

**THE CHALLENGES RELATED TO POLICE REFORMS IN
KENYA: A SURVEY OF NAIROBI COUNTY, KENYA**

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**A THESIS RESEARCH SUBMITTED IN PARTIAL
FULFILLMENT OF THE REQUIREMENTS FOR THE
AWARD OF DEGREE OF MASTER OF SECURITY
MANAGEMENT AND POLICE STUDIES, IN THE INSTITUTE
OF PEACE AND SECURITY STUDIES, KENYATTA
UNIVERSITY.**

2014

DECLARATION

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

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DEDICATION

This work is dedicated to my parents, citadels of hope and determination, whose golden hearts remain eternally etched in my mind.

ACKNOWLEDGMENT

This thesis would not have been possible without the support of numerous people and institutions. First, I wish to express my profound gratitude to my two diligent and dedicated supervisors, Dr. Daniel Muia and Dr. Philip Buchere both of Kenyatta University. I am greatly indebted to Dr. Muia for his conscientiousness and infinite knowledge which has exposed me to new horizons in the field of peace and security studies. His corrections which filled all theoretical lacunas cannot go unnoticed. Thanks a lot to Dr. Muia for being resourceful, very patient and consistently paying attention to details. I am also immensely grateful to Dr. Buchere for his critique and constant reminder to work hard. It is because of his meticulous guidance that I was able to sharpen my understanding in the area of Security Sector Reform and bring this work to fruition. I would also like to thank Dr. Francis Kerre for allowing me to drink from his pot of wisdom on the history of policing. His grasp of issues about police reforms in Kenya enriched my resolve to delve into the field of Police Reforms. However, I take full responsibility for any mistakes or omissions in this report. I also thank the Director and all other staff members at the Institute of Peace and Security Studies for giving me a perfect academic environment to undertake my studies.

Second, my sincere thanks go to my family for the emotional support they gave me throughout my studies. I am thankful for their prayers when diffidence insidiously started to close in and you all persistently egged me on. To my mum,

you have been an epitome of hope and I thank you a million times for instilling in me the value of perseverance. You taught me that success has never been for the faint hearted and you gave all to see me succeed in education.

Recognition also goes to my mentor, Professor Jacqueline Klopp of Columbia University for her literary support during my studies. I thank you for donating books to me with no strings attached! It would also be unfair to forget Job Sang my high school colleague, who supported me in many ways without expecting any reward; you are a friend in deed!

Appreciation also goes to my other friends whose names I haven't mentioned yet they were instrumental in helping me accomplish this work.

Finally, I am grateful to God for being my fortress and imbuing me with the spirit of hard work. I praise him for directing me according to his will.

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DEFINITION OF TERMS

Police reforms

Reforms entail implementing measures to correct undesirable situations within a society or organization (World Bank, 2009). In the context of this study police reform is used to refer to the measures that are taken to improve the relation between the police and the members of the public, strategies taken to reduce insecurity and initiatives taken to professionalize the service and improve the welfare of police officers.

Police officer

This means any person who is appointed to serve in the Kenya police services. For the purpose of this study police officers will be taken to mean all officers who are attached to 42 police stations in Nairobi currently under PPO Nairobi area.

Police Station

It is the basic unit for police service delivery in an area. According to Kenya police (2012) there are forty-two police stations in Nairobi County. They are usually headed by Chief Inspector of police (CI) also known as Officer Commanding Station (OCS).

Transformation

It generally means a process or period which something undergoes changes from one state, stage or form to another. In this context, police transformation shall be used to mean a change from one form of policing to another. This could be change from a police force with authoritarian management to a police service whose aim is to protect and offer services to the community. Notions of general police reform, accountability, vetting as well as community policing may be incorporated in police reforms.

ABBREVIATIONS AND ACRONYMS

CHRI:	Commonwealth Human Rights Initiative
CI:	Chief Inspector of Police
GJLOs:	Governance, Justice Law and Order sector
I.B.E.A:	Imperial British East Africa
IGP:	Inspector General of Police
IPOA:	Independent Police Oversight Authority
KHRC:	Kenya Human Rights Commission
KNBS:	Kenya National Bureau of Statistics
KNCHR:	Kenya National Commission on Human Rights
KPF:	Kenya Police Force
NPM:	New Public Management
NPSC:	National Police Service Commission
OCS:	Officer Commanding Station
OSCE:	Organization for Security Cooperation in Europe
SAPS:	South Africa Police Services
SLP:	Sierra Leone Police
SRIC:	Security Research Information Centre
UN:	United Nation
UNODC:	United Nation Office for Drug Control

ABSTRACT

This study focused on the challenges of police reforms in Nairobi County. Available literature indicated that police reform in Kenya had become a prominent policy issue that was being implemented. As a result, concerns on the attendant challenges of police reforms came forth during the implementation process. To address these concerns, the study therefore aimed at examining the challenges that were affecting implementation of reforms within Nairobi County. The specific objectives were to analyze the key features of police reforms; examine key areas where police reforms had succeeded; discuss the areas lagging behind in relation to implementation of police reforms; and identify the key challenges that were impeding on progress of police reforms in Nairobi County. This study was guided by Kurt Lewin's theory of change in analyzing the theoretical background as well as discussing the findings. A descriptive survey research design involving use of questionnaires and in-depth interviews with key informants was used. The study targeted a population of 2100 police officers and 10 key informants drawn from the civil society and the National Police Service. The police officers and commanders were sampled using stratified random sampling, while the key informants were purposively sampled. The sample size for police officers and key informants were 210 and 10 respectively. Primary data was collected using semi-structured interviews and questionnaires; while secondary data was collected through thematic review of literature on police reforms. Qualitative data was analyzed using thematic method, while quantitative data was analyzed using descriptive frequencies with the aid of Statistical Program for Social Sciences (SPSS). The study revealed that police reforms had not elicited noticeable recognition from police officers. Specifically, the study discovered that knowledge of police reforms among police officers was very low as only 21.5% cited the change of name from police force to police service while 10% noted the appointment of the Inspector General as part of the reforms. The study also revealed that implementation of new rank structure and vetting of police officers had become difficult to implement as required by the law. The study recommended that the National Police Service Commission should embark on vetting all police officers as well as carrying out awareness campaigns to sensitize police officers on the importance of police reforms. Areas of further research included the need to conduct studies on how the police officers were engaging with the emerging institutions like the National Police Service Commission, the Independent Police Oversight Authority and the office of the Inspector General. It is also important to carry out research of police reforms within the broader context of security sector reforms in Kenya.

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Police reforms across the world have been seen as a constant of modern policing initiatives (Savage, 2007). The police are the most visible manifestation of government authority responsible for public security in any country. While being under enormous pressure by both state and non-state actors to counter the increasing wave of crime and the new threats to national security, including those emanating from terrorism, the police must operate in accordance with law and respect human rights at all times (CHRI, 2003). However, the history of policing has repeatedly shown that the police have in many occasions maintained and applied an exclusive reliance upon use of excessive force and torture amongst its own clients with whom they are supposed to protect (ibid).

Police transformation and reforms across the world has therefore been shaped by the need for a people friendly, professional service with the ability to secure citizens and their property against aggressors without violating their basic human rights (Lundman, 1980).

In the United Kingdom police reforms were initiated in the 1980's mainly to focus on innovations in police management styles especially the concern for efficiency and effectiveness (Hahn, 2003; Moran, 2005). The notion of new public

management (NPM) and good governance in police therefore became a yardstick for gauging their reformed police institution (Garland, 1996; Bislev, 2004).

The quest for reforming African police services was driven by the fact that in the past they had been portrayed as inefficient and in several instances brutal as they were initially created for colonial suppression and providing security to the colonial authorities (Waller, 2010; CHRI, 2006). After independence their role was supposed to change from protecting the colonial interest to providing security to the citizens. This necessitated reforming and re-orienting them towards serving the members of the public in a non-discriminatory manner.

The key elements of police reforms in South Africa after emerging from the apartheid rule in 1994 revolved around improving access to police services in communities that had historically been discriminated against during the apartheid regime (Bruce, 2003).

Several reform initiatives targeted at the police in Kenya have been and continues to be a subject of discussion in several forums. From the level of trust between the police and the public being at its lowest to the incidences where the police had become victims of violence had become an area of concern across the country in the post-2010 era (SRIC, 2012). This indicated that the police were not enjoying the support of the community and the members of the public and other related institutions. This occurred despite previous introduction of community policing initiatives across the country (Ruteere, 2003).

The government of Kenya has made several attempts at organizational and structural reforms in the police since 2003. This included the improvement of police welfare, enhancing the community policing, improving quick response to crime scenes through increasing of motor vehicles, merging of the two police services, recruitment of the Inspector General of police and his two deputies as well as the establishment of the Independent Police Oversight Authority and the National Police Service Commission among others. Reports and actions of the office holders indicated however that there were serious conflicts between the three offices and that nothing meaningful had been achieved beyond legislation and recruitment of office holders (Amnesty International, 2013).

Police in Kenya has thus for many years before and after independence remained the main violators of human rights rather than protectors of human rights. Waller (2010) argues that a police system that is arbitrary, unaccountable and often violent has persistently emerged in Kenya since its foundation in the early 19th century. Waki (2008) associated most loss of life in the 2007/2008 post-election violence to the excessive use of force by police amongst other vices and omissions. Philip Alston's reports on extrajudicial killings also laid blame on police on deaths and disappearance of youth without anybody accounting for them. Indeed he argued that several shootings of citizens were associated with the police guns (Alston, 2009).

The adoption of a new constitution in 2010 was therefore welcomed as a catalyst and impetus for implementing wide-ranging structural reforms in several institutions in Kenya (SRIC, 2012; Njuguna et al, 2013). The police was expected to transform itself to be efficient and responsive to the needs of the public as well as supporting human right oriented policing with due regard to the rule of law (Alemika, 2007).

