to the Minister of Internal Security through regional provincial chiefs, despite the progress of Kenyan law and the elimination of the idea of a parallel customary law. According to the police, the lines between the functions of the police and the Administration Police are frequently blurred. So that both the police and the public are informed about their tasks and activities,

consideration needs to be given to the appropriate roles and functions of the Administration Police (Ojienda, 2013).

3.8 Police Manual

The police manual stipulates that "the police force shall be employed throughout the country for the maintenance of law and order, the preservation of peace, the protection of life and property, the prevention and detection of crime, the apprehension of offenders and the enforcement of all laws and regulations with which it is charged." A police officer must possess the following qualities: objectivity, honesty, and loyalty. He must also be discrete, meticulous, and effective in his work. He must handle people and property fairly and correctly since he is an officer of the law and a servant of the public. He must constantly maintain composure. He must be strong when required but always just. He must set an example of objectivity and effectiveness to win the public's respect and confidence, and he must always be prepared to offer whatever aid may be needed when the situation calls for it. (Chapter 2, Section 1, Paragraphs 1 and 3, Police Manual).

3.9 Units of the Kenya Police Force

- i) The departments and special squads include:
- ii) Administration: management of postings, leave, maintenance and control of training and welfare.
- iii) Air Wing: training of pilots, maintenance of aircraft.
- iv) Anti-Corruption Unit
- v) Anti-Narcotic Unit
- vi) Anti-Robbery Unit: disbanded in 2002 - reportedly due to its reputation for torturing and killing suspects.
- vii) Anti-Drugs Unit
- viii) Anti-Stock Theft Unit: targets cattle theft particularly along the borders, which are a source of illegal small arms.
- ix) Anti-Terrorist Unit: recently criticized for its interrogation methods (Amnesty International (2005).
- x) Dog Unit: breeding, care and training of dogs and dog handlers.
- xi) Flying Squad: created to deal with car jackings and armed robberies. They apparently have their own offices and cells, although they use other police stations to house their detainees.

- xii) General Service Unit: established by Chapter 9 of the Standing Orders, designed to deal with Special operations and civil disorders.
- xiii) Kanga Squad: an elite unit of CID.
- xiv) The Kenyan Police Reserve: a volunteer corps established by Part IV of the Police Act and whose function is to assist the police (Section 53(2), Police Act 1988 (Kenya). Enrolled to serve part time for a minimum of two years, its personnel are subject to the same disciplinary codes as the police (Section 58, Police Act 1988 (Kenya). In 2004, the Commissioner of Police disbanded the KPR due to their reputation for criminal activity.
- xv) Motor Transport: selection of vehicles, maintenance and repair.
- xvi) Motor Vehicle Theft Unit
- xvii) Rhino Squad: created to combat the Mungiki; in practice they have a reputation for arresting suspects, taking them to the forest, beating them and leaving them there, or detaining them for long periods in different police stations to avoid the 14 day detention rule
- xviii) Presidential Escort
- xix) Port and Railway Police: security including bomb disposal, monitoring drug trafficking and currency crime in airports and protection of property on internal transport systems such as roads and railways.
- xx) Special Crimes Prevention Unit: known for dealing with robberies and public disturbances in particular demonstrations.
- xxi) Spider Squad: designed to target rape.
- xxii) Telecommunication: selection of communication equipment, maintenance and repair
- xxiii) Tourist Unit: protection of tourist destinations and tourists.
- xxiv) Traffic Unit Training Colleges: training of recruits and other personnel.
- xxv) Vehicle Inspection Unit

3.10 Structure and Staffing of the Police Force

According to Kenya's Constitution, the President appoints the Commissioner of Police and is in charge of him or her (see Section 2 of Chapter 2 of the Standing Orders). Although daily leadership of the police is transferred to regional officers selected by the Commissioner, the Commissioner retains ultimate control of all parts of the force together with any senior superintendents to whom he or she delegated authority (Section 4, Police

Act 1988 (Kenya)). A secretariat that includes senior deputy commissioners, senior assistant commissioners, and various uniformed and non-uniformed officers supports the commissioner. The Secretariat is located in Nairobi's police headquarters. The Special Branch, Criminal Investigation Department, Motor Transport Branch, Signals Branch, and Quartermaster are all centrally located at headquarters as well.

Kenya has eight distinct police provinces: the Central Province, the Coast Province, the Nairobi Continent, the North-Eastern Province, the Rift Valley Province, the Kenya (Railways and Harbours) Police, the Nyanza Province, the Eastern Province, and the Western Province. Each province has divisions within it. A Divisional Commander is accountable to the police officer in charge of the province and in charge of all police operations within their division. Each police station typically has a Chief Inspector or Inspector of Police in charge, and each police post is typically overseen by a Sergeant or Corporal. The lowest cadre of officers in the police department are called: Superintendent, Senior Superintendent, Cadet Superintendent, Senior Assistant Superintendent, Assistant Commissioner, Commissioner, and Deputy Superintendent Chief, regular, and cadet inspectors make up the inspection staff. Senior Sergeant, Sergeant, Corporal, and Constable are subordinate officers (Kivoi & Mbae, 2013).

Although the Commissioner is in charge of the police, there are ways for officers to speak with those in positions of authority directly. According to the National Task Force on Police Reforms (2005), the Police Regulations create the Kenya Police Representative Association, whose purpose is to notify the Commissioner and the Government of all efficiency, welfare, and pay-related concerns of the police themselves. Four officials from the government and four from the Kenya Police Representative Association make up the Police Council. The Permanent Secretary of the Minister, or that person's designate, serves as the chair (Kivoi & Mbae, 2013).

The police force is small. In comparison to the UN-recommended benchmark of 1:450, the police-to-population ratio has gotten worse over time, rising from 1:711 in 1991 to 1:875 in 2001 and 1:1,150 in 2004 (National Task Force on Police Reforms, 2005). There are about 18,000 members of the Administration Police. According to estimates, even if the two forces combined, the nation would still need to hire 3,999 new officers every year for ten years (2004–2014) in order to meet international policing population standards by that

year (Kagari & Thomas, 2006).

Despite the fact that women outnumber males in the population, just 6.2% of police officers are female, and only four women serve as divisional commanders, according to a June 2004 study. In the wake of allegations of corruption and political interference, an effort to raise the number of police officers in 2005 was unsuccessful. There is severe understaffing in several locations due to the shortage of police. For instance, it was noted in November 2003 that the Rift Valley region lacked 64 sub-ranks—the ranks responsible for day-to-day policing and 7 inspectors.⁶⁶ Even when there are enough officers, the local force cannot effectively respond to crime in remote regions due to poor transportation and communication (National Task Force on Police Reforms (2005), Draft Report 4, Kenya, 4 February 2005).

With 83,165 police officers working there in 2013, Kenya had a police to civilian ratio of 1:505, which was higher than the UN's suggested ratio of 1:450. Over the past four years, the government has hired, trained, and deployed an extra 36,000 police officers, bringing the total number of policemen to 119,165, exceeding the 1:380 citizen to police ratio. Kenya has increased its resource allocation to its military and security forces, with the highest jumps seen in the last five years, according to data from the Stockholm International Peace Research Institute, SIPRI (Palgrave, 2016).

Kenya has spent a total of \$8.8 billion (Sh884 billion) since 2005 on military equipment and activities, ranking fifth in Sub-Saharan Africa for military spending. According to a statement made in an interview by the late Interior and Coordination of National Government Cabinet Secretary Joseph Nkaiserry, "In 2013, we had 231 police stations and we have increased these to 444 in the last five years." Along with hiring more police officers from less than 90,000 to 109,165 we also updated their tools and weapons.

Lemarlani & Mwaura (2017) claim that between 2012 and 2016, the number of police officers increased by 25.6% to 53,844 due to the induction of two batches of new recruits. On the other side, the National Police Service reports that a total of 9,937 new police personnel were hired in 2015–16, raising the nation's total number of police stations to 90,442. Kenyan President Uhuru Kenyatta claimed in 2017 that increasing the number of police officers under his administration has enhanced national security. He stated in

Nairobi's Uhuru Park, "In terms of human capital, we now have 98,732 officers in our ranks compared to 78,885 in 2013, an increase of more than 25%," as he detailed government initiatives to boost police efficacy. This, he claimed, showed a current personnel-to-population ratio of 1:390, "compared to the recommended [United Nations] ratio of 1:450".

3.11 Negative perceptions of the Kenyan Police Force and the need for Reforms

Kenyans have one of two perspectives on their police force. First, they view it as a corrupt organization that merely functions as a formalized extortion ring, using unlawful and violent means to maintain the status quo and only feigning interest in reform efforts. In contrast, they view it as a structure that is working to reinvent itself and get past its past in order to become a disciplined and law-abiding police force better suited to the democracy in which it currently operates.

According to a 2002 survey, the majority of Kenyans believe that the police are corrupt, and more than one-third of all crimes are directly related to police misconduct. Instead of any lapses, ineptitude, ignorance, or subpar performance in crime control, concerns about the police are typically expressed concerning officers who are actively misbehaving. Accordingly, the most unfavorable perceptions of police appear to be fueled by police wrongdoing. This illegality manifests itself in a variety of ways, including corruption, including the taking of bribes, perversion of the legal system, unlawful use of force, and violation of the due process clause.

3.11.1 Corruption

Within the ranks of the Kenyan police, corruption is a serious issue. The Kenya police are said to be the most corrupt government organization, according to the Kenya Bribery Index 200485. In 2004, according to 80% of respondents (Transparency International-Kenya, 2004), the police were biased, corrupt, and colluded with criminals. More worrisomely, 79.1% of police admitted that the force was corrupt, and 67% of police officers believed that the police coordinated with criminals (n 8, p. 25). According to Transparency International's 2002 survey findings, the average Kenyan bribed police officials on a monthly basis for 1,270 KSh (about \$15 US). Transparency International took the 2004 Index survey's finding that 42% more people were refusing to accept bribes than it had in 2003 as a sign that the public was starting to do so more frequently (p. 85).

Too frequently, those who are weakest suffer the most from corruption. For instance, most of the homeless girls interviewed in Nairobi's streets believed the police were rapists (Hope, 2019). Interviews with street kids confirm the corruption and collaboration of the police, who frequently round them up and imprison them before releasing them only after receiving payment. Street kids have established cooperatives in some places, and each member makes regular payments to a fund used to pay bribes to police (Hope, 2019). Hawkers and other small-business owners, like taxi drivers, are particularly vulnerable to police extortion because they are easy targets and are less likely to have the connections, education, legal expertise, or financial resources to fend off repeated police intimidation, especially if their livelihood is at risk. One cab driver said, "The police are quite hungry. Instead of apprehending the thieves, they harass us. Even if you have your identity card when you are arrested, you must pay bribes (Hope, 2019).

According to anecdotal evidence, police officers frequently approach drivers to demand money or set up shop on a dark street corner in a slum where there is little chance that lawyers will get involved later. Without paying a charge, no one is permitted to cross the police roadblock. When a person refuses, the police would typically demand a higher charge and use the gun's grips as a weapon to lash them (Hope, 2018). Particularly, citizens gripe about the Friday collection. In places where police make arrests on Friday night, knowing they could spend the whole weekend in jail, more suspects will bribe their way out of jail. Torture is frequently used on detainees to coerce the payment of money from their families. Women are improperly housed in male-only cells where they are sexually attacked and occasionally have the possessions of other prisoners taken (Hope, 2018).

There are rumors of organized corruption, including an order from a higher-ranking officer to collect a weekly financial quota that is then passed up the chain of command with a cut provided to each level. Despite the lack of supporting data, the public is drawn to these stories. The degree of public mistrust toward not only the specific police officers with whom they interact but also toward the institution and higher echelons of command can be inferred from the fact that these rumors are spread so confidently and widely (Osse, 2016).

3.11.2 Excessive use of Force

The excessive use of force by any state institution, which is typically categorized as a kind of torture because it is carried out by a state agent, is one of the most horrifying and

intimidating forms of criminality. Human rights have been violated, criminal behavior has occurred that should be investigated and prosecuted, a civil wrong has occurred for which both the state and the particular police officer can be held liable, and it should always be considered a professional misconduct offense. The state is encouraging the violation of human rights and the criminal actions of its agents if it does not ensure that excessive use of force and torture are eliminated and that offenders are punished and brought to justice (Mukaria, 2018).

Sir Nigel Rodley, who was then the UN Special Rapporteur on Torture, came to the conclusion that law enforcement officials in Kenya were using torture on a "widespread and systematic" basis and that there was a general assumption of impunity among them in 2000. For years, Amnesty International has been compiling evidence of Kenyan police torture and government collusion. Monitoring and advocacy efforts by Kenyan civil society organizations show that police torture is frequently used. In 2003, 358 cases of alleged torture were documented by the Independent Medico Legal Unit (IMLY). (Kenya Human Rights Commission 2005, Annual Report, p. 15) In 2003–2004, the Kenya National Human Rights Commission received 24 allegations of torture and 43 complaints of police brutality.

According to numerous reports, the police are also accountable for extrajudicial killings, sometimes known as executions, which involve the unlawful killing of citizens. 100 people were slain "by the police in suspicious circumstances" in 2002, according to Amnesty International. Closer to home, IMLY looked into 48 cases of alleged extrajudicial killings in 2003 with the help of two pathologists, one independent and one government. 14 of the bodies showed signs of torture, and 34 of these were determined to be extrajudicial killings. According to IMLY, police killed 27 people in 2004 and another 6 perished (Amnesty International, 2003).

3.11.3 Use of excessive force pervades Police Operations

Following an attempted robbery along Bunyala Road in Nairobi on March 7, 2004¹⁰³, three suspects were apprehended and rendered helpless by police personnel. There was no doubt that the suspects would try to flee or otherwise endanger the security of the law enforcement or the public, but the Officer Commanding Police Division nonetheless arrived at the scene and shot the suspects to death. He claimed that there was sufficient justification because they were robbery suspects (KTN-TV (2004), 9pm News, March 7,

2004). The right to a fair trial and the application of the law's due process requirements were not concerns brought up or taken into account. Inmates allege police torture: In a document dated February 28, 2004, capital remandees at the Nairobi Remand Prison alleged that torture was still common in police cells.

According to the memorandum, police either used torture to get evidence from suspects during police investigations or they acted as hired thugs to settle scores in personal, political, or business disputes with outside parties (United Nations, 2005). Benson Mutua Maundu, 13, was shot and killed by police on December 25, 2003, at Dr. Krapf Primary School in Maringo Estate, Nairobi. Witnesses claimed that police handcuffed and arrested Mutua before dragging him to the school grounds where they killed him. Benson's sister claims to have witnessed the cops beating her brother before shooting at him while he was still in handcuffs. Six rounds were fired into his body by the police. Later, according to authorities, Benson was a member of a gang that killed a police officer a month earlier, and in an interview on February 17, 2004, he stated that he was actually 16 years old and not 13. In the comparatively risk-free setting of a school yard, the issue of proportionality in the lethal use of weapons against a restrained and immobilized teenager was not addressed (KTN-TV (2004), 9pm News, March 7, 2004).

Simon Kiplagat, 35, was the subject of an IMLY investigation. On August 9, 2003, while on duty in Kamaqut hamlet in Eldoret, police officers shot and killed him because he demanded 50 KSh money for assisting them in pushing their car across a flooded section of the road. He had been shot in the left ear at close range while being held by the police, according to an autopsy performed by IMLY doctors (as opposed to 11 in 2003). At least 15 of these deaths, according to IMLY, were the result of unlawful killings (Amnesty International, 2003).

The UN Human Rights Committee voiced deep concern over the number of police detainee killings by excessive force in its comments on Kenya's report on its conformity with the International Covenant on Civil and Political Rights in April 2005. An American expert on the Committee, Ruth Wedgewood, commended the Kenyan delegations' candid comments regarding the "culture of excessive force" present in the nation's law enforcement forces. Despite the fact that 19 cases had been raised, she was shocked to learn that 3,400 people in Kenya died in detention in 2004 despite the passage of a pertinent statute (Mukaria,

2019).

For police brutality, the weak, young, and vulnerable are prime targets. 40 young persons between the ages of 13 and 25 were shot by police between December 2003 and January 2004 in Nairobi's Eastlands neighborhood alone. The justifications for killing included everything from shoving police officers away with a gun to separating rival street kids fighting over a bottle of glue. According to KHRC, the police kill at least three youths in the Korogocho slums who are between the ages of 15 and 25 every month because they are disputing the legitimacy of their detention. On the spot or in the fields outside the slum, they are shot in the head (Mukaria, 2019).

Other times, orders to employ unlawful force are given from above with the understanding that they will be carried out with protection. For instance, in Nairobi's eastern suburbs in January 2004, police shot and killed at least 20 people (Daily Nation, 26 January 2004. p. 95). The Nairobi Provincial Commissioner is reported to have warned police officers less than a month later that "youth from Dandora and Korogocho are criminals." Fire at them. Don't hold them back. Shoot them to kill them, as said in the KHRC FGD in Nairobi on February 15, 2004. He did not provide any justification for this command. Even though such orders are extremely unsettling, it is important to remember that when the Minister for Internal Security announced a shoot to kill policy a year later in March 2005, the Police Commissioner rejected the policy (Daily Nation, 28 March 2005), and the Minister later withdrew his statement in Parliament.

3.11.4 Abuse of due process

It is an abuse of due process when police officials secretly manipulate the system, even though there is a proper system of checks and balances, to further illegal objectives or obtain a specific outcome. Common abuses include tampering with evidence, intimidating witnesses, and allowing corruption to alter the outcome of a case (Osse, 2016). In its seventh report, which was released in May 2003, the Kenyan Standing Committee on Human Rights noted: "...a tendency by errant police officers in conspiracy with prosecutor counterparts; to abuse the court process by instituting fabricated or trumped up charges as cover for malpractice in the line of duty. There are signs that this behavior is routine and common among police officers. In order to justify police behavior and free the police department of responsibility, it is frequently used to cover up arbitrary arrests, unlawful detentions, bribery, and extortion (Osse, 2016).

The Police Act in Kenya classifies some abuses of the legal system as disciplinary offenses, while the Penal Code classifies others as criminal offenses. The only person with the authority to bring charges for offenses linked to abuse of office is the Attorney General. Operational officers are relieved of their responsibility to decide whether to press charges. However, a system with insufficient supervision allows for an additional layer of management, which can cause decisions to be postponed, knowledge to get diluted, and accountability to become disguised (Ojienda, 2013).

3.11.5 Culture of Secrecy Supports Criminality

Kenyan police practices, levels of misconduct, and institutional responses to wrongdoing are all cloaked in mystery. This secrecy, along with the public's mistrust of the police, promotes corruption and criminal activity inside the force. From senior to junior ranks, there is a culture of secrecy. Because there is no requirement for the President to communicate with other officials when formulating policies for the police force, nor is he compelled to make public the nature of his directives to the police, presidential control over the police promotes the secrecy and lack of transparency. Because of this lack of transparency, the public is unable to determine whether their complaints about the behavior of the police force are related to a single officer, an overall police policy, or a particular political order. Simple instructions on how to file a complaint and what happens to a complaint after it is submitted are hard to find when a member of the public wants to complain about the police.

As was already said, statistics on police prosecutions are difficult to come by, and there is little knowledge on how disciplinary processes actually operate, how many officers receive disciplinary action, why they were reprimanded, and what penalty was administered. Police Annual Reports contain a modest amount of data on the number of people who have been disciplined and the number of complaints that have been filed, but these records are not readily available, especially in the absence of a right to information law. In reality, there is discussion on whether the reports fall under the Official Secrets Act and cannot, thus, be made public.

