

**INFLUENCE OF INDEPENDENT POLICING  
OVERSIGHT AUTHORITY ON THE PERFORMANCE  
OF POLICE OFFICERS IN KENYA: A CASE OF  
NAIROBI CITY SUB-COUNTY**

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**DECLARATION**

I hereby declare that this project report is my original work and has never been submitted in any other university or institution of learning for a degree or any other award.

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This Research project report has been submitted for examination with my approval as the University Supervisor.

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## **DEDICATION**

This research project is dedicated to all police officers out there who risk their lives day and night and work extra hours to ensure that law and order is maintained with total regard to human rights of the people they police. It's also a special dedication to my father a Senior Prison Officer who is an epitome of a uniformed officer with integrity and professionalism.

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To the Almighty God, for your abundant grace and love; Glory is your Name.

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## **ABBREVIATIONS AND ACRONYMS**

<b>ACHPR</b>	- African Charter on Human and Peoples' Rights
<b>ACLU</b>	- American Civil Liberties Union
<b>APCOF</b>	- African Policing Civilian Oversight Forum
<b>APT</b>	- Association for the Prevention of Torture
<b>CAT</b>	- Committee against Torture
<b>CHRI</b>	- Common Wealth Human Rights Initiative
<b>CIPEV</b>	- Commission of Inquiry into the Post Election Violence
<b>CMC</b>	- Crime and Misconduct Commission
<b>COPS</b>	- Community Oriented Police officers
<b>CVI</b>	- Content Validity Index
<b>DCI</b>	- Directorate of Criminal Investigations
<b>IAU</b>	- Internal Affairs Unit
<b>ICCPR</b>	- International Covenant on Civil and Political Rights
<b>ICD</b>	- The independent complaints Directorate
<b>IG</b>	- Inspector General
<b>IPCC</b>	- Independent Police Complaints Commission
<b>IPOA</b>	- Independent Policing Oversight Authority
<b>KICC</b>	- Kenya International Conference Centre
<b>NACOLE</b>	- National Association for Civilian Oversight of Law Enforcement
<b>NPS</b>	- National Police Service
<b>NPSC</b>	- National Police Service Commission
<b>UN</b>	- United Nations
<b>UONDC</b>	- United Nations Office on Drugs and Crime
<b>PEV</b>	- Post-Election Violence
<b>PIIAC</b>	- Police Internal Investigations Auditing Committee)
<b>PSCU</b>	- Professional Standards and Conduct Unit
<b>SPSS</b>	- Statistical Package for Social Scientists)

## ABSTRACT

The purpose of this study was to determine the influence of the Independent Policing Oversight Authority on the performance of police officers in Nairobi city sub county, Kenya. The objectives of the study were to; determine how holding police accountable to the public, assess how promoting professionalism in the service, establish how independent oversight of handling of complaints by the service, assess how management capabilities of IPOA and determine the moderating influence of the National Police Service Commission influences the performance of police officers. The study was grounded on the deterrence theory in criminology. Proponents of deterrence believe that people choose to obey or violate the law after calculating the gains and consequences of their actions. The study had a target population of 400 drawn from police officers, IPOA staff and the public. Krejcie and Morgan formula was used to calculate the sample size which was 196. Piloting was conducted using 19 respondents which formed 10% of the sample size. This study used a descriptive survey research design where questionnaires were administered to Police officers, IPOA officials and the public in Nairobi City subcounty. Content Analysis and descriptive analysis were employed to analyze the collected data. Tables were used to present the collected data for ease of understanding. The study demonstrated that the police, IPOA and citizens hold different views on the role of police accountability on police performance. The study concludes that police accountability has had varying and minimal effect on police service delivery. The study also established that police reforms are yet to promote high standards of professionalism and enhance performance in service delivery. The study also found out that IPOA handling of complaints has enhanced police service delivery. The study revealed that the public and IPOA agreed that management capabilities of IPOA has influenced the performance of police officers in Kenya. The study results imply that most of the respondents believed that IPOA has the human capacity to carry out its mandate. From the study findings it can be suggested that National Police Service Commission has not been effective in improving police service delivery. The study recommends for IPOA to proactively deal with police misconduct by investing more on research into factors that can improve police service delivery and recommending policy and strategy changes to the relevant Authorities. The results of this study will be beneficial to IPOA, NPSC and NPS in the implementation of the police reform agenda.

## **CHAPTER ONE INTRODUCTION**

### **1.1 Background**

In the past decade or so, more and more countries have adopted civilian oversight structures which have been installed and empowered with prime objective of helping restore public confidence in the police. Such structures have been adopted in the United Kingdom, Australia, Canada and United state where they are considered recent.(Walker, 2001) States that civilian oversight bodies successfully started to hold in the 1970s in the United States despite emerging as early as 1940s.