However, while the police institution in Kenya was being reformed questions arose as to whether there was any progress made so far (Amnesty International, 2013). Security-related challenges that were being experienced raised concern of police officers' willingness to reform or perceived reform as an unwelcome interference on their work (ibid).

Similarly Kenyans continued to face several security challenges beyond the scope of police officers. There was an increase in crimes, renewed public disorder and plummeting public confidence in the police institution (Hahn, 2003, Njuguna et al 2013). This study therefore sought to track the issue of police reforms in the context of the progress made and examining the views of various stakeholders on the challenges that were a result of the implementation process of police reforms.

1.2 Statement of the Problem

Despite the enactment of several legislations supporting police reforms e.g. the Constitution of Kenya 2010, the National Police Service Act of 2011, the

Independent Police Oversight Authority and the National Police Service Commission Act not much appeared to have changed in Kenya's policing architecture (Amnesty International, 2013). There was a very slow response to enforcing the legislations to the disadvantage of meaningful police reforms in Kenya. This raised questions as to the source of the problem as it may have been due to lack of goodwill from police officers and the ruling class or other factors that needed critical examination.

For example, there was little evidence on any few gains in police vetting, improving the image of the police and improvement of police welfare amongst other areas that had been identified as key by the Ransley Commission in 2009 (Ransley, 2009). There was also a dearth of information on the challenges that continued to hinder implementation as there appeared no much commitment on continuous evaluation and meaningful appraisal from the relevant institutions.

This concern led to the identification of four issues that were the focus of the study. These included identification of the major features of police reforms, areas of success, areas that had stalled and the challenges that affected the implementation of police reforms. This study therefore examined these issues in order to address the general question as to whether there was any meaningful progress in the implementation of police reforms of Nairobi County.

1.3 Aims and Objectives of the Study

The aim of the study was to examine the challenges that were related to the full implementation of police reforms in Nairobi County with a view of suggesting appropriate strategies to assist the process of implementation.

The specific objectives included:

- a) To analyze the main features of police reforms in Nairobi County.
- b) To examine the major areas of success of police reforms in Nairobi County.
- c) To discuss the issues affecting implementation of police reforms in Nairobi County.
- d) To assess the challenges facing police reforms in Nairobi County.

1.4 Research Questions

The research sought to answer the following questions:

- a) What are the main features of police reforms in Nairobi County?
- b) To what extent have police reforms succeeded in Nairobi County?
- c) What are the issues affecting police reforms in Nairobi County?
- d) What are the challenges facing police reforms in Nairobi County?

1.5 Justification and Significance of the Study

Police officers across the world including Kenya were portrayed as serving at the behest of the ruling class rather than being the instruments of service to the citizens. They have always been a weak organization selective in application of law leading to impunity and corruption. It was against that backdrop that the Kenya government attempted to introduce various police reforms targeted towards establishing a citizen friendly police institution since 2003 (Ransley, 2009).

In 2003, the NARC government came into power with a promise to implement wide ranging police reforms. In what promised to be a major overhaul of the police institution several initiatives of administrative and operational reform such as incremental financial allocations and a change in leadership soon followed (Lafague & Musambayi, 2007). Those initial and pragmatic steps appeared to have resulted in increased police capacity to respond to crime alongside improved police visibility across Nairobi neighborhoods.

Despite introducing those reforms initiatives to make the police more transparent, accountable and effective in fighting crime, available evidence pointed to persistent structural and administrative challenges. Persistent hostility between the police and members of the public was still rife accompanied by increased insecurity within Nairobi County (SRIC, 2012). Studies also showed that police reform initiatives in Kenya succeeded in many fronts but were not fast enough to address insecurity in the country (World Bank, 2009).

Amongst other benefits, an appraisal of the challenges of implementing police reforms in Nairobi County pointed to the new legislations and police preparedness to adhere to it so as to mitigate any challenges that were universally common in the security sector reform processes.

This study was therefore one of the first to document police reform in Kenya in an academic context. It sought to address gaps left by the few available research works on police reforms within Kenya. This research was also beneficial since it tracked and documented the challenges that were being experienced during implementation of police reforms in Nairobi County. Useful information that was generated would assist stakeholders in policy formulation and improving the efficiency of the police officers in Nairobi and across the country.

1.6 Scope and Limitations

The study was conducted within the context of post 2003 police reforms and targeted respondents from Nairobi County only. In line with the need to ensure completion of the research within the predetermined timelines and budget while maintaining its significance, the study was limited to one area i.e. Nairobi county. Several areas of concern regarding the study topic also emerged during the literature review, but the researcher only focused on examining the progress and challenges of police reforms in Nairobi County.

Due to the fixed timelines, the study was also unable to dig deeper into all the challenges of police reforms in the country. Likewise, there were other areas of the topic which were equally important, but the study was unable to explore them. These included the need to locate the whole issue of police reforms within the broad spectrum of security sector reforms in Kenya. The study recommended that this issue should be addressed through further research.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

This chapter 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 chapter 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 by use of two country case studies and existing gaps in the literature reviewed is also tackled in this chapter. Lastly the theoretical perspectives used in the research will also be explained.

2.2 A General Overview of Police Reforms

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 under-prepared 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). According to the Kenya Human Rights Commission the post- independence the police in Kenya continued to be used as citizen containment squads focusing their energies on sustaining the power of the ruling elite (KHRC, 1998). Put differently, the Kenya police that was modeled as a colonial force to serve the interest of

colonial masters continued to remain so even after Kenya's independence in 1963(Waller, 2010; CHRI, 2006).

2.3 History of the Police Reforms in Kenya.

Although police reforms in Kenya have gained momentum under the new constitution promulgated in 2010, the practical logic for the reform initiative in the police force can be contextualized under the broader public sector reforms in the country (Njuguna et al, 2013). The National Police Service that we now have in Kenya was founded in 1887 by Sir William McKinnon of the Imperial British East Africa (I.B.E.A) Company to provide protection for his stores along the Coastline of Kenya (Kenya Police, 2003). Its name was Kenya Police Force prior to the new constitutional dispensation that changed its name in 2010. In 1906, the Kenya Police was officially set up by a Police Ordinance while the administration police was constituted by the Village Headman Ordinance (Waller, 2010).

Since its foundation, sustained efforts to undertake reforms have accompanied policing in Kenya. Sir James Hayes Sadler, then a governor in Kenya, appointed a committee which recommended the establishment of the Police Training School in Nairobi in 1911(CHRI, 2006; Kenya Police, 2003). As further described in the Kenya Police Strategic Plan 2003-2007 more developments included the increase of police personnel, improved administrative structures and the provision of housing facilities for the police (Kenya Police, 2003). Later, the office of

Inspector-General was established to unite various police units and to manage the affairs of the force in another attempt to professionalize the police service.

By 1920, the Kenya police however still had a sketchy history and was only known for coercion and excessive use of force in the urban settlements (Murunga, 2009; Waller, 2010). Their major focus was keeping urban areas safe for settlers thus need to contain crime and disorder that was perceived to emanate from the Africans residing in the slum areas in Nairobi (CHRI, 2006).

By early 1950's, the colonial government made another attempt at police reform. This came at a time when the British government learnt that the home guards in Kenya were using excessive force and murdering Mau Mau fighters (Murunga, 2009). During this period, Britain was a signatory to the European convention of human rights that forbade, in its provisions, detention without trial which had become a core component of colonial police in Kenya (CHRI, 2006).

The independence constitution in 1963 envisaged a professional and neutral police force. It also envisaged that the police would be set up by legislation and overseen by a Police Service Commission and a National Security Council. The Inspector General of Police was to be appointed by the president on the advice of Police Service Commission (Ghai, 2002). In 1964 however, a constitutional amendment saw the police become an extension of the civil service by removing the force's independence and its operational autonomy (CHRI, 2006).

Over the last two decades Kenya has made several efforts to reform the police force (World Bank; 2009, CHRI; 2006). The promulgation of the Constitution of Kenya on 27th August, 2010 changed the name of the police force to police service in signifying an attempt to move away from police high handedness to a service oriented policing for Kenyans. Some of the milestones so far include the enactment of key legislations and appointment of key office holders.

Previously under the banner of Governance, Justice, Law and Order Sector Reform Program (GJLOS) the Kenya government had continued to pursue police reforms by recognizing that the police was a pivotal institution as well as a player in the criminal justice system. This saw the introduction of codes of conduct and improving local police service delivery attempting to shift from reactive to proactive policing, enhancing crime reporting procedures as a service to victims, providing better equipment and technical assistance to promote intelligence-led investigations among others (World Bank; 2009, CHRI; 2006).

The Police Strategic Plan 2003-2007, prepared under the auspices of the GJLOS Reform Program established a framework for police reform and identified increased security as one of the indicators against which performance of police was to be measured. The police strategic plan began by recognizing the shortcomings of the National Police Service which included low morale, insufficient resources and endemic corruption. It also admitted to the public's lack of faith in the police and acknowledged the allegations of brutality, criminality,

and human rights abuses leveled against the police. The plan conceded that the poor public perception towards the police were justified and resulted in low levels of crime reporting (Kenya Police, 2003).

