

UNIVERSITY OF NAIROBI

THE IMPACT OF REFORMS ON SERVICE DELIVERY IN THE KENYA POLICE SERVICE (2003-2013)

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DECLARATION

This project paper is my original work and has not been submitted in any other institution for any academic purposes.

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DEDICATION

I dedicate this research project paper to my dear wife, my beloved family members and my dear friends for their love, support and encouragement.

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My deepest gratitude goes to God for the gift of life and health. I wish to express my sincere appreciation to the Government of Kenya for sponsoring me in Postgraduate Diploma in Strategic and Security studies. My special regards goes to my supervisor Dr. Richard Bosire for his tireless input, advice and guidance in ensuring that this project was completed successfully. May the almighty God bless you all.

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LIST OF ABBREVIATIONS

ANC	African National Congress
APRA	Australian Police Reform Agenda
ATPU	Anti Terror Police Unit
CIVIPOL	Civilian Police
COTU	Central Organization of Trade Unions
DFID	United Kingdom Department for International Development
DIGP	Deputy Inspector General of Police
EU	European Union
IAU	Internal Affairs Unit
IGP	Inspector General of Police
IPCC	Independent Police Complaints Commission
IPOA	Independent Police Oversight Authority
KANU	Kenya African National Union
KNCHR	Kenya National Commission on Human Rights
KNDR	Kenya National Dialogue and Reconciliation
NGOs	Non Governmental Organizations
NPS	National Police Service
NPSC	National Police Service Commission
NRM	National Resistance Movement
PIC	Police Investigations Committee
PRIC	Police Reforms Implementation Committee
PRWGF	Police Reform Working Group Forum
RAND	Research and Development Corporation
SAP	South Africa Police
UK	United Kingdom
UN	United Nations
USA	United States of America
USAID	United States Agency for International Development

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ABSTRACT

This research paper is an assessment of the impact of various reforms implemented so far in National Police Service (NPS) on service delivery and the challenges encountered in provision of quality service. The paper also suggests recommendations that should be adopted so as to ensure the improvement of the quality of services offered police. The study's general statement of the problem is that reforms leads to enhanced efficiency and improved quality of services.

This study is quantitative research techniques which utilized both primary and secondary data. The primary data was collected through interviews from police officers serving at various police stations within Nairobi county and secondary data was retrieved from reports from various institutions on the police reforms. The study found out that despite the implementation of reforms at the police service, there has been little positive impact on service delivery.

This study provides various recommendations that need to be implemented so as to ensure that the reforms translate into enhanced services. Among the recommendations proposed are empowering the oversight bodies, amendment of the police training and review of syllabus, changing of the senior and middle level managers in the service, streamlining the merger of both administration and Kenya police, empowerment of the county policing authorities, review of the police welfare and full involvement of the citizens in policing.

CHAPTER ONE

INTRODUCTION

1.1 Background of the study

In Kenya there has been a public yearning for reforms of the National Police Service to transform it into an efficient, effective, professional and accountable institution that Kenyans can trust for their safety and security. Since independence, successive governments have been using the police force as a tool to silence dissident voices, consolidate their power and to perpetuate their leadership. Due to the external and internal pressure, the government has made various efforts aimed at reforming policing in Kenya. However, these reforms have brought no meaningful change in terms of efficiency in service delivery.

For over ten years, the Kenya police has been rated the most corrupt institution in the country by Transparency International. According to the Transparency International (2013), Kenya was ranked fourth globally behind Liberia, Sierra Leone and Yemen. The rampant corruption, unprofessionalism, incompetency, collusion with criminal elements, extortion, torture, excessive use of force, assault and outright murder by the police service is attributed to the unchecked authority; the police officers have the power to prefer charges against you, investigate you, prosecute you and even jail you. Recently the Anti Terror Police Unit (ATPU) was accused by the media for cold blood executions of terror suspecting due process.

Bayley and Perito (2011) indicate that police corruption wastes resources, undermines security, makes a mockery of justice, slows economic development, and alienates populations from their governments. The corruption in the administration of law means that equal access to justice is denied because the police are the primary institution tasked with the implementation of law in our society.

The Kenya police service strategic plan 2003-2007 highlights that a fully functioning police service is vital for maintenance of peace, provision of security, and enforcement of the law. The plan observes that in the last two decades the security system has deteriorated to a point where the government is unable to guarantee security to its citizens and their property. The high number of cases of extortion, cold blood executions, hijackings, rise in the number of illegal gangs and the general insecurity at the volatile border between Kenya and Somalia has emerged as a result of low morale, lack of professionalism, inadequate resources, political interference and endemic corruption in the service. Issues that have emerged as bottlenecks to the provision of quality policing service include delayed response to the scene of crime, very low rate of prevention and detection of crime, poor management of scenes of crime, understaffed police service, with a police to population ratio of 1:1150, lack of proper human

resource management policy and systems, lack of autonomy, poor terms and conditions of service, lack of adequate resources, long and bureaucratic purchasing process in securing security equipment.

The Strategic Plan further highlights that the massive corruption within criminal justice system, contributes to a general climate of lawlessness, and serves to undermine the legitimacy and effectiveness of the fight against crime. The public lacks confidence in Kenya Police Service competence and integrity. The public perceptions on police are justifiable and have led to low reporting levels of crime. Public complaints about police inaction, brutality, torture, assault, rape, trigger happiness, illegitimate arrest, harassment, incivility, and disregard for human rights, corruption and extortion are rampant.

In January 2010, Police Reforms Implementation Committee (PRIC) was set up by then president Mwai Kibaki to fast-track and co-ordinate the implementation of the police reforms in regard to the recommendations of the Ransley National Task Force on Police Reforms and recommendations by the Kriegler and the Waki commissions of inquiry into 2007-2008 post-election violence and in line with the Kenya's Constitution 2010. Chapter 14 (4) of the Constitution enumerates the new structure of the police force. In 2010, the PRIC had prepared five Bills that provide a framework for the implementation of the reforms; these Bills are the National Police Service Bill, the National Police Service Commission Bill, the Independent Policing Oversight Authority (IPOA) Bill, the National Coroners Bill and the Private Security Industry Regulation Bill.

The reforms on the management of the Police Service, through the introduction of a single police command structure for both the Administration and Regular Police through the National Police Service, which is headed by an independent Inspector-General of Police (IGP), was seen as a head start towards the police reforms. The restructuring also entailed the appointment of two Deputy Inspector Generals (DIGPs) one to head the General Duty Police and the other to head the Administration Police.

The County Policing Authority (CPA) was established through the National Police Service Act 2011 and its major role is to develop proposals on priorities, objectives and targets for police performance in the county and monitor trends and patterns of crime in the county. The establishment of civilian Independent Police Oversight Authority (IPOA) was critical in the demystifying of police operations since now a neutral civilian authority would receive complains related to criminal and disciplinary offences committed by any member of the police service and institute its own investigations. The creation of National Police Service Commission, would address issues of capacity within the Police Service which includes

manpower and training which was intended to root out the culture of corruption, nepotism and unprofessionalism, lack of resources, low morale due to poor pay, deplorable living and working conditions and an unsympathetic public and human rights activists were also noted as challenges to efficient and effective police performance.

Ndungu (2011) argues that transforming Kenya Police Force into Police Service was an important aspect of reforms and was expected to reverse decades of police culture characterized by impunity, secrecy and brutality into a culture that is more transparent, responsive and proactive. To support these efforts, Ndungu observes that the Police Code of Conduct should be revamped in order to transform general police behavior and end years of unethical conduct. She further argues that these reform measures were estimated to cost over 80 billion shillings over a three-year period. The key areas of focus are building capacity through proper remuneration and housing, refurbishment of police stations, new equipment and vehicles, upgrading communication equipment and skills training. Community policing strategies introduced almost a decade ago to enhance public policing have produced little success but are expected to become more effective once the reforms are established.

1.2 Statement of the research problem

Strong countries across the world have been involved in campaigns on the need for governments to respect human rights and adhere to the rule of law. Countries with authoritarian leadership are known to be using police to perpetuate their leadership by instilling fear and intimidating its citizens including opposition leaders.

Various strategic plans by the Kenya's government and reports from various taskforces on police reforms highlight the key reforms that should be implemented. These reforms includes restructuring of the Police force, establishment of the National Police Service, modernization of police equipment, enhancement of both individual and institutional accountability through setting up of performance management system, establishment of the Police Service Commission and Police Oversight Authority, establishment of National Policing Council and Provincial Policing Authorities, dismantling of institutional and structural barriers to policing, professionalism of the police force by enhancement of training and retraining of police officers and improvement of the welfare and service conditions of the police officers.

Most of the reforms mentioned above have been implemented and this study aims to establish the impact of the reforms on service delivery and identify what needs to be done so as to ensure that the reforms translate into improved service delivery. This research seeks to

answer various questions among them what reforms have been implemented so far, what is the impact of these police reforms on service delivery, what are the challenges encountered in enhancing service delivery and what can be done to ensure the reforms achieve the intended purposes

1.3 Objective of the study

The overall objective of this study is to find out the impact of reforms on service delivery within the National Police Service. The specific objectives are to:-

1. Identify the reforms which have been implemented so far.
2. Examine how the reforms have impacted on the service delivery.
3. Find out the challenges encountered in enhancing service delivery.
4. Establish what ought to be done to ensure the reforms achieve the intended purposes.

1.4 Justification of the study

This is an evaluative study that seeks to highlight challenges and successes encountered in the implementation of the police reforms. This will help provide insight to reform implementers on what needs to be reviewed in order to ensure that reforms translate to the anticipated results. Currently there are plans by the National Assembly to amend the National Police Service (NPS) Act and the National Police Service Commission (NPSC) Act due to the conflict between the National Police Service and the National Police Service Commission. This comes barely two years after both laws were enacted.