The independent Police Complaints Commission (IPCC) of England and Wales has helped raise confidence and enhance access in the complaint system of the police. IPCC has a mandate of overseeing the police complaints system and was established in 2004 (PAC, 2009).

According to (Colleen Lewis, 1999) civilian oversight bodies begun in the 1970s in Canada. In India, repeated attempts of police reforms were continuously frustrated by the authorities lack of sense of urgency (UNODC, 2012).The Supreme Court in 2006 ordered the executive to implement reforms which included a directive to form a police complaints Authority. The Authorities has been faced by challenges such as lack of funding, lack of public awareness and lack of independence hence there is still concern over the high number of police abuses and human rights violations (CommonWealth Human Rights Initiative(CHRI), 2011)

In 1994, there was a strong political will and general consensus to improve democratic and accountable policing in South Africa after the entrance of the democratic government which marked the end of the apartheid system (UNODC, 2012).This led to the establishment of three external accountability structures; the secretariat for safety and security, the independent complaints Directorate (ICD) and the inspectorate. Despite all this, over the years, South Africa has been faced with massive increase in (violent) crime lading the police to adopt tougher measures with less accountability (African Policing Civilian Oversight Forum (APCOF), 2010).These challenges led to a shift in the policing paradigm again towards a focus on tough policing but with a professional and responsible police (UNODC, 2012) thus the enactment of The Independent Police Investigations Directorate Act,2012.

For many years, Kenya has struggled with rampant impunity, especially the use of officers to harass people. The United Nations Committee against Torture observed that dealing with human rights violations by the police was hindered by corruption in Kenya police ((CAT), 2008). In (Alston, 2009) the United Nations Special Rapporteur on Extra Judicial, Arbitrary and Summary Executions alleged that police in Kenya brutally and arbitrarily killed people using death squads. (Transparency International-Kenya, 2014) Indicated that Police in Kenya topped the corruption list of public Institutions. (Commission of Inquiry into the Post Election Violence (CIPEV), 2008) Accuses officers of disregarding due processes and abusing human rights. These have resulted into limited willingness amongst the general public to report to or provide the police with information and lack of public confidence in the police.

In order to change the situation, The Kenyan new constitution has set standards upon which national security exercises should be undertaken in the country. It specifically provides that the democracy, Adherence to law, human rights and basic freedoms must be respected when pursuing national security (Article 238 (2) (b)). The National Police Service is also expected to promote and practice transparency and accountability and prevent corruption (Article 244 (b)).

The Waki commission report and the Ransley commission report recommended the establishment of an autonomous Authority that would investigate police action and offer civilian oversight. In line with the new model of accountability and following a number of reports that exposed the problem of police in Kenya, the Independent Policing Oversight Authority (IPOA) was established through the Independent Policing Oversight Authority Act No. 35 of 2011 with a core mandate of increasing accountability and professionalism in the police and hence re-establish public confidence in the Kenya Police service.

In order, restore public trust and reestablish police legitimacy which is a prerequisite for effective policing, police accountability and integrity must be enhanced (UNODC, 2012). In certain circumstances the police have a legal right to use force as well as deadly force, but if not stringently controlled, these genuine powers of policing can lead to human rights abuses thus clear limits on police powers are placed by international standards and laws, (Amnesty International, 2013)

Kenya is bound to respect the total prohibition on torment and other unkind, inhuman or undignified treatment or punishment, protect and fulfill the right to life, liberty and security of the person under (ICCPR, Article 2(3)) being a state party to the International Covenant on Civil and Political Rights (ICCPR) and African Charter on Human and Peoples' Rights (ACHPR). The total prohibition on torment and other unkind, inhuman or undignified treatment or punishment, is also included in the UN Convention against Torture (CAT, Article 2) to which Kenya is also a state party. In a determination on accountability, police reform and civilian oversight, The African Commission on Human and Peoples' Rights urged State Parties to the African Charter to create autonomous oversight systems wherever they are nonexistent which should include citizen involvement (ACHPR 40<sup>th</sup> Ordinary session, 2006)

### **1.2 Statement of the Problem**

Given the immense powers the police have, they can preserve or undermine the rights, freedom and security of citizens thus, the double-edged nature of police powers. Police forces ought to be accountable to civilian institutions. Instead of grievances being dealt with through the police chain of command, police institutions should account to civilian bodies. Through Civilian oversight, individuals outside the police take responsibility in making officer's account for their procedures, organization and actions (Miller, 2002)

Police service one of the government structures responsible for proper management of law, order and justice, thus giving a secure environment warranting enjoyment and respect of basic civil liberties. It's only possible to maintain such an environment when the government, its organizations, and the public respect the rule of law and the basic principles of democracy. It is thought that establishing civilian oversight would safeguard police institutions against impunity and dispel the attitude that the police institutions are above the law.