It was thought that public authorities would become more open when the NARC Government took office. However, a year after taking office, in April 2004, the Secretary to the Cabinet and Head of the Civil Service issued a circular reminding public employee

of the Official Secrets Act's existence and threatening to take action against any employee who released information to "unauthorized persons." The Official Secrets Act defines what is susceptible to classification in a broad sense. Possession of or transfer of a government document for "any purpose prejudicial to the... interests of the Republic [if that document] might be... directly or indirectly useful to a... disaffected person" is punishable by up to 14 years in prison (Official Secrets Act 1968 (Kenya), Section 3). Naturally, most Kenyan government personnel, including top police officers, have been unwilling to divulge even the most innocent government records under this legal system.

On the other hand, the right to information has long been acknowledged as a basic human right. The right to "freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons)" is actually included in Article 79 of the Kenyan Constitution, which protects the freedom of expression. The government unveiled a draft freedom of information bill in January 2005. Sadly, the Bill has numerous problems and needs to be rewritten to make it more useful and accessible.

The Bill's phrasing is very convoluted, which would deter many regular people from adopting it. A significant portion of government information is also attempted to be excluded under the current Bill, which even gives Ministers a virtual veto over information disclosure. The worldwide best practice concept of maximum disclosure and minimal exemption is violated by this. To ensure that the existing Bill gives Kenyans a genuine access to information and a tool to utilize to encourage police accountability, it has to be significantly improved.

3.11.6 Impunity in the Police Force

Impunity serves as the foundation for police misbehavior and crime. Although the police are tasked with defending the public from illegal activity, there is a general sense of impunity among the force's criminal elements. Either the state participates in police crime or consents to it. There is some good in the story. Examples of wrongdoing are being addressed. According to the US State Report on Human Rights, which was released in February 2005, "...the Government took some steps to reduce abuses by security forces during 2004. Only three of the 45 unlawful killings by police in recent years, according to an IMLY investigation at the beginning of the year, had an inquest ordered by the Attorney-General. However, the Government launched a number of other inquiries into claims of

unlawful killings during the year, some of which led to the detention of police officers (Daily Nation, 4 February 2003).

Additionally, there are records of convictions against police personnel, and disciplinary actions have occasionally been taken. For instance, four top police officers were accused of taking 250,000 KSh from the government in July 2005. A warrant for the arrest of a fourth suspect, Ms. Crace, was issued after Gigiri police chief Kegode Kidiava, his deputy Sylvester Githunqo, and divisional undermaster Paschalina Nthenya Nzoi appeared in court on charges of six counts of fraud. However, criminal charges or other sanctions for misbehavior are far from automatic. The majority of police wrongdoing goes unpunished, and police continue to behave improperly and illegally without concern for repercussions.

The study finds that the police force is still linked to subpar performance and a bad reputation among the public based on these regulations. This could be due to the police's inadequate disciplinary processes, which should be the first concern in democratic reform, according to Bayley (2001). A crucial component of democratic policing is accountability, a democratic society. Internal and exterior police service procedures coexist side by side. Internal accountability systems support other supervision systems rather than replacing them. Self-regulation is self-discipline, but it still requires external oversight as a check. This balance builds public trust and motivates the internal oversight body to carry out its duties effectively (Bayley, 2001).

Mechanisms for internal accountability or self-regulation encourage responsibility and professionalism. Additionally, they are less expensive and, if effectively applied, can be a quicker method of resolving wrongdoing or subpar performance than external procedures. Internal systems can be created to keep track of performance, uphold discipline, look into complaints from the public against the police, look into claims of power abuse, outright corruption, and criminal activity, and manage any subsequent disciplinary actions (Kibunja, 2003).

Both the carrot and the stick are present in them. In the police force, incentives include consistent and rapid promotions, greater recognition, and accolades, whereas disincentives can include being fired, losing rank, receiving a reprimand or fee, and ceasing to perform extra duty (Kibunja, 2003). Kenya's internal monitoring structures uphold strong

hierarchies, like many other nations. Obedience is emphasized in the Police Act, Standing Orders, and Police Manual. As a result, managers play a crucial part in encouraging responsibility, enforcing rules, and establishing acceptable conduct. Although there are few possibilities for representation, appeal, or protest to external authorities, senior officers are allowed broad latitude to reprimand juniors (Sixth Report of the Standing Committee on Human Rights, 2002).

3.12 Conclusion

The Kenyan police have always served as a political tool. It is hampered by a culture that condones the use of force and unlawful activity to further political objectives. Even though crime rates are slowly down, criminal activity still dominates police action. Kenyan law forbids politicians from interfering in police activities. The police force lacks sufficient accountability or transparency to guard against improper political influence. A culture of secrecy thwarts accountability. The general lack of knowledge about how the police operate in the community contributes to the public's unfavorable image of the police. Individual police leadership members are aware of the need for reform, but attempts to bring about change are thwarted by a lack of political will and opposition from anti-reform forces both inside and outside of the police. Police reform is one of the national policy strategies.

Kenya has a vibrant civil society, but it is constrained by regulations. This makes it impossible for civil society to contribute more significantly to police reform. Neither the concepts of good governance nor the duty to respect for human rights are reflected in any applicable laws. Access to information is challenging in the absence of a right to information law. The legal system in Kenya neither encourages nor forbids police reform. Only in cases when the ruling regime is politically willing will there be police reform. Although they are secondary law, the Standing Orders, Police Manual, and regulations are helpful police protocols. The best approach to direct the police is through a revised Police Act. Regarding the purpose and duty of the various police forces as well as how they work together, there is considerable confusion in the legislation.

Despite all the reform initiatives, real change is not being felt on the ground. The local population has a perception that reforms are being thwarted in some way. A fundamental set of judicial, parliamentary, and executive oversight mechanisms for external

accountability is in place, but they are not working. There are internal procedures in place to deal with performance and discipline, but it is unknown how effective they are. They should be updated to improve openness and account for performance management issues. The police complaint process is ineffective. Because the disciplinary and complaints process is entirely internal, self-regulated, and shrouded in secrecy, public confidence in it suffers. The police conduct an investigation into the cops and provide poor feedback.

The Police Manual serves as a reference for internal issues such complaints and discipline, police power use, detainee legal requirements, investigation methods, and public relations. The Manual is not, however, followed. Poor working and welfare circumstances for police make it difficult for them to feel proud of their career. The benefits of honest police work don't seem to be enough to combat the pressures to engage in illicit activity. To determine how well the police are performing their duties and how severely they are compromised, there is not enough information about police best practices or achievements. Democratic policing must take the place of regime policing.

The current Constitution offers a framework that supports a dictatorial regime and regime policing under the legislative revisions. There is no provision in the legislation currently in effect that specifies the kind of police service to which Kenyan residents are entitled or that binds the government to uphold a specific level of policing. Standards of ethics or conduct are not outlined in police legislation. Additionally, it lacks the ability to create efficient governance structures, including appropriate channels for discipline and supervision. There are various specialized units with unclear jurisdictional difficulties, as well as two police forces with different chains of command and disciplinary duties. It is advised that all policing-related laws be reviewed. To reflect contemporary good governance, international legal requirements, and democratic practice, the law has to be updated. The review should, above all, produce clearly defined roles and duties.

CHAPTER FOUR

IMPLIMENTATION OF POLICE REFORMS IN KENYA (2007-2022)

4.1 Introduction

There were violent clashes between ODM and PNU factions in all parts of the election cycle, and when PNU declared victory in an election that was widely perceived as rigged, chaos ensued. More than 1,100 people were killed and another 650,000 displaced. The police were again implicated in large-scale abuses of power and violations of human rights, as described in the findings of the Commission of Inquiry on the Post-Election Violence (i.e., the Waki Commission) and The Truth, Justice, and Reconciliation Commission (TJRC).

4.2 The Commission of Inquiry into the Post-Election Violence (2008-2010)

Calls for reform gained momentum after the ‘post-election violence’ of 2007/8, when the violence was of such magnitude that Kenyans, as well as the international community, feared for the country's future stability. During a period of roughly two months over 350,000 people lost their homes and 1133 people were killed. Of these, 405 died as a result of gunshots, generally assumed to be from bullets fired by police (Commission of Inquiry into Post-Election Violence 2008). In order to end the violence, domestic actors and representatives of the international community convinced the leaders of the two major political parties at the time, contesting for Presidency, to sign the ‘National Peace Accord’ (Waki Commission, 2008).

Its ‘Agenda item 4’ addressed ‘Long-term issues and solutions’; this included reforming the police because there was ‘a strong feeling that the level of post-election violence and destruction would have been minimized had the Police responded in a professional non-partisan manner’ (Ransley, 2009), p. 1). Hence, Kenya embarked on its current police reform process in 2009. In line with the recommendations of the National Task Force on Police Reforms, the key objective of the reform project was to enhance police professionalism and accountability; its goal was to ‘transform the Kenyan Police and the Administration Police Forces into an effective, efficient, professional and accountable security agencies that Kenyans can trust for their safety and security’ (Osse, 2016). The reforms were codified in the 2010 Constitution and subsequent laws, most notably the National Police Service Act (c.11a), National Police Service Commission Act (c.30) and Independent Policing Oversight Authority Act (c.35), all of 2011.

The ultimate litmus test for the success of these reforms is their impact on actual police practice: do they lead to more effective and fairer policing, the two key variables for assessing democratic policing? A good three years down the line, in the context of rising crime and insecurity due to the threat of terrorism, there is a growing sense that the reforms are having little impact and are on the verge of stagnation due to a lack of guidance, direction and political commitment.

The Commission of Inquiry into the Post-Election Violence (PEV) in Kenya submitted an indicting report in 2008 regarding police conduct, as did a subsequent report by the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. Both reports offered recommendations for the overhaul of the existing policing system. In pursuit of these recommendations, the government set up the National Task Force on Police Reforms (NTFPR) in May 2009 headed by Judge (Rtd) Philip Ransley, to recommend proposals for police reforms in the country. Afterwards, the Police Reform Implementation Committee (PRIC) was set up by the President to fast-track and co-ordinate the implementation of the 200 recommendations by the Ransley Task Force in line with the new Constitution (Furuzawa, 2011).

Between the years 2008 and 2012, the National Police Service implemented its second strategic plan. It is important to note that the Kenya Police Service did not conduct an analysis to determine how the implementation of the first strategic plan affected the overall performance of the organization. Instead, the 2008-2012 review solely focused on highlighting the accomplishments of its predecessor and recognizing that there is potential for progress. It did not concentrate on the difficulties and shortcomings that were experienced in the implementation of the program. If the NPS is going to make any headway in the reform processes it is essential for it to conduct a review of the implementation of strategic plans. The National Police Service (NPS) is now in the process of finishing up the implementation of the strategic plan for 2013- 2017 (Bitok, 2021).

4.3 Constitutional reform of 2010 and the roadmap for Police Reforms

It is important to state that the police reform project in Kenya is a ‘home-grown’ project. Though supported by international donors and the UN, it is strongly anchored in the values enshrined by the country's new Constitution, which was drafted through a highly participatory process and adopted by national referendum. The Constitution, and its values

and principles, strongly represents the values Kenyans aspire to. It is a highly progressive Constitution that promotes human rights, accountability and transparency and puts checks and balances on the executive including the President.

It calls for 'public participation' so as to ensure that the voice of common Kenyans is heard and installs various reporting obligations so as to ensure state institutions account to them. The Constitution also changes the country's administration structure from a national centralised state structure to a devolved one, involving 47 newly established counties. Police are defined as a 'national security organ' and fall under the responsibility of the national government, although the organisational structure of the police is aligned with the county structure and headed by commanders in each county.

The Constitution outlines the accountability infrastructure of the National Police Service (NPS). Overall command of the NPS, consisting of both the Kenya Police Service and the Administration Police Service – each headed by a Deputy Inspector General – is with the IG who has security of tenure for four years. The IG is given independence of command and the Constitution prohibits the Cabinet Secretary (i.e. the Minister), or anybody else, from interfering in police operations, investigations or employment and deployment matters (Constitution of Kenya, Article 245).

This means that the Provincial Administration, or its equivalent, can no longer direct the police. Secondly, the Cabinet Secretary can give policy guidance only and this has to be in writing. Thirdly, the Constitution establishes the NPSC as responsible for recruitment and appointment and confirmation of promotions and transfers and gives the Commission the authority to observe due process, exercise disciplinary control and remove persons holding or acting in offices within the NPS (Constitution of Kenya, Article 246).

The Commission's independence is guaranteed under the Constitution, even though, due to its composition, the NPSC is a hybrid of both police and non-police (the IG and the two Deputy IGs are members, and the Commission includes two retired police officers, one from each Service; only the other four members are non-police). Fourthly, the Constitution places all national security organs under civilian authority. Fifthly, the Constitution instructs the police to behave according to well-defined values of integrity and to reach out to the communities (Constitution of Kenya, Article 246).

In line with the new Constitution, key elements of the new legal framework for the police were adopted and includes:

- i) Clear descriptions of the functions of the Administration Police, Kenya Police, Criminal Investigations Directorate and Reserve Police;
- ii) Establishment of an Internal Affairs Unit to investigate misconduct, which is independent of the two services and reports directly to the IG;
- iii) Vetting of all current police officers on their suitability and competence by the NPSC;
- iv) Clear descriptions of police powers and how they are to be used, including the power to use force and the power to arrest and detain;
- v) Disciplinary procedures meeting the standards of ‘fair administrative action’ as set out in the Constitution;
- vi) Placement of human resource–related matters (‘hiring and firing’) under the control of the independent NPSC;
- vii) Establishment of the IPOA to register and investigate all deaths and serious injuries resulting from police actions, independently investigate complaints against the police and monitor police operations;
- viii) Requirement to make public the Service Standing Orders and other regulations, in the interests of transparency;
- ix) Improvement of police–community relations by embracing community policing and establishing Community Policing Forums at local level and County Policing Authorities at the county level.
- x) The new legislation recognizes the different functions and the different actors required for an effective police accountability structure. The police line of command, headed by the IG, bears prime responsibility for internal accountability and plays a vital role in direction setting, supervision, evaluation and implementation of lessons learnt. The executive, i.e. the Cabinet Secretary, is responsible for outlining policies to which police should adhere. The NPSC and the IPOA provide independent oversight, can review and evaluate police actions and decisions and make recommendations.

4.3.1 The UN Special Rapporteur

The Special Rapporteur visited Kenya from 16-25 February 2009 in order: to ascertain the types and causes of unlawful killings; to investigate whether those responsible for such killings are held to account; and to propose constructive measures to reduce the incidence of killings and impunity. The main focus was on killings by the police, violence in the Mt Elgon District, and killings in the post-election period (A/HRC/11/2/Add.6).

Interviews were conducted with Government officials, representatives of civil society, and victims and witnesses, in five of the eight administrative provinces or areas in Kenya, as well as with officials of United Nations agencies and members of the diplomatic community. Over 100 lengthy witness interviews were conducted. In advance of the mission, the Special Rapporteur reviewed detailed reports from Government and civil society sources, and during the mission a strong effort was made to hear diverse perspectives and consider conflicting information, in order to arrive at a fair and balanced understanding of the issues (Obadha, 2018).

The Special Rapporteur concluded that police in Kenya frequently execute individuals and that a climate of impunity prevails. Most troubling is the existence of police death squads operating on the orders of senior police officials and charged with eliminating suspected leaders and members of criminal organizations. Such groups do harass and kill Kenyans, and strong policing is required to counter the threat. But *carte blanche* killing by the police does nothing to eradicate such criminality. Rather it perpetuates the sense that the police are good at killing and bad at law enforcement. For policing to truly create security, it must be conducted with respect for the human rights of all, including suspects and victims. A lack of police accountability for killings results from the absence of effective internal or external investigation or oversight mechanisms (Obadha, 2018).

The report concludes that in Mt Elgon both the Sabaot Land Defence Force (SLDF) militia, and the Government's security forces, engaged in widespread brutality, including torture and unlawful killings, against Mt Elgon's residents. Detailed reports from a broad range of sources documenting this abuse have not been seriously investigated by the police or the military. Both groups remain in denial of such abuses and their response to systematic civil society reporting has been to methodically intimidate human rights defenders and witnesses (A/HRC/11/2/Add.6).

Widespread violence followed the December 2007 general elections. A national commission of inquiry, chaired by Justice Waki, detailed the circumstances and causes of 1,113 killings that occurred in that period. The Government deserves significant credit for establishing this successful and independent inquiry. But despite the pressing need for measures to address the systemic causes of the violence, and to provide accountability for abuses, the recommendations put forward by the Waki Commission have yet to be implemented. Those responsible for the post-election violence, including those police responsible for extrajudicial executions, and officials who organized or instigated violence, remain immune from prosecution almost 18 months later. Witnesses to many of these killings are terrified to speak out. A witness protection program that has already absorbed significant resources, has yet to protect a single witness (Obadha, 2018).

Many of the human rights defenders who testified before the Special Rapporteur during his mission were threatened and harassed by members of the security forces, and other Government officials. Two activists who had been particularly active in reporting on police death squads were assassinated just two weeks after the mission ended. There has been a systematic attempt to silence criticism of Kenya's security forces. While the existing situation is bad, it is far from intractable. If it so chooses, Kenya can significantly reduce the prevalence of unlawful killings. Much of the institutional and legal structures needed to carry the reform process forward is in place. The international community is keen to support a genuine reform program. Kenyan citizens are politically engaged, and civil society is professional and serious and contributes substantially to the protection of human rights by monitoring abuses and proposing reforms (Osse, 2016).

The causes of many unlawful killings are well-defined, and relatively straightforward steps could be taken to improve the situation. The Kenyan Government can choose to deny the existence of problems or to insist that they are under control, while the killings and impunity continue. Such a path will lead inexorably into chaos and large-scale violence within a relatively short time. Or it can choose to acknowledge the scale of the problem and implement a reform program to end extrajudicial executions, and send the message that impunity will not be tolerated (Asaala & Dicker, 2013).

They recognized that the crisis triggered by the disputed 2007 presidential election results brought to the fore deep-seated and long-standing divisions within the Kenyan society, which, if left unaddressed, could threaten the very existence of Kenya as a unified country. Item four on their agenda for talks therefore aimed at identifying those far-reaching reforms that would be necessary to address the root causes of the recurrent conflict in the country. Institutional reforms constituted one of those far-reaching reforms. The parties agreed that this would have to include police reforms.

While there had been some government attempts at reforming aspects of policing in Kenya from time to time, no in-depth and comprehensive evaluation of policing in Kenya had been undertaken. The newly recognized urgency accorded to police reform under ‘Agenda Item Four’ was further reinforced by recommendations made by the Waki Commission of inquiry into post-election violence. The Commission, in its report dated October 2008, recommended: “The Parties shall initiate urgent and comprehensive reform of the Kenya Police and the Administration Police. Such reforms shall be undertaken by a panel of policing experts and...” Against this background, the President, in May 2009, established the National Task Force on Police Reform in May 2009.

The need for a fundamental re-evaluation of policing in Kenya therefore stemmed not so much from an acceptance that the occasional updating of policing practices was desirable, but more so from the realization that the fractured nature of Kenyan society, and its real potential to descend into conflict and violence, demanded a fundamental re-look at the nature and role of the police in Kenya. A prime function of government is to realise its responsibility to protect citizens and to provide for their safety and security. There appeared to be a recognition by government that without fundamental police reforms attempts to fully meet its responsibility to protect citizens would be undermined.

4.3.2 The National Taskforce on Police Reforms

The Task Force commenced its work towards the end of May 2009. It reviewed a wide range of research and police-related literature and received written and oral submissions from many stakeholders and experts. During visits to all eight provinces of Kenya it met and had discussions with the Provincial Administration and Police leadership and hosted public hearings where it received written and oral representations. These came from members of the public, civil society and faith-based organizations, the business sector and

other stakeholders. Police stations and residential quarters were visited and the views of both senior and junior police officers were sought. In addition, the Task Force visited Botswana, Sweden, and the United Kingdom and Northern Ireland to learn from their policing experience.