The study results will provide information to policy formulators in many countries that are in the process of reforming their policing institutions. The period chosen for this study (2003-2013) is significant because it captures the time when reforms began in the police until the present time. It is also important because in 2002 there was a regime change in the country and the new administration were elected since they had promised to reform all government institutions including the police.

1.5 Scope and limitations of the study

The researcher anticipates the access to information as a major limitation. This is because police information is classified due to national security concerns and not all police officers are allowed to comment on issues touching on the police this will be overcome by obtaining an introduction letter from the university. This study is intended to be undertaken at the Nairobi Central Business District (CBD) area and hence there is the challenge of

restricting this study to one particular location. This challenge will be surmounted by incorporating secondary data that are available.

1.6 Definition of terms

1. Reform refers to the improvements or amendments of what is wrong, corrupt and/or unsatisfactory. Reform seeks to improve the system as it stands but never to overthrow it wholesale.

2. Service delivery refers to the products that an institution develops and is aimed at satisfying the needs of its customers. Services being offered by institutions should be customer oriented. Generally, the police service as a policing organization is expected to address all the grievances of the citizens, mediate conflicts and provide security to life and property. The major indicator of quality service provision to customers is customer satisfaction.

3. Efficiency is the extent to which time, effort or cost is well used for the intended task or purpose. It is often used with the specific purpose of relaying the capability of a specific application of effort to produce a specific outcome effectively with a minimum amount or quantity of waste, expense, or unnecessary effort.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

According to Bacon (1939), the history of police dates back to the early development of human social relationships. In the traditional system, there was a way of ensuring tribal justice; many pre-civilized communities in Africa are believed to have had a form of moral enforcement which derived power and authority from kinship systems and rule by elders. In the early administrative setups, police and military operated as a single unit. During the first and second world war, many countries across Africa, which were colonies of Western Nations, sent their military and police forces to fight alongside the forces from the metropolis. Slatyer (2012) observes that the first known police state was Egypt. This was in the era between 3000 - 30BC where the Pharaoh reigned as an administrative head of the ancient police force in Egypt. According to Fielding (1991), the police are inextricably central not only to society's response to social conflict but to the terms in which it is understood. He argues that as long as there is society there is conflict, and as long as there is conflict there is the police.

Ikerd & Walker (2010) argue that for police reforms to be successful there must be institutionalization of these reforms. Institutionalization of police reforms occurs when the reforms become way of regularly conducting police business. More specifically, institutionalization occurs when certain norms, values, and structures are incorporated into an organization and inculcated in police officers. Even though these values are incorporated into these institutions, it may still fail to achieve much because self discipline and integrity are innate to an individual. Values and norms can easily be instilled in an organization if the individual members do share the same values.

2.2 Essential characteristics in police reforms

Police reforms worldwide encompass the same essentials, most police reforms are geared towards improving the services offered to citizens. Bayley (2006) identifies four major areas that any police reforms should focus on. He notes that for police reforms to be successful, police officers should be accountable to an independent institution i.e. law rather than the government. In democracies actions of governments are constrained by law and rules of conduct. Police actions must be governed by the rule of law rather than directions given arbitrarily, this will ensure that people who have access to the police and the politicians cease from misusing the police for personal gains. Rule of law is an empty promise if the police

cannot be accountable for it. Until the recent formation of IPOA, Kenya police didn't have an independent policing authority.

The IPOA is the body mandated in the country to perform this role. Among the roles of this authority are: to hold police accountable to the public, effect the provision of Article 244 of the constitution that the police shall strive for professionalism and discipline, ensure independent oversight of the handling of complaints by the service and report subsequently to the National assembly and cabinet secretary. Despite the presence of this authority, more needs to be done so as to ensure that this authority has sufficient support, power and resources to instill sanity in the police service.

Secondly Bayley (2006) identifies police protection of human rights as the key in police reforms. The civil rights of the citizens which include freedom of speech, association, movement and freedom from arbitrary arrest, detention and exile should be safeguarded. In Kenya many a times have the police officers been accused of violating the human rights. During the 2007/2008 post election violence police officers were accused of using live ammunition to disperse unarmed demonstrators. Also in the case of the outlawed Mungiki sect, police were accused by Kenya National Human Rights Commission (KNCHR) of using unnecessary force and committing extra judicial executions against the sect's members.

Thirdly, police must give top operational priority to servicing the needs of the individual citizens and private groups. This is through setting up of police emergency call numbers which the citizens can call when they need police help. In the USA the use of emergency numbers by the police is so advanced that an individual can report the police in case of any suspicious behavior by the neighbors. This ensures that prompt action is taken before a criminal offence is committed. Kenya Police emergency numbers for a long time have been not operational. Recently activist Okoiti Omutata had to intervene for this service to be restored by suing the police in court. Though police were authorized to restore the service, a check in many regions reveal that the services are still down and most police divisions don't even have a functional call centre. The strategy of community policing should be strengthened, the public should be in the driving seat for these strategy to be successful.

Finally for police to be efficient there is a need for them to be well equipped with modern equipment, with the new emerging trends in how criminals have devised new ways in committing crime, the crime busters should always be several steps ahead of them. The police therefore should be well equipped in terms of research centers where new trends in behavior can be studied. The police still don't have an online data bank of all criminal records and hence linking a criminal to an offence committed in another location is a tedious exercise. In

most cases police have complained of the criminal gangs having superior weapons than them e.g. in the recent case of terrorist attack at West Gate where it took the disciplined several days to intervene.

2.3 Major global police reforms

Most countries world over are involved in the process of undertaking reforms in many government institutions especially the police. Liberalism, democracy and capitalism are the core pillars guiding the institutional reforms world over. After the cold war and the disintegration of the Soviet Union, USA and its Western allies embarked on a campaign of marking and spreading their values which include capitalism, democracy, privatization and liberalism. These countries have acted as pioneer models to reforms and developing nations are taking them as benchmarks in reforms. Transparency International report on Global Corruption Barometer 2010 observes that the police in 86 countries were judged the fourth most corrupt institution after political parties, public officials generally and parliament/legislature.

Bayley and Perito (2011) observe that police corruption is an international problem and police misconduct has been a negative factor in development of police institutions worldwide. Reports of commissions appointed by governments' world over to investigate on police corruption recommend the setting up of external oversight bodies, improved recruitment and training, accountability and improved pay to the police as the means to reduce or eliminate police corruption.

Bayley (2006) argues that during the 1990s, the international community, either bilaterally or multilaterally, attempted to reform or in some cases recreates police forces in Bosnia, Herzegovina, Cambodia, East-Timor, El-Salvador, Guatemala, Haiti, Kosovo, Mozambique, Namibia, Nicaragua, Panama, Sierra Leone, Somalia and South Africa. These efforts were part of the peace keeping operations of the United Nations. The democratic policing template was developed in 1990s for police reform and reconstruction in various countries and was later adopted by the UN. Bayley (2006) further observes that Organization for Security and Cooperation in Europe were involved in reforms in Kosovo. European Union (EU) took over Civilian Police (CIVPOL) responsibilities from UN in Bosnia and Herzegovina in 2003. United States Agency for International Development (USAID) and United Kingdom Department for International Development (DFID) have taken explicit role of connection between effective law enforcement and poverty reduction. Developing countries are given conditional assistance by these organizations.

The rise of the United States of America (USA) as a global leader in the campaigns for the capacity building of policing in foreign countries is attributed to the end of cold war in 1989 whereby the foreign policy of USA was changed so as to focus on reducing international disorder, ethnic cleansing, illegal migration and organized crime that arose from civil wars and failure of governments. The second reason is with the fall of Berlin wall in 1989 and subsequent collapse of Soviet Union in 1991, communism became discredited and democracy accepted as a form of governance most conducive to civil stability, economic prosperity and international peace. Bayley (2006): pg 10 notes that “with the ascension of democracy as dominant goal of political development, views about the role of police changed” The last reason is the concern about failed states which could harbor international terrorists and criminal organizations. This led to the support for an internationalist foreign policy whose goal was the creation of effective human rights organizations that supported democratic governments.

The USA has plethora oversight mechanisms. Police issues are a local municipal issues, thus each municipality has its own oversight mechanisms. USA has implemented various oversight mechanisms. Independent monitors which entail municipality and police departments have drastically decreased incidences of police violence and civilian complaints. In some municipalities for example Seattle, there is a civilian attorney who sits in the police department and directs internal affairs of investigations. There are civilian review boards which were established initially with the sole aim of providing external accountability. In compulsory reforms and monitoring, the federal governments play a key role in policing issues especially those that have constitutional implications such as civil rights abuses.

Despite the employment of these mechanisms, many countries still face challenges; United Kingdom has decentralized police system with multiple levels of accountability. The Police Acts of 1946 and 1964 abolished non county area police forces in England and Wales. In 1984 the government created police complaints authority which was tasked with overseeing the internal police investigations process. In 2002 Police Reform Act introduced community support officers as well as investigating officers and detention escort officers. This major reform in the legislation led to the creation of new police complaints authority in 2004 known as Independent Police Complaints Commission (IPCC) with jurisdiction over 43 local police forces in England and Wales. The IPCC enjoys institutional independence from other government departments and is autonomous from police.

Walker (1999) described three elements of the ancient english police forces as important for modern policing. The first element is crime prevention and control. The

philosophy of this element is that it is better to prevent crime than simply respond to it; this greatly influenced the role of modern police officers. The second element in this strategy is to maintain a visible presence through preventive patrol. The final element is the quasi-military organizational structure. These three elements of policing developed in the early 1800s in the London police department have a significant impact on modern policing.