In 2003, the government also set up a Task Force on Police Reform to spearhead reforms that would include introducing the oversight and accountability mechanisms. The taskforce was also mandated to review the state of preparedness of the police to combat insecurity by developing measures to promote relationships between the public and the police in relation to preventing crimes (World Bank, 2009). Among the short term reform initiatives that the taskforce proposed were the adoption of a public relations campaign, aimed at both the police and the public, to establish communication channels between them and change the negative perceptions between the public and the police that had long existed (World Bank; 2009, KNCHR; 2008). Some of the long term measures of police reforms included the introduction of community policing, improvement of police welfare and salaries, increasing the mobility of police officers to crime scenes and providing adequate housing for all police officers (World Bank, 2009). The noble initiative fizzled out and in some areas it was misunderstood and taken as a government policy for communities to form vigilante groups and private militias. These led to lynching of suspects and in some instances innocent people suspected of engaging in criminal activities were hacked to death (Kivoi, 2013). Additionally, Ruteere (2003) argues that the community policing approach also became contested because the police themselves were seen as colluding with

criminals hence ordinary citizens would not volunteer information to them for fear of being attacked by the criminals (Ruteere & Pommerolle, 2003). It is further observed that while the Kenya Police Force recognized the independence and shared responsibility of the police and the community in ensuring a safe and secure environment for all citizens, the absence of a single policy on community policing led to the establishment of different models of community policing and its dismal performance (World Bank, 2009).

The dismal performance in community policing concurred with Monjardet's argument that the police are always suspicious and have a bad attitude toward the members of the public, which is usually legitimated by a feeling of systematic public hostility (Monjardet, 2000). He further argues that the relation between the police and the public in post conflict societies comprises a deep seated misunderstanding which must first be addressed for community policing to flourish (ibid).

In one of its reports KNCHR (2008) noted that resistance to change among senior police officers continues to prevent full achievement of police reforms. It attributes the continuing ineffectiveness of the police in reducing crime levels to poor systems of internal and external accountability. On a more positive note, the report acknowledged a reduction in torture and police brutality and an improvement in the police's interaction with the general public.

2.4 Pre-conditions of Police Sector Reforms.

From an analytic perspective of the police reforms undertaken in Kenya since its formation to date its experience is almost similar to that of other post conflict societies in Africa. Having adequate resources to provide long-term human, financial, and technical support to police reform is important, but at the same time, the need for long-term resources must be aligned with a clear vision of how the resources are to be used (Kagari, 2003).

In the case of Kenya, significant investments in police reform have been made by various stakeholders. However, while this improved the operational efficiency of the police in relation to the escalation of violence, the overall performance of police has declined markedly (World Bank, 2009).

Various civil society organizations in Kenya have also documented and denounced police brutality. But, to focus entirely on issues of reforms without consideration of how to fight crime more effectively risks ignoring the serious threat that crime poses to a democracy (Neild, 1999).

According to the World Bank (2009), high rates of crime, especially of violent contact crimes, can, as in South Africa, significantly erode public trust and confidence in the police. When citizens perceive that such escalation in crime coincides with declining integrity and pervasive corruption among the police, they may prefer self-help or security provided by vigilantes (World Bank, 2009).

Additionally, studies by the Security Research Information Centre have persistently revealed the underperformance of the police in all public confidence surveys in Kenya with the suggestion that the reforms had not influenced public attitudes towards the police (SRIC, 2009; World Bank, 2009).

The mismatch between police performance and public expectations suggested the existence of major reform challenges that needed to be examined. While policy documents no doubt recognized the vital role the police officers themselves can play in maintaining law and order, whether the implementers of the reform ever recognized their challenges is an open question. The concern was that police reform may not have been on the agenda since police reforms begun in 2003(World Bank, 2009).

It is argued that citizen involvement in police reform is very crucial and thus citizen participation in community oriented policing need to be incorporated into reform initiatives (Nathan, 2006; Bayley, 1991). Put differently, community participation in police work in a democratic framework is believed to be beneficial in strengthening internal police discipline and providing source of data for police policies and practices based on reliable information (Neild, 1999). However, it should be noted that police gain community acceptance if they succeed in fighting crime (Stodiek, 2006). Failure to provide public security undermines the legitimacy of government and encourages further social disorder (Bayley, 2001).

Research by David Bayley (2001) has also shown that when the public cooperates with the police by reporting crime, identifying suspects, and mitigating the social conditions that lead to crime, the police become more effective in their public safety role (*ibid*). As Chalken (1977) points out, 97% of crimes are solved because citizens report crime and provide information to the police (Chalken et al 1977). Thus the perceived lack of trust in the police service results into what may be termed as the cycle of silence where there is neither any information from the public nor feedback to the community from the police.

The desire for safety may also diminish the value of democratic reforms such as responsiveness, accountability, protection of human rights, and transparency (Bayley, 2001). Indeed, in a survey among police officers by the Organization for Security Cooperation in Europe (OSCE) police instructors and UN police identified lack of acceptance of police by the community as a major problem in police work (Stodiek, 2006). Nathan points out that a society characterized by mistrust between the police and citizen decrease incentives for police reforms (Nathan, 2006).

Additionally, citizens may contribute to holding police accountable by creating their own safety priorities and helping the police to deal with them (Nathan, 2006). Another initiative for holding officers accountable is to maintain an open and accessible process for citizen complaints about officer conduct. Additionally, effective police accountability requires the police to engage with the public, in

order to learn about their concerns and involve them in police reform plans and to be able to assess public confidence in the police (UNODC, 2011).

It is generally agreed that public institutions often struggle to resist reform pressures, especially if changes threaten those who are in influential positions in the system (Pierson, 2000). On the other hand, institutionalizing police reforms occurs when the reform becomes a routine way of conducting police work and when certain values, norms, and structures are incorporated into an organization (Kimberly et al, 1980).

On the other hand, community perception of insecurity will in the long run place a heavy demand for police effectiveness in providing security. Coupled with a lack of trust and confidence from the community the police may resort to using coercive means to enforce the law. This will eventually lead to abuse of civil rights of the community members and thus the essence of police reform will be greatly undermined.

The dynamics of police reforms can therefore best be understood within the contexts of different policing environments, for example in post-conflict environments, policing urban spaces and the role of politics as a source of legitimacy for police functions. According to Rauch and Elrena (2006) there are proofs of close ties between police and politics in Africa. Police reform is regarded as a political endeavor and thus political interests are fundamental to any reform in initiative. The envisaged police reforms in several African countries involve

changes in their structures, functions and sources of legitimacy. Structurally police change from centralized to decentralized form; functionally they change from regime policing practices to citizen protection practices and regarding legitimacy the change is from regime-based to people-driven legitimacy(ibid).

In Africa, police reforms have succeeded in many fronts but continue to face many challenges (Marenin, 2009). Similarly police reform has attracted the interest and support from several actors, such as national governments; local, national, and international civil society organizations; donor agencies; and United Nations agencies (World Bank, 2009).

In a sharper focus to these police reforms, the challenges in Kenya as examined elsewhere in this research gives rise to two questions: first, whether the political and social conditions for broad police reforms need to exist as a precondition when these reform are being initiated in the country; and second, whether lessons for Kenya can be derived from countries that have implemented police reforms as part of their overall democratic reforms.

In the two countries to be examined, identifiable factors and conditions influence the demand for and supply of police reform are sought. This section of the thesis will thus focus on police reform in South Africa and Sierra Leone. After a concise overview of each country's conflict history and the origins of police development, the case of police reform will be analyzed briefly.

2.5 Police Reforms in South Africa

Police reform in South Africa is best understood within its unique political context. Apartheid system that had racial status as its main characteristic indicates that even the police institution was also organized along the similar system. The police institution was dominated by white officers in senior level and the force was known for brutality and widespread human right violations (Bruce, 2003).

As South Africa emerged as a new country from years of rule based solely on the colour of one's skin in 1994 police reform was shaped by a negotiated political settlement which agreed to retain all employees of the apartheid government, police officers included. An important component of the new South Africa was the transformed South African Police Service (SAPS). From a history of brutal and indiscriminate violence, the new police system was to transit into a respectable democratic police organization (Pruitt, 2010).

According to Bruce (2003) the critical components of the police reform program that followed this democratic transition included creating a new police force by integrating the 10 homeland police services and the South African Police. It also entailed enacting a new police law that reflected the requirements of democratic policing including the creation community police forums, changing of police name from a force to a service, changing of police insignia and uniform, introducing measures to reduce hostility between the police and the public and to enhance

partnerships by setting up community policing forums and adopting a community policing models especially for historically disadvantaged communities.

The initial steps to police reform in South Africa were shaped by a clear strategic decision taken by government with strong emphasis on accountability and oversight. Immediately after achieving the political control and legitimacy of the police the government began to emphasize the role of the police in the fight against crime. The South African experience is shown as laborious and often agonizing for the members of the police but it has been cited as a model police reform that Kenya and other African countries can emulate (Bruce, 2003; Shaw, 1996).

2.6 Police Reforms in Sierra Leone

The political, social, and economic decline of the Republic of Sierra Leone from its independence in 1961 through its 1991 civil war provides a case study at its most brutal and raw(Stuart et.al, 2007). It is a classic example of the importance of the police to democracy. More important, it demonstrates the effects and consequences of the political transformation of a democratic police organization into a repressive and corrupt arm of a despotic government.

Sierra Leone gained independence in 1961 following 150 years as a British protectorate. The nation was established as a constitutional democracy and a member of the British Commonwealth. The legal system and laws of Sierra Leone

were based on those of England and Wales and customary tribal practices. The first general election under universal adult franchise took place in May 1962 (Cullen & McDonald, 2005).

The first police force in Sierra Leone, the paramilitary West African Frontier Force, was created in 1900 from the Royal Sierra Leone Regiment and commanded by the British officer corps (Stuart, 2007). Its primary purpose was to protect British colonial interests (Lord, 2005). The Police Act of 1964, part of the national Constitution, established the Sierra Leone Police (SLP) as a national, armed, civil force.

The Constitution separated the police from the military and charged them with specific responsibility for citizen security, the prevention of crime, and the detection, apprehension, and prosecution of offenders (ibid). The force generally follows the British police model in organization and rank structure (Cullen & McDonald, 2005).