The totality of views, reflections, and impressions that emerged from this broad consultative process provided the Task Force with a better understanding of the complex security concerns of Kenyans, as well as of the challenges that Government and the police face in effectively addressing the safety and security concerns of citizens. Many representations related to the relationship between the two police forces in Kenya (now to be renamed police services), namely Kenya Police and the Administration Police. Many in Kenya have become increasingly concerned about what appears to be a growing rivalry, an overlap of functions, and competition between the Kenya Police and the Administration Police. Some advocated a merger of the Administration Police with the Kenya Police whilst the majority of submissions received were against such a merger as they had greater trust in, and related better to, the Administration Police, particularly in rural areas.

There is a perception that crime has increased, and a growing public anxiety about personal safety and security was apparent. Members of the public place part of the blame for this on the shoulders of the police. Public confidence in the police, particularly the Kenya Police, is low and members of the public are reluctant to pass on crime information to the police. A major concern raised by the public related to allegations of links and collusion with organized criminal groups and drug cartels. Many held the view that the police should have a more caring attitude towards the public and respond to pleas for assistance. They claimed that the police failed to respond promptly to the reporting of crime and that there was widespread extortion of money through bribery. Many see the police as ineffective and as corrupt at all levels. They expect the police to cease their harsh and aggressive treatment of suspects, victims, and members of the public, and their widespread reliance on corruption and use of excessive force. Respect for human rights and a more pro-active, service orientated approach towards the public is something the public asked for.

From visits to police establishments and from discussions with the police it became apparent that they are generally poorly resourced. Most of the salaries and allowances have

lagged behind and they often lack the basic equipment that police require to function properly and professionally. Many live in appalling conditions and their morale is low. They were very concerned about the level of political interference, corruption and nepotism in policing matters, including the release of suspects from police custody on orders of senior officers under questionable circumstances, and interference in the recruitment, transfer and promotion processes. Corruption in the police was seen as widespread and endemic. The tolerance levels for corruption for all ranks are unacceptably high. Many from the rank and file of the police were unhappy about the centralized command, transfer and deployment policy and the non-payment of allowances. They are not adequately covered for injury or death that might result in their line of duty.

In an attempt to address the many structural and management problems identified by the Task Force and to remedy the organizational and other shortcomings and challenges that became apparent, more than 200 recommendations were developed and set out in the Task Force Report. They are all important but some are fundamental and far-reaching. Amongst them are those that recommend the creation of new institutions and the restructuring of the police. Other important recommendations aim at modernizing policing and at making it more effective, and at changing policing culture and enhancing trust and police community relations. Some of the key recommendations deal with improving the conditions of service, salaries and allowances of the police. These and a number of additional recommendations are briefly set out below in a summarised form.

4.4 Recommendations of National Taskforce on Police Reforms

4.4.1 Restructuring the Two Police Services

Following Article 243 of the new constitution, the Kenyan Police Force was renamed the National Police Service. Article 244 defined its objectives as follows: Strive for the highest standards of professionalism and discipline among its members; Prevent corruption and promote and practice transparency and accountability; Comply with constitutional standards of human rights and fundamental freedoms; Train staff to the highest possible standards of competence and integrity to respect human rights and fundamental freedoms and dignity; and Foster and promote relationships with the broader society.

Article 245 established the office of the Inspector-General (IG) of the National Police Service, the most senior officer in the state police force. Article 246 established the National Police Service Commission, responsible for police recruitment, training,

conditions of employment, and discipline.

4.4.2 The Merger Issue

The Waki Commission Report at page 436 recommended a merger between the Kenya Police and the Administration Police. The report stated:

“The Commission believes that developing a world class police service for Kenya would be best achieved through the creation of a single police agency. This means integrating the current two police organs.”

The Task Force had lengthy deliberations on the issue and recommended that “A merger of the Administration Police with the Kenya Police Service should not be undertaken at this stage” and that the separate existence of the two police services “should continue at this point in time.”

The Task Force took into account the strong reliance and support for the Administration Police that was evidenced in rural areas and small towns throughout the country. Local populations trusted them and relied on them to assist with the maintenance of law and order. Criticisms of the Administration Police were also considered, including allegations of misuse for political reasons, rivalry with the Kenya Police and duplication of policing functions. In order to address some of the criticism of the Administration police and to avoid duplication and rivalry between the two police services, the Task Force recommended that a new police structure, namely a National Policing Council be established to coordinate the two police services and to determine policing policy and plans, and promote sharing of resources for both Services.

The Task Force further recommended that there should be one new Police Reform Bill that would provide legislative changes required for both Police Services. The Bill should provide for a clear demarcation of functions and duties to avoid overlap and duplication. The proposed Police Reform Bill should include explicit provisions applicable to both police services requiring them to conduct themselves in a professional, non-partisan, and politically neutral manner.

4.4.3 The National Service Policing Council

This is a new structure aimed at ensuring that the two police services work harmoniously and that they are effective, efficient and accountable. The National Policing Council was to ensure that unhealthy competition between the Kenya Police Service and the

Administration Police Service does not occur and that resources and facilities are shared. The Council was to consist of: The Permanent Secretary responsible for police services as the chairperson and accounting officer; The Inspector General, Kenya Police Service; The Commandant General, Administration Police Service; The Director, Directorate of Criminal Investigations (DCI); The Commandant, General Service Unit (GSU); Two other Commissioners representing the Association of Police Commissioners (one from KPS and the other from APS); The Secretary to the council shall be the Secretary, Internal Security and the Secretary of the proposed Police Service Commission.

The National Policing Council was to provide the structure for the heads of the two police services, and the other members of the Council to develop the National Policing Plan. Among its other functions were to; formulate and determine policing policy; Reviewing, rationalizing and coordinating the budgeting and National Policing Plans; Setting national priorities, objectives and targets for police performance; Setting and enforcing unified policing standards across the country; Providing strategic management and support; Ensuring policing accountability at all level; Financial management and oversight; Coordinating procurement activities and appointing and managing a secretariat to execute its mandate Decentralizing the police services

Policing by the Kenya Police for a long time has been undertaken through a highly centralised command structure from Police Headquarters in Nairobi. This has eroded the powers of provincial and district police commanders and contributed to widespread dissatisfaction amongst police officers, stifled local police initiative and alienated members of the public. Due to the manner of the appointment and the centralised powers vested in the Commissioner of Police, there has been very little accountability to the people that the police are meant to serve. Before the reform initiatives, the Commissioner has been accountable to the President alone while the officers below him are accountable to the Commissioner. This made the police vulnerable to both political and hierarchical misuse.

The Report contains far-reaching recommendations aimed at moving away from an overly centralised command structure by devolving powers and responsibilities to lower levels and by providing greater operational and financial autonomy to commanders at provincial, district and station levels. Other recommendations aimed at making the appointment process of senior officers competitive and more transparent. It is was also recommended

that the Criminal Investigation Department be renamed Directorate of Criminal Investigations (DCI) and be granted greater operational and financial independence, and be shielded from political and other improper interferences.

4.4 Enhancing police accountability and transparency

4.4.1 Independent Policing Oversight Authority (IPOA)

Complaints against police conduct, ranging from corruption, arbitrariness, harassment of members of public, lack of political neutrality, engaging in criminal activity, abuse of power and the use of excessive force including extra judicial executions, have in the past not been dealt with impartially and were often ignored. This lack of transparency and accountability has been one of the main contributing factors to the low levels of trust in the police, particularly in the Kenya Police. The Report recommends the establishment of a new institution, composed of civilians that will focus on monitoring and investigating police conduct, namely an Independent Policing Oversight Authority. It was to be established under the Constitution and will provide clear legislative powers to enable the body to execute its mandate. It will therefore be protected from political, executive and police interference.

The Independent Policing Oversight Authority was to enhance public confidence that complaints about police misconduct will in future be investigated in an impartial manner and that transgressors will be called to account. It was also aimed at enhancing police accessibility and improve trust and the image of the police. IPOA was to consist of seven persons: A chairperson who has to be a person qualified to be appointed a Judge of the High Court of Kenya, and six other members with knowledge and proven experience in their respective fields as follows: Two from public administration; One with a human rights background; One from financial management; One from corporate management and One from religious leadership.

The recommendation also provides that no gender should exceed two thirds of the total membership provided that the Vice Chairperson should be of different gender from the Chairperson. The members will be recruited through a competitive process conducted by the Public Service Commission, which will recommend to parliament the names of successful applicants for approval. Parliament will forward the names to the President, for

appointment in consultation with the Prime Minister for a one 5-year term. Among the important powers that the Independent Policing Oversight Authority will have will be the power to compel the attendance of witnesses, power to subpoena documents and obtain search warrants, power to demand mandatory cooperation from the police, and power to ensure witness protection and to recommend prosecution.

4.4.2 Provincial Policing Authorities

The Report recommended the establishment of a new mechanism that will enhance police accountability at provincial level. Police in the provinces have thus far not had to account for their activities to the public in their province. To meet this need, the establishment of a civilian- based Provincial Policing Authority was recommended for each province. This forum would consist of 9 civilian members of good standing, representing business sector, civil society, professional bodies, and religious organizations. A third must be women. The members would elect their own non-executive chairperson. The establishment of a Provincial Policing Authority in each province was to make it possible for the police to engage with members of the Authority on issues such as setting provincial policing priorities, preparing the provincial budget and developing a policing plan. However, the police services would retain full operational, financial and management autonomy.

4.4.3 Corruption, Code of Ethics and Conflicts of Interests

Corruption amongst junior and senior police officers has been rife and has had a debilitating impact on policing and on public trust. Some recommendations in this report aimed at tightening controls and supervision mechanisms. The police services in Kenya was to transform their policing culture and their image in the eyes of the public and many recommendations in the report aimed at achieving this. One important means of doing so was for the police to adopt a set of key values and principles and to strictly adhere to them in their policing work. A Code of Ethics was therefore recommended to, among other things, address conflict of interests that police officers face. The Report recommended that, for example, direct or indirect involvement by police officers in certain business activities, such as operating matatus (minibuses) and other public transport enterprises, should be prohibited. This followed presentations to the Task Force claiming that some of the police officers responsible for traffic management owned public transport vehicles or breakdown vehicles - a clear case conflict of interests.

The Traffic Department of the police seems to have been particularly prone to corruption. Many complaints to the Task Force related to the numerous roadblocks in Kenya. Many of these roadblocks had virtually become permanent features used by traffic police officers to extort money from motorists and members of the public. In its Interim Report the Task Force recommended the removal of all roadblocks unless they serve legitimate operational policing purposes. Since submitting the Interim Report, the number of police roadblocks has been substantially reduced but the Task Force has reiterated that roadblocks should be laid for a particular legitimate policing purpose only and removed once that purpose is achieved.

The Task Force also attempted to address the unethical practices that Kenyans have come to associate with the recruitment process in both the Kenya Police and Administration Police. These exercises have often been riddled with corruption, with prospective candidates openly admitting to having paid as much as Ksh. 100,000 to secure a place in the police. A new recruitment process was recommended where the process will be competitive, entry requirements raised and where greater transparency and accountability will be demanded. An important new structure that is recommended, namely the Police Service Commission, will have an important role in adding professionalism and transparency to the recruitment process.

4.4.4 Police Service Commission

The Public Service Commission has until now been responsible for police recruitment, promotion, discipline, welfare and dismissals. Many of these functions were delegated to the Commissioner of Police. Such critical powers ought not to be delegated to an individual but should be vested and exercised by an independent institution that can focus exclusively on the police. The absence of such an institution in Kenya has contributed to the unsatisfactory recruitment practices, poor terms and conditions of service, lack of professionalism, poor morale, poor performance by the police and many other problems that they face.

The Task Force therefore recommended that matters of police recruitment, promotion, discipline, welfare and dismissal be removed from the Public Service Commission and vested in an independent institution namely, the Police Service Commission. This Commission was to be established under the Constitution and through legislation. It was

to consist of nine persons who will be appointed for a one five-year term: A person qualified to be appointed as a judge of the High Court; Four persons of high moral character and integrity with knowledge and proven experience in the following professional disciplines- human resource management, employment and labour relations, financial management/audit, economics and public administration; Two retired senior police officers of high moral character and integrity not below the rank of assistant commissioner of police (ACP) or the equivalent in the Administration Police; The Chairperson, Public Service Commission; and the Chairman, Permanent Public Service Remuneration Review Board.

4.5 Improving remuneration and working conditions of police officers

Many of the recommendations are aimed at improving conditions of service and at enhancing the provision of welfare benefits and greater security to police officers and their families. The recommendations aimed at improving remuneration and allowances, taking interests of family members into account when transferring police officers, providing medical and life insurance cover and significantly improving the very poor conditions in which many police officers and their families are accommodated. The Task Force found that police housing was inadequate and where available, overcrowded with married and single police officers often having no alternative but to share single rooms. Many of these quarters are dilapidated. The Kenya Police Service has a housing shortfall of about 69 per cent whilst the shortage for the Administration Police Service is about 78 per cent. The Report contains detailed recommendations for a programme to rectify this over a period of time.

Many police officers are of the view that the Government is quick to respond to salary demands of other categories of public servants but gives minimum attention to those of the police. A police constable in whom the public wants to entrust their security is paid a basic salary of Kshs.11, 000 per month. This is significantly lower than salaries of other organizations sampled in the Report. The Report recommends an overhaul of police salaries and that a significant portion of the national budget be dedicated to improving police salary levels within the next five years. As regards allowances and salaries, The Task Force, amongst others, recommended that:

The salary structure for the Kenya Police and Administration Police be harmonized with that of the Armed Forces. The increases should be implemented within a period of 2 years

with effect from 1st July 2010 so as to maintain the intended value of the increases. The estimated cost of this adjustment is Kshs.18, 962,282,059 per annum.

4.6 Training and Police Management Suitability Review

4.6.1 Enhanced Training Facilities and Standards

The Report stresses the importance of improved and upgraded training facilities and standards. A Police Academy that caters for both the Kenya Police and the Administration Police is recommended. It should provide a standard curriculum to cover both services, at least for a part of their training. In view of the common purpose of policing, the Task Force cautions against any plans to develop separate Academies for the two services. Commanders Courses should be re- introduced immediately and any officers who have been deployed as the Officer Commanding of a Station or Division (OCS/OCPD) without having undergone the Commanders course should be redeployed from station management until they successfully complete the course.

4.6.2 A Suitability Review for Police Management

The Task Force identified serious management problems in both Police Services arising, amongst others, from poor leadership, patronage, wrong placement, a disconnect between the lower ranks and their seniors, and outright corruption. There exists a clear need for a comprehensive staff review of both the Kenya Police and Administration Police. The Task Force is of the view that no meaningful change can be implemented until the current senior police officers in the Kenya Police and in the Administration Police are re- evaluated for their suitability in the positions they currently hold, as a good number of them are associated in one way or the other, with the problems in the two police services.

The Task Force therefore recommended that All officers from the rank of Assistant Commissioner of Police/ Assistant Commissioner of Administration Police and above be subjected to a review against a criteria (professionalism, integrity, track record, and psychological fitness) developed jointly by the Public Service Commission (PSC), the Kenya Anti-Corruption Authority (KACC) and National Security Intelligence Service (NSIS). The proposed Police Service Commission should thereafter progressively review the ranks below those indicated above until all current members of the police have been cleared.

Those found unfit for retention should be retired from the two services, with sufficient safety nets to cushion them on exit. In order to enhance skills and to learn from international best practice the Task Force recommends that the Government should establish an exchange programme with countries whose police services enjoy a reputation of probity and professionalism. Middle/senior level police officers who are rated highly after the suitability assessment can be sent on these programmes for one to two years to prepare them for leadership roles. The host Governments can be requested to second their officers to Kenya in equivalent positions to entrench core values in various areas of policing.

4.7 Improving Operational Effectiveness of the Police

The Task Force reviewed the state of preparedness of the police to effectively combat crime and emerging security challenges and concluded that the police were ill prepared due to both a lack of adequately trained human resources and a lack of suitable equipment. Their effectiveness is inhibited by, amongst others, a lack of motor vehicles to undertake policing work. They lack adequate protective clothing and equipment such as hand gloves, the necessary tape for sealing crime scenes, and bulletproof vests with the right specifications are seldom used. When dealing with public disorder policing, most police officers are not provided with helmets and other necessary equipment for their protection. Other types of equipment essential to effective police performance were also found to be in short supply or outdated. This included computers, communication systems and equipment, evidence-gathering tools such as photographic equipment, operational aircraft and maritime equipment.

Among the recommendations made in this regard was that the tooling, logistical and technological capacity of the police services be reviewed to establish the exact needs and specification in order to bring policing to international standards. Communication and information technology and transportation should be prioritized. An important recommendation aims at reviving the criminal investigation capacity of the police in Kenya. Professional detective work and investigations should become a key component of policing in Kenya. The structure is to be renamed the “Directorate of Criminal Investigation” (DCI) and will be a structure within the Kenya Police Service. The DCI should have a Department of Forensic Science and should be semi-autonomous with operational and financial independence in order to shield it as far as is possible from

improper interference in its investigations. Its investigative capacity will be available to serve both police services. Included amongst its functions will be the provision of crime intelligence, again a crucial component for the successful investigation of sophisticated crimes.

Another recommendation relates to the Anti-Stock Theft Unit. Widespread stock theft, often involving large and heavily armed groups in remote areas, has for a long time been a major destabilizing factor in Kenya, creating insecurity for many communities. The Task therefore recommended the retention of the Anti-Stock Theft Unit but recommended that the Unit be moved from the Kenya Police to the Administration Police. Taking into account that the Administration Police are para-military and more visible in the rural areas and that as one of their functions they provide border security, this move to the Administration Police was thought to be appropriate.

4.8 Changing Police Culture and enhancing Community Police Relations

4.8.1 Community Police Relations

The proposed change of name from Kenya Police Force and Administration Police Force to Kenya Police Service and Administration Police Service respectively, is merely one of a number of recommendations aimed at changing the mindset of both the police and the public towards policing in Kenya. Policing culture and conduct should move away from reactive policing to proactive policing based on increased interaction with communities and on the professional investigation of crime. New standardised uniforms for all ranks are proposed for the two Services. A more effective internal complaints process for police officers is recommended.

Corruption and nepotism in the recruitment and promotion process is countered through recommendations aimed at greater transparency and professionalism. In this regard, the role of the proposed Police Service Commission will be crucial. The Report contains a detailed evaluation of the current state of community policing in Kenya. It recommends among others, that the completion of the National Policy on Community Policing be fast-tracked and that the National Policy should ensure full community involvement in the development and implementation of the policy.

4.8.2 Private Security Services

As regards private security services, the Task Force proposed that the 2004 draft Private Security Regulation Bill and the national security and policing policies should recognize the private security industry as a key player and partner. The private security industry should have clearly defined roles and responsibilities for private security guards and on sensitive matters such as arrests and detention of suspects. The extent to which private security members should have powers that approximate police powers should be carefully considered. The Task Force further recommended that the draft Bill should, as a matter of priority, be comprehensively reviewed and discussed with all stakeholders to ensure ownership before it is passed into law. In addition, policing policy should require private security providers to operate within the national values, principles and norms required of the police in a democratic country. Professional standards, including training and a code of conduct should be adhered to.