Though police reforms in UK have been successful, there has always been need to continue reforming the police since the human society is dynamic and new crime techniques are being invented. Blair (2012) argues that the greatest threat to police reforms was privatization of the police services. This privatization entailed delegating some of the police roles to private institutions such as security firms. According to Blair (2012), this was a loophole in which criminals could take advantage of.

Green (2013) highlights the successes that the police have achieved but notes that despite these successes there was need for further police reforms. He observes that if police relaxes, the criminals will move ahead since they are always devising new techniques. He further argues that for government's plan to keep apace there was need to get better through implementation of reforms. Green (2013) argues that structural change, collaboration, college of policing, partnership working, and partnership with justice system, digital tools and changing attitudes as the key factors to successful future policing.

Australia does not have a centralized police oversight system. Due to its federalist structure policing is a matter for the states and territories. In addition to internal accountability mechanisms, the various states established external mechanism to oversee the policing. The first step of police reforms included external oversight mechanisms, by 1985 every Australian police service was subject to some civilian oversight though this was marred by massive police resistance hence were not very successful. Lewis & Prenzler (1999) observes that in Queensland the police complain authority was viewed as ineffective in combating police corruption. In New South Wales, parliament established police integrity commission in 1996 which was exclusively in charge of investigating serious offences whereas less serious offences were investigated by the police ombudsman while the police investigations committee oversaw these investigations. According to Australian Police Reform Agenda (APRA), police embarked on a six key reform agenda under a 3 year strategic plan 2005-2007 which saw tremendous achievements in policing especially in the human resource area of having the right people for the right job, the changes in legislation and rooting out the corrupt in the police service.

In Israel, police violence has been a problem for many years. Owing to its long standing security issues and its inner diversity, police have been known to exercise undue force. Until 1992 all complaints against police were handled internally by police. The Ministries of Public Security and finance and the Israel police enlisted services of RAND Corporation (a center for quality policing) to aid in addressing concerns that had been raised both by and about the police. The RAND recommendation was that the Israel police adopt a procedural justice model of policing to gain public support. This involved adopting a set of strategies to increase the transparency and accountability of the police, workforce modernization and reduction of the use of general deterrence and using more focused deterrence to enhance policing outcomes. In 1992, the department of police investigation called “Machash” in Hebrew was established in the Ministry of Justice. Machash’s has a central headquarters and representation throughout Israel. The department was staffed with state attorneys rather than police officers. Its role was to investigate only criminal acts rather than general police misconduct. Israel police are currently still struggling with the implementation of reforms though success has been recorded in some areas.

India's police force in terms of its organization principles and culture has essentially remained the same for the past 200 years. According to Shinar (2009) India's police force is untrained, unprofessional, brutal and in general exist below modern standards of policing. Shinar (2009) further notes that despite the fact that there was a consensus in India among Non Governmental Organization’s (NGO’s), media, human rights groups and the citizenry on the need for reforms, numerous attempts at reforming the police have failed. The structure of political power and the culture which is a relic of colonial times prevents any meaningful reform from being undertaken.

India police service is trained, recruited and managed by the central government .The role of the police service is to deploy the senior officers to the states. The central government also maintains a coordinating role, whereas the states governments are in charge of supervising the police force. Shinar (2009) observes that the India police do not investigate its officers misconduct and corruption, but only the misconduct of other government officials. The current reforms in India are not geared toward the protection of human rights and fundamental freedoms, as elaborated in the Indian Constitution. This is due to the reason that reforms are led either by police officers or by home ministry officials who have in the past been accused of human rights violations. The National Police Commission Bill (2006) provides for the establishment of state security commission to oversee the police reforms, though this commission was constituted of eight members, there was no representation of the

human rights and the non-governmental organizations. This bill also did not provide for mechanisms of ensuring police transparency and accountability.

India's police failed to set up an oversight mechanism to investigate custodial crimes despite having received diverse recommendations from the National Human Rights Commission (NHRC), the Law Commission, the Ribeiro Committee, the Padmanabhaiah Committee, the Malimath Committee, and the Soli Sorabjee Committee. In 1997, the home minister called on all the states' chief ministers to reform their state's police force. This was done against the backdrop of numerous reports detailing police misconduct and general dissatisfaction with the police professionalism. However, no single chief minister replied and very few meaningful steps were taken to improve the situation.

From the case of India one can easily know that despite the fact that various recommendations have been made on the need to reform the police, these reforms have failed to take off majorly due to lack of political will and resistance by those benefiting from the status quo. Police officers feel compelled to comply with illegitimate political directives because they know that disobedience might lead to their transfer to remote posts. The fact that police are generally heavily dependent on the executive for appointments, deployments, disciplinary measures, salaries, tenure, physical conditions and residency transfers coerces the police to adopt the positions and views of those in power.

2.4 Police reforms in Africa

Hills (2000), observes that liberalization involves potential operational changes in policing especially in relation to the control of political activity, the release of political prisoners and the removal of government censorship. But the advertised political liberalization has not been accompanied by fundamental changes in the organization or use of coercive power. Ngunyi (2014) argues that in Africa, there are signs that show that governments which are less responsive to the needs of its citizens are deemed to fail. The recent revolutions in the Arab states of Tunisia, Egypt, Libya and Syria named "Arab Spring" are a proof of failures by states to address the needs of the population. The era when governments used the military and police to silence dissident voices are long gone and governments should prioritize the need to satisfy the basic human needs of its citizens.

Indeed modern policing has been developed in various African countries. World Bank (1997) report highlights that insecurity and crime is the cause of statehood crises in Africa. Montclos (1997) states that the African police are mere shadows of former selves and that the prevalence of repression is symptomatic of their loss of control and systematic corruption.

Currently policing institutions are blamed for colluding with criminals by hiring out their fire arms and covering up the actions of these criminals. The fall of Soviet Union metamorphosed the way in which countries viewed security. Most countries internationally began focusing their resources in the social security and the need to empower its citizens economically rather than enhance their military and policing might. New policing systems are being adopted by various states, these systems include community policing, self policing, vigilantism, commercial security, and citizen's patrols.

In South Africa, police reforms which began early in 1990s were triggered by the changing political environment signaled by the release of Nelson Mandela, unbanning of liberation movements, pressure due to changing crime trends and international scrutiny. Rauch (2000) states that before the implementation of reforms, all the eleven police forces in South Africa (the largest being South Africa Police (SAP) and ten (10) homeland police) acquired a reputation for brutality, corruption and ineptitude. The police organizations were militarized, hierarchical and ill equipped to deal with ordinary crime. The policing was conducted with a heavy bias against the black citizens and little respect for rights or the set procedures. The SAP 1991 strategic plan highlights depoliticisation of the police force, increased community accountability, more visible policing, establishment of improved and efficient management processes, reform of police training system and restructuring of the police force as the components of the police reforms. The National Peace Accord which was a multiparty agreement was created in 1991; this accord introduced a range of structures and procedures to deal with conflicts though it focused mostly on policing like setting up of police board, local and regional peace committees, police reporting desk and police code of conduct. The appointment of Fivaz as the first National Commissioner of the new SAPs after African National Congress (ANC) came to power was crucial moment in the transformation process. At the time of his appointment, Fivaz emphasized the need to make the new SAPs legitimate and acceptable in the eyes of the majority of citizens, and for the SAPs to make a clean and definite break with the past, which was to remain one of the themes of his leadership.

In less than two years after the 1991 election, politicians felt that the transformation of the police service was well under way. Mufamadi (1995) in a speech to the top police commissioners acknowledged that, despite the huge pressures they faced, the police leadership had achieved a great deal of success. In 1989-1990, the police service was regarded as a department which could pose a threat to democracy. By 1991, the relative

credibility and legitimacy enjoyed widely by the police service were some of the indicators of the successful transition to democracy which our country has made.

Despite these successes, few challenges still hinder police reforms in South Africa, these challenges include gender and racial discrimination, lack of teamwork, attachment to the past regimes, power struggles within the police service, inadequate financial resources and failure of strategies implemented to deliver expected results. Currently there is debate on outsourcing some of the police responsibilities to private firms so as to fill the gaps due to labor shortage and lack of adequate resources.

Uganda underwent through a tiring period during 1971-1979, when dictator Idi Amin ruled the country. Many people who differed with Amin ideologically were executed. The police and the military were tribalized and majority of its officers came from Acholi, Itseso and Lango. With the fall of Amin administration there was a need to reform the police but this did not happen since the Uganda's economy during that period was in unstable. Hills (2000) observes that to rescue Ugandans from general insecurity and rising rate of crime, Tanzania had to sent 1000 policemen in 1979 to bolster the ill equipped and badly disciplined Ugandan force. When Museveni ceased power in 1986, the first theme for his government was that of reconciliation this was through the co-opting members of other groups into the National Revolution Movement (NRM) force. By 1990, the Ugandan police was a multi tribal, non political armed constabulary of 12000-15000 men and was considered the most efficient force in East Africa then. Despite this the lack of resources and political influence and human rights violations adversely affected the reform process in Uganda.

Ingleton (1975) observes that Kenya's police descended directly from the security guards first formed by the British in East Africa and evolved during colonial era. In 1886, after the takeover of the administration of British East Africa by British foreign office, the establishment of a genuine police unit under a professional police superintendent took place in Mombasa. The first organized security force was composed of armed guards called "askaris" who were hired locally by the Imperial British East African Company (IBEAC) in 1887 to protect stations and caravan route from Mombasa to Uganda. By 1902, the police service units were formed in Mombasa, Nairobi and Kisumu for the purpose of safeguarding the railways property, materials and as well as the manpower engaged in constructing the railway. Kenya police was established as Police Ordinance in 1906 and in 1926 the criminal intelligence unit was setup.