Appreciating this two-edged nature of police discretion and power, the Kenyan government established the Independent Policing Oversight Authority (IPOA) whose main objective are to hold police accountable in the performance of their duties to public and promote professionalism and discipline in the police service. IPOA was formed in 2011 with the enactment of the IPOA Act No. 35 of 2011. This was compelled by the Waki and Ransley reports that reflected the actions and oversights

in the context of the Post-Election Violence (PEV) of government security agencies and resolved that the formation of a well-researched, legally based, specialized and autonomous Police Conduct Authority would help Kenyans well. It was also informed by the reform agenda emanating from the enactment of the new constitution in order to give result to article 244 of the Kenyan constitution.

In its baseline survey, IPOA found out that 30% of the respondents had experienced police malpractice and of this, only 30% made a report to the concerned authorities. The study also indicated that 61% of the public were confident that the police could discharge their duties effectively (IPOA, 2013). In the five years that IPOA has been in existence, cases of police misconduct have still been on the rise as reported by various media houses, a recent case example is the teargasing of Langata Road primary School children by the police on 19.01.2015, the merciless beating of University of Nairobi student during demonstrations and indiscriminate shooting of protesters with live bullets in the just concluded electioneering period. With reference to the objectives of IPOA (Section 5, IPOA Act), this study wanted to determine the influence IPOA has had on performance of police officers: a case of Nairobi City sub county, Kenya.

### **1.3 Purpose of the Study**

The purpose of this study was to investigate the influence of the Independent Policing Oversight Authority on the performance of police officers in Nairobi city sub county, Kenya.

### **1.4 Objectives of the Study**

The study was guided by the following objectives;

- i. To determine how holding police accountable to the public as an IPOA mandate influences the performance of police officers in Nairobi City sub county.
- ii. To assess how promoting professionalism in the service as an IPOA mandate influence the performance of police officers in Nairobi city subcounty
- iii. To establish how independent oversight of handling of complaints by the service as an IPOA mandate influence the performance of police officers in Nairobi City subcounty.



- iv. To assess how management capabilities of IPOA influence the performance of police officers in Nairobi city subcounty.
- v. To determine the moderating influence of the National Police Service Commission on the relationship between IPOA and performance of police officers in Nairobi City Sub county

### **1.5 Research questions**

The study seeks to answer the following questions

- i. How does holding police accountable to the public as an IPOA mandate influence the performance of police officers in Nairobi City subcounty?
- ii. How does promotion of professionalism in the service as an IPOA mandate influence the performance of police officers in Nairobi city subcounty?
- iii. How does independent oversight of handling of complaints by the service as an IPOA role influence the performance of police officers in Nairobi City subcounty?
- iv. How does a management capability of IPOA influence the performance of police officers in Nairobi city Sub County?
- v. What's the moderating influence of National Police Service Commission on the relationship between IPOA and performance of police officers in Nairobi City Sub county

### **1.6 Significance of the study**

It was expected that findings of the research may help IPOA know the extent to which it's achieving its objective, the challenges facing the institution and the strengths and weakness of the organization. It is also hoped that it may advise all the stakeholders especially the political leaderships and the National police service of the gaps found in the implementation of the police reform agenda. The research is anticipated to also serve as a future reference for researchers who would be interested in researching on civilian oversight mechanisms in Kenya and other parts of Africa.

### **1.7 Basic assumptions of the study**

The study assumed that IPOA is adequately resourced to meet its objectives with full and unequivocal support from the executive and the legislature. It also assumed that the questionnaires issued would be filled correctly and honest information given by the respondents.

### **1.8 Limitation of the Study**

The study envisioned non co-operation by the police officers due to suspicion on the use of information provided. The researcher overcame this resistance by informing the respondents the purpose of the study and approaching them through their seniors.

### **1.9 Delimitation of Study**

The study confined itself to Nairobi city sub county Kenya which has the three police divisions and the county headquarters. This was informed by the fact that IPOA has its headquarters in Nairobi having devolved recently hence its influence can better be evaluated in Nairobi. The respondents were drawn from Police Officers at Central Police station, IPOA staff in Nairobi and the public.

### **1.10 Definition of Significant Terms used in The Study**

**Holding police accountable to the public;** IPOA is mandated to ensure that the National police service gives to the public motives for its actions, agree to be responsible for them, and to reveal the consequences in a clear manner. This is achieved by Investigating complaints against the police, investigating police actions that lead to death /serious injuries, investigating death in police custody and Publishing investigations findings

**Independent Policing Oversight Authority (IPOA);** Refers to the independent policing Oversight Authority created by The Independent Policing Oversight Authority Act No.35 of 2011 to give civilian Oversight on the work of the police by holding police accountable to the public, promoting professionalism in the National Police service and giving autonomous oversight of managing complaints by the National Police Service.