4.9 National Security and National Policing Policy

4.9.1 National Security Policy

The Waki Commission Report noted that Kenya's national security arrangements were tested during the post-election violence and that they were found wanting in a number of respects. The Task Force found that whilst a Draft National Security Policy had been developed by the National Security Intelligence Service and circulated to stakeholders for input, the policy remained in draft form and had still not been finalized. Taking into account that elections are planned for 2012 and the potential for instability and violence exists, it is imperative that a National Security Policy be finalized as soon as possible. The Task Force therefore recommended that the Ministers responsible for Internal Security and Defense should immediately set up stakeholder committees to start the process of developing a national security policy and the required legislation, starting with the draft prepared by the NSIS. The Report sets out a detailed process that it recommends for the development of the policy and the legislation.

4.9.2 National Policing Policy

Kenya does not have a written national policy on policing. The two police services have various forms of policies in place but no National Policing Policy has existed before. The Kenya Police, for example, has Force Standing Orders and a 5-year Strategic Plan that sets out various policies, while the Administration Police has its own Strategic Plan and is developing its own Force Standing Orders. The Task Force underlined the need for one, clearly spelt out, National Policing Policy to guide the operations of both police services

police services in the country. The Task Force therefore recommended that the proposed National Policing Council should spearhead the immediate development of a National Policing Policy. The Report sets out a range of important guidelines that should be followed in developing the Policy. It should be one of the first tasks of the proposed National Policing Council to spearhead the development of a National Policing Policy.

4.10 Conclusion

This chapter provides an overview of the history, politics, and legal framing of Kenyan policing, from colonialism to present day. It appears that reform process was to some extent affected by its colonial foundations and the repression of the post-independence period, and much of the public questions its efficiency and commitment to respecting human rights and remains distrustful of police officers. This chapter sketches some of the major efforts at changing local police organizations in Kenya from 2007/2008 post elections violence. In doing so, it has identified some broad recommendations, patterns and trends as a context for interpreting the implementation process.

This chapter suggests that some recent and important innovations in the policing environment can be regarded as new or continued adaptations to the problems of public safety and police legitimacy. Thus, from 2007 to date, we have witnessed its evolution in response to developments in police research and practice and in response to larger social, economic, and political forces. At the same time, these developments provide room for new attempts to improve the police capacity to fight crime and strengthen public accountability for performance. In addition, the structure of policing in Kenya has been influenced by a new shock to the policing environment that in turn has presented a set of new challenges to the way police operate the threat of terrorism.

CHAPTER FIVE

PROGRESS AND CHALLENGES ON IMPLEMENTATION OF THE POLICE REFORM PACKAGE AND EMERGENT POSSIBLE SOLUTIONS

5.1 Introduction

This chapter examines the legislative, institutional, administrative, and operational frameworks for police reforms in Kenya, the challenges encountered in developing these frameworks, and potential solutions that have emerged. This section examines the government's dedication to carrying out the reform program and the resulting legislative, policy, and institutional frameworks.

5.2 Government Commitment to Implementation Priorities

The President enacted all three Acts within the designated timeframe, but, the Executive Branch failed to ensure their implementation by the set timeframes. The NPS Act was slated to come into force on August 30, 2011. Nevertheless, it was not released until July 2012. The prolonged delay was left unexplained. Although the NPS Act was in effect, the appointment of the IGP did not occur until after the establishment of the NPSC.

The President enacted all three Acts within the designated timeframe, but, the Executive Branch failed to ensure their implementation by the set timeframes. The NPS Act was slated to come into force on August 30, 2011. Nevertheless, it was not released until July 2012. The prolonged delay was left unexplained. Despite the NPS Act allowing for the appointment of the IGP prior to the establishment of the NPSC, the recruitment did not take place until after the NPSC was formed, after a transitional arrangement. Although all three organizations are now operational, their ability to perform their duties is hindered by a lack of sufficient secretariats.

Table 5.1: Implementation Process

	NPS Act	NPSC Act	IPOA Act
Adopted by the legislature	25 August 2011	25 August 2011	25 August 2011
Beginning date	30 August 2011	4 October 2011	18 November 2011
	IGP	NPSC	IPOA
Appointed and sworn in	24 December 2012	9 October 2012	4 June 2012

The implementation of the new law remains a significant cause for concern. The lack of

universal dissemination of the new legislation and its consequences among law enforcement personnel exacerbates the issue. Prior to the appointment of an Inspector General of Police (IGP) in late December 2012, there was no significant pressure from the police, oversight agencies, and many sections of civil society to compel the previous Police Commissioner and Police Commandant, who were functioning under the old legal framework, to start implementing the new legislation^{20,21} Several sections of the recently established legal framework, such as those that impose limitations on the utilization of force and firearms, regulate the process of arrest and detention, and enhance the internal responsibility and reporting obligations to IPOA, have not yet been implemented.

5.3 Legislative, Policy and Institutional Context

5.3.1 The Constitution

The National Police Service consists of the Kenya Police Service and the Administration Police, as specified in article 243 of the Constitution of Kenya, 2010, as outlined in the Revised Police Reforms Program Document 2015-2018. The text enumerates several objectives of the National Police Service, including the preservation of utmost professionalism and discipline, the fight against corruption, and the promotion and maintenance of systems of public accountability. The Inspector General of the National Police Service possesses complete jurisdiction and control over the organization. The Kenya Police Service and the Administration Police Service in Kenya are both headed by a Deputy Inspector General.

5.3.1.1 Security Laws Amendment Act 2014.

The National Police Service comprises the Kenya Police Service and the Administration Police, as stipulated in article 243 of the Constitution of Kenya, 2010, as stated in the Revised Police Reforms Program Document 2015-2018. The book outlines the goals of the National Police Service, such as upholding the highest standards of professionalism and discipline, combating corruption, and fostering and upholding systems of public accountability. The Inspector General of the National Police Service exercises absolute authority and oversight over the organization. Both the Kenya Police Service and the Administration Police Service in Kenya are under the leadership of a Deputy Inspector General.

5.3.1.2 National Police Service Act 2011

The responsibilities of the Kenya Police Service are outlined in the National Police Service Act of 2011. The Kenya Police Service is responsible for carrying out many responsibilities that are not assigned to the Kenya Defense Forces. These include conducting criminal investigations, collecting intelligence on criminal activities, preventing and detecting illegal behavior, and enforcing laws and regulations. The National Police Service Act of 2011 establishes the Directorate of Criminal Investigation, which is accountable to the Inspector General and operates under his guidance and oversight. The primary purpose of its mandate is to coordinate county Interpol activities, analyze forensic evidence, investigate big crimes, and gather and distribute criminal intelligence.

The establishment of the Internal Affairs Unit of the National Police Service (NPS) is stipulated in section 87 of the National Police Service Act of 2011. A Director at the AIG level takes charge and provides guidance to the unit. The department's responsibilities include receiving and reviewing complaints against police officers, ensuring compliance with agency-wide standards of discipline and good order, and maintaining accurate records of internal investigations. This unit operates on a national scale and is accountable to the Inspector General of the National Police Service. The National Police Service Act of 2011 grants the Administration Police Service several unique functions, including supporting government agencies in enforcing administrative functions and lawful duties, providing border patrol and security, offering specialized stock theft prevention services, safeguarding government property and vital installations, managing conflicts, and promoting peace building.

5.3.1.3 National Police Service Commission Act 2011

Article 246 of the 2010 Constitution of Kenya established the National Police Service Commission (NPSC) and grants it jurisdiction over the National Police Service with regards to personnel affairs, such as recruiting, appointments, confirmations, promotions, transfers, and disciplinary proceedings. The Commission's main duty is to oversee the administration of the National Police Service's personnel.

5.3.1.4 Independent Policing Oversight Authority Act 2011

The National Police Service endeavors to maintain transparency and responsibility in all of its activities. In order to accomplish this objective, the Independent Policing Oversight

Authority Act of 2011 was enacted. The IPOA is obligated to conduct investigations into allegations of misconduct by members of the National Police Service, either independently or in response to a complaint. Subsequently, the IPOA is responsible for providing recommendations to the relevant authorities, which may include prosecution, compensation, internal disciplinary action, or any other suitable form of relief.

5.4 Situational Analysis of Police Reforms

This section examines the present status of police reforms within the National Police Service. The document centers around the goals outlined in the previous Program document, the theory and philosophy of recurring reforms, enhancing institutional capacity, evaluating the progress of reform programs implemented by key institutions, analyzing investments made by the Government and Development partners in police reforms, and identifying the current priority areas for high-impact reforms in the National Police Service. The objectives are to establish legal and policy frameworks for policing in Kenya, create strong and sustainable institutional structures for policing services, enhance professionalism, integrity, and accountability within the National Police Service, strengthen operational readiness, logistical capacity, and police capability, provide policy guidance and coordinate police reforms, and produce a program document for the period of 2011-2014. After assessing the progress of the institutions and the implementation of reform programs, it was found that the goals specified earlier were achieved to a higher degree than expected.

5.4.1 Police Reforms Implementation Committee

The Police Reforms Implementation Committee (PRIC) 2010-2012 was responsible for coordinating, supervising, and providing technical guidance during the implementation of police reforms. The Committee generated a report in June 2012 that provided a comprehensive overview of the progress and status of all the reform measures it has implemented. Although there has been political support for the implementation of police reforms, the effectiveness of these efforts has been diminished by alterations to security legislation and policy. The Security Laws (Amendment) Act of 2014 restored executive authority in the selection of the IGP, expanded the powers of police personnel, and limited the rights of the arrested in some circumstances.

5.4.2 Police Reforms Steering Committee

The Ministry of Interior and Coordination of National Government formed the Police Reforms Steering Committee (PRSC) in 2013 to provide guidance for the implementation of policing reforms in Kenya. As part of the implemented police reform measures, comprehensive background checks were carried out on all currently serving police officers to identify and remove any individuals with questionable behavior or misconduct.

5.5 Institutional Reforms

When the constitution was passed in August of 2010, Parliament was obligated to establish new organizations to oversee the NPS. As a result, the NPSC, NPS, IPOA, and IAU were established, along with the Office of the Inspector General and two assistants. Certain origins of these can be traced back to the Constitution, while others are the result of legislation enacted by Parliament.

5.5.1 The National Police Service Act, 2011

The Kibaki era ensured the establishment of the new Kenyan Constitution. The Constitutional Amendments of 2010 introduced an additional mechanism to completely reform the police force. The changes aimed to enhance the professionalism of the police service, reduce corruption, promote transparency, and effectively implement these principles. The National Police Service Commission (NPSC) Act was established in accordance with the provisions of the 2010 Constitution.

The goal of this measure was to restrict political interference in the recruitment, education, advancement, demotion, and disciplinary actions of law enforcement personnel. The Constitution imposed limitations on the authority of the Civil Service responsible for the Ministry of Interior and the Office of National Government Coordination to issue directives to the police. All directives issued by the Chief of Staff must be recorded and made available to the general public (KII, OCS 1- KSM- 13/4/2021). Nevertheless, President Uhuru Kenyatta made amendments to the NPSC Act, which blatantly contravened the constitution. The police, at the direction of the president and the CS, are brutally suppressing Uhuru Kenyatta's policies. The police have employed excessive force to quell peaceful rallies organized by the opposing party and have imposed restrictions on the freedom of the press. The CS-Interior and the IG have willfully ignored several court decisions pertaining to cases of police abuse (KII- OCS, KSM 13/4/2021). The police

leadership and authority frequently dismiss reports of police violence and lawlessness as unsubstantiated propaganda, attributing blame to the opposition, human rights groups, the media, and a small number of rogue individuals within the police force who go unpunished (KII-PCO 2, KSM 23/4/2021).

Some of the officers interviewed explained that some of the narratives are exaggerated and founded on falsified information (PCO 2, KSM on April 23, 2021) while The police head criticized the reporting of the human rights agency as 'sensational' and alleged that the numbers were deliberately fabricated to damage the reputation of the National Police Service (NPS). President Uhuru Kenyatta commended the police for their unwavering determination throughout the campaign. Remaining composed in spite of well-documented cases of police misconduct. The media's reporting of acts of cruelty has encountered significant challenges in terms of journalistic autonomy and limitations on freedom of expression (HRO 1, KSM 23/5/2021).

In order to enhance efficiency and eradicate the duplication of jobs, the Kenya Police and the Administration Police merged together to establish the Kenya Police. Prior to August 2010, the two organizations operated independently without any connection or influence from one other. The Waki study proposed the integration of the two divisions of the Police Service in order to sever connections between the abolished Provincial Administration and the Administration Police service (KII, OCPD 1- KSM- 13/5/2021). The Inspector-General is accountable for overseeing the Service organization at the national level, as specified in Chapter 1 Para 9(2) of the Service Standing Orders and Section 10(h) of the National Police Service Act, 2011.

The NPS has 14 distinct formations and units specifically assigned to this duty, encompassing the Traffic Police Unit, Tourist Police Unit, Railway Police Unit, Presidential Escort Unit, and Marine Police Unit. The mentioned institutions in Kenya are the Kenya Police College, Kenya Police Staff Training College, Kenya Police Air Wing Unit, and the Kenya Police Service Headquarters. These institutions are referred to in Chapter 2, subsection 7(1) of the service standing orders, specifically mentioned in the document with reference number (KII, OCPD 1- KSM- 13/5/2021).

The NPS is built upon the Constitution of Kenya and the National Police Service Act of 2011. The National Police Service Act of 2011 merged the Administration Police and the Kenya Police Service in order to enhance their efficiency in serving the public. This represents a departure from the previous arrangement, where the police force was divided into two equal parts. The Bill was passed in 2011, however, its implementation was delayed until 2012 due to challenges in allocating funding and hiring positions. The National Police Service Act 2011 (KII, OCPD 1- KSM- 13/5/2021) was enacted to replace the old Police Act and Administration Police Act, thereby merging the two police services.

The National Police Service is overseen by an Inspector General of Police and two assistants who have been carefully selected following a thorough vetting process, as required by Section 9 of the National Police Service Commission Act, 2011. Consequently, the President was relieved of the duty of appointing the Inspector General of Police. Historically, the authority to appoint and dismiss the Commissioner of Police was vested in the President in accordance with previous legislation on policing. The existing Constitution of Kenya guarantees the Inspector General with job security and specifies the precise conditions under which they might be dismissed from their position (KII, OCPD 1- KSM- 13/5/2021).

With the elimination of political interference in recruitment, termination, and law enforcement, the Inspector General of Police now enjoys autonomy in decision-making. According to Article 243 of the Constitution, the President was granted the power to select the initial Inspector General of Police in December 2012, with the consent of Parliament. This article also established the independent office of the Inspector General of Police and the positions of two deputies, as well as outlined the fundamental process for their appointment. Members of the public and other entities not affiliated with the government were welcomed to engage in this transparent procedure. In order to implement Article 243 of the Kenyan constitution (KII-HRO 2, KSM 23/4/2021), Parliament enacted the National Police Service Act 2011.

The Administration Police has undergone reforms resulting in the establishment of 12 distinct formations and units. These include the Specialized Unit, Rapid Deployment Unit, Rural Border Patrol Unit, Specialized Stock Theft Prevention Unit, Peace Corps Unit, Critical Infrastructure Protection Unit, Security of Government Buildings Unit, Very

Important Person Protection Unit, and Training Division. Similarly, the Directorate of Criminal Investigation (DCI) has been restructured to include various departments. These include the Criminal Intelligence Bureau, National Criminal Investigation Academy, Anti-Terrorism Investigations Unit, National Central Bureau (Interpol), Forensics Unit, Anti-Narcotics Investigations Bureau, Banking Fraud Investigation Unit, Criminal Records Office, Criminal Investigation Unit at Kenya's airports, Directorate Criminal Investigation Headquarters, and Kenya Airports Criminal Investigation.

An expert in human rights has highlighted the challenge of effectively executing the merger between the Administration Police Service and the Kenya Police Service. This can only be achieved after they align and synchronize their training programs (KII-HRO 2, KSM 23/4/2021). Table 1 illustrates the evolving roles of the Administration Police Service and the Kenya Police Service over time.

Table 5.2: Traditional roles of Kenya Police Service and Administration Police Service

Kenya Police Service	Administration Police Service
Upholding of the law, order, and decency	Uphold law and order
Safeguard people and property.	Maintain tranquility throughout communities
Detect and stop crimes, as well as gather criminal intelligence	Ensure the safety of community members' lives and property
combat crime	Deal with violators of the law
capture offenders	Border security and control
the application of laws, rules, and other legal requirements	Safeguarding significant government structures
offering services to stop stock theft	Aid other governmental organizations in maintaining law and order in communities
Help with criminal prosecution	Complement and/or enhance existing government organizations and/or agencies in providing public services and resolving disputes

Source: Douglas Kivoi Kenya Institute for Public Policy Research and Analysis KIPPRA Discussion Paper No. 237 2021

Following the merger of the Administration Police and Kenya Police, the role of Inspector General of Police was created to supervise and manage police activities throughout the

country. The office of the Inspector General of Police (IGP) is tasked with overseeing the National Police Service (NPS) at a national level and offering policy guidance to the central government, counties, and other governing bodies regarding internal security concerns. The title of Police Commissioner has been renamed to Inspector General of Police.

The historical police standing orders delineated the protocol for handling internal complaints within the police department. However, the Ransley Taskforce Report indicates that this complaint handling mechanism did not succeed in accomplishing its goals. The Internal Affairs Unit (IAU) was created in accordance with Section 87 of the National Police Service Act 2011 with the purpose of examining and addressing complaints filed by or against police officers. Furthermore, it is imperative that every case handled by IAU is thoroughly documented.

The IAU maintains close collaboration with multiple governmental entities, such as the Attorney General's office, the National Police Services Commission, the National Transport Safety Authority, the Office of the Director of Public Prosecutions (ODPP), the Chief Firearms Licensing Office, the Independent Police Oversight Authority, the Chief Government Pathologist, and civil society. IAU is designed to function independently, free from any external influence or control by political or military entities (KII-HRO 3, KSM 23/4/2021). An inherent deficiency of the International Astronomical Union (IAU) is its opaqueness; the organization has consistently refrained from disclosing the specific outcomes of complaints, providing only the aggregate count of grievances received annually (KII-HRO 2, KSM 23/4/2021).

The establishment of the commission was aimed at enhancing the administration of the National Police Service. The National Police Service was previously overseen by the President's office and the Commissioner of Police's office. This compromised its autonomy and rendered it susceptible to political intervention. The National Police Service Commission Act, passed in 2011, marked a significant advancement in Kenya's efforts to modernize its policing system. This legislation guarantees the independence of the National Police Service Commission, shielding it from any external influence and allowing it to fulfill its constitutional duty as the entity responsible for formulating policy decisions within the National Police Service.

Section 11(b) of the National Police Service Commission Act of 2011 grants the NPSC the power to oversee NPS personnel, ensuring compliance with constitutional requirements for proportional national representation and the minimum one-third gender standard. The NPSC has effectively eliminated corruption, nepotism, and negative ethnic bias in personnel selection for the NPS (Jonyo and Buchere, 2011). The NPSC is responsible for the surveillance, identification, and examination of public grievances against the police. Additionally, this legislation requires them to collaborate closely with the Independent Policing Oversight Authority (IPOA). The National Police Service Commission Act of 2011 (Jonyo and Buchere, 2011) imposes an additional responsibility on the NPSC to enhance service delivery in line with global advancements.

The National Background Investigations Service (NPSC) was created with the purpose of separating security management from the PSC. Prior to this, the Commissioner of Police possessed absolute jurisdiction over the recruitment and termination determinations throughout the whole police force. This disparity was rectified, nonetheless, as it is perilous to bestow absolute jurisdiction over all matters to a solitary office or institution. According to Article 246 of the Constitution of Kenya, the NPSC is tasked with the duty of managing staff. The National Police Service Commission Act of 2011 (KII-PC 1-KSM- 1/2/2022) outlines the specific duties and obligations of the NPSC, expanding its scope of authority.