According to Burke and French (1970), the goals of colonial regime were to protect the strategic interests of metropolitan power, maintain order, develop an economy able to

maintain costs of governance, prohibit behavior that deviates fundamentally from metropolitan cultural values, encourage and assist the settlement and welfare of metropolitan settler community. Amnesty International (2013) describes political use of torture as still common in Uganda and believes that police use excessive force as a routine operational method aimed at collecting evidence. In the previous electioneering period, the opposition figures including Kizza Besigye were captured on cameras being mistreated by the Uganda's police officers.

2.5. Neoclassical organizational change bureaucratic theory

Neoclassical organizational change bureaucratic theory recognizes the importance of having a proper and working structure whereby despite the fact that subordinates take orders from their supervisors, they have right to challenge and appeal the orders. In other words, everyone in an organization or any work environment has the opportunity and right to disagree or air grievances when they are unhappy with something issues. In the police service, the officers do not have freedom to challenge and question instructions issued to them due to fear of being reprimanded or loss of their privileges within the service and even loss of jobs. Police for a very long have been accused by the human rights groups and most non-governmental organizations of abusing the human rights. Despite knowing that some of their actions are immoral and inhuman, police do continue to perform these acts in the name of executing orders issued to them by their supervisors. There is a culture in police where an individual is expected to execute orders then question why later.

Classical organizational theorists argue that for authority to be effective there must be accountability. The fear of losing favor or disciplinary action being taken, bribery and intimidation should be eliminated if professionalism within police service is to be achieved. Promotion of officers in the police force for a longtime has been pegged on the relationship between the subordinates and the commanders' but not on performance; this has in turn led to low morale and increased corruption. According to the change theory, when change is rigid, individuals are not motivated; they do not grow and hardly provide creative ideas towards the growth of the organization. This theory values the individual needs; employees when treated with respect and friendliness will lead to higher productivity and positive environments. Workers should not be manipulated or controlled but directed towards achieving expected results. It is the responsibility of the management to develop an atmosphere of creativity, value, cohesiveness and purpose.

Neo classical organizational change theory is based on the assumption that people in organizations need to cooperate and thus the responsibility of the executive is to create and

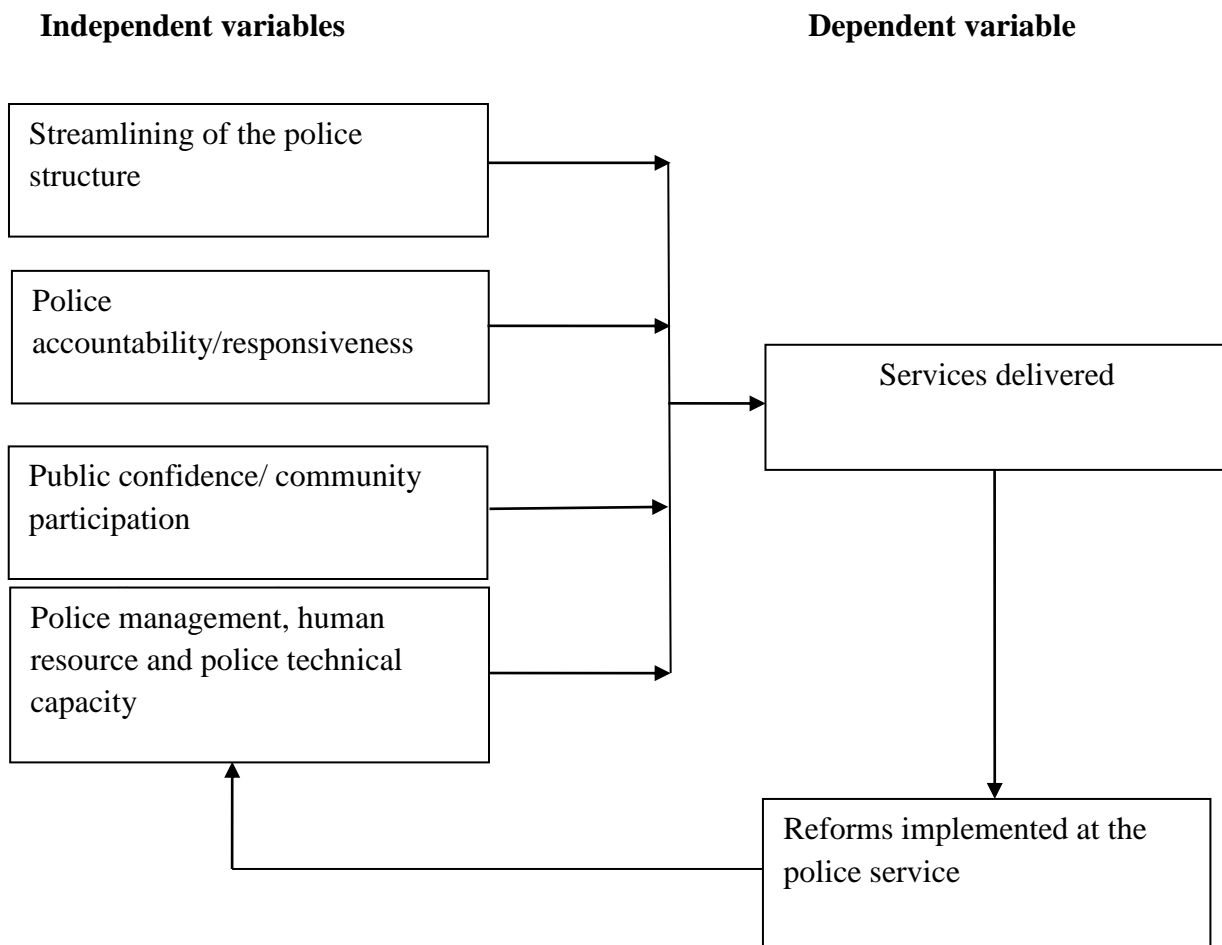
maintain a sense of purpose and good morals code for the organization. This code entails a set of ethical visions that established right or wrong in a moral sense. The executive is also meant to nurture formal and informal communication links between the employees and stakeholders. This will ensure willingness of people to cooperate prevails. Change theory advocates for persuasion to ensure that the organization succeeds. According to this theory, the changes/ reforms undertaken should translate to enhanced efficiency and effectiveness.

The neo classical organizational change theorists provided the intellectual and empirical impetus to break the classicalists' simplistic, mechanically oriented, monopolistic dominance of the field. They paved way to the open door policy for it saw the enhancement of human relations, modern structural systems, power and politics and organizational culture perspectives of organizations. To them, the true measure of a reformed society is reflected in the performance of its police. Police is one of the key agencies which the citizens encounter in quest for security and justice.

2.6 Conceptual framework

The reforms being implemented in all institutions are expected to transform the quality of services being offered to the citizens. In the normal scenario, the reforms should be geared towards ensuring that the customers are satisfied since the input to the reform process is derived from the consumers of the services. This study therefore aims establish the impact of the reforms implemented so far in the Kenya police service on the quality of services being offered by the police to the members of the public.

Figure 1: Conceptual framework



Source: Author

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This section comprises the study area, research design, data collection techniques, sampling techniques and data analysis techniques to be employed in the study. It describes what and how the data to be used in this study will be collected

3.2 Study Area

Nairobi County hosts Nairobi city, which is the capital city of Kenya and is a cosmopolitan area. Nairobi is a major economic hub in East and Central Africa and this has immensely contributed to its rapid growth. The challenges associated to this rapid growth has seen the rise in the rate of crime, insecurity and hence the need for increased police presence. This study therefore focuses on Kilimani, Buruburu, Central, Parklands, Kabete and Kasarani police stations located within County. These stations were chosen because of their geographical positioning and since most of them had been selected as the pioneers during the implementation of the reforms such as community policing. The areas outside Nairobi were represented through the use of secondary data.

3.3 Sampling

Purposive sampling technique was utilized to obtain the sample for this study. This technique was utilized to obtain the required sample since the study focuses on getting the experts view. The sample was obtained from the three levels of management in a police station which are the top level which is the level of superintendent of the police, middle level which is the level of inspectors and sergeants and low level which includes the corporals and constables. Due to the strength of various ranks in the police stations, one officer of the ranks of superintendent and inspectors/sergeants were selected in each police station whereas two officers of the rank of constables/corporals were selected from each station. 17 respondents were interviewed out of the anticipated twenty four respondents, this is 71 percent response.

Table 1: Sample size

Police station	Superintendent		Inspector/sergeant		Corporal/constable	
	Expected	Actual	Expected	Actual	Expected	Actual
Kilimani	1	1	1	1	2	1
Buruburu	1	1	1	0	2	0
Central	1	0	1	1	2	2
Parklands	1	1	1	1	2	2
Kabete	1	1	1	1	2	1
Kasarani	1	0	1	1	2	2
Total	6	4	6	5	12	8

Source: Author

3.4 Data collection techniques

The primary data used in this research was collected through interviews which were administered through an interview guide to police officers who from the above mentioned police stations within Nairobi County. Secondary data was collected from published and unpublished sources of data which included reports from Kenya National Commission on Human Rights, Usalama Reforms Forum, Police Reforms Working Group Kenya and Independent Police Oversight Authority, relevant internet websites, newspaper articles, journals and television and radio news bulletins on police reforms.

3.5 Data analysis techniques

Data analysis techniques entail various processes used to make sense from the data collected. The results are aimed at answering the research questions. This research study is quantitative data; the data collected was analyzed and presented through the use of tables, graphs and pie charts.