During the five years following independence, the country possessed some critical structural features necessary for the development of a modern democratic state, including an educational system based on the British model, a modern economy, a multiparty political system, a professional civil service, and a Western style constitution. A modern military, police, and judiciary served society with a degree of professionalism and integrity.

The success factors for Sierra Leone police reforms have been associated with the role of political leadership in that the president took a personal interest in the fate of police service thus presenting him as a strong catalyst for reform. It was recognized that the lower ranks were incorporated thus overcoming resistance by encouraging all officers to become part of the reforms.

2.7 The Existing Gaps on Police Reforms in Kenya

The most deserving call for police reforms in Kenya was witnessed after the infamous 2007/2008 post-election violence which saw hundreds of innocent civilians lose their lives and thousands displaced from their homes. This led to the formation of a commission of inquiry chaired by Justice Philip Waki, which one of its findings was that police totally lacked the capacity to contain the violence and in some instances they instigated the violence by taking political sides. On this finding the report recommended for meaningful and urgent police reforms in order to avert recurrence of such high magnitude violations of human rights (Waki, 2008).

Informed by Waki report, the Government formed a task force on police reforms which was chaired by Justice (Rtd) Philip Ransley. The task force borrowed heavily from the two police strategic plans i.e. police strategic plan 2003-2007 and 2008-2012 and conducted public hearings which involved oral and written submissions from the public, civil societies and all interested stakeholders. The task force also conducted research from several countries around the world on the

world standards and best practices on policing. After a thorough study, the task force came up with over 200 recommendations on police reforms in Kenya; key to which were the merger of the two police forces into one, change of the name from a force to a service, establishment of the office of the Inspector General, establishment of the National Police Service Commission, establishment of the Independent Policing Oversight Authority, establishment of the Internal Affairs Unit, review of the police training curriculum, vetting of all police officers, retraining of all police officers, change of the police ranking structure, purchase of enough operational resources and improvement of the general welfare and terms of service of police officers (Ransley, 2010).

The Ransley recommendations were unanimously adopted and envisaged in the new constitution which was promulgated in 2010. In an effort to operationalize the constitution and make police reforms a reality, the Government spearheaded the publication of the National Police Service Act, the National Police Service Commission Act and the Independent Policing Oversight Authority Act. The implementation of these legislative frameworks carried with it the promise of meaningful police reforms, followed by the establishment of the three core institutions - IPOA, NPSC and the IGP – which were important milestones towards a reformed police service. By establishing these offices, responsibility for security was to be moved from the Presidency to several institutions affording the police more autonomy from the executive and other sources of potential political interference. These Acts established a clear roadmap towards full realization of

police reforms. However, literature indicates that police reforms in Kenya have been met with a lot of resistance, with forces of impunity and anti-change heavily fighting for retention of status quo (Amnesty International, 2013).

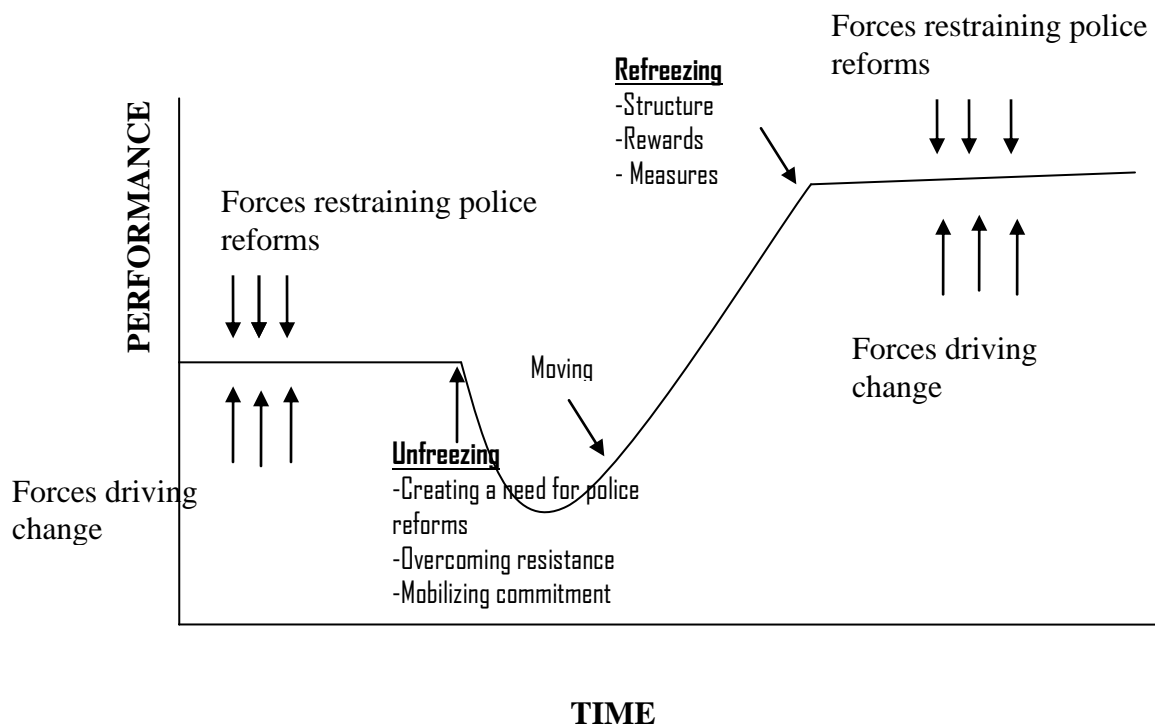
Furthermore, some organizations have questioned the Government's commitment to ensuring full realization of police reforms given that some of the aspects of reforms like vetting of police officers appear to have delayed or stalled (Amnesty International, 2013; KHRC, 2012). In fact, information on the progress of police reforms and the ensuing challenges was scanty, a factor which prompted the researcher to embark on this study. Specifically, considering the slow pace at which police have embraced reforms (Nyambura, 2012), it appeared that majority of police officers had not been adequately sensitized on what police reforms entail, especially the main features.

There was also lack of clear and documented information on the extent to which police reforms have achieved success, the delayed areas and the ensuing challenges. The study, therefore, focused on these gaps in order to give an empirical picture on the challenges of police reforms in Kenya and make recommendations on how to overcome those challenges and address any delays in implementation.

2.8 Theoretical Perspective

This study was guided by Kurt Lewin's theory of change to examine the progress and challenges of police reforms and explain the research findings. The theory was first proposed by Kurt Lewin (Kritsonis, 2005). This theory explains that change occurs in three phases and each phase is characterized by forces that drive towards the equilibrium or status quo. These forces are the driving and restraining forces. These phases can best be understood with the use of analogy of changes in the shape of a block of ice. The three phases are unfreezing, moving and refreezing.

Figure 2.1 A Simplified Model of Kurt Lewin's Change Theory



In most typical situations the journey towards police reforms is characterized by retention of a status quo whereby forces driving change are equal to the forces

restraining change. In this stage the main features of police reforms have been identified, which according to Kurt Lewin's theory are equivalent to the forces driving change. The main features of these forces may include merger of the two police forces into one, change of the name from a force to a service, establishment of the office of the Inspector General, establishment of the National Police Service Commission, establishment of the Independent Policing Oversight Authority, establishment of the Internal Affairs Unit, review of the police training curriculum, vetting of all police officers, retraining of all police officers, change of the police ranking structure, purchase of enough operational resources and improvement of the general welfare and terms of service of police officers (Ransley, 2010). The forces of change are countered by forces restraining change which are equivalent to the challenges impeding police reforms i.e. corruption, nepotism, human rights violation, impunity and political interference (KNCHR, 2008).

When the forces restraining change overcome those driving change the society is pushed to a situation where it begins to police itself hence causing more insecurity. At this point the process of police reforms drifts into the unfreezing stage characterized by increased need for police reforms, need to overcoming resistance and mobilize commitment. Once these are achieved, the process of reforms begins moving towards the refreezing stage where proper measures and structures for reforms are established as rewards begin to trickle. At this stage the forces driving change overcome those restraining change thus creating a situation where most features of police reforms are successfully achieved while a few remain behind.

In conclusion therefore, the progress of change through the three stages would be affected by two forces which either drive or constrained it. Whenever the two set of forces were in equilibrium there would be no change at all. Kurt Lewin's theory was therefore significant in explaining the interaction between the independent (forces restraining change) and dependent variables (forces driving change) of police reforms.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

This chapter presents the methodology that was adopted to carry out the research. It covers the introduction, research design, variables and categories of analysis, site of the study as well as target population and sampling techniques and sample size. Additionally this section also covers the research instruments used, validity and reliability measures, data collection and analysis procedures and data management and ethical considerations.

3.2 Research Design

This research used survey research design which entailed the use of questionnaires, key informant interviews and in-depth interviews to collect data from the police officers. According to Kothari (2004), an experience survey allowed the researcher to define the problem more concisely by obtaining insight into the relationship between variables and new ideas relating to the research.

Owing to the sensitive nature of the topic under study this design offered an atmosphere where the respondents expressed their views, experiences and suggestions on police reforms.

3.3 Variables and Categories of Analysis

The dependent variable which the study examined was success on police reforms implementation while the independent variable included the existence of challenges facing police reforms implementation. The study intended to find out whether there was a significant relationship between these two variables through cross tabulation and Chi-square analysis. Categories of analysis included both quantitative and qualitative type because the study interacted with both approaches in order to ensure that the objectives were adequately achieved.

3.4 Site of the Study

The site of the research is Nairobi County. Founded in 1899, Nairobi was and remains the epicenter of Kenya's administration and commercial capital. It occupies an area of 696KMsq. Nairobi city had been experiencing rapid expansion hence not spared the vulnerability of emerging crimes, from petty crimes to convoluted ones like organized crime. In 2001, the United Nations International Civil Service Commission rated Nairobi among the most insecure cities in the world, classifying the city as "status C." In the year 2010 alone percentage level of reported crimes rose by 28% (Kenya Police, 2010).