The primary objective of establishing the National Policing Standards Council is to protect law enforcement agencies from any form of political intervention. The NPSC is responsible for ensuring fairness in the recruitment, promotion, appointment, and discipline of officers. This is done through the oversight body, which checks the service against police policies, rules, regulations, and procedures established by the Commission and in accordance with international policing standards (KII-HRO 4, KSM 23/4/2021). It is noteworthy that a transparent process was employed in 2012 to select the initial Commissioners and the first NPS IG. The original mandate of the National Police Service Commission (NPSC) encompassed the recruitment of high-ranking police personnel, as well as the facilitation of their promotions and disciplinary actions. The passage of the Security Laws (amendment) Act 2014 (KII-HRO 2, KSM 23/4/2021) undermined the gains made in safeguarding police activity from Executive intervention.

5.5.2 National Police Service Commission Act 2011

In order to improve the National Police Service's administration, the commission in charge of it was established. The National Police Service was formerly managed by the President's office and the Commissioner of Police's office. This undermined its independence and left it open to political interference. There has been a major turning point in Kenya's policing reforms since the passage of the National Police Service Commission Act 2011 (KII-HRO, 1-KSM-20/4/2022), which provides the National Police Service Commission with immunity from manipulation and independence in its constitutional work of handling policy matters.

In particular, the NPSC is tasked with managing NPS personnel in accordance with constitutional mandates for equitable national representation and a minimum one-third gender rule (KII-ADV 1-KSM-20/4/2022), as stated in section 11(b) of the National Police Service Commission Act 2011. Corruption, nepotism, and negative ethnic bias in personnel selection have all but vanished since the NPSC assumed responsibility for staffing the NPS (Jonyo and Buchere, 2011).

The NPSC is required under the Act to collaborate with the Independent Police Oversight Authority (IPOA) in keeping tabs on, spotting, and looking into public complaints against police. Better service delivery in step with international developments is another legal obligation placed on the NPSC by the National Police Service Commission Act of 2011. A police officer has stated that the NPSC was established with the goal of separating security management from the PSC. Before, the Commissioner of Police had complete authority over hiring and firing decisions across the whole police force. This discrepancy was fixed, however, because it is dangerous to give a single office or organization sweeping powers without any checks or balances (KII-PO 1- 11/3/2022). Article 246 of the Constitution of Kenya assigns NPSC the responsibility of personnel management. The National Police Service Commission Act, 2011 (KII-PO 1-11/3/2022), specifies the NPSC's expanded roles and responsibilities.

The National Policing Standards Commission (NPSC) was established, as stated by Jonyo and Buchere (2011), to safeguard law enforcement against political interference. The NPSC is responsible for ensuring that the police force is run fairly and in accordance with international policing standards through the implementation of policies, rules, regulations,

and procedures established by the Commission. A law enforcement official notes that in 2012, a transparent process was used to choose the first Commissioners and the first NPS IG. Originally, the National Police Service Commission (NPSC) was responsible for hiring senior police officials, as well as promoting and reprimanding officers. The progress made in protecting police activity from influence by the Executive was weakened by the Security Laws (amendment) Act 2014 (KII-PO 1-11/3/2022).

5.5.3 Independent Policing Oversight Authority Act, 2011

Upon the President of Kenya's enactment of the Independent Policing Oversight Authority Act 2011 in November 2011, it took immediate effect. The Independent Policing Oversight Authority was founded under the IPOA Act of 2011 (Republic of Kenya, 2011) to supervise the interactions between police personnel and the public. Therefore, it is the responsibility of IPOA to vigilantly monitor and investigate any reported cases of purported police brutality. The Independent Policing Oversight Authority (IPOA) also conducts audits on disciplinary proceedings carried out by the Internal Affairs Unit of the National Police Service against personnel who commit legal violations while on duty.

An advocate for human rights (KII-HRO 3, KSM 23/4/2021), asserts that IPOA is obligated to record and document all instances of police misconduct across the entire nation, as well as the specific disciplinary actions implemented against the implicated officers. The purpose of granting access to the facilities and properties owned or leased by the NPS to the IPOA executives is to ensure that these locations are secure and provide a humane environment where individuals' rights are not being infringed upon. The responsibilities of the Authority are outlined in Section 5 of the IPOA Act, and they encompass the enforcement of responsibility for law enforcement authorities in the execution of their tasks. According to Article 244 of the constitution, it is required that all law enforcement authorities create and uphold a culture characterized by professionalism, discipline, transparency, and accountability (KII-HRO 3, KSM 23/4/2021).

As to the findings of the Ransley Task Force report, claims of police violence were consistently neglected or mishandled without impartiality, causing fear and mistreatment among the complainants. As a response to these findings, it was suggested that a police oversight body be created to address cases of police misconduct. Consequently, the Independent Policing Oversight Authority (IPOA) was established through national

legislation. If IPOA achieves success, it will serve as a model for other countries in the region and the entire continent. Instances of police brutality, abuse of guns, and egregious abuses of human rights have decreased since its beginning. Based on the preliminary Kenyan survey on policing standards and gaps (KII-HRO 3, KSM 23/4/2021), the Independent Policing Oversight Authority (IPOA) recorded a total of 10,381 instances in June 2018.

Table 5.3: IPOA case management – Summary of records reviewed

Cases	Number of Cases (by June 2018)
Investigations-relevant cases	5,140
Cases that have not passed the initial investigative assessment	2,874
active investigations involving cases	1,476
investigated and resolved cases	790
Cases that have been cleared following an initial inquiry	491
Cases closed after legal review	76
Awarded cases to the DPP for prosecution	105
Cases forwarded to the EACC	11
Referred cases to the NPSC	6
Cases that are being litigated in court	53
Convictions	3
Total number of cases that IPOA has presented	10,381

Source: IPOA Board end term report 2018

While incidents of police misconduct still exist, their frequency may have diminished due to the presence of a regulatory body overseeing police actions and performance, as well as the public's utilization of social media platforms to report inappropriate behavior. Table 2 indicates that among the 790 investigations carried out by the IPOA since 2013, just three have led to convictions. Possible factors contributing to the low rate of convictions include

inadequate allocation of resources (KII-HRO 3, KSM 23/4/2021) and the expanded jurisdiction of IPOA in reviewing police conduct across many counties.

As the first such body to be founded, IPOA has prioritized the establishment of other institutions crucial to the reform of the police force, including as the National Police Standards Commission and the Inspector General of the Police, as well as its own housing, personnel, budget, and regulations (KII-HRO 3, KSM 23/4/2021). The sluggish pace at which IPOA is executing its mandate is getting progressively exasperating, notwithstanding the inherent time required for institution-building. Although the IPOA has received and initiated investigations into multiple complaints, the outcomes of these inquiries have not been disclosed, and no officers have faced disciplinary action as a consequence. KII-HRO 3 KSM 23/4/2021. A human rights advocate expressed:

“When no one has been brought to jail for violations, why is the IPOA scrambling to find an IGP? They will not find much mercy from Kenyans.” (KII-HRO 2, KSM 23/4/2021).

Individuals turned to IPOA to conduct an inquiry into the Tana Delta crisis and the Baragoi massacre, with the expectation that those involved would be held accountable. However, the group did not fulfill this expectation. Upon the initiation of investigations by other government authorities into the same subjects, IPOA ceased its own inquiries. Due to the ongoing judicial committee of inquiry about the Tana case, the police were compelled to halt their investigation (KII-HRO 2, KSM 23/4/2021). Civil society and the general public have had challenges in holding IPOA accountable for its initial six months of operation due to the organization's failure to submit its first performance report, which was expected by December 2012. The effectiveness of the NPSC is currently uncertain, however, it commenced the recruitment of an Inspector General of Police (IGP) and Deputy Inspector Generals (DIGs) within six days after assuming office (KII-HRO 3, KSM 23/4/2021), which had been delayed for a significant period of time.

Public interviews were conducted with the Inspector General of Police (IGP), Deputy Inspector Generals (DIGs), members of the Independent Policing Oversight Authority (IPOA) Board, and National Police Service Commission (NPSC) Commissioners. These interviews were broadcasted live on national television, as mandated by the applicable Acts. In November 2012, the candidates for the position of Inspector General and their two

deputies underwent public interviews for the first time. The public was afforded the chance to assess the applicants' integrity and credentials, and the outcomes ignited intense controversy in the media, as mandated by the Constitution. An activist informed Amnesty International,

"Who would have thought that the day would come when police interviews would be conducted in the open giving people the opportunity to observe and raise issues on applicants' past deeds? Our community group, the Police Reforms Working Group, had researched the applicants and was given the opportunity to present our findings. Specifically (KII-HRO 6, KSM 23/4/2021).

However, the NPSC's three-day time frame for reviewing and incorporating public opinion into its choice on the applicants was insufficient. Human rights activist concurs, saying:

However, I was dissatisfied with the allotted time for the full activity... The public's concerns, in my opinion, were so basic that the NPSC should have verified the applicants' integrity and administrative capacity beyond a reasonable doubt (KII-HRO 3 KSM 23/4/2021).

In addition to the recruitment of the IGP and DIGs, the NPSC re-opened police recruitment, which had been on hold pending the establishment of the NPSC and was further limiting the capacity of an already overstrained police force. The NPSC has committed to hiring an additional 7,000 recruits. Other factors may help speed up the process of policing reform. People are more confident in their demands for public inquests and frequent calls for accountable policing in the media as a result of the opening of space for public discussion on policing and police accountability. The police force itself has heard calls for change. Younger officers are less tolerant of unpleasant environments than they once were. Some police officers threatened strike action in early November 2012, demanding higher wages and better working conditions (KII-HRO 5, KSM, April 23, 2021).

The strike was deemed illegal by Deputy Police Spokesperson Charles Owino, and an Administrative Police Constable was brought before the court for allegedly instigating personnel to strike (KII-HRO 3, KSM 23/4/2021). According to one reform expert cited by Amnesty International, this shows a more confident police force that is ready to embrace reforms while still advocating for its members' rights. "There's a buzz of excitement throughout the Police Department. In my experience, junior officers are now more likely to take risks and accept change. I find it encouraging that today's younger police officers

are using social media to air their grievances about the profession” (KII-EXPR-KSM-19/4/2022).

5.5.4 National Police Service (Vetting) Regulations Bill 2011

The bill to alter the National Police Service Regulations required the vetting of all current top officers in the National Police Service. Every NPS personnel must undergo a fitness for duty examination as mandated by Sections 7(2) and (3) of the National Police Service Act 2011. Individuals with criminal backgrounds who were considered unsuitable for police service were dismissed. The NPSC's goal could not have been achieved without the introduction of a screening procedure for all active-duty troops in December 2013. According to a human rights activist, the police force's initial screening process involved assessing the physical capability of each officer to do their duties.

The general population was afforded the chance to recount their firsthand encounters of human rights violations and instances of misconduct by law enforcement authorities. The screening system commenced with Senior Commanders, however public involvement was restricted. Consequently, the non-State actors failed to provide the NPSC with crucial information, particularly regarding violations, that would enable them to determine the suitability of the police officers undergoing vetting (KII-HRO 5, KSM 23/4/2021). The initial individuals subjected to scrutiny were the Inspector General of Police, the two Deputy Inspectors General, and the Director of Criminal Investigations. Prior to the conclusion of their terms as commissioners in 2018, the NPSC has granted approval to 5,993 officers (KII-HRO 5, KSM 23/4/2021).

Table 5.3: Vetting Statistics

Rank	Number Vetted	Number Removed from Office
S/DCP I & II	7	3
DCP	23	2
S/ACP & ACP	190	12
SSP/SP/ASP/IAU	1,467	72
Traffic Officers	2,640	318
Chief Inspectors	1,666	38
TOTALS	2,993	445

The individuals who were removed from the National Police Service were determined to be accountable for the inappropriate utilization of their authority. KII-HRO 3, KSM 23/4/2021 determined that three out of seven Senior Deputy Commissioners of Police (S/DCP) who were under investigation were deemed unfit for police duties and therefore dismissed from their roles. Out of the total of twenty-three Deputy Commissioners of Police (DCP) who were subjected to investigation, it was determined that two of them were not suitable for their roles. Out of the 1,467 police officers at the SSP, Superintendent, and Assistant Superintendent Levels that were investigated, 72 were deemed unfit for their posts and therefore dismissed. A total of 2,640 traffic officers underwent evaluation, and out of these, 318 were deemed unfit for their roles and were terminated (KII-OCS 4-KSM-17/4/2022). When making its decision, NPSC evaluated evidence and information pertaining to any active police officer involved in unlawful activities such as brutality, illegal arrests and detention of citizens, participation in gender-based violence such as battery or sexual assault, corruption, or actions that undermine Chapter six of the Constitution (KII-OCS 4-KSM- 17/4/2022).

5.6 Policy Reforms

The primary objective of significant policing policy changes is to modernize and revamp police agencies, namely the National Police Service, the National Police Standards and Training Council, and the International Police Organization and Academy, with the aim of enhancing the quality of service provided to the general public. The objective of the NPS's

five-year plan (2015-2018) was to enhance policing standards universally. The primary objective of the strategy was to ensure that the country's police force would adhere to internationally recognized and highly effective methods in law enforcement. Comparable to the McKinsey 7s model, however with certain differences. The police force's shared ideals prioritize reform, training, capacity building, community policing, and effective resource utilization. The execution techniques of the service's strategic plan are interconnected with the NPS's overarching strategy, structure, system, style, staff, and skills. Kenyan policing can achieve strong establishment without requiring further legislation. The task force report authored by Ransley (2019) recognizes community policing as a valuable tool for improving citizen-police interactions and elevating enforcement standards in Kenya. The policy changes discussed in this section are based on McKinsey's 7S model, which includes elements such as structure, strategy, systems, skills, style, staff, and shared values. These improvements do not need the implementation of new legislation. The NPS has enacted several policy improvements, including the following:

5.6.1 Administrative Structure and Functions

The Kenya Police consists of two separate branches, namely General Duty and Formations. The regions are the most substantial component of General Duty, whereas the police patrol bases represent the least significant portion. Officers in a specific geographical area, previously referred to as provinces, are accountable to the Regional Police Commander. Similarly, officers in a county are answerable to the County Police Commander, and those in a sub-county are under the authority of the Sub-County Police Commander. The Ward Commander is accountable to the Officer Commanding Station (OCS) of the Police Station that serves the Ward. Each Kenya Police formation/Unit is led by a Senior Assistant Inspector General, an Assistant Inspector General of Police (AIG), or a Commissioner of Police (CP). The following items are included:

- i) Diplomatic Police Unit: It is headed by a Commandant from its Nairobi headquarters;
- ii) Traffic Police Department: It is headed by a Commandant from its Nairobi offices;
- iii) Kenya Police College: It is headed by a Commandant from its headquarters at Kiganjo in Nyeri County;
- iv) Kenya Police Air Wing: It is headed by a Commandant from its Nairobi headquarters; Presidential Escort Unit:

- v) It is headed by Commandant from its Statehouse Nairobi headquarters;
- vi) Railways Police: It is headed by a Commandant from its Nairobi headquarters;
- vii) Kenya Police Dog Unit: It is headed by a Commandant from its Nairobi headquarters
- viii) Tourist Police Unit: It is headed by a Commandant from its offices in Old Nairobi Area Provincial Police headquarters in Nairobi
- ix) Kenya Airports Police Unit: It is headed by a Commandant from its Nairobi headquarters and three divisions (Nairobi, Eldoret, Moi airports);
- x) Maritime Police Unit: It is headed by a Commanding Officer from its headquarters at Kilindini Harbour in Mombasa.

Rank in the Kenya Police Force is denoted by insignia worn on the shoulder (Inspector-General) or sleeve (senior sergeant) of the uniform. New insignia for the altered rank system are being developed by the uniforms committee as part of the ongoing reforms; these will need to be approved by the Commission. Kenyan police officers are ranked as follows:

- i) Inspector-General (formerly Commissioner of Police) equivalent to the 2 star general in the Kenya Defense Forces (KDF)
- ii) Deputy Inspector-General – equivalent to the one-star rank -brigadier general in the KDF
- iii) Senior Assistant Inspector-General – equivalent to colonel in the KDF
- iv) Assistant Inspector-General – equivalent to the lieutenant colonel in the KDF
- v) Commissioner of Police Senior Superintendent – equivalent to major in the KDF
- vi) Superintendent – equivalent to captain in the KDF
- vii) Assistant Superintendent – equivalent to lieutenant in the KDF;
- viii) Chief Inspector – equivalent to Warrant Officer 1 in the KDF;
- ix) Inspector – equivalent to Warrant Officer 2 or sergeant major in the KD
- x) Senior Sergeant – equivalent to senior sergeant in the KDF
- xi) Sergeant – equivalent to sergeant in the KDF;
- xii) Corporal Constable – equivalent to private in the KDF

British officers led the force from 1906 to 1964. The National Police Service (NPS) established the rank of Inspector General in 2012. Hillary Mutyambai is the third person to hold the role of Inspector General. To date, the following men and women have held the

position of Commissioner of Police: From 1964 until 1978, Bernard Hinga served as president, followed by Ben Gethi in 1982, Bernard Njinu in 1988, Shedrack Kiruki in 1993, Duncan Wachira in 1996, Philemon Abong'o in 1998, and Edwin Nyaseda in 2002. General Mohammed Hussein Ali (2002-2004), Mathew Kirai Iteere (2004-2009), Grace Kaindi (2013-2015), Joel Kitili (2015-2018), and Edward N. Mbugua (2018-present) have all served as presidents of Kenya. As of this writing (2018).

David Mwole Kimaiyo served as Inspector General from 2012 to 2014, and he was succeeded by an acting Inspector General. From 31 December 2014 to 11 March 2015, Samuel Arachi served as the Deputy Inspector General of the Administration Police Service; from 11 March 2015 to March 2019, Joseph Kipchirchir Boinett did so; and from 8 April 2019, Hillary Nzioki Mutyambai took over.

Chapter 17 Part 4 of the new Kenyan Constitution, which went into effect on 27 August 2010, mandated a number of changes within the police force. The new name, The Kenya Police Service, reflects the decentralized nature of Kenya's government, and a Deputy Inspector-General now oversees the force. Regional Police Commander (RPC); County Police Commander (CPC); Sub County Police Commander (SPC); Officer in charge Police Station (OCS) are the new ranks created in 2018 to unify police operational command along with preexisting administrative boundaries.

As a result, the roles of APS Regional Commander, KPS Regional Commander, DCI Regional Commander, County Coordinating Commander, APS County Commander, KPS County Commander, DCI County Commander, APS Sub County Commander, DCI Sub County Commander, KPS Officer Commanding Police Divisions, and District Administration Police Commander have been eliminated. As a result, there are now only 56 commanders instead of the previous 168.

5.6.2 Service Standing Orders

Based on the conclusions of the Ransley Task Force, it is recommended that the NPS standing orders be updated and that the two current police units be merged into a unified unit under the supervision of a single manager. One of the new regulations involves the allocation of responsibility for the Administration Police and the regular Kenya Police service to two Deputy Inspectors General. These Deputy Inspectors General will have a

direct reporting line to the Inspector General of Police. A designated director will supervise the criminal investigation operations of the DCI. Similarly, no member of the National Park Service (NPS) shall comply with unlawful directives issued by politicians, other government officials, citizens, or non-governmental entities. Consequently, the NPS is now capable of operating autonomously, free from external influences such as politicians.