CHAPTER FOUR

STUDY FINDINGS

4.1 Introduction

This chapter presents the findings of the study. It focuses on various reforms that have been implemented so far, the impact of these reforms on service delivery and the challenges encountered. It also provides the graphical representations of the findings.

4.2 Reforms implemented so far

This study found out that most of the proposed reforms in the police service have been implemented. These reforms include the establishment of independent police commission, merging of the administration and Kenya police and definition of their roles, setting up of independent complains authority, embracing citizens role in community policing, modernization of police equipment, review of police terms and conditions of service, increase of vehicles to enhance mobility and construction of modern houses for the officers.

According to Transparency International 2013 report, these reforms have not translated to key results anticipated such as more customer-focused service, the highest possible level of efficiency and effectiveness, integrity, impartiality and respect of all citizens, professionalism in service delivery, diverse workforce representative of all service professions, consistent and effective use of science and technology as an ability to work in partnership with other agencies contributing to community and public safety and attractive terms and conditions of work. Sixty percent of officers interviewed indicated that the reforms have not had a major impact on their duties.

4.3 Increased synergy through streamlining of the structure

In regard to reforms of the police structure, the study found out that the restructuring of the police service has been implemented. The National Police Service and the National Police Service Commission have already been established and are fully in operation. Both the Kenya and administration police units have been streamlined under the command of the Inspector General. County Policing Authorities for all the 47 counties within the country have been created with their main role being to formulate policies and plans for community policing in the counties. The reforms of the police structure have enhanced transparency, accountability, fairness, and cooperation within the police service though insecurity and

corruption are still high. The revamping of the 'Force' to 'Service' has influenced the way in which the police operate; police brutality has now been replaced by friendliness.

Seventy two percent of officers interviewed felt that centralization of command for both the administration and the Kenya police has not helped much since both services still operate independently on the ground. There is still rivalry between the administration and the regular/general duty police. There still persists conflict also between the administration and regular officers fueled by the decision to deploy administration police officers to guard the roadblocks alongside their colleagues from regular police, this is due to the conflict of interest and the view amongst regular police officers that the administration police are ill trained especially in regards to traffic rules and other regulations. The services delivered by the police to the public are still below the expected international standards; this is because the structure changed but most of the individuals at the helm are the same people who served before the restructuring of the police force. Fifty six percent of the police officers interviewed feel that the loopholes in the 2010 Constitution were undermining the effectiveness of the police service.

4.4 Police accountability

Two institutions mandated to ensure accountability and oversight over the police has been formed; these are Independent Policing Oversight Authority (IPOA) and Internal Affairs Unit (IAU). The main purpose of these institutions is to promote police reforms process for accountability. According to IPOA baseline survey report, IPOA has powers to investigate, recommend prosecution upon investigations, monitor policing operations, review or audit investigations done by the Internal Affairs Unit (IAU) of the NPS, conduct inspections of police premises and detention facilities and also review patterns of police misconduct with a view of making policy and institutional changes. IPOA provides for external independent oversight mechanisms for dealing with complaints against police officers by the public and IAU (within the police service) provides for internal mechanisms to receive and investigate complaints against police from the public and fellow police officers.

Forty eight percent of officers interviewed observed that the two institutions are being used to discriminate officers since those in command have influential powers over these institutions. Though NPSC endeavors to demystify police service and open police to public scrutiny by variety of oversight institutions, IPOA baseline survey report on policing standards and gaps in Kenya observes that the acts of corruption and extortion are still rampant within Kenya police service despite the existence of these oversight bodies. This can

be attributed to the failure of the public to report complains against police to these oversight institutions for fear of being victimized and the failure of these bodies to take action against the offenders in the pretext of lack of sufficient evidence. Most officers interviewed observed that the police vetting process is mainly focused on how the police officers amassed their wealth instead of focusing on integrity, competence and professionalism issues. Most of the top police officers who are alleged to have been involved in corrupt activities have been cleared by the vetting panel. The positive thing though is that police officers found culpable of engaging in crime are now being held accountable for their actions. Some of the officers have been dismissed and some prosecuted for the crimes and mistakes committed for example the case of Mbiijiwe who was former Rift Valley Province Police Officer (PPO) and former head of Anti stock theft unit (ASTU) Remi Ngugi.

The vetting process also is set to weed out most of the corrupt and tired officers out of the service. Apart from the two institutions other private and non-governmental organizations involved in police oversight are the Usalama Reform Forum (URF), Kenya National Human Rights Commission (KNHCR), Police Reforms Working Group (PRWG) and Muslims for Human Rights (MUHURI). These institutions have helped in creating a transparent environment in which police officers can challenge the unconstitutional orders from their commanders and air their concerns.

4.5 Community participation

The Community policing initiative launched by then president Mwai Kibaki in 2004 has produced positive results; the citizens are now partnering with the police in ensuring that safety in our society prevails; many criminals across the country have been arrested by the citizens and taken to the police for prosecution whereas some went to the extent of lynching the suspects. Members of the public too have assisted police officers in thwarting of impending crimes that were being planned by criminals and this helped reducing crime drastically especially in the urban areas. Police officer interviewed observed that though initially there was success in the community policing, the gains accrued were lost because of the complacency of the police and the infiltration of the initiative by the criminal gangs.

Currently, the government is in the process of establishing an initiative dubbed “Nyumba Kumi” where ten houses are placed under one cluster and an ambassador commonly referred as “balozi” elected to represent each cluster. This initiative which has been very effective in Tanzania requires all members of the public to know his or her neighbors in his/her cluster. Eighty percent of officers interviewed observed that

implementing it in urban centers is a tall order because of the lifestyle of Kenyans in urban areas; Officers from Kasarani and Zimmerman noted that most of the national government administrators were not fully supportive of the project and hence no meaningful success has been achieved so far in these areas.

4.6 Police responsiveness

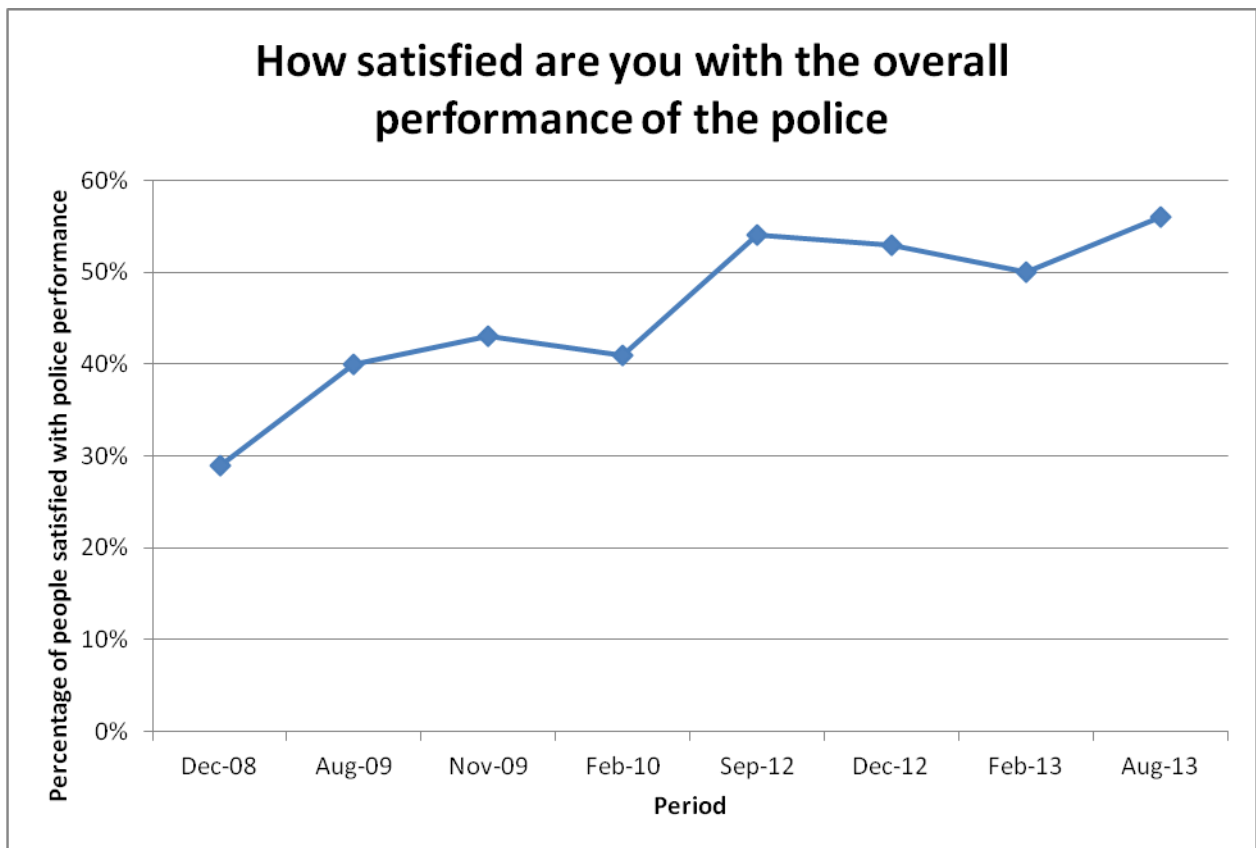
Quality service from police to Kenyans is not a privilege but is a constitutional right that all Kenyans deserve. It is a call for duty and service to the people. For efficient and effective policing, the police officers need to partner with the citizens. A check at various police stations within Nairobi revealed that police are now focusing their services more on customer satisfaction, the time one takes at the police station to be served has drastically reduced, members of the public observed that there is increased police patrols in the estates. A police constable interviewed disclosed that the era where police would ask for fuel from the public in order to attend to crime is long gone. The police emergency service line is back to operation especially within Nairobi where the call centre is located. Police stations too have provided other mobile telephone numbers for reporting crime.