With Nairobi being the melting pot of political activities, the police have continuously been accused of human rights violation when handling political activists and demonstrators in the city. The police have also been accused of high

handedness when handling hawkers in Nairobi. Additionally, previous researchers have also observed appropriateness of Nairobi for research into issues concerning police officers (SRIC, 2012). A map of Nairobi is provided in appendix 1.

3.5 Target Population

The target population in the study was two thousand one hundred (2100) police officers working in all the 42 police stations in Nairobi County. The population included officers commanding those police stations. The population also included 10 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, years of service and the sections within the police stations.

3.6 Sampling Techniques and Sample Size

Police officers in Nairobi County were attached to various geographically distinct police stations that served the neighborhoods with people of different socio-economic statuses. 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 Nairobi County constituted the strata from which the respondents were further randomly selected to give them equal chance of

participating in the survey. This method was advantageous since it reduced costs by concentrating the survey in randomly selected samples within each stratum as estimates based on each stratum were more reliable per unit cost.

According to Gay (1981) at least 10% of study population was an appropriate sample size for the research. Kilemi and Wamahiu (1995) also concurred with the formula. Therefore the sample size for the study was 210 which represented the 10% of the 2100 respondents from the study population. Furthermore, five OCS's were randomly selected from the 42 police stations again following the 10% sampling rule adopted for in-depth interviews. A total of 10 key informants were purposively selected i.e. 7 respondents from the Kenya Police headquarters drawn from the Directorate of Police Reform and Gender and Community Policing and 3 respondents from the Civil Society Organizations engaged in security sector reforms.

3.7 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, 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.

3.8 Validity and Reliability

For quality control, a pilot test of the research instruments was carried out so as to ascertain the content validity of the instruments. Validity measures whether the instruments to be used in data collection would bring out the type of responses expected (Kombo and Tromp, 2006). The instrument was given to 20 individuals from a population different from the one under study but bearing similar characteristics to give their views on the relevance of the questions using a 4-point scale of relevant, quite relevant, somewhat relevant, and not relevant. The content validation established that the items in the instruments were giving the kind of responses expected from the study as 8, 6,3 and 3 respondents indicated that the questions were relevant, quite relevant, somewhat relevant, and not relevant respectively. This implied that the instruments were relevant and representative.

Reliability was tested using pre-testing data sets and Cronbach's reliability. Reliability is the extent to which a measurement is free of variable error and is usually achieved when repeated measures of the same variable show limited variation (Kombo and Tromp, 2006). The reliability of the variables was assessed using Cronbach's alpha. A cut off level of 0.5 and above was acceptable. The reliability of the questions used in the study ranged from 0.736 to 0.897 which was above the acceptable minimum of 0.5. This indicated that the instruments used to collect data from the respondents were dependable and reliable and yielded good results.

3.9 Data Collection Procedures

Secondary data was collected through extracting information of previous reports documenting police reforms in Kenya. Literature from other stakeholders like government agencies and civil society organizations was also consulted to enrich the scope of this research.

With regard to primary data collection, three data collection techniques were used with the aim of collecting more information on progress and challenges of police reforms in Nairobi. These included administering of questionnaires to police officers, conducting key informant interviews with officers at police headquarters and civil society organizations and conducting in-depth interviews with selected Officers Commanding Police Stations in Nairobi County. Out of the 210 questionnaires administered, 199 were successfully returned. Therefore the study achieved 94.8% level of response.

3.10 Data Analysis Procedures

This survey was mainly geared towards generating both qualitative and quantitative information on the progress and challenges of police reforms in Kenya. Quantitative data was analyzed using descriptive statistics which included frequencies, percentages, cross tabulations and Pearson's Chi-square with the aid of the Statistical Program for Social Sciences (SPSS). On the other hand,

qualitative data from key informant interviews and in-depth interviews were coded and placed under various themes based on the objectives of the research.

3.11 Data Management and Ethical Considerations

At the onset, respondents were assured of their safety and confidentiality and were informed of that the purpose of the research was purely academic and thus the information adduced would not be used against them. An informed consent was sought from the respondents who were also informed that they had a choice to withdraw from the study at will before the end of the exercise.

Approval to conduct the research was given by the University and authority to collect data sought from the National Commission for Science, Technology and Innovation (NACOSTI) which included issuance of a research clearance permit (See appendix 7).

During the research, raw data were immediately destroyed after use to avoid unauthorized access from third parties. Data was also stored electronically by use of computer with a password to deny unauthorized access.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND DISCUSSION

4.1 Introduction

This chapter covers data presentation, analysis and discussion. The aim of the study was to examine the challenges of police reforms in Nairobi County. This was achieved through analysis of the primary and secondary data based on themes derived from the objectives of the study. The themes included the main features of police reforms; areas of success; delayed areas and challenges affecting police reforms.

4.2 Background Information of the Respondents

The background information of the respondents was examined based on their gender, years of service, rank and the department from which they worked. The respondents were drawn from all the 42 police stations within Nairobi County and key informants from Police headquarters and Civil Society organizations.

Table 4.1 Gender Characteristics and Years of Service of the Respondents

INDICATOR	FREQUENCY	PERCENTAGE
Gender		
Male	108	54.3
Female	91	45.7
TOTAL	199	100.0
Years of service		
Less than 5	16	8.0
6- 10	60	30.2
11- 15	34	17.1
16- 20	9	4.5
21- 25	34	17.1
26+	46	23.1
TOTAL	199	100.0

For the survey, the respondents were randomly chosen within the strata of police stations. Table 4.1 above presents the distribution of the survey respondents by characteristics of gender and years of service.

The table shows that survey sample was almost split into half in terms of gender as 54.3% and 45.7% of the respondents were males and females respectively. Further, 30.2% of the respondents for the survey had a work experience of between 6 and 10 years (Table 4.1).

Table 4.2 Rank and Work Department of the Respondents

Department		
INDICATOR	FREQUENCY	PERCENTAGE
General Duties	131	65.8
Crime	40	20.1
Investigations	17	8.5
Personnel	1	0.5
Transport	8	4.0
TOTAL	199	100.0
Rank		
INDICATOR	FREQUENCY	PERCENTAGE
Constables	130	65.3
Corporals	10	5.0
Sergeant	29	14.6
Senior sergeant	20	10.1
Inspectors	8	4.0
Chief Inspectors	2	1.0
TOTAL	199	100.0

The study established that majority of the respondents (65.3%) were police constables as shown in table 4.2 above. In terms of departments which the respondents worked, 65.8% were attached to general duties. These are officers who man the report office, registry, street patrols and attending to detained offenders in the cells (cell sentries). They therefore interact with members of the public frequently in their day to day activities.

4.3 Main Features of Police Reforms

The respondents' knowledge and awareness of the key features of police reforms that had been carried out in the country was important in this study. In line with

this need, the respondents were asked to cite the main features of police reforms that they knew of. The findings are reported in table 4.3 below.

Table 4.3 Respondents Views on the Main Features of Police Reforms

INDICATOR	FREQUENCY	PERCENTAGE
Changing name from police force to police service	43	21.5
Appointment of Inspector General of police	20	10.0
Community policing	18	9.0
Human rights training to officers	18	9.0
Recruit training period reviewed	15	7.5
Better Housing	15	7.5
Gender Consideration	14	7.0
Vetting of police officers	10	5.0
Changing of police ranks	11	5.5
Transparent Promotions	11	5.5
Purchase of more Vehicles	9	4.5
None	3	1.5
TOTAL	199	100.0

Table 4.3 illustrates the respondents' views on the main features of police reforms in Nairobi County. Changing of the name of police from a police force to a police service was the most popular feature supported by 21.6% of the respondents. This was probably supported by the fact that the government of Kenya while launching community policing had envisaged a world class police service with a people friendly and responsive workforce as captured in the vision and mission of the police (Kenya Police, 2003). This was in agreement with Bruce (2003) observation that even the police reforms that were carried out in South Africa included changing of police name from South African Police Force to South African Police

Services. According to one key informant from Independent Medico-Lego Unit in Nairobi, *'creating a new police service out of an old one is a difficult and lengthy process. It involves making a commitment in good faith to change, being willing to learn from successes and failures, and being committed to pursuing the reform process. The change of name from a force to a service is a step in the right direction for the Kenya police.'*

Community partnerships can be one way of enabling members of the public to feel that their concerns are being addressed by the police. Reaching out to the community can also provide a solid foundation upon which partnership with members of the public in fighting crime can be built. With regard to community policing therefore, 9% of the respondents noted that some of the features associated with police reforms included introduction of community policing and training police officers on human rights. According to a senior police officer interviewed at the Kenya Police headquarters, *'we always encourage our officers to find different ways of communicating with community members such as targeted meetings with identified groups in the community. We have also encouraged police officers to establish contact and rapport with community members in areas where they are deployed.'*

The least popular feature of police reform was the purchase of motor vehicles which was supported by only 4.5% of the respondents interviewed. According to one OCS working in a Nairobi police station, provision of enough motor vehicles

had improved but there was still a challenge as each station requires at least five vehicles. According to him, *'improving our capacity to respond to crime incidents reports will be made possible when we have enough vehicles and fuel. In some situations, we hardly make it to a scene of crime without being given lifts by well-wishers.'*

In addition, 1.5% of the respondents argued that they had not witnessed any police reforms, a view which was supported during an interview with a middle aged male key informant working with human rights NGO in Nairobi. According to him, “*...there were no meaningful police reforms as the police system in Kenya has continued to enhance the political welfare of a few senior officers and personnel who enjoy immunity from the central government with total disregard to the general welfare of the service.'* Going by Kurt Lewin's theoretical explanation these respondents believed that even the new legislations that created the National Police Service Commission and Independent Police Oversight Authority were not sufficient enough to drive police reforms. This observation was further supported by one OCS with a working experience of 23 years who noted that, *'police reforms in the country have stalled as nothing has been implemented beyond the appointment of National Police Service commissioners, the Inspector-General and the two deputies and the members of the Independent Police Oversight Authority.'*

4.4 Areas of Success of Police Reforms

The study further assessed various views that the respondents had with regard to areas of success of police reforms in Nairobi County. The respondents were asked to give their views on whether police reforms have been successful. Their responses were presented on a five point scale of strongly agree, agree, do not know, disagree and strongly disagree.