5.6.3 Community Policing Strategy

The expansion of colonialism worldwide led to a shift in public opinion towards the police, with residents perceiving them as agents of oppression and control, rather than as providers of government-sanctioned security services. Historically, law enforcement often employed coercive tactics to ensure compliance with their demands. The public's lack of confidence in police enforcement has escalated, as evidenced by Palmiotto's study in 1999. There has never been a collaborative endeavor between law enforcement and the general population to solve safety concerns. Kenya's government formally acknowledged community policing as a valid division of the police department in accordance with the NPS Act of 2011. All incoming police officers will receive instruction on community policing as part of the new curriculum (Kappeler & Gaines, 2012).

Each officer should assume responsibility for the community policing project that has been implemented to enhance the connections between the police and the communities they oversee. The agency's ability to resolve safety concerns is enhanced when individuals feel assured in approaching NPS personnel to express their concerns. Community policing is a collaborative approach between the NPS and local residents aimed at fostering trust and acknowledging citizens as active participants in crime prevention. Its objectives include minimizing the reliance on force in circumstances such as arbitrary arrests and searches without warrants (KII-OCS 4-KSM- 17/4/2022).

The Nyumba Kumi initiative (Kenyatta, 2013) is at the forefront of community policing in Kenya. The Nyumba Kumi is a community policing initiative that promotes civilian engagement and collaboration with law enforcement to enhance the safety of neighborhoods. Nyumba Kumi does not endorse the utilization of vigilante strategies or the establishment of private militias in the process of reinstating law and order. The principles of community policing involve recognizing the essential role of police officers within the communities they serve, fostering collaboration between law enforcement

agencies, state actors, and non-state actors, and promoting a partnership between police and communities to identify and address community needs (KII-OCS 4-KSM- 17/4/2022). Alterations to the logistics and the movement of law enforcement personnel

A dearth of patrol cars for officers hampers the prompt response of the police to criminal incidents. Consequently, the government persists in prioritizing the enhancement of mobility for NPS officers. During the period from 2009 to 2015, a total of 989 motor vehicles were allocated to the NPS. Additionally, a systematic approach was developed to assess the transportation requirements of police personnel. From 2009 to 2016, the government obtained roughly 1,250 automobiles through the NPS. Additionally, between 2009 and 2014, 60 vehicles were restored, and between 2009 and 2015, 200 motorcycles were acquired.

The NPS troops acquired more than 5 speedboats, and established a maritime school in Lamu. In addition, a system for evaluating the quality and suitability of car consignment at its origin before acquisition was put into place. The United States government supplied four high-speed vessels (Moi & Ouma, 2020). Two notable achievements of the National Police Service are the augmentation of the vehicle fleet accessible to NPS officers and the construction of additional residential units at specific police stations (National Police Service, 2015). Due to an increased fleet of cars, law enforcement has exhibited enhanced responsiveness to emergency calls and crime scenes. Police personnel have become more conspicuous due to their increased mobility. Nevertheless, the Maritime Police Unit now suffers from insufficient manpower and lacks certain essential equipment (Denman, 2020).

5.6.4 Group Life Insurance Cover

In 2014, the government introduced a comprehensive insurance scheme for the National Police Service. The purpose of this is to safeguard NPS staff from occupational hazards, including those presented by terrorists or criminal organizations, job-related incidents, and even fatalities, throughout their work hours. Officers do not play a role in providing this protective barrier. The NHIF program also provides coverage for NPS personnel. The objective of this group cover was to enhance officer morale and productivity.

5.6.5 Increased Budgetary Allocations

The Government has increased funding for its different administrative agencies. The budget for the Independent Police Oversight Authority, the National Police Service Commission, and the Kenya Police Service has increased from Ksh 20.115 billion in the 2012/2013 fiscal year to Ksh 77.1 billion in the 2017/2018 fiscal year to cover their ongoing operational costs. The police force, which has been underfunded for many years, will now be able to benefit from this increase and be brought up to speed. Police forces are able to adapt to the ever-changing criminal landscape in part because of the annual uptick in new recruits. Police reforms that have been implemented and those that are still in the works are detailed in Table 4.

Table 5.4: Select reforms that have been implemented and those pending

Implemented Reforms	Pending Reforms
Office of Inspector General instituted	Police staffing needs in Kenya have not been finalized by the NPS.
A fresh set of instructional materials has been created.	There was no deliberate plan to achieve racial, ethnic, and geographical diversity.
A draft policy on community policing has been drafted.	The promotion of human rights by the NPS, particularly within NPS premises like as cells and service stations, has not yet been outlined by the Cabinet Secretary.
Hire of police for private functions institutionalized	Modern forensic laboratory not yet constructed
Police officers have undergone vetting	Neither the APS nor the KPS use a unified toolkit.
IPOA is in place to monitor vetting.	Police service associations yet to be formed
National Coroners Act 2017 passed by Parliament	The National Coroners Act has been passed, although there is currently no Coroner's office in place.

5.7 Barriers to Implementation of the Reform Package

An essential aspect to consider when analyzing any reform endeavor is the significant challenges faced by Kenya's government in implementing change and transforming the entire country. Impunity, in various forms and throughout all levels of Kenya's government, has long been a prominent characteristic of the country's situation. In Kenya's history, there has been a prevalent occurrence of extensive corruption, misappropriation of state resources, failure to adhere to the law and court rulings, and unwarranted political intervention, which have proven challenging to eliminate. Some individuals hold the belief that the lack of progress in the sector can be attributed, at least partially, to a failure to situate the policing discourse within the context of governmental restructuring. Several distinct obstacles have hindered Kenya from implementing certain crucial legislative reforms. "We have only established the fundamental basis for implementing reforms [...] It will require several generations to fully realize significant transformation," stated a government official in Nairobi on 20 December 2012.

It is important to consider the overall governance issues that Kenya faces when interpreting any reform initiative aimed at reforming the country. In the Kenyan context, impunity has been a prevalent feature for a considerable period, manifesting in different forms and spanning all tiers of power. Kenyan history has been plagued by endemic corruption, embezzlement of state resources, disregard for the law and court orders, even by state institutions responsible for upholding the rule of law, and illegitimate political interference. These issues are deeply ingrained and difficult to eliminate. A significant number of individuals interviewed believe that the lack of including the policing discussion into the framework of state rejuvenation may have hindered advancements in the area. Kenya has enacted significant legislative improvements, but, these have not been effectively implemented due to various specific obstacles.

5.7.1 Contextual Barriers

As to the findings of a Nairobi-based independent consultant specializing in police reforms in Kenya (KII-Independent consultant on police reforms, Nairobi, 5 December 2021), it is said that the police force essentially serves as a reflection of the Kenyan society, representing its characteristics and values. Kenya has historically suffered from widespread impunity throughout all levels of government, with the police consistently acting as a tool of oppression. The government and legislature's excessive delays in passing legally needed

laws have hindered recent efforts to address the long-standing impunity and distrust that have been created.

The independent consultant who was interviewed asked,

"Why is no one being held to account for the delays in publishing the policing Acts? We fought hard to have the NPSC published, and we're pushing much harder to get an IGP in place before the election [since then, an IGP has been appointed]. Should we continue to struggle for rights guaranteed by the Constitution? We cannot claim victory against impunity while openly violating the Constitution without fear of repercussions. The fact that the government of Kenya is willing to uphold the 'gender rule' is a prime illustration of this. (Activist; Nairobi, 5 December 2021).

Although the constitution guarantees gender equality and the National Police Service Act mandates that one of the Inspector General and the two Deputy Inspectors General be of the opposite gender, the President and the Prime Minister contemplated appointing three male officers to these positions. Parliament made an unsuccessful attempt to remove the provision promoting gender balance from the National Police Service Act. This was done in an effort to justify the legality of their action. However, they faced opposition from the public, civil society, and the Independent Policing Oversight Authority.

On January 25, 2013, Grace Kaindi was appointed as the Deputy Inspector General of Police, while Samuel Arachi was appointed as the Deputy Inspector General of Administration Police by the President. However, it has been reported that the Prime Minister has challenged their nomination, arguing that it is "unconstitutional." When the offices of the President and Prime Minister initially disagreed over the proposed names for the Commission (Independent consultant on police reforms, Nairobi, 5 December 2012), doubts were expressed about the executive's commitment to adhere to the law in the hiring of the new NPSC Commissioners. Consultant specializing in police reforms, based in Nairobi, providing independent services as of 5 December 2012: The excessive delays in appointing and officially announcing the NPSC commissioners, caused by the ongoing dispute, resulted in a year-long halt to the process and created significant questions regarding the executive branch's adherence to the rule of law.

In 2008, the United Nations Committee against Torture highlighted that police corruption in Kenya was impeding efforts to resolve violations of human rights and the arbitrary arrest practices carried out by the police. The Committee emphasized the need for the State Party to tackle the issue of arbitrary police actions, such as unlawful and arbitrary arrests and widespread police corruption, especially in slums and impoverished urban areas. They recommended that superior officers send clear messages of zero tolerance towards corruption, impose suitable penalties, and provide sufficient training. When law enforcement agents employ disproportionate force, it is imperative to promptly carry out an impartial investigation, and hold accountable those who are culpable (Kelly, 2009:12). The government's anti-corruption measures have seemingly come to a halt, despite the existence of this proposal. The police force in Kenya is widely perceived by the public as the most corrupt institution. Therefore, it is imperative to implement steps that are specifically designed to restore confidence in the police force. The public perceives police corruption as a tightly guarded enterprise that the present administration is unable to effectively tackle. An independent expert on police reforms, based in Nairobi, stated on 5 December 2012 that there is a prevalent belief that police officers are hesitant to combat corruption due to their fear of reprisals from the ruling elite.

Numerous human rights organizations have mostly concentrated on identifying what should be avoided. Consequently, although the general public is becoming increasingly vocal in their call for equitable and efficient law enforcement, individuals face difficulties in expressing their aspirations due to a lack of understanding regarding the characteristics of exemplary policing. In 2009, two individuals who advocated for human rights were murdered (KII-OCS 2-KSM, 12/3/2022), and there exists a lengthy record of aggression towards activists who are engaged in addressing issues related to police reform. Police reform has increasingly adopted a juridical perspective. While laws and regulations are important, they have received excessive focus, limiting the chances for social reform and the development of new policies. The issue lies in the fact that this viewpoint is excessively narrow to effectively contextualize reforms within the actualities of Kenyans' daily encounters with law enforcement (KII-ADV-KSM-23/3/2022).

5.7.2 Structural Barriers within the Police Dual Mandates

Before August 2010, the police force functioned under the authority of two distinct pieces of legislation: The Police Act and the Administration Police Act. This enabled the

executive branch of government to exercise political authority over the police force, which had previously functioned as a separate department from the executive branch. The regular police force and the administration police force share similar duties, but the primary objective of the Kenya Police force is to prevent and detect crime, whereas the primary objective of the Administration Police force is to safeguard government officials and property (Van der Spuy & Röntsch, 2008).

Local inhabitants in distant and desert areas often perceive the Administration police as more accessible than the Kenya Police, particularly due to the absence of the Kenya Police's physical presence in those places. Surveys conducted by Van der Spuy and Röntsch (2008) indicate that they are perceived as less corrupt compared to the Kenya Police. The organization did not begin actively seeking women to join until 2009. This posed a challenge in satisfying the requirement of having one-third of their members be female, due to the rough terrain and harsh living conditions in the locations where they were deployed, which were considered too severe for female commanders.

Since August 2010, the police have been functioning according to a revised Constitutional system, although they have continued to be under the authority of senior officials who were chosen before to the change. That is, senior officials who were previously under the direct political authority of the administration and operated within the same system that promoted a culture of impunity. The newly constituted supervisory bodies are not yet fully operational, allowing the police force to continue its regular operations (KII-HRA2-KSM, 12/3/2022).

Based on a 2011 nationwide survey on torture done by the Independent Medico-Legal Unit (IMLU), it was found that the police are responsible for human rights breaches. According to a study by IMLU, the Kenya Police Service was responsible for the majority (54%) of reported incidences of torture, whereas the Administration Police Service was responsible for only 7% of the events (Kiama & Kelly, 2016). The implementation of the NPS Act and the establishment of the National Police Service Commission have encountered obstacles, resulting in a delay in the evaluation of all police officers as mandated by the NPS Act. This obstacle poses a substantial challenge to reform efforts and to improving the public perception of the police force. It is highly disconcerting that a significant number of the officials who were accused of misconduct during Kenya's previous general election in

2007-08 are still employed in their positions. A Nairobi-based police reform specialist stated that there are just a small number of police officers that are cooperative, and even those who are somewhat honest are nevertheless negatively influenced by their connections. The date is 5 December 2012.

The absence of consequences for law-breaking on police officers has fostered a climate of impunity regarding police violations of human rights. Despite numerous occurrences of concealment and political manipulation aimed at shielding wrongdoers and law enforcement officials, the executive branch in Kenya has taken minimal action in terms of imposing disciplinary actions or initiating criminal prosecutions against personnel involved in human rights violations. Amnesty International cites a source as stating:

It's a country where the cops can get away with murder and the powerless have no one to protect them. I spent a whole year in detention after being arbitrarily detained. I was badly abused and threatened with gunfire by police. Even though I had committed no crime other than being a poor, self-employed youth in Kibera, the cops who arrested me insisted that I pay a bribe in order to be released. Who is going to compensate me for the year I spent in the inferno that are our prisons? The officers left smiling, but I'm permanently damaged, and no one seems to care (KII-HRA-6-11/12/2021).

Frequently, instances of police complicity in violations of civilians' human rights have come to light. In 2009, the UN Special Rapporteur on Extra Judicial, Arbitrary, and Summary Executions accused the police of operating death squads that engaged in arbitrary and cruel killings. The military and police on Mount Elgon were held responsible for acts of torture and unlawful killings. Furthermore, it was ascertained that both the administration and the police had failed to carry out comprehensive investigations (KII-HRA-6-11/12/2021).

The UN Human Rights Committee has expressed apprehension regarding accusations of human rights transgressions, such as torture and extrajudicial killings, committed by the police force. These concerns were raised on two distinct occasions, in 2005 and 2012, due to the prevalent lack of accountability and the sluggish progress of investigations and legal proceedings, respectively. The post-election rioting and police human rights violations in 2007 and 2008 represent a significant nadir in recent history. Autopsies conducted in mortuaries across the provinces of Nairobi, Nyanza, Rift Valley, and Western reveal that

43 percent of the fatalities were victims of police shootings, while the remaining 67 percent were slain by citizens with rudimentary weapons (KII-HRA-6-11/12/2021).

Although the majority of killings in Rift Valley were committed by people, it was the police who were mostly responsible for the killings in Nyanza (KII-HRA-1-KSM-11/12/2021). The absence of legal action against police officers implicated in human rights abuses is a significant barrier to ensuring accountability in Kenya. Amidst the turmoil following the election, the Prosecutor of the International Criminal Court brought out accusations against Police Commissioner Mohammed Hussein Ali for the police's violation of human rights. In January 2012, the Pre-Trial Chamber issued a ruling that rejected the confirmation of charges. Kenya retains the obligation to conduct investigations and, if there is substantial evidence, commence domestic charges against any police officers suspected of violating human rights. The victims perceive the government's ongoing inaction and silence as implicit endorsement of police impunity, which has significantly undermined confidence in the state's commitment to holding accountable those responsible for human rights violations, especially those committed by state actors.

The funding for Kenya's police force is insufficient. The outcome is a deficiency in equipment and logistical capacities, coupled with subpar operational preparedness. The police agency lacks its own dedicated forensics laboratory. The ability to carry out vehicle patrols is hindered by a scarcity of vehicles and insufficient budget for gasoline. Police personnel occasionally encounter perilous and potentially life-endangering circumstances while on duty, yet their meager salaries and absence of benefits render them incapable of adequately supporting their families in the event of any mishap (Oweke & Ngumi, 2014).

Although it is important to consider the intangible aspects of reforms, such as cultural and attitudinal changes, a member of the Police Reforms Implementation Committee argued that the officers' working conditions provide the greatest obstacle. The present obstacle we have is determining methods to boost their morale by increasing their service and living conditions. The citizens see us with animosity and disdain, and we reciprocate by treating them harshly (Amnesty International, January 2013, AFR 32/001/2013).

The Kenyan people lacks confidence in the police force. Studies indicate that the majority of people perceive the police force as being corrupt and exempt from consequences.

Consequently, individuals tend to be hesitant to assist law enforcement by divulging information. The police department has initiated a community policing forum and is currently testing community-based policing at one station as a means to enhance public relations and address the issues that have emerged as a consequence. The comprehension and execution of community policing by individuals have demonstrated inherent deficiencies. It is crucial to differentiate between community policing and vigilantism, as the latter has been associated with the lynching of suspects and the extortion of innocent bystanders (Amnesty International January 2013 (AFR 32/001/2013)).

The implementation of the Independent Policing Oversight Authority's new instructions to the police regarding the use of force, arrest, and detention, as well as internal accountability, transparency, and reporting obligations (including deaths and serious injuries), has been significantly delayed due to obstacles in implementing the new police legislation. As per a study released in January 2013 by Amnesty International (AFR 32/001/2013), the police and the organization's principles have remained unchanged. Additionally, the new institutions have not successfully dealt with the corruption or human rights abuses that occurred in the past.

Amnesty International continues to receive numerous reports of abuse, physical violence, and unjustifiable detentions. A multitude of individuals from diverse communities have lodged complaints alleging discriminatory targeting by law enforcement officers. A clear indication of this is the escalating xenophobia in the nation, resulting in a rise in biased law enforcement and mistreatment of those of Somali heritage throughout the country. In response to grenade and bomb attacks that occurred in November and December 2012, a large number of individuals of Somali origin were held in the Eastleigh neighborhood of Nairobi. These detentions were deemed unconstitutional or discriminatory by Amnesty International in their report from January 2013 (AFR 32/001/2013).

Approximately 300 individuals of Somali origin, comprising refugees, asylum seekers, and Kenyan Somalis, were allegedly apprehended within a span of three days in December. According to testimonies gathered by Amnesty International, the police and the General Service Unit (GSU), a paramilitary group comprised of members from the Kenya Police and Kenya Defense Forces, conducted a systematic search of residences and detained individuals on the streets, demanding to see their identification documents. Those who

were unable to produce the required papers or whose documents were deemed unsatisfactory were apprehended. However, the majority of those detained were subsequently released without being formally charged.

However, a number of the individuals who were apprehended alleged that the security personnel subjected them to ill-treatment and attempted to coerce them into providing monetary compensation throughout their period of detention. The authorities' reaction, characterized by extensive detentions but a lack of legal proceedings, has generated significant apprehension regarding potential prejudice against individuals of Somali origin.

The recurring instances of police fatally shooting suspected 'robbers' during arrests, instead of ensuring their fair trial, highlight the lack of progress in implementing reforms, as confirmed by Amnesty International. This failure persists despite the police's legal obligation to report such incidents to the Independent Policing Oversight Authority (IPOA), which in turn is mandated to investigate these killings and any negligence on the part of the police.

From August 2012 onwards, more than 200 people have been killed and 112,000 more have been forced to leave their homes due to the violence in the Tana Delta. There are concerns over the security forces' handling of the issue and their capacity to safeguard human rights in Tana. This is despite the deployment of more than 2,000 police officers in the Tana Delta and the establishment of a Judicial Commission of Inquiry. The latest occurrence took place in January 2013. The smaller instances of violence between the Pokomo and Orma communities reached their peak during the violent events that took place in August and September 2012 (Amnesty, 2013). This act of violence resulted in fatalities, caused injuries, and caused the death of livestock on both sides.