The national taskforce on police reforms reviewed the state of preparedness of the police to effectively combat crime and emerging security threats and concluded that the police were ill prepared due to both lack of adequately trained human resources and suitable equipment. The report further indicates that their effectiveness is inhibited by amongst others, lack of motor vehicles to undertake policing work. They lack adequate protective clothing and equipment such as hand gloves, the necessary tapes for sealing crime scenes, and bulletproof vests with the right specifications are seldom used.

4.7 Public confidence

Kenya National Dialogue and Reconciliation (KNDR) project findings indicate that the public confidence on police though still low is steadily on the rise. Twenty nine percent of Kenyans in December 2008 were satisfied with overall performance of the police as compared to fifty six percent in August 2013. Corruption in the police service, poor investigations and persistent perception of ethnic bias in service delivery continue to draw public resentment against the police.

Figure 2: Public satisfaction on police performance



Source: KNDR survey report, 2013

Despite the perception of institutional disquiet, Forty one percent of 5082 respondents interviewed by IPOA said the police have done an excellent job of protecting the rights of Kenyans. Public confidence in the institution has also been on the rise since the end of the post-election violence. On the issue of police misconduct and abuses against the public, thirty per cent of those interviewed disclosed to have experienced police abuse which ranges from being asked for bribe, illegal detention and prosecution. Sixty two percent of those exposed to police abuse are males whereas thirty eight percent are female. Sixty four percent of Kenyans who have experienced abuse from the police are below 35 years. More than twice as many Kenyans in rural areas compared to urban areas have experienced police abuse. The low number of people who report abuse by police can be attributed to fear of police, fear that no action will be taken and lack of information on the presence of the oversight institutions. Most Kenyans don't know the role of the oversight authority and hence prefer to keep the information to themselves or confide in their relatives rather than report when criminal activities are meted on them.

Table 2: Percentages of Kenyans that report police misconduct

	%	Respondents
Number of respondents that have experienced police abuse and reported	30	466
Number of respondents (male) that have experienced police abuse and reported	62	291
Number of respondents (female) that have experienced police abuse and reported	38	175
Number of respondents (18-35 years) that have experienced police abuse and reported	62	290
Number of respondents above 35 years that have experienced police abuse and reported	34	160
Number of respondents (did not disclose age) that have experienced police abuse	3	4
Number of respondents (rural) that have experienced police abuse and reported	68	317
Number of respondents (urban) that have experienced police abuse and reported	32	149

Source: IPOA Baseline survey report, 2013

4.8 Police management and human resource capacity

The output of any process is usually dependent on its input. The ratio of police to the population is still way below the recommended standards by United Nations of one officer to 385 people. The study found out that despite recruitment of new police officers, the current ratio is one police officer to 700 people. Several areas within Nairobi lack police stations and even police posts. Areas like Zimmerman, Waruku and parts of Eastlands require police posts but due to inadequate resources the government has not been able to setup this hence the persistent criminal activities being witnessed.

In terms of police welfare, the officers interviewed decried of poor wages despite the twenty eight percent wage increment implemented in 2011, the constables who are the majority within the police service do earn a salary of less than 25,000 making them susceptible to corruption and bribery by the criminals and other offenders. The increase of wages for the police officers has not improved the image of the police in the public court as the Kenya police are still ranked among top five most corrupt police institutions in the world. Transparency international 2014 report indicates that ninety two percent of citizens in Kenya view the agency as the most corrupt institution within the country. This perception of the

citizens has contributed negatively in the reforming of the police service and enhancing their effectiveness.

For a long time since independence, police officers have been treated to poor housing where two or three police officers share the same house with their families. This has been observed by most policy analysts as the main reason for the demoralized police, increased police stress, infidelity and under performance by the police officers. Though the government embarked in 2003 to reform the police housing, so far only 4,000 units have been commissioned most of which were allocated to the senior officers leaving the junior officers to continue living in the old structures. The increase in the number of officers graduating from the police training colleges has stretched the existing facilities hence impacting negatively on the livelihood, comfort and morale of the officers. The few units that were built for the police have seen the improvement of the welfare of the family as a unit. Most of the police officers who were living apart from their families moved in with them when they were allocated these houses.

Seventy two percent of officers interviewed disclosed that out that the review in the length of police training period from nine to fifteen months has not helped in improving the quality of training offered. The training period was extended but the curriculum has not been amended. Most of this extended period is wasted in drills which add no value to the recruits training. An audit of the police curriculum undertaken by the police service proved that the course content could be covered adequately in nine months as it was before. The reform in the curriculum which was aimed at enhancing the quality of course content offered to officers joining the service ended up affecting government's mission of recruiting officers yearly due to the limited facilities and extended training period. It was further observed that the police service over a period of time has not been able to transform itself into a reliable and competitive employer; the service has been unable to attract and retain graduates who would be better placed in provision and reforming services to the citizens. The old guards usually tend to frustrate the younger and more qualified officers being recruited for fear them rising faster in ranks and taking over their jobs. Soon after these officers graduate, they tender their resignation letters and proceed to more lucrative jobs which include the United Nations agencies and private security jobs at the Far East. This has ensured that the status quo remains in terms of delivery of services to the citizens.

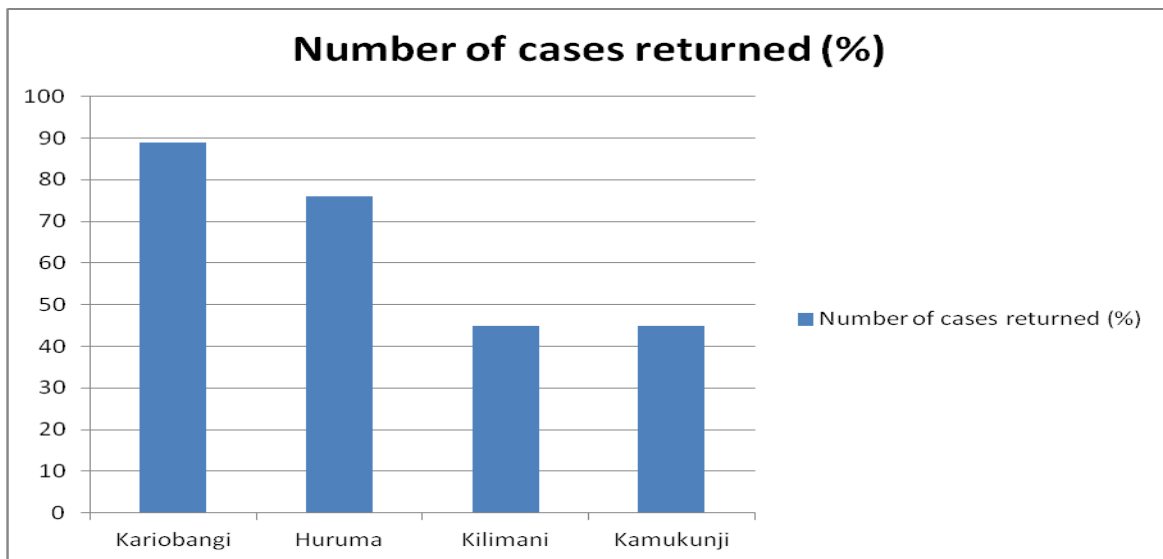
4.9 Police technical capacity

The study found out that police officers are poorly equipped especially in regards to handling the emerging trends in crime. Most police stations have a deficit of vehicles which hampers the speed of response to emergencies and vehicular patrols. The partnership between Kenya government and Toyota Kenya where the government will hire vehicles from Toyota Kenya will help in addressing this problem. Kenya police are yet to acquire modern policing technology; it still takes an individual at least three working days to get a certificate of good conduct if applied from the CID headquarters whereas those who apply from the police divisions' headquarters takes at least seven working days to get the same.

A spot check at some of the police stations in Nairobi revealed that most stations don't have computers, scanners and other electronic gadgets; this slows the process of identifying and profiling of serial criminals who would have been identified easily with a networked computer system. Police officers still use the outdated VHF radios for communication; these gadgets are susceptible to tapping by criminals. The study also found out that surveillance cameras are yet to be installed in the streets and highways. The police are yet to deploy UAVs for surveillance purposes which are now days in use in developed countries.

In terms of police investigations, the reforms have not improved much the way investigations of cases are undertaken. Case file reviews from various stations across Nairobi indicate that most of case files are returned to the police investigators by the prosecutors because of lack of sufficient evidence. Sixty percent of cases reviewed were returned for further investigations. Kariobangi police station was the leading with eighty nine percent cases returned, Huruma police station with seventy six percent returned files while less than forty five percent of all cases reviewed in Kilimani and Kamukunji police stations were returned for further investigations. When no further action is taken by the Police investigators on these case files, the suspects are released by the courts since they cannot be held indefinitely without a solid case against them due to lack of sufficient evidence. Though the Constitution of Kenya 2010 states that persons' that are held in custody must be brought before court within twenty hours or the next court day if deadline falls on a weekend or a holiday, less than thirty percent of police stations within Nairobi adhere to this threshold.