Table 4.4 Respondents Views on whether Police Reforms have been Successful

INDICATOR		FREQUENCY	PERCENTAGE
1	Strongly agree	28	14.1
2	Agree	36	18.1
3	Don't know	26	13.1
4	Disagree	53	26.6
5	Strongly disagree	56	28.1
TOTAL		199	100.0

Table 4.4 above shows that 28.1% of the respondents strongly disagreed that police reforms in Nairobi County were successful. A total of 26.6% of the respondents disagreed that police reforms were successful. The respondents who agreed that police reform had succeeded were only 18.1%. The findings indicate that majority of the respondents strongly disagreed that there successes of success of police reforms to be noticed. This finding was further supported by one key informant who once worked for Transparency International who indicated that police reforms had not performed to the expectations of Kenyans as there had been resistance and lack of commitment from the stakeholders. In her own words,

'where there is resistance to ensuring the police have sufficient resources, and where there is inadequate citizen oversight or the opportunity for oversight leads to questions as whether the government is committed to reforming the police.'

Further, the research sought to ascertain the specific features of police reforms that were deemed to have succeeded. A total of 64 respondents out of the 199 interviewed were in agreement that some features of police reforms had achieved success as shown in table 4.4 above. These were the respondents classified as strongly agree and agree at 14.1% and 18.1% respectively. They listed down the successful areas of police reforms as shown in table 4.5 below.

Table 4.5 Respondents list of Successful Features of Police Reform

	Areas of police reforms	F	%
1	Appointment of Inspector General	12	18.8
2	Formation of NPSC, Formation of IPOA	12	18.8
3	Improved welfare and terms of service	8	12.5
4	Establishment of various offices e.g. Internal affairs unit,	7	10.9
5	Training on human rights	7	10.9
6	Bridging the gap between citizens and justice system	6	9.4
7	Provision of motor vehicles	5	7.8
8	Introduction of community policing	4	6.3
9	Change in recruit training curriculum and period of training	3	4.6
	Total	64	100.0

The appointment of the Inspector General and the formation of the National Police Service Commission and the Independent Policing Oversight Authority were rated as the most successful areas at 18.8% each. However, one key informant from the

Independent Medico-Legal Unit differed with this finding arguing that the appointment of the Inspector General of Police and his deputies was not transparent. According to his words, *'there were serious integrity issues that the civil society raised regarding some nominees to those positions. However, our voices were disregarded by the authorities and it will be very difficult to work with some of them given that they have questionable human rights records.'*

The next areas of success included improvement of police welfare, establishment of the Internal Affairs Unit, training on human rights and bridging the gap between the public and the criminal justice system which received support of 12.5%, 10.9%, 10.9% and 9.4% of the respondents respectively. The areas which received the least support included provision of motor vehicles, community policing and change of training curriculum and period which were at 7.8%, 6.3% and 4.6% respectively.

During an interview with an OCS working in a Nairobi police station he noted that, *'the issue of salaries had been noted long time ago by the Police Reform Implementation Commission. In fact we received some phases of salary increment but the final phase got stuck along the way.'* One senior police officer working at the police headquarters who was a key informant in the study also noted that the budgetary allocation to the police department was still minimal compared to the country's GDP.

4.5 Delayed Areas of Police Reforms

The study further sought information on areas of police reforms that were considered to have delayed. Out of the total features of police reforms listed in table 4.3 two of them did not receive any support from the respondents as having succeeded. These were considered to have delayed and are as listed in table 4.6 below.

Table 4.6 Respondents List of Delayed Areas of Police Reforms

	DELAYED REFORMS
1	Vetting all police officers
2	Changing of the rank structure

The issue of vetting police officers was considered to have delayed. A key informant who once worked for the Transparency International argued that there were no meaningful police reforms without assessment of all officer capabilities. According to her, *'reselection or vetting is required so that those officers, who were strongly implicated in corruption and brutality, and those incapable of performing police duties, are excluded.'*

With regard to the ranking structure of the police, qualitative data also revealed that unaccountability and inefficiency was still rife in the service as there was duplication of roles across several ranks hence it had become difficult to hold officers to account (Key Informant interviews). According to one female key informant working with a human rights NGO in Nairobi, *'Unless the ranks are*

restructured the police reform process will become paralyzed and trapped as a result of confusion and conflict over lines of authority and responsibility, as managers and supervisors will be unable to assert their authority.’ This view was further supported by one OCS who said that, ‘police operation in Baragoi in 2012 in which 42 police officers were fatally attacked brought to fore the high level of inefficiency and lack of joint operational coordination among the top police leadership.’ But according to a senior police officer also interviewed, “the incident in Baragoi was a one such tragedy. The police coordinate in many operational matters and that is why we have succeeded in arresting terrorists within the country in the past few months.

4.6 Challenges Affecting Implementation of Police Reforms.

Apart from the perceptions and opinions of the respondents on the progress and successful areas of police reforms, the study further sought to know the challenges that were slowing down the pace of police reforms. First, the respondents were asked to indicate their views on whether there were challenges affecting police reforms.

Table 4.7 Respondents Views on Existence of Challenges Affecting Police Reforms

INDICATOR		FREQUENCY	PERCENTAGE
1	Strongly agree	39	19.5
2	Agree	72	36
3	Don't know	27	13.5
4	Disagree	36	18
5	Strongly disagree	25	12.5
TOTAL		199	100.0

Table 4.7 above shows that 36.2% of the respondents agreed there were challenges affecting police reforms. 19.5% strongly agreed there were challenges affecting police reforms. The findings indicate that majority of the respondents agreed that there were challenges affecting police reforms. This view was explained by a female key informant working with a human rights organization in Nairobi. According to her some of the police reforms that were being pursued were over-ambitious in paper to the extent that they were practically impossible to implement within the stipulated timelines. She argued that, *'A reform program should be developed with an understanding of the possibilities and constraints imposed by the several factors and should incorporate both short term measures which build confidence amongst the police and public and more systemic longer term measures aimed at overall reform of the policing system.'*

The respondents were further asked to list down the specific challenges that in their opinion were affecting the implementation of police reforms in Nairobi County.

Table 4.8 Respondents List of the Challenges Affecting Police Reforms

INDICATOR	FREQUENCY	PERCENTAGE
Senior officers against reforms	63	31.7
Conflict between the senior officers	45	22.6
Respect of Separation of powers between inspector general and police service commission as per the constitution of Kenya	40	20.1
The current government has vowed to maintain status quo instead of pressing police reforms	25	12.6
Not listening views of officers	10	5.0
Poor working conditions, poor pay,	8	4.2
Low citizen/police ratio	8	4.2
TOTAL	199	*100.4

*the percentage exceeded 100% because of rounding off.

Table 4.8 above illustrates that 31.7% of the respondents believed that the major challenge to police reforms was the resistance to reform by senior officers. Another 22.6% of the respondents noted that the conflict between senior officers was also a contributory factor to the challenges being experienced. When asked about the presence of leadership wrangles in the top command a senior police officer at the police headquarters argued that, *“No police executives can afford to surrender any of the key tools that enable them to govern their agency. The power to investigate and discipline is fundamental to effectiveness. Police chiefs are also probably the best qualified to judge the appropriateness of police actions and to distinguish, for example, between necessary force and brutality.”* As in the case of South Africa, the chief of police should have operational command of the police. In return for their relative autonomy the police must observe a high level of

accountability. However, according to Waller (2010) such powerful command of the police if not checked could continue to buttress unaccountability and arbitrariness from the various police services.

With regard to government's commitment to police reforms, 12.6% of the respondents were of the view that the government was not committed to police reforms. As one key female informant working with a Nairobi- based human rights NGO quipped, *'the government's primary control over the police should be the law. This is because the government has the authority to require conformity by the police to specific publicly announced policies arrived at through a process of consultation. This has not been happening in Kenya.'*

4.6.1 Police Officers Attitude Towards the Members of the Public

The on-going police reforms to a larger extent were supposed to bridge the gap between the police and the citizens. When mutual cooperation is developed between the police and the members of the public, the police succeed in fighting crime. Positive relationship is important for both the police officers and the members of the public. For this to be achieved steps like introduction of community policing initiatives are taken to change any negative attitude between the police and the public (Ruteere, 2004). Literature review cited information on negative attitude of the public towards police, but nothing has been mentioned about the police attitude towards the public (ibid). Therefore, the study isolated this factor by seeking the respondents' views on their attitude towards the public.

Table 4.9 Police Officers Attitude towards Members of the Public

ATTITUDE	FREQUENCY	PERCENTAGE
Positive	79	39.7
Negative	120	60.3
Total	199	100.0

Table 4.9 above shows the respondents' attitude towards the members of the public. The findings indicate that a majority of 60.3% of the respondents had a negative attitude towards the public. This concurred with Monjardet (2000) that the relation between the police and the public has always been accompanied by deep seated animosity and suspicion. Upon further inquiry on the attitude of police officers towards the public one key informant from Transparency International quipped, *'We can't get rid of this attitude. Take for example the issue of corruption. The citizen is not afraid [to offer a bribe]. It is he that offers the bribe first. Citizens are involved in the corruption but nobody says that society is corrupt like they say that the police are corrupt. This way police feel discriminated thus the bad attitude towards the public....'*

The findings also supports the World Bank (2009) and KNCHR (2008) view that there still exists high levels of negative attitude between the police and the public. This was in support of Ruteere (2003) view that the history of policing showed that the police have been used to terrorize the public since independence. A key informant from Independent Medico-Legal Unit in Nairobi also explained that,

‘Where the cops met the poor is where the rubber of oppression met the road of brutality at its raw.’