In the initial attacks that occurred in August and September, more than one hundred civilians, including nine police officers, lost their lives. As of January 2013, attacks were still ongoing following the initial pandemic. Prior to August 2012, inhabitants of the Tana Delta purportedly made numerous efforts to express their worries to the police and security agencies, however were met with apathy. A significant number of individuals in the vicinity hold the viewpoint that insufficient measures were taken to tackle the incidents of minor-scale aggression. The individuals perceive that the police either failed to intervene

in order to prevent the attacks or discharged the suspects without carrying out comprehensive inquiries. According to other residents of Tana River, police officials were there but did not intervene during instances of murder (Osse, 2016).

In December 2012, ten suspected raiders were incinerated in the presence of law enforcement officers in Kipao village. Reports have emerged indicating that political involvement had a role in orchestrating violence in the Tana Delta, which is believed to be connected to local power conflicts leading up to the March 2013 elections. The Mombasa Republican Council (MRC) is a separatist organization advocating for the separation of the Coast region from the rest of Kenya. The organization is the newest in the Coastal Area to seek compensation for what it perceives as a series of injustices, particularly in the realms of land and labor rights (Botha, 2014).

The MRC was among the 22 organizations that the authorities prohibited that year. In July 2012, the Mombasa High Court revoked the prohibition, stating that there was insufficient evidence to prove the involvement of the MRC in unlawful actions (Osse, 2016). Nevertheless, it seems that the government has been taking strict measures against the leadership of the MRC following the lifting of the ban. Many of them are now confronted with many allegations, such as belonging to an unlawful organization and instigating illegal activities (Osse, 2016).

The President of the MRC, accompanied by his spouse and offspring, were among the 38 individuals apprehended during a residential operation in Kwale on October 15. Two bodyguards were slain during the operation. The officials reported that the two bodyguards met their demise during a violent exchange of gunfire. According to reports, the media was informed that the president's bodyguards obstructed the road to his residence and attempted to ignite a gasoline bomb (Botha, 2014). Human rights organizations and individuals who were present at the scene challenge this account, asserting that the police arrived and surrounded the vicinity at approximately 5 a.m. According to reports, individuals were instructed to assume a prone position, and numerous individuals claimed to have experienced physical assault as a consequence. Amnesty International received information from MRC President Omar Mwamnuadzi stating that he was forcibly taken to a car and subjected to a brutal assault. The images released by the media showing Omar Mwamnuadzi's face following the raid clearly display evident indications of facial damage.

Every individual who was apprehended encountered a diverse array of criminal allegations. Crimes such as possessing firearms, instigating violence, engaging in witchcraft, and being part of a gang are included under this category. These legal disputes are still pending resolution. Despite the release of most MRC leaders, including Omar Mwamnuadzi, on bond, several MRC members remain detained in Shimo la Tewa jail near Kilifi. Frequently, law enforcement authorities have asserted in media reports that individuals they have apprehended or even fatally injured were affiliated with the MRC. Nevertheless, the police have refrained from apprehending or accusing any members of the MRC in relation to the outbreak of violence in Tana River in December 2012 (Botha, 2014).

The Samburu and Turkana ethnic groups inhabit the arid Baragoi region. There is frequent occurrence of cattle rustling between the two areas, and it has progressively escalated in violence over time, with increasingly well-equipped youth gangs causing a growing number of casualties. The decision to initiate a police operation in the Suguta valley was prompted by a surge in raiding incidents among the surrounding communities in early October 2012 (Okumu, 2021). Approximately 42 police officers were unlawfully killed and a significant number sustained injuries during an assault on the police operation that occurred on November 10th, 2012.

Human rights activists who conducted a visit to the region after to the incident were informed that a significant number of the officers implicated had been recruited recently, and that there was a lack of both a distinct commander and sufficient equipment for the operation. According to his statement to Amnesty International, witnesses reported that other police officers were fatally shot while attempting to escape. The assertions have garnered attention from the media and have been duly covered by them (Okumu, 2021).

The Kenyan populace expressed vehement condemnation of the incident known as "Baragoi." Despite the announcement of multiple inquiries and investigations, no individual has been held responsible thus far. Despite the separate indications from both the IPOA and the NPSC that they would investigate the case, the IPOA eventually opted not to do so. The NPSC investigation remains ongoing at now. Following the homicides, a parliamentary committee consisting of representatives from the Administration and National Security, Defense and Foreign Relations, and Justice and Legal Affairs conducted

a visit to the region and strongly advised the government to promptly enact specific reforms to the police force (Okumu, 2021).

Set up a dedicated hospital exclusively for police personnel, modeled after the KDF's hospital. Implement a risk allowance and create a compensation fund for all police officers under the National Police Service Commission. Expedite police reforms, including the appointment of the Inspector General and senior officials in other security organizations. Allocate sufficient funds to the National Police Service Commission and the Independent Police Oversight Authority to ensure they effectively carry out their responsibilities. Additionally, the Committee recommended the establishment of an investigative commission to look into the deaths of security officers in Baragoi, and urged the government to hold those responsible accountable (Okumu, 2021).

The government has yet to reply to the Committee's suggestions. No disciplinary measures were taken against any of the implicated senior personnel within the organization. There remain unresolved inquiries regarding the choices taken by superiors, such as the factors that precipitated the deployment of several untrained police officers or the reasons behind the police's failure to retrieve the bodies promptly or expedite the identification of the deceased. Subsequent to the incident, there have been reports of recent instances of violence between the Samburu and Turkana communities in the region, with allegations that the violence is connected to the elections (Okumu, 2021). The regular police force and the administration police force share similar duties, but the primary objective of the Kenya Police force is to prevent and detect crime, whereas the primary objective of the Administration Police force is to safeguard government officials and property (Van der Spuy & Röntsch, 2008).

The Administration police are perceived as more accessible to local inhabitants compared to the Kenya Police, particularly in isolated and desert regions where the Kenya Police lack a tangible presence. Surveys conducted by Van der Spuy and Röntsch (2008) indicate that they are perceived as less corrupt compared to the Kenya Police. Their recruitment of women did not begin until 2009. This was a challenge in satisfying the requirement of having one-third of the gender represented, due to the harsh terrain and locations where living circumstances were considered too severe for female commanders.

Since August 2010, the police have been functioning according to a revised Constitutional

system, although they have continued to be under the authority of senior officers who were chosen before to the alteration. That is, senior officers who were previously under the direct political control of the administration and operated within the same system that promoted a culture of impunity. The newly constituted supervisory bodies are not yet fully operational, allowing the police force to continue its regular operations (KII-HRA2-KSM, 12/3/2022).

As per a 2011 nationwide survey on torture performed by the Independent Medico-Legal Unit (IMLU), the responsibility for human rights abuses lies with the police. According to a study by IMLU, the Kenya Police Service was responsible for the majority (54%) of alleged torture instances, whereas the Administration Police Service was responsible for only 7% (Kiama & Kelly, 2016). The implementation of the NPS Act and the establishment of the National Police Service Commission have encountered obstacles, resulting in a delay in the evaluation of all police officers as mandated by the NPS Act. This obstacle poses a substantial impediment to reform efforts and to bolstering the police force's standing among the broader populace. It is highly disconcerting that a significant number of the officials who were accused of misconduct during Kenya's previous general election in 2007-08 are still employed in their positions. A police reform specialist in Nairobi stated that there are just a small number of police officers who are cooperative, and even those who are somewhat honest are nevertheless negatively influenced by their connections. This statement was made on 5 December 2012.

The absence of consequences for law-breaking personnel has fostered a climate of impunity regarding police violations of human rights. Despite several cases of concealment and political manipulation to shield wrongdoers and law enforcement, the Kenyan executive has taken minimal action in terms of disciplinary sanctions or criminal prosecution of officers involved in human rights violations. Amnesty International cites a source as stating:

It is a nation where law enforcement officers can commit homicide without facing consequences, and individuals without influence lack any form of protection. I endured a full year of confinement as a result of being imprisoned without any justifiable reason. I experienced severe mistreatment and was subjected to threats involving the use of firearms by law enforcement officers. Despite my innocence, as a financially disadvantaged, self-employed young

person in Kibera, I was unlawfully detained by the police, who demanded a bribe as a condition for my release. Who would provide restitution for the year I endured in the abysmal conditions of our penitentiaries? The officers departed with a smile, while I, on the other hand, have suffered enduring harm, and it appears that no one is showing any concern (KII-HRA-6-11/12/2021).

Frequently, instances of police complicity in violations of civilians' human rights have come to light. The UN Special Rapporteur on Extra Judicial, Arbitrary, and Summary Executions accused the police of operating death squads that engaged in arbitrary and cruel killings in 2009. The military and police on Mount Elgon were held responsible for acts of torture and unlawful killings. Furthermore, it was ascertained that both the administration and the police had failed to carry out comprehensive investigations (KII-HRA-6-11/12/2021).

The UN Human Rights Committee has expressed apprehension regarding accusations of human rights transgressions, such as torture and extrajudicial killings, by the police. These concerns were raised on two distinct occasions, in 2005 and 2012, due to the prevalent lack of accountability and the sluggish progress of inquiries and legal proceedings, respectively. The post-election rioting and police human rights atrocities in 2007 and 2008 were arguably the nadir of recent history. Autopsies conducted in mortuaries across the provinces of Nairobi, Nyanza, Rift Valley, and Western reveal that 43 percent of the fatalities were victims of police shootings, while the remaining 67 percent were killed by citizens using rudimentary weapons (KII-HRA-6-11/12/2021).

Although the majority of killings in Rift Valley were committed by people, it was the police who were mostly responsible for the killings in Nyanza (KII-HRA-1-KSM-11/12/2021). A significant impediment to ensuring accountability in Kenya is the absence of legal action taken against police officers implicated in human rights abuses. Amidst the turmoil following the election, the Prosecutor of the International Criminal Court pressed charges against Police Commissioner Mohammed Hussein Ali for the police's violation of human rights. In January 2012, the Pre-Trial Chamber issued a ruling that rejected the confirmation of charges. Kenya retains the obligation to conduct investigations and, if there is substantial evidence, commence domestic charges against any police officers who are suspected of violating human rights. The victims perceive the government's ongoing

inaction and silence as implicit endorsement of police impunity, which has generated significant skepticism regarding the state's commitment to holding accountable those responsible for human rights violations, especially those acting on behalf of the government.

The funding allocated to Kenya's police force is insufficient. The outcome is a deficiency in equipment and logistical capacities, coupled with subpar operational preparedness. The police agency lacks its own dedicated forensics laboratory. The ability to carry out vehicle patrols is hindered by a scarcity of vehicles and insufficient budget for gasoline. Police personnel occasionally encounter hazardous and potentially life-endangering circumstances while on duty, yet their meager salaries and absence of benefits render them incapable of adequately supporting their families in the event of any mishaps (Oweke & Ngumi, 2014). Although it is important to consider the intangible aspects of reforms, such as cultural and attitudinal changes, a member of the Police Reforms Implementation Committee argued that the officers' working conditions provide the greatest obstacle. The present obstacle we face is determining methods to boost their morale by increasing their service and living conditions. The citizens regard us with animosity and disdain, and we reciprocate by treating them harshly (Amnesty International January 2013 AFR 32/001/2013).

The Kenyan people lacks confidence in the police force. Studies indicate that the majority of the people perceives the police force as being corrupt and exempt from facing consequences. Consequently, individuals tend to be hesitant to assist law enforcement by divulging information. The police department has initiated a community policing forum and is currently implementing community-based policing at one station as a pilot program. This endeavor aims to enhance public relations and address the issues that have emerged as a consequence. The comprehension and execution of community policing by individuals have demonstrated inherent deficiencies. Differentiating between community policing and vigilantism is crucial, as the latter has been associated with the lynching of suspects and the extortion of innocent bystanders (Amnesty International January 2013 (AFR 32/001/2013)).

The implementation of the Independent Policing Oversight Authority's new instructions to the police regarding the use of force, arrest, and detention, as well as internal

accountability, transparency, and reporting obligations (including deaths and serious injuries), has been significantly delayed due to obstacles in implementing the new police legislation. As per a January 2013 report from Amnesty International (AFR 32/001/2013), the police and the organization's principles have not undergone any changes. Additionally, the new institutions have failed to adequately tackle the issues of corruption and human rights violations that occurred in the past.

Amnesty International continues to receive numerous reports detailing instances of abuse, physical assaults, and unjustified detentions. A multitude of individuals from diverse communities have lodged complaints alleging that law enforcement officers are unfairly targeting them. A clear indication of this is the escalating xenophobia in the nation, resulting in a rise in biased law enforcement and mistreatment of those of Somali origin throughout the country. In response to grenade and bomb attacks that occurred in November and December 2012, a large number of individuals of Somali origin were held in the Eastleigh neighborhood of Nairobi. These detentions were carried out in an unlawful or discriminatory manner, as reported by Amnesty International in January 2013 (AFR 32/001/2013).

Approximately 300 individuals of Somali origin, comprising refugees, asylum seekers, and Kenyan Somalis, were allegedly apprehended during a three-day timeframe in December. According to testimonies gathered by Amnesty International, the police and the General Service Unit (GSU), a paramilitary group consisting of members from the Kenya Police and Kenya Defense Forces, conducted a systematic search of residences and detained individuals on the streets. They requested identification documents from people and apprehended those who either lacked proper documentation or whose documents were deemed unsatisfactory. The majority of individuals were subsequently released without being formally charged, as reported by Amnesty International. However, a number of the individuals who were detained alleged that the security officers subjected them to mistreatment and attempted to coerce them into providing money while they were being held. The authorities' reaction, which involved extensive detentions but no legal actions, has sparked significant apprehensions over prejudice toward individuals of Somali origin. A Somali journalist who was detained by the General Service Unit (GSU) expressed the following statement regarding his treatment.

The occurrence occurred during the time frame of 9 to 10 o'clock on Monday, December 10, 2012. I was returning to the office from Eastleigh, where I had been documenting incidents of harassment. I was riding in a bodaboda, which is a motorbike taxi, as I made my way back to my urban residence. Our progress was suddenly interrupted by a big GSU truck. I was instructed to dismount from the boda boda and requested to provide identification. When he took out his press card, it accidentally fell to the ground, causing officials to suspect him of taking photos, even though he denied it. "I found myself encircled by a group of 20-30 individuals," he recounted, detailing the point when law enforcement initiated physical assault against him. I was forcefully seized by the throat, forcefully thrown to the ground, and thereafter subjected to gunfire. I inquired about their reasoning, on the pretext of being a journalist. However, they persisted in assaulting me. The perpetrators completely depleted the contents of my wallet, which encompassed business cards and a sum of \$200 US. After enduring 15 minutes of physical assault, I experienced a complete inability to breathe or maintain an upright position. Upon my refusal of their second request, they granted me permission to depart (Amnesty, 2013:64). The recurring instances of police fatally shooting suspected 'robbers' during arrests, instead of ensuring their fair trial, clearly indicate the lack of progress in implementing reforms, as confirmed by Amnesty International. Despite the police's obligation to report such incidents to the Independent Policing Oversight Authority (IPOA), and the Authority's responsibility to investigate these killings and any negligence on the part of the police, it appears that these obligations have not been fulfilled.

Since August 2012, the Tana Delta has experienced a surge in violence, leading to the loss of lives for more than 200 people and forcing 112,000 individuals to flee their homes. There are concerns over the security forces' handling of the issue and their capacity to safeguard human rights in Tana. This is despite the deployment of more than 2,000 police officers in the Tana Delta and the establishment of a Judicial Commission of Inquiry. The latest occurrence took place in January 2013. The violence that started in August and September 2012 was the result of smaller acts of violence between the Pokomo and Orma communities (Amnesty, 2013). This act of violence resulted in fatalities, inflicted injuries, and caused the loss of livestock on both parties involved.

In the initial attacks that occurred in August and September, more than one hundred civilians, including nine police officers, lost their lives. Even in January 2013, attacks were

still occurring following the initial pandemic. Prior to August 2012, inhabitants of the Tana Delta purportedly made numerous efforts to express their worries to the police and security agencies, only to be met with apathy. A significant number of individuals in the region believe that insufficient measures were taken to handle the complaints of minor acts of violence. They perceive that the police either failed to intervene in the attacks or discharged the accused without completing comprehensive inquiries. According to other residents of Tana River, police officials were there but did not intervene during instances of murder (Osse, 2016).

In December 2012, ten individuals suspected of raiding were immolated in the presence of law enforcement officers in Kipao village. Reports have emerged suggesting that political involvement had a role in organizing violence in the Tana Delta, possibly connected to local power conflicts leading up to the March 2013 elections. The Mombasa Republican Council (MRC) is a separatist organization advocating for the separation of the Coast region from the rest of Kenya. The organization is the newest in the Coastal Area to seek compensation for what it perceives as a series of injustices, particularly in the realms of land and labor rights (Botha, 2014). The MRC was among the 22 organizations that the authorities banned that year. In July 2012, the Mombasa High Court revoked the prohibition, stating that there was insufficient evidence to prove the involvement of the MRC in unlawful actions (Osse, 2016). Nevertheless, it seems that the government has been intensifying its efforts to suppress the leadership of the MRC following the lifting of the ban. Many of them are now confronted with many charges, such as belonging to an unlawful organization and instigating illegal activities (Osse, 2016).

The President of the MRC, accompanied by his spouse and offspring, were among the 38 individuals apprehended during a residential operation in Kwale on October 15. Two bodyguards were slain during the operation. The authorities have reported that the two bodyguards were fatally shot during an armed confrontation. According to reports, the media was informed that the president's bodyguards obstructed the road to his residence and attempted to ignite a petrol bomb (Botha, 2014). Human rights organizations and individuals who were there at the scene challenge this account, asserting that the police arrived and surrounded the area at approximately 5 a.m. According to reports, individuals were instructed to assume a prone position, and numerous individuals claimed experiencing physical assault as a consequence. Amnesty International received

information from MRC President Omar Mwamnuadzi stating that he was forcibly taken to a car and subjected to a brutal assault. The images released by the media displaying Omar Mwamnuadzi's face following the raid clearly show evident indications of facial damage.

Every individual who was apprehended encountered a diverse array of criminal allegations. Crimes such as possessing firearms, instigating violence, engaging in witchcraft, and being part of a gang are included under this category. These legal disputes are still pending resolution. Despite the release of most MRC leaders, including Omar Mwamnuadzi, on bond, many MRC members are still detained in Shimo la Tewa jail near Kilifi. Frequently, law enforcement authorities have asserted in media reports that individuals they have apprehended or even fatally injured were affiliated with the MRC. Nevertheless, the police have refrained from apprehending or accusing any members of the MRC in relation to the outbreak of violence in Tana River in December 2012 (Botha, 2014).

The Samburu and Turkana ethnic groups inhabit the arid Baragoi region. There is frequent occurrence of cattle rustling between the two areas, and it has progressively escalated in violence over time, with increasingly well-equipped youth gangs causing a growing number of casualties. The decision to initiate a police operation in the Suguta valley was prompted by a surge in raiding incidents among the neighboring communities at the start of October 2012 (Okumu, 2021). A total of 42 police officers were unlawfully killed and numerous others sustained injuries during an assault on the police operation that took place on November 10th, 2012. Human rights activists who conducted a visit to the region after to the incident were informed that a significant number of the officers implicated had been recruited recently, and that there was a lack of both a distinct commander and sufficient equipment for the operation. According to his statement to Amnesty International, witnesses reported that numerous police officers were killed while trying to escape following being shot. The assertions have garnered attention from the media and have been duly covered by them (Okumu, 2021).

The Kenyan populace expressed vehement condemnation of the incident known as "Baragoi." Despite the announcement of multiple inquiries and investigations, no individual has been held responsible thus far. Despite the separate indications from both the IPOA and the NPSC that they would investigate the case, the IPOA eventually opted not to do so. The NPSC investigation remains ongoing at now. Following the homicides, a

parliamentary committee consisting of delegates from the Administration and National Security, Defense and Foreign Relations, and Justice and Legal Affairs conducted a visit to the region and strongly advised the government to promptly execute specific reforms within the police force (Okumu, 2021).