Figure 3: Percentage of cases returned to police for further investigation



Source: IPOA survey report, 2013

4.10 Challenges encountered in enhancing service delivery

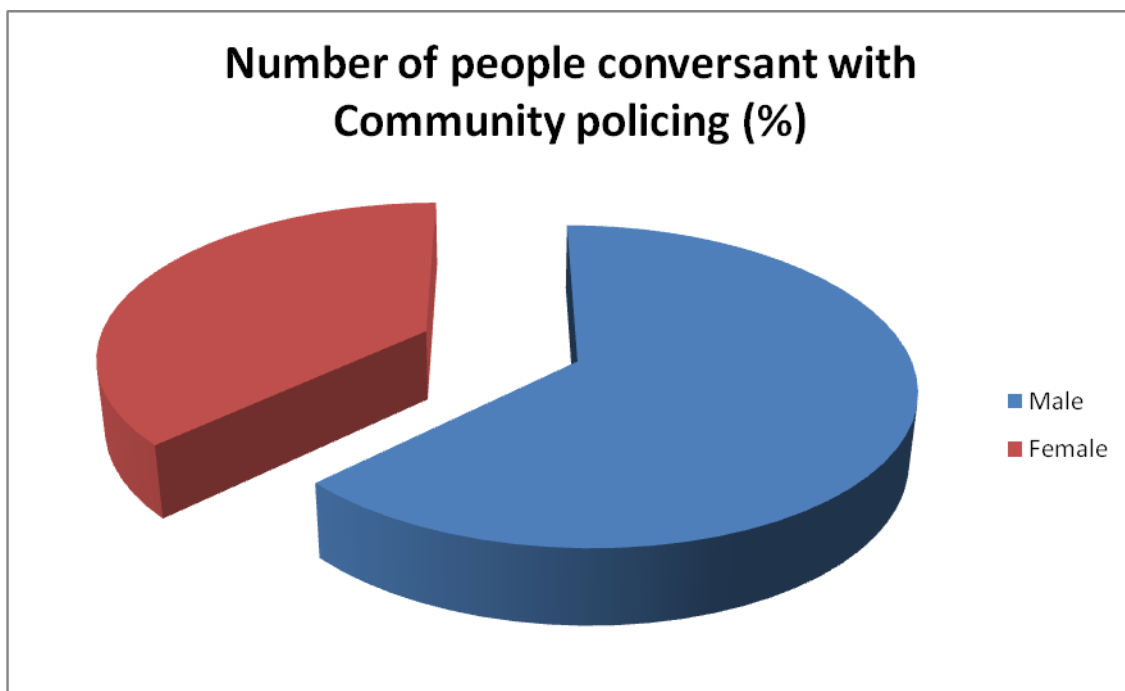
This study found out that there are various challenges that impede the transformation of the police service into an efficient institution. The constitutional challenges posed by enactment of separate laws for the NPSC and the NPC brought disharmony between the inspector general and the chairman national police service commission. There gaps in the constitution that are easily exploited by counsels representing criminals. Currently there are bills in the National Assembly seeking to amend both NPSC and NPS acts so as to transfer powers of appointing and undertaking disciplinary actions on the police officers from the NPSC to the inspector general. According to the Kenya National Human Rights Commission (KNHRC) chairperson, the amendments are aimed at undermining the police reforms since these amendments will render the NPSC powerless and hence there will be no authority to check the powers of the inspector general. Over ninety percent of police officers are opposed to the amendments of these Acts as they see this as aimed at taking them back to the era where the orders by the commissioner of police were unchallenged and once indicted there is no opportunity and place for one to appeal.

The County Policing Authority (CPA) is not fully operational due to financial challenges being encountered by the county governments. Inspector general of police observed during the Police Reform Working Group Forum (PRWGF) that for police operations to be consistent with the community it serves, the reforms must begin with strong legislation framework built around the principles of democratic policing and looking at

criminal activities in a broad perspective where social underlying problems like unemployment and massive urban migration should be addressed by the responsible government institutions since most of the causes of criminal activities are issues outside police jurisdiction.

The other challenge in holding the police accountable is the failure by members of the public to report complains against the police to the respective oversight institutions. According to the inspector general, the role of holding police accountable should not be left to state institutions alone, but the general public should be involved. Despite the presence of structures in which the public could participate in policing, lack of trust between the public and the police have hindered the success of community policing. PRWG report indicates that the concept of community policing is fairly known with fifty six percent of members of public reporting awareness on it. Sixty three percent of those conversant with community policing are men whereas thirty seven percent are women.

Figure 4: Number of people conversant with community policing



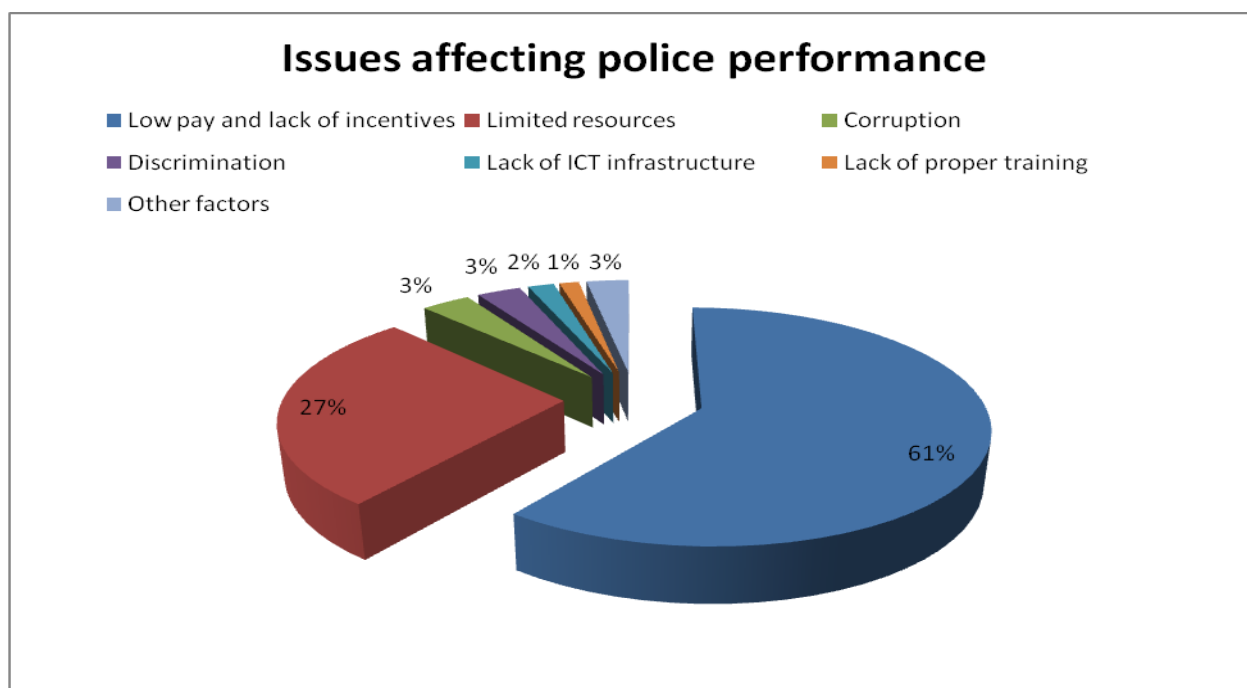
Source: PRWG report, 2013

Knowledge levels are lower among respondents aged below 22 years, and higher among those aged between 24 and 38 years. Despite fair levels of awareness, only seven percent of the public reported having participated in community policing, thirty nine percent of the respondents observed that they feared being harassed by the police. The community policing project failed because the public felt their safety will be jeopardized because most

police officers have been accused of collaborating with the criminals. In most informal settlements, the community policing mutated into militia groups which extorted Kenyans in the name of providing protection to them. With the establishment of county policing authorities, most Kenyans are hopeful that the aims of the community policing will be achieved since the county policing authorities are mandated to establish community policing structures, policies and guidelines that are relevant to a particular county since insecurity challenges are not the same across the country. The inspector general during the PRWGF noted that policing in a democratic society like Kenya, demands that police first safeguard the exercise of democratic processes. Proper grassroots representation in community policing committees will therefore be a priority for all the county commanders and their juniors. He further argued that the public have a legitimate civic responsibility to partner with police in dealing with crime and insecurity as equal partners and not passive observers.

Despite the presence of police emergency lines, most citizens have taken no initiative to access and use these emergency lines. Most of those citizens who have used this service observed that calls to police emergency lines take long before are the answered and some were not even answered at all. Police too have been accused of having a lackluster mentality where they are fond of transferring blame to other stations or other institutions i.e. when crime is reported they claim that either the criminal activity or the area is not under their jurisdiction. IPOA Base line survey report highlights the following as the main issues affecting police performance: low pay and incentives (54.6%), limited resources including transport to fight crime (24.7%), corruption (3.0%), discrimination, ethnicity, nepotism & favoritism (2.7%), lack of ICT infrastructure (1.6%), lack of proper training (1.2%), and other factors (2.6%). The levels of police misconduct are still high and this has led to acts of violence against the police by citizens where we have seen the public taking arms against the police.

Figure 5: Issues affecting police performance



Source: IPOA Baseline survey report, 2013

Lack of public confidence in the police is attributed to the past negative public perception of the police; for a long time police have been associated with human rights abuses because of their actions, the much power they wielded and political interference during the 1990s. Success in police investigations is mainly affected by the lack of proper cooperation between the police and other security agencies. The loopholes in sharing of intelligence between these organizations are partly attributed to the feeling that the police officers might reveal the intelligence to criminals. Mutahi Ngunyi observed that the distrust on the police is due to the belief that police will always not hesitate to exploit any opportunity that will help give them an extra coin in their pockets. Successful police investigations also are hampered by lack of professionalism in the part of the police and poor/outdated equipments.