Further, the respondents were asked whether their attitude towards the members of the public would affect police reforms.

Table 4.10 Police Officers Views on Whether Their Attitude Towards Public Would Affect Police Reforms

ATTITUDE AFFECT REFORMS	FREQUENCY	PERCENTAGE
Yes	148	74.4
No	51	25.6
Total	199	100.0

Table 4.10 above shows that, majority (74.4%) of the respondents agreed that police reforms would be affected by their attitude. Crime solving therefore becomes complicated when police do not receive information from the public resulting from poor relationship (Chalken et al, 1977). As one OCS argued, *“it is difficult to imagine an effective, professional police force emerging in a society where compliance is low, where citizens do not report crimes or provide the police with information...”*

4.7 Relationship between Challenges and Success of Police Reforms

This research further sought to ascertain the relationship between respondents’ views on the success of police reforms and their responses on the challenges of police reforms.

Table 4.11 Cross Tabulation Between Existing Challenges and Success of Police Reforms

Existence of challenges affecting police reforms implementation		Success on police reforms implementation					
		Strongly agree	Agree	Don't know	Disagree	Strongly disagree	Total
Strongly agree	F	0	0	1	14	24	39
	%	0.0	0.0	2.7	35.9	61.5	100.0
	%	0.0	0.0	3.9	26.4	42.9	19.6
Agree	F	0	0	17	25	30	72
	%	0.0	0.0	23.6	34.7	41.7	100.0
	%	0.0	0.0	65.4	47.2	53.6	36.2
Don't know	F	1	4	6	14	2	27
	%	3.7	14.8	22.2	51.9	7.4	100.0
	%	3.6	11.1	23.1	26.4	3.6	13.6
Disagree	F	17	17	2	0	0	36
	%	47.2	47.2	5.6	0.0	0.0	100.0
	%	60.7	47.2	7.7	0.0	0.0	18.1
Strongly disagree	F	10	15	0	0	0	25
	%	40.0	60.0	0.0	0.0	0.0	100.0
	%	35.7	41.7	0.0	0.0	0.0	12.6
Total	F	28	36	26	53	56	199
	%	14.1	18.1	13.1	26.6	28.1	100.0
	%	100.0	100.0	100.0	100.0	100.0	100.0
Pearson Chi-square (16) = 202.3		Probability Ratio = 0.000					

KEY

F – Frequency

% - Percentage

Table 4.11 illustrates the relationship between existing challenges affecting police reforms and success of the reforms. The percentage number of respondents' perception on the success of police reforms decreased down the columns from strongly agree to strongly disagree as the percentage number of respondents perception on existing challenges affecting police reforms increased across the

rows from strongly agree to strongly disagree, hence a negative relationship between the variables. The resultant Pearson Chi-square at 16 degrees of freedom was 202.3 which corresponded to a Probability Ratio of 0.000. The Probability Ratio of less than 0.05 confirmed that the relationship between the variables was significant. Therefore, perception of existence of challenges in police reforms in Nairobi County led to a significant decrease in success of police reforms implementation. This implies that the respondents who strongly believed in existence of challenges affecting police reforms also strongly believed that most of the police reforms were not successful.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The main objective of this study was to examine the challenges that were related to the implementation of police reforms in Nairobi County with a view of suggesting appropriate strategies to assist the process move forward. This chapter therefore presents a summary of findings, conclusions and recommendations as well as providing areas of further research.

5.2 Summary of Findings

This study first sought to know the main features of police reforms identified by the respondents. The findings indicate that majority of the respondents associated police reforms with changing the name from police force to police service, the appointment of the Inspector General as a feature of police reforms and establishment of community policing forums. It is also important to note that the least cited feature of police reforms was the provision of motor vehicles. The other identified features included the changing of name from police force to police service, reviewing of training curriculum alongside the review of recruit training period from the initial nine months to the current fifteen months, changing of police ranks and gender consideration.

Secondly, the study sought to ascertain whether there were successful areas of police reforms. According to the findings majority of the respondents were of the view that very few areas of police reforms had succeeded. Discussions with key informants pointed out that some of the reasons why the police reforms had failed was the fact that there was stiff resistance from the government to reform the police. This was associated with the government's failure to allocate sufficient resources to support the police department.

Further, the research sought to ascertain the respondents' knowledge of the successful areas of police reforms, if any. The findings showed appointment of the Inspector General and the formation of NPSC and IPOA were cited as the most successful areas of police reforms. However, the appointment of Inspector General was questioned by some key informants who argued that their input was ignored by the police service commission. The improvement of welfare and terms of service was also identified as having been successful. Some key informants also supported this but argued that all the phases of salary increments had stalled.

In line with the third objective of the research, the study sought to know from the respondents some of the delayed areas of police reforms. Vetting of police officers and adoption of new ranking structure had delayed. This according to some key informant had brought forth major security lapses thus endangering the lives of the police officers as well as the members of the public.

With specific reference to the attitude of police towards the public the study found out that majority of the respondents had a negative attitude towards the members of the public. As to whether the attitude affected police reforms majority affirmed that it was true police reforms were being affected by attitude towards the public. This was supported by a key informant who noted that police were justified to some extent to have such bad attitude because they were being blamed most of the time for corruption while the public were the key perpetrators.

The study sought to know the challenges that were affecting implementation of police reforms. The findings indicated that majority of the respondents agreed that there were challenges affecting police reforms. The identified challenges were resistance to reform by senior officers, conflicts and confusion between the police service commission and the Inspector General over the command of the service. Interviews with key informants revealed that the reason for this challenges were that the police reform agenda that the country had severally attempted to pursue were over ambitious hence were not sustainable in the long term.

Interviews with key informants supported the view that the Inspector General should be responsible for the command of the police service. The study also discovered that the challenges of implementing police reforms were blamed on the government's commitment. Respondents indicated that the government had for several years paid lip service to implementation of police reforms.

Finally, a cross tabulation between the challenges and success of police reforms showed that existence of the challenges significantly delayed implementation of police reforms. Statistical analysis showed that as the percentage of respondents views on the success of police reforms decreased the percentage of respondents observation of challenges increased.

5.3 Conclusion

Police reforms in Kenya and more specifically in Nairobi County have been a subject of discussion in many forums. The study revealed that the necessary laws supporting police reforms were in place. Specifically, the study identified the key features of police reforms envisaged in the legislations included change of the rank structure of the police service, change of name from police force to a service, appointment of the Inspector General of police and the deputies and establishment of community policing forums. Some of the successful areas of police reforms that the study revealed included appointment of officers to the National Police Service Commission, the National Police Service and the Independent Police Oversight Authority. Other areas were the improvement of welfare and terms of service of police officers. To use Kurt Lewin's theory of change, movement towards the norms of a reformed service had been witnessed as evidenced by the responses from the study population.

From the data gathered in the study, delayed areas police reforms which were important to police reforms were the vetting of all police officers and the

implementation of the new ranking structure. The failure to implement these reforms was cited by key informants as the cause of continued lack of accountability and transparency. These delays were directly attributed to the lack of commitment from the government and some police officers. This would continue to paralyze smooth operations of the service as a result of confusion and conflict over lines of authority and responsibility because police managers and supervisors were unable to assert their authority.

The study also established that continued review of salaries of police officers was not the only solution to the problems of the officers, but implementation of salary increment needed to be done in shorter phases so as to have a positive economic impact to the lives of the officers.

On the other hand however, the respondents' fears were that the senior police officers were reluctant to embrace police reforms. This view was further supported by a senior police officer at vigilance house who incisively said that the kind of police reforms being witnessed shall be fully felt several years after senior officers retire. The government was also widely blamed as being very reluctant and unwilling to reform the police services fully. This view was supported by key informants who noted that the government had been over-ambitious about police reforms but when it came to implementation there was no sign of full commitment to those reform measures.

5.4 Recommendation

On the strength of the findings of the study this study makes the following recommendations:

- a) Both government and the civil society should embark on creating sustained awareness campaigns on police reforms both to the officers and the members of the public. This is important as it will provide more knowledge on the importance of police reforms to the country at large. Tailor made media products aimed at teaching officers on the specifics of police reforms should also be given priority.
- b) The relevant authorities should also explore ways of strengthening community policing as it was discovered that it was not addressing the attitude problem between the police and the public.
- c) Thirdly, the National Police Service Commission should embark on vetting all police officers so that all who are found unfit can be removed from the service. This way the police will start gaining confidence from the members of the public. Vetting also would ensure that officers who remain are competent to serve in the police service.

5.5 Areas of Further Research

This research was conducted within the early stages of police reforms in the country. At the time of the research, few studies had documented how police officers were engaging with the evolving institutions like the national police service commission, the independent police oversight authority and the office of the inspector general. Such studies need to be conducted so as to provide useful benchmarks for evaluating these institutions.

It is also important to carry out research of police reforms within the broader context of security sector reforms in Kenya in line with the constitution.