**Independent Oversight of handling of complaints:** IPOA Monitors, Reviews, Audits and keeps a record on measures taken by Internal Affairs Unit in reaction to complaints against officers as an external mechanism free from control and influence by the police, political class or any other interested party that monitors and assess how police officers manage of reports made to them.

**Management Capabilities of IPOA;** IPOA ability to coordinate the efforts of its staff to accomplish its goals and objectives using available resources efficiently and effectively by building co-operation and working relationship with people and Engaging the public/civil society.

**Promoting Professionalism;** Refers to IPOAs mandate of Reviewing patterns of officers misconduct, Reviewing the performance of the Internal Affairs Unit(IAU) and, Monitoring and inspection of detention Facilities in order to enhance the skill, good judgment, and polite behavior that is expected from a police officer who is trained to preserve law and order.

**Performance of police functions;** the accomplishment of the duties of the national police service as outlined in section 24 of the National Police Service Act No. 11A of 2011 while promoting: reduction of complaints against police officers, reduction of death due to police actions, adherence to laws, code of conduct and operational procedures by the police, reduced corruption in the police, Increased success in handling of complaints by the police, positive perception of IPOA by the police and confidence in IPOA Staff

### **1.11 Organization of the Study**

The project report is structured in five chapters. Chapter One contains the background of the study, statement of the problem, purpose of the study, objectives, research questions, significance of the study, basic assumptions, Limitation and delimitations of the study, definition of significant terms and organization of the study. Chapter Two concerns the Literature review of civilian oversight mechanisms in the world and civilian oversight in Kenya. It also focuses on the influence of IPOA on police performance through its mandate which include holding police accountable to the public in performance of their functions, promoting professionalism, discipline and transparency in the police and providence of oversight of handling of complaints by the police service. In addition, literature on management capabilities and qualification of IPOA staff will also be reviewed. Chapter Three deals with the research methodology to be employed which includes the research design, target population, sample size selection and sampling procedure, research instruments, validity and reliability of the instruments, piloting of the research instruments, data collection procedures, data analysis techniques, ethical considerations and a table of operationalization of variables. Chapter four focuses on presenting data collected from the field, its analysis, and presentation and finally the interpretation of the findings on the influence IPOA has on performance of police functions in Nairobi Sub County. Chapter five discusses the summary of the findings, conclusions and recommendations.

## **CHAPTER TWO LITERATURE REVIEW**

### **2.1 Introduction**

The chapter reviewed studies related on what has been researched or written by others on external oversight mechanisms from the global and local perspectives. The areas reviewed include: the concept of IPOA, holding police accountable, Promoting Professionalism, independent oversight of handling complaints, Management capabilities and Qualification of IPOA staff all in relation to their influence in performance of police functions.

### **2.2 Concept of IPOA and Performance of Police officers**

The core police functions outlined in section 24 and 27 of the. (GOK, 2011)include; administration of all laws and policies which it is responsible for, providing help to the public when required, safeguarding life as well as property maintenance of law and order, inquiry into crimes maintenance of peace, collection of criminal intelligence, apprehension of wrongdoers; and prevention and detection of crimes.

In the performance of these functions, article 244 of the. (GOK, 2010)obliges the National police service to: tutor its staff to the maximum set of competency and integrity and uphold civil liberties and basic freedoms and self-respect; endeavor for the uppermost principles of professionalism and obedience among its members; observe the legitimate ideals of people's rights and basic freedoms; inhibit corruption and support and practice accountability and transparency and foster and promote relations with the public.

To ensure that the police perform their functions while adhering to the provisions of the constitution, IPOA was formed to provide oversight on all police functions with an overall goal of transforming the National police officers into specialized, responsible competent and operational security organ that Kenyans can be confident for their security and safety.

IPOAs core functions as outlined in section 6 of the (GOK, 2011)include: inquiring into policing processes touching on citizens, inspections Police premises, as well as police custodies, review patterns of officer misconduct, assessing inquiries and activities done by the Internal Affairs Unit in reaction to grievances against the officers, investigating grievances against the police and recommending to the appropriate establishments, and collaborate with other organizations on matters of law

enforcement oversight. Section 5 of the (GOK, 2011) gives the three main goals for the formation of the Authority: implement Article 244 of the Constitution, ensure autonomous oversight of the management of grievances by the Service and make Police answerable to the public in the execution of their jobs.

(Chasnoff, 2006) Indicates that nothing much has been done to create a an objective and official criteria for evaluating citizen oversight institution thus most of them have been both praised and dismissed.(Miller, 2002) Confirms that little studies have been conducted to know what would make a particular oversight body successful.(Prenzler, 2004) points out that most success stories are based more on intangibles such as improved procedures and policies, enhanced transparency, quality investigations and a positive public perception rather than hard numbers such as increase In discipline, decrease in misconduct incidents or reduced complaints.

The research by Mark (Evanson)on Embracing Citizen