The proposed reforms include the establishment of a specialized hospital for the police, similar to that of the KDF. It also involves introducing a risk allowance and creating a compensation fund for all police officers in the National Police Service Commission. Additionally, there is a plan to expedite police reforms, including the appointments of the Inspector General and senior officials of other security organs. Adequate funding for the National Police Service Commission and the Independent Police Oversight Authority is also part of the proposal to ensure they can effectively carry out their responsibilities. Furthermore, the Committee recommends conducting a commission of investigation into the deaths of security officers in Baragoi, with a call for the government to hold those responsible accountable (Okumu, 2021).

The government has yet to reply to the Committee's suggestions. No disciplinary measures were taken against any of the implicated senior personnel within the organization. There remain unresolved inquiries regarding the choices taken by superiors, such as the factors that precipitated the deployment of several untrained law enforcement personnel or the reasons behind the police's failure to retrieve the bodies promptly or expedite the identification process for the deceased. Subsequent to the incident, there have been reports of recent instances of violence between the Samburu and Turkana communities in the region. These reports suggest that the violence is connected to the ongoing elections (Okumu, 2021).

5.8 Conclusion

Although the Police Reforms process is commendable in theory and significant advancements have been achieved on documentation, this chapter highlights that it still faces numerous hurdles before achieving widespread acceptance. Notwithstanding the implementation of new laws, procedures, and directives, there has been no discernible alteration in the mentality or institutional culture of the police department. The antiquated law enforcement agency remains operational. While there seems to be endorsement for reforms among high-ranking officials, it is evident that opposition to these measures

remains prevalent among lower-level individuals. Law enforcement officers must ensure they are in complete agreement and alignment. There should be uniformity in the level of service, without any conflicts or disagreements. Hence, it is imperative to implement definitive actions, such as establishing a specific schedule outlining the completion of the transition and the unification of the National Police Service for the Kenyan population. The public is unconvinced of the police force's transformation as they continue to employ the same methodologies as before. It is important to maintain the current pace of reform, even if some individuals from the old guard do not immediately experience the advantages of the reforms. Moreover, the recent endeavors to modify the different legislations regulating law enforcement in our nation, including the National Police Service Act, the National Police Service Commission Act, and the Independent Policing Oversight Authority Act, are not promising for the progress of reforms that we have embraced. These changes in the laws may lead us towards a system of authoritarian policing rather than the intended goal of democratic policing that these legislations were designed to achieve.

Remarks made by different authorities that appear to criticize the police in any manner simply worsen the problem and have extensive repercussions on factors such as morale, provision of services, effectiveness, openness, and responsibility. In order to effectively execute genuine reforms, it is imperative for the leadership of this nation to actively support and exhibit their dedication to transforming the security sector. There are numerous tasks that remain unfinished at this point. Ensuring the effective implementation of the legislative and policy framework is essential, particularly if we aim to incorporate the new county policing organizations and establish their responsibility to and involvement with the public. Political leadership should exist, and the government should primarily rely on the law, rather than politics, to oversee the National Police Service. The government should require law enforcement to strictly follow preset, publicly declared regulations that were established after careful consideration.

CHAPTER SIX

SUMMARY OF FINDINGS, DISCUSSIONS, CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

This chapter presents summary of findings, conclusion and recommendations of the study in line with the objectives of the study. The research sought to answer these research questions: What were the emergent police reforms in Kenya from 1887 to 1963?; What were the respective reforms undertaken during the tenure of governments since independence, namely: Kenyatta government (1963–78); Moi (1978–2002); Kibaki (2003–2006)?; What were the police reform initiatives in Kenya from 2007 to 2022 and what is the progress and challenges towards implementation of the Police Reform package and emergent possible solutions from 1963 to 2022.

6.2 Summary

6.2.1 Nature of Police in Kenya during the colonial period (1887-1963)

This chapter describes the Kenya Police's humble beginnings between 1887 and 1902, when the Imperial British East Africa (I.B.E.A.) Company and Sir William McKinnon saw the need for security for their Kenyan coast stores. It also notes that the IBEAC recruited mostly Indians, hence most of the police force was Indian, protecting the I.B.E.A. Company's interests. The few Africans were called "Askaris." The village headmen legislation of 1902 established the Kenya police force, while the Tribal Police legislation of 1929 empowered tribal police to apprehend tax evaders to protect the colonial master's economic interests. The only prerequisites for joining the military were loyalty to colonial officials and English and Kiswahili literacy. Dual language knowledge was appreciated, especially for career progression. Kenya recruited more tribal police during the Mau Mau, especially in the late 1940s and early 1950s. The study also found that tribal police personnel worked well with chiefs and other agencies until 1958, despite antagonism.

This chapter also revealed that all tribal police officers were male and most were chiefs' or colonial allies' sons. This chapter revealed that GEMA locals were uninterested in joining the tribal police. They disliked whites, especially after the late 1940s Mau Mau insurrection. After two weeks of training, candidates received an ID card. They received blankets, shorts, and ID badges. Most lived in police lines monitored by ex-servicemen. Officers learned how to march, discharge a weapon, and catch a suspect. Learning how to salute the superior

officer was also covered. It was paramilitary-style training. Senior officers came from Palestine and Malaya's colonial police forces. Brig. Gen. F.S. Edward was Colonial Commissioner of Police from 1908 to 1922, followed by F.D.Thysen in 1922 and 1924, R.C.A. Cavendish in 1931 and 1941, A.J. Kingsley-Heath in 1942 and 1943, Mr. W.M.G. Sandwith in 1947 and 1948, C.H. Ward in 1949 and 1950, and Mr. M.S. O'Rorke.

6.2.2 Nature and Scope of Police Reforms in Kenya (1960- 2006)

In this chapter, the study found that in 1963 standards were developed to create a fair and professional police force through the Police Service Commission and National Security Council. The President chose the Inspector General of Police based on their recommendations. The change of the Constitution in 1964 made the police part of the civil service rather than an independent agency. The colonial authority gave the new government a police force with the same members, goals, and procedures as the new African elite preserved colonial interests. After independence, Africans replaced British expats in top Kenyan Police Force jobs during Kenyatta's presidency.

Overpolicing and coercion were frequent in marginalized groups. The worst example is the Northern Frontier District Liberation Movement's collective punishment of Somali villages during the Shifta War (1963-1967). Shifta War, 1963–1967. In this historical period, police were often involved in political assassinations and subsequent cover-ups.

Moi prioritized eliminating threats to his rule. From the 1980s to 2001, police silenced his administration and policy critics. Moi led Kenya during its worst police brutality, deaths, and criminal acquittals. Moi, like Kenyatta, utilized the police and other security services for political reasons and opposed reforms despite public uproar.

A 2003 NARC Police Force Task Force investigated the force's role and made reform recommendations. Security was essential to economic development, therefore the Kibaki government began the sector-wide Governance, Justice, and Law and Order Sector (GJLOS) Reform Programme in 2003 to modernize the Kenyan police and improve justice. The Bomas proposal sought to shatter the President's virtual monopoly on the police and give them more latitude in their daily operations by introducing many accountability tiers (Article 282(6)). It created a Police Commission and a National Police Security Council to oversee the police and Administration Police and held parliament accountable for police performance.

6.2.3 Police Reform Initiatives in Kenya (2007-2022)

After the 2007/8 'post-election violence', Kenyans and the world worried about the country's future, police reform calls increased. Over two months, 350,000 lost their homes and 1,133 perished. Domestic and foreign forces persuaded the presidential candidates of the two main political parties to sign the 'National Peace Accord' to cease the violence. A "strong feeling that the level of post-election violence and destruction would have been minimized had the Police responded in a professional non-partisan manner," which led to "item 4."

According to the National Task Force on Police Reforms, Kenya began police reform in 2009 to improve professionalism and accountability and make the Kenyan Police and Administration Police Forces a trustworthy security agency. The 2010 Constitutional changes were ratified by the 2011 National Police Service Act (c.11a), National Police Service Commission Act (c.30), and Independent Policing Oversight Authority Act (c.35). After police murders, Mt. Elgon District unrest, and post-election massacres, the UN sent a special envoy to propose change. National Taskforce on Police Reforms advised reorganizing the two departments. The Kenyan Police Force became the National Police Service under Article 243 of the new constitution. The Waki Commission advised integrating Kenya Police and Administration Police. A single Police Reform Bill established roles and responsibilities to eliminate redundancy.

The National Policing Council promotes pooled resources and infrastructure and eliminates unhealthy competition between the Kenya Police Service and the Administration Police Service. An Independent Policing Oversight Authority was founded to increase public trust in police misconduct investigations. It also made cops more approachable and trustworthy. Each province now has a civilian-led Provincial Policing Authority and new accountability mechanisms. Provincial Policing Authorities and police forces were expected to discuss priorities, funding, and strategy.

To improve its culture and image, the Kenyan police must follow certain principles. Examples of ethical code suggestions: Minibuses and other public transportation shouldn't be managed by officers. Kenyans' perception that the Kenya Police and Administration Police are hired unethically was also addressed by the Task Force. The Task Force

proposed the Police Service Commission to oversee police hiring, promotions, discipline, benefits, and terminations. Reforms improved housing conditions for many police officers and their families, considered their families' interests during transfers, provided medical and life insurance, and enhanced salary and working conditions. The Report called for revised training materials and that one Police Academy would train Kenyan and Administration Police officers. The reforms have improved police-public relations. Instead of simply responding to law enforcement needs, the police have prioritized on community participation and effective criminal investigation to prevent crimes.

6.4 Conclusion

Police reforms have been in place since the establishment of the police force in the colonial period. The colonial era witnessed structural reforms in terms of recruitment of African personnel into the police force, training and roles. From a police dominated by Asians and Europeans, Africans were incorporated into the system and the roles and numbers expanded with the Mau Mau upheaval in the 1950s. The independence period also introduced minimal reforms which were frustrated by the political intentions of the leaders to protect power against political opposition. The police force was therefore used as an instrument of power and coercion. From 2010, intentions to reorganize the Police Services, increase police accountability, and improve their readiness, operational, tooling, logistical, and technological capacities became the reforms' main goals. Parliament discussed and passed the National Police Service Act (2010), Independent Policing Oversight Authority Act (2011), and Police Service Commission Act (2011). Senior police officers are also vetted publicly for positions in the National Police Service Commission, Independent Policing Oversight Authority, and Inspector General.

However, police reforms are progressing slowly as the force has not adhered fully to best practices either. Lack of political will, corruption, capacity building and infrastructural concerns, police impunity, and institutional challenges all hinder police reforms. Long-standing impunity has caused lethargy, ineptitude, and mistrust, yet there is no political will to pass the necessary legislation, sufficiently pay the police, and implement the necessary processes to fix these issues. NPS is underfunded by the government, making it harder to keep up with more complicated crime and offenders. Police morale is low because they are uninsured and often in dangerous situations. The NPS's lack of accountability, as seen by the lack of prosecution of police officers who violate people' rights and abuse their

position, may also hinder police reforms.

6.5 Recommendations

The study recommends that, as was the case in the colonial period when the Tribal Police legislation of 1929 created the tribal police, Nyumba Kumi initiative should be encouraged and police officers recruited in among communities to protect these communities and serve the interest of the government accordingly. More tribal police should be recruited in conflict areas to control cattle rustling.

The study also recommends that the government should strive to create a fair and professional police force and not one associated with coercion as was the case in the independence period where collective punishment was directed at Somali villages during the Shifta War (1963-1967). The study also recommends that the police should be professionally to over services to citizens without discrimination or resort to political assassinations and subsequent cover-ups. Security should be considered essential to economic development, and the government should continue with objective reforms.

The study recommends that Police Reforms, Kenya should address professionalism and accountability and make the Kenyan Police and Administration Police Forces a trustworthy security agency. The Kenyan Police Force should become the National Police Service and be integrated as a single Police force without discrimination in terms of roles and responsibilities to eliminate redundancy. Reforms should focus on improved housing conditions for police officers, medical and life insurance, and enhanced salary and working conditions.

The government should be committed to the reform agenda and implement the new laws accordingly. The government should establish legal and policy frameworks for policing in Kenya, create strong and sustainable institutional structures for policing services, enhance professionalism, integrity, and accountability within the National Police Service, strengthen operational readiness, logistical capacity, and police capability, provide policy guidance and coordinate police reforms. All sections of the established legal framework, such as those that impose limitations on the utilization of force and firearms, regulate the process of arrest and detention, and enhance the internal responsibility and reporting obligations to IPOA, should be implemented.

In order to ensure the longevity of the reform and lay the groundwork for ongoing organizational learning, the study suggests that the police reforms be completely institutionalized.

The report advises that police leadership cultivate a culture that supports the proposed police changes in order to win over the hearts and minds of officers across the whole police force. In tandem with this, police officers need to be re-socialized so that they can embrace the new ideology of police reforms. As a means of re-socializing officers, we should also revise our training, promotion standards, performance reviews, and purpose statements. The government must immediately ensure that the institutions have sufficient funding to carry out their missions.

Funding should be allocated for the establishment of offices for generals, the National Police Service Commission, and the Independent Oversight Authority.

The war on corruption has not seen sufficient progress. There seems to be less impetus for reforming the police due to a lack of political will to deal with influential persons who are corrupt. As a result, the government should take appropriate action to combat corruption within the police force.

Urgent action is required, particularly reforms aimed at bringing the police force in line with the values of an honest and open society.

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APPENDICES

Appendix I: Interview Guide

I am a student undertaking a master's program in history at Jaramogi Oginga Odinga University of Science and Technology. Am conducting a research on Police Reforms in Kisumu County, Kenya as part of my degree requirements. Please answer the questions freely. The information you provide will be treated with utmost confidentiality and will only be used for research purposes by the researcher herself.

Section A. Demographic information

1. What is your Gender?
2. How old are you?
3. What is your highest level of education?
4. What is your rank in the Kenya Police service?
5. How many years have you served in the Kenya Police?
6. What is your occupation or position of service in the community?

Section B. Police Managerial Structure (To be filled by Senior officers)

7. Have you been sensitized on accountability issues? If yes how?
8. Is delegation or organization of duties efficient? If explain.
9. How was the police force organized?
10. What reforms were done in the organization of the police force and when?
11. Which reforms were done in the organization of the police service and when?
12. How did the police force officials respond to these reforms?
13. How did the police service respond to these reforms?
14. Do you think that the reforms brought positive change or progress in police force? If yes explain.
15. Do you think that the reforms brought positive change or progress in police service? If yes explain.
16. Do you think that the reforms did not bring or create positive change in either the police force or the police service? If yes, explain.
17. What are some of factors that are likely to hinder the realization of police reforms in

Kenya?

18. In your view how has accessibility to police officers at station been enhanced?
19. What measures should be taken to enhance professionalism on police officers when handling the members of the public?
20. What is the capacity of managers in managing the change processes in Kenya police?
21. Does the management personnel seek the opinion of other officers in decision making, if yes state the scope of consultation?
22. Which notable changes from police reforms effort have facilitated the service delivery?
23. Which changes have been done on the existing roles and responsibilities of key structures?
24. Are there legislations which have been enacted in the past to enhance police reforms such as service delivery?
25. Have there been committees to implement police reforms? If yes explain their roles and success.
26. Have there been awareness or sensitization programmes of police reforms? If yes, how were they done?
27. Have there been reforms in police welfare? If yes, explain.
28. Has there been improvement in the image of police due to its change from police force to police service? If yes, explain or in what ways?
29. Are there strong community partnership with police in crime prevention? How and which periods were these realized?
30. Have some of the reforms improved the relationship between the community and the police service?
31. In your own opinion, what can police do to improve the good relations with the public?
32. What measures can be done to improve police service delivery?

Appendix II: Key Informant Interview Schedule

Explain how the police force organized.

1. Discuss the reforms that were done in the organization of the police force.
2. Explain reforms that were done in the organization of the police service.
3. Explain how the police force officials responded to those reforms did.
4. Discuss how the police service responded to those reforms.
5. Discuss whether the reforms brought positive change or progress or not in the police force.
6. Explain whether the reforms brought positive change or not in police service
7. Explain some of the factors that are likely to hinder the realization of police reforms in Kenya.
8. Explain how accessibility to police officers at their station been enhanced.
9. Discuss the measures which should be taken to enhance professionalism among police officers when handling members of the public.
10. Discuss the capacity of managers in managing the change processes in Kenya police. Explain whether the management personnel seek the opinion of other officers indecision making or not.
11. Explain the particular notable changes from police reforms' effort t h a t have facilitated their service delivery.
12. Explain the changes that have been done on the existing roles and responsibilities of key Police structures.
13. Discuss the legislations which have been enacted in the past to enhance police reforms such as service delivery.
14. Discuss committees' roles in implementing police reforms.
15. Explain the types of awareness or sensitization programmes for police reforms.
16. Discuss police reforms that were aimed at improving their welfare.
17. Explain the improvements in the image of police due to the change from police force to police service.
18. Explain any community partnership with police in crime prevention.
19. Discuss some of the reforms aimed at improving the relationship between the community and the police service.
20. Explain ways of improving good relations between the police and the public?

21. Discuss the measures that can be put in place to improve police service delivery?

Oral Sources: List of Informants

Name	Gender	Designation	Place of interview	Age of respondent	Year
1.Edwin Nyakoyo	M	Police officer	Kisumu	38	2021
2. Leila Mkhongo	F		„	45	2021
3. Martin Aballa	M		„	42	2021
4. Tom J. Mboya	M		Kombewa	50	2021
5. Bob Ogolla	M		„	48	2021
6. Joseph Nyanjom	M		„	46	2021
7. Sylvester Okuku	M		Maseno	38	2021
8. Jared Okere	M		„	35	2021
9. Hesborn Nyagaya	M		„	49	2021
10. Hellen Ongi're	F		Usenge	41	2021
11. Eudia Oyaro	F		„	36	2021
12.Festus Olang	M		„	44	2021
13. Chrisanthus Owigo	M		Ahero	47	2021
14. Beatrice Siwo				51	2022
15. Allan Ochieng				34	2022
16. David Otieno			Pap Onditi	37	2022
17. Olive Ouma				51	2022
18. Kibet Maurice				30	2022
19. George Makori			Muhoroni	53	2022
20. Mr Kemondo				43	2022
21.Antony Onguti				50	2022

Key Informant Interviews**F****Pap Onditi****2020**

Name	Gender	Designation	Place of interview	Age	Year of interview
1.Batrice Onyango	F	OCS	Kisumu	44	2021
2.David Oyugi	M	OCPD		49	2021
3.Joshwa Oloko	M	OCS	Kombewa	51	2021
4.Dickens Apollo	M	OCPD		54	2021
5.Christine Owiti	F	OCS	Maseno	52	2022
6.Tom Mboya	M	OCPD		39	2022
7.Brenda Owuor	F	OCS	Usenge	41	2022
8.Rose Okello	F	OCPD		40	2022
9.Nyaguok	F	OCS	Ahero	44	2022
10.Evans Obar	M	OCPD		43	2021
11.Celester Juma	M	OCS	Pap Onditi	39	2021
12. Nick Akello	M	OCPD		40	2021
13. Timothy Okumu	M	OCS	Muhoroni	42	2021
14. Esther Obare	F	OCPD		55	2020
15. Ken Ouko	M	Civil society	Nairobi	52	2022
16. Elly Owuor	M	Civil society	Kisumu	51	2021
17. Pamella Juma	F	Civil society	Kisumu	40	2021

Appendix III: Study Map