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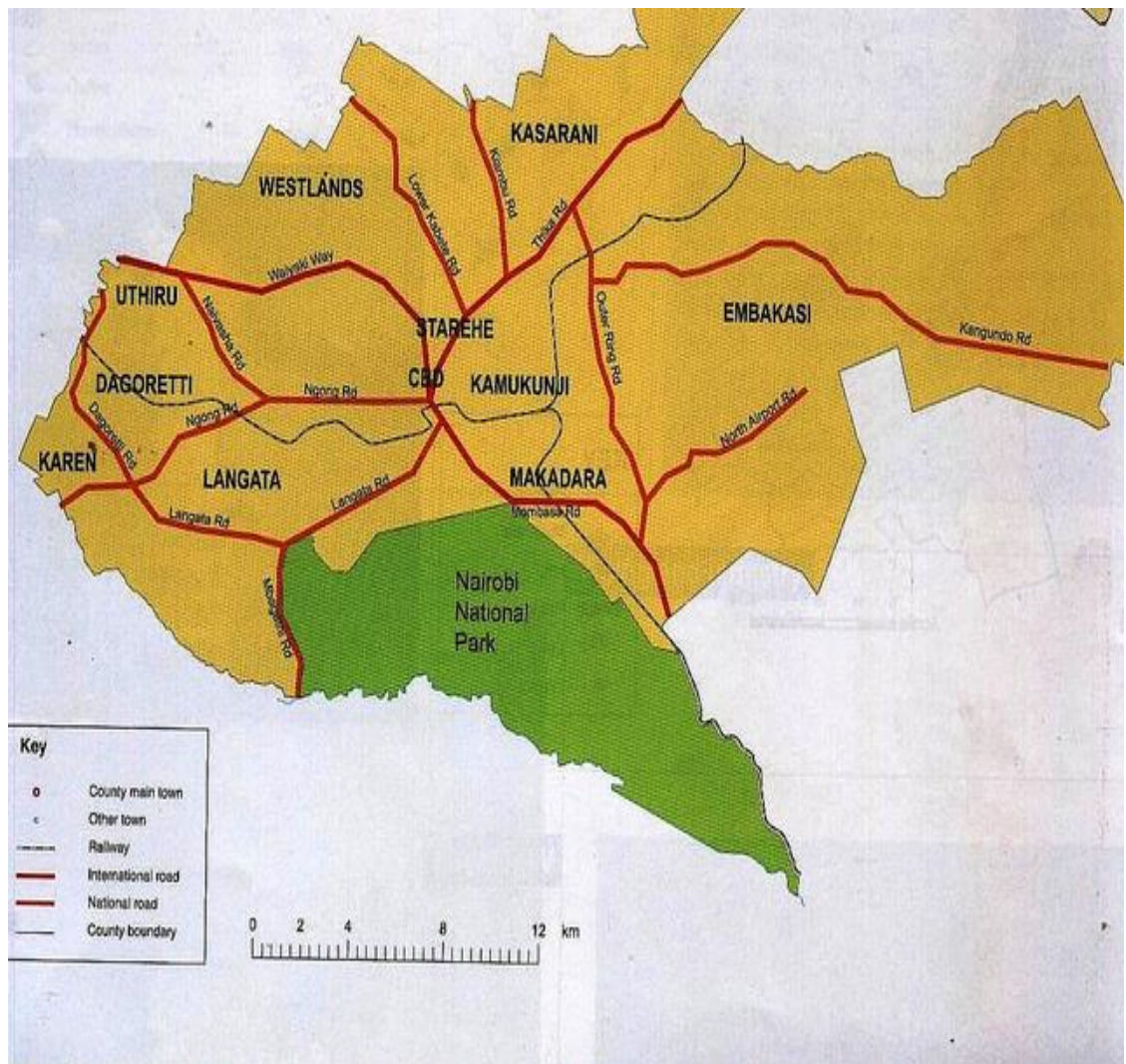
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APPENDICES

Appendix 1 Map of Nairobi County



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Appendix 2 Research Work Plan

S/N	ACTIVITIES	DURATION	TIME SCHEDULE
1.	Developing and writing of concept paper	1 month	August 2012
2.	Literature search and consolidation	2 months	Sep to Oct 2012
3.	Developing and writing of proposal	2 months	Nov to Dec 2012
4.	Designing, developing and piloting of research instruments	1 month	Jan 2013
5.	Defense of Proposal before the Institute of Peace and Security Studies board	1 Day	Feb 2013
7.	Collecting data from the field	2 months	March- May 2013
8.	Data processing, analysis and writing of the final report	3 months	June- August 2013
9.	Submission of final report	1 day	September 2013

Appendix 3 Research Budget Estimates

S/N	ITEMS	QUANTITY	UNIT COST (KSH)	TOTAL COST (KSH)
1	Reams of printing papers	5	400	2,000
2	Pens	5	20	100
3	Note book	1	100	100
4	Folder	1	100	100
5	Laptop	1	60,000	60,000
6	Flash disk	1	1,000	1,000
7	Scientific calculator	1	1,200	1,200
8	Developing and photocopying of questionnaires	400 copies	1,300	1,300
9	Travelling, accommodation and literature search	1 Person	80,000	80,000
10	Internet services		10,000	10,000
11	Thesis typesetting and printing	100 pages	30 per page	3,000
12	Photocopying	5 copies	300 per copy	1,500
13	Binding	5 copies	100 per copy	500
TOTAL				163,800

Appendix 4 Questionnaire for Police Officers

INTRODUCTION

Dear Respondent,

This questionnaire is meant to collect data for a Master's Degree thesis being undertaken at Kenyatta University. The title of the study is 'The Progress and Challenges Related to Police Reforms: A case of Nairobi County'. You have been selected as one of the respondents, and if you consent to participate, you are kindly requested to be sincere with your answers. Please note that any information you will give will be treated with utmost confidentiality and privacy, and will only be used for academic purposes. Therefore, you are not required to put down your name in the questionnaire or obliged to write anything that can identify you. Additionally, your participation is voluntary and you have the right to withdraw from the survey any time before the end. Please sign your consent below.

Signature _____ . Date _____ .

PART A: PRELIMINARY INFORMATION

We would like to ask you a few questions about yourself. These questions will not be used identify the officers that complete the survey and responses will only be provided in grouped form. It is necessary that we know the background characteristics of survey respondents. All information will be held in strictest confidence.

Please answer the following questions by ticking (√) where applicable.

1. Tick you gender. Male () Female ()
2. How long have you worked in the police service?

1-5 years	
6-10 years	
11-15 years	
16-20 years	
21-25 years	
26 and above	

3. Please indicate the department you work in i.e. traffic, general duties, crime etc. _____.
4. Please indicate your rank in the space provided _____.

PART B. ACTUAL SURVEY QUESTIONS

Please answer the following questions by ticking (√) your choice of response and where applicable explain or make suggestions.

5. Please list down the main features of police reforms which you know
6. All areas of police reforms have achieved success. Please tick the extent to which you agree or disagree with this statement on the scale below.

Strongly agree	Agree	Don't know	Disagree	Strongly disagree
1	2	3	4	5

7. Depending on how you answered 6 above please state the areas of police reform you consider successful
8. There are challenges facing implementation of police reforms in Kenya. Please tick the extent to which you agree or disagree with this statement on the scale below.

Strongly agree	Agree	Don't know	Disagree	Strongly disagree
1	2	3	4	5

9. Depending on how you answered 8 above please list down the challenges of police reforms that you know.
10. What are your expectations on police reforms?
11. Please rate your attitude towards members of the public.
Good () Bad ()
12. Does your attitude towards the public affect police reforms?
Yes () No ().
13. What do you think are the benefits of police reforms?
14. Please feel free to make any other comments regarding police reforms.

Appendix 5 Interview Schedule for Officers Commanding Stations

INTRODUCTION

Dear participant,

This interview is meant to collect data for a Master's Degree thesis being undertaken at Kenyatta University. The title of the study is 'The Progress and Challenges Related to Police Reforms: A case of Nairobi County'. You have been selected as one of the respondents, and if you consent to participate, you are kindly requested to be sincere with your answers. Please note that any information you will give will be treated with utmost confidentiality and privacy, and will only be used for academic purposes. Additionally, your participation is voluntary and you have the right to withdraw from the survey any time before the end.

Thank you.

INTERVIEW QUESTIONS

1. In your station, are there any reforms initiatives that have been implemented in the past one year? Yes () No ().
Give Examples
2. In what ways have police officers embraced reforms?
3. How would you describe the state of security in your area on a scale of very good, good, bad and very bad? Explain
4. In your area, how would you describe the relation between the police and the members of the public? Explain
5. Do you think the members of the public are helping police in fighting crime? Yes () No () Explain
6. On a typical working day, what percentage of your time involves direct contact with the public? Explain.
7. What are the challenges that you would like police reforms to address in your area?
8. Suggest any appropriate measures that you think can be undertaken to overcome the challenges mentioned above.

Appendix 6 Interview Schedule for Key Informants

INTRODUCTION

Dear participant,

This interview is meant to collect data for a Master's Degree thesis being undertaken at Kenyatta University. The title of the study is 'The Progress and Challenges Related to Police Reforms: A case of Nairobi County'. You have been selected as one of the respondents, and if you consent to participate, you are kindly requested to be sincere with your answers. Please note that any information you will give will be treated with utmost confidentiality and privacy, and will only be used for academic purposes. Additionally, your participation is voluntary and you have the right to withdraw from the survey any time before the end. Thank you.

INTERVIEW QUESTIONS

1. In what ways have your organization been involved in police reforms?
2. What do you think are the strongest drivers for police reform in the police service?
3. How has your organization been involved in improving public confidence with the police?
4. Comment on community policing in Kenya as part of the police reforms package.
5. How would you describe the state of security in Kenya and specifically in Nairobi?
6. How do you relate the security situation in Nairobi County with police reforms?
7. What are the challenges that you would like police reforms to address?
8. Is the budgetary allocation to police department adequate for the service to effectively carry out its duties?
9. What is your perception of corruption rate within the police service?
10. Comment on the rate of complaints against human rights violation by the police.