According to the inspector of police, the poor police welfare is attributed to the limited resources allocated to the police; “poorly fed livestock will always try to find ways of getting greener pastures”. For police officers to be efficient more resources needs to be allocated to them. Though the government budget has been on a steady rise from 30 billion in 2005/6 to over 67 billion in 2013/4 budget, more financial support is still required. The secretary general of COTU has been campaigning for the creation of a union to agitate for the rights of the disciplined forces following the promulgation of the 2010 Constitution which allowed the police officers to join a workers union and picket but the union is yet to be

formed. The new proposed medical scheme for police which was to be implemented in June 2014 is still grappling with challenges ranging from the alleged corruption, lack of sufficient funding and the reluctance by the insurance companies to cover the sector due to high scale of risks involved.

The main challenge in the modernization of the police infrastructure and the provision of sufficient facilities for police to handle crime effectively is the limited financing. Acquisition of arms is usually an expensive task and due to low revenues in the country, the government cannot afford to modernize these facilities. The restoration of sanity in our roads through the setting up of mobile courts has seen some motorists devise ways of evading the law by taking detours when they find out the police have set up checkpoints along the routes they are using.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter contains a summary, conclusions and recommendations of this study. The recommendations provided are aimed at addressing the problems that are undermining the delivery of quality service by the police. The information obtained in this study relied majorly on primary and secondary data obtained.

5.2 Summary

The purpose of the study was to determine the impact of police reforms on service delivery. The study focused on the impact of police reforms on service delivery, challenges encountered in enhancing service delivery and actions to be undertaken to ensure the reforms achieves the intended purpose of improving service delivery.

The study found out that various reforms have been implemented so far. These reforms include police restructuring, police accountability, involvement of civilians in community policing, enhancement of police responsiveness, public confidence, police management and human resource capacity and improvement of police technical capacity.

Though these reforms have been implemented, the study found out that some phases have stalled due to the lack of political goodwill, limited resources and resistance to change by those in the leadership of the police. The study further found that despite the implementation of major reforms, these reforms have failed to translate into enhanced and effective service delivery. This is due to the fact that the police service have been resistant to changes; the study established that failure by the police service to replace the top and middle level leadership has frustrated efforts to restructure the police service due to resistance to change and fear of the unknown. The study further found out that the vetting exercise which was aimed at weeding out incompetent, corrupt and unprofessional officers has not been able to achieve anticipated results; so far senior officers of questionable integrity have been cleared in these panels.

The new dawn following the promulgation of the Kenya Constitution 2010 has led to the emergence of new legal challenges. The law requires police to produce suspects at the law courts within 24 hours or the next court day and this has impacted negatively on police investigations. Police investigations are still inadequate; this is seen from the high number of cases where the suspects are released by the courts due to lack of evidence or due to shoddy investigations by the police. The extension of police training from nine to fifteen months

which was meant to enhance the quality of police officers passing out has been inconsequential due to failure of the police to review the syllabus of training to include courses like human rights and public relation.

The study also found that the police service has embraced use of modern technology in its operations, but the service delivery has not improved in most areas since most of police officers are not techno savvy, slow pace in modernization of infrastructure, insufficient funds and the failure to amend police regulations so as to allow for proper modernization of police operations. The study also found that the ratio of police officers to the population is still below the United Nations recommended standards. The state of our porous borders still provides a big challenge to our security teams as this leads to high levels of proliferation of illegal arms in to the country. The image of the police in the public court is tainted; police are viewed as brutal and a law to itself. The public approval rating of the police is very low.

The study also established that community policing and the “nyumba kumi” initiatives are facing various challenges due to lack of public support and reluctance by some national government administrators to support the “nyumba kumi”. Most of those appointed as the ambassadors are not conversant of their roles and do lack incentives for motivation. The members of public are poorly trained on their role in policing; they have not fully appreciated their role in cooperating with the police so as to ensure that security prevails. The community policing program which was aimed at creating awareness and engaging the public in ensuring security prevailed within the community failed after successful take-off; this is due to transformation of these groups into vigilante groups which extorted the residents in the name of protection fees. These groups ensured that those who failed to tow their line of operation were punished. The citizens too decided not volunteer information to the police because some of the Police officers were in cahoots with the criminals these factors have partly contributed to the poor quality of services being offered to the citizens by police.

In terms of police welfare, though the police have in the recent past received salary increments, these increments are insufficient considering the current cost of living. This has contributed to the rampant corruption within the service. The police living and working conditions are very poor. Police remuneration as compared to other security personnel and public servants is very low and this has been used by some of the officers as a justification for their engagement in criminal activities like corruption and facilitation of criminals.

5.3 Conclusions

In conclusion, despite the implementation of reforms in the Kenya police service, most of these reforms have failed to translate into enhanced service delivery to the members of the public. This is against the neo-classical organizational change assumption that organizational reforms enhance service delivery. This failure can be attributed to several factors which include lack of political goodwill and political interference, failure by the police service and police officers to embrace reforms, corruption, supremacy battles, police culture and insufficient funding to sustain reforms. The judiciary also has partly contributed to the failures in the successful implementation of police reforms due to lack of proper cooperation with police in regards to the investigations and prosecution of criminals. The oversight organizations have also failed to provide an independent oversight of the police service as they appear unable and properly lack power to execute their mandate.

However, it is worth noting that some of the reforms implemented have led to improved services. These reforms include the partnership between police, public and private sectors in terms of facilitating the police; the provision of vehicles to the police by Mombasa and Machakos Counties is commendable and more of such actions should be encouraged, though caution should be undertaken so as to ensure that such initiatives are not by individuals with ulterior motives to manipulate the police service. The introduction of new transport regulations by the ministry of transport has drastically reduced the number of accidents though there are still a lot of actions that can be undertaken by the government to eliminate the road menace. Though this research is comprehensive, there still remains a huge gap that can be researched on in future, this is because the security sector is quite fluid and hence new challenges to the security apparatus are being unveiled on a day to day basis and diverse challenges in different areas.

5.4 Recommendations

1. The Police service needs to fast track the reforms implementation process so as to ensure that the reforms process is sustained; the implementation of police reforms has nearly stalled due to politicization of the service. The NPSC may need to come up with mechanisms of tracking the reforms implementation process so as to ensure that all reforms implemented translates to improved service delivery. All the stakeholders should be involved in the reform process.

2. There should be enhanced coordination between National Police Service and National Police Service Commission for successful implementation. The roles and mandates of both organizations should be clearly spelt out. Both institutions should involve the other before undertaking overreaching changes since the frequent squabbles between them is affecting their reputation in and out of the country.

3. All the Counties should fast-track the formation of County Policing Authorities; the Counties which have set up these authorities should consider setting apart adequate funds to fund their activities.

4. There is a need for the modernization of equipments and services being used by the police officers and the government should increase the allocation of budget to the police service so as to be able to modernize the infrastructure and proper remuneration of the officers. A central electronic data bank needs to be set up by the police service and be interlinked with the county offices for ease of keeping records, sharing and access of information. This will ensure effectiveness and efficiency.

5. The police vetting process should focus on professionalism, competency, transparency and honesty so as to weed out elements within the service that continue to propagate corruption, facilitate criminals and those who are stumbling blocks to the transformation of the police service. These individuals though few within the service portray the entire service as a corrupt institution. The police vetting process too should not be a one-off activity but should be a continuous process since those who are cleared to continue serving have been reported to be engaging themselves in new acts of corruption.

6. The oversight authorities should be empowered and devolved to the Counties so as to ensure that they are at the grassroots. The oversight institutions should play a more vibrant role and should fully involve the public. These institutions should set up forums where the public get to interact with the institutions' officials with the aim of building a rapport and a good working relationship with the public. There may be need for IPOA to open offices across all police divisions so as to ensure that they are reachable and available to the members of public.

7. In all organizations undergoing restructuring, there are those employees who would always opt for taking voluntary early retirement rather than waiting for restructuring. The police service should consider setting up mechanisms that will enable these officers exit the service honorably. This will also provide an opportunity for employment of young and vibrant officers who would provide new dimension to police leadership. The Police officers should endeavor to change the public perception towards them. This can be achieved to demystifying of police operations and ensuring transparency.

8. The rapid results initiative initiated by the government in October 2013 should be fast tracked; all the security agencies should ensure that there is proper sharing of information and intelligence. Tough penalties should be taken against those police officers who cooperate with criminals. The “Nyumba Kumi” project initiated by the government should be driven primarily by the citizens at the grassroots, proper structures and mechanisms should be put in place so as to ensure successful implementation. Forums to enlighten the public on its significance should be undertaken across the country.

9. The police officers need to be retrained on human rights issues, customer relationship and modern policing techniques. The current syllabus used for police training should be reviewed; this will ensure that their training do not focus more on the physical training but other disciplines also. The service should also provide incentives aimed at encouraging the police officers to pursue higher learning in their careers. This will enhance job satisfaction and self development. Proper integration structures and joint training and exercises should be undertaken between the Kenya and administration police officers. This will eliminate the rivalry between the two institutions. The unification of command down to the lowest levels should be effected and the police welfare across the two services should be streamlined.

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INTERVIEW GUIDE

1. What changes have been implemented in the police service?
2. How has the change in police structure affected service delivery?
3. How has the presence of police oversight authority affected services offered by police?
4. How is the partnership between the police and public in fighting and reporting crime?
5. How prepared are the police to tackle new emerging challenges to National security?
6. How has the reforms impacted on public confidence in the police service?
7. How has the reforms affected police welfare and how has the police welfare impacted on service delivery?
8. How are the police equipped in delivery of their duties?
9. What are the challenges faced in delivery of quality service to the public?
10. How can these challenges be addressed so as to ensure that Kenyans are satisfied with police services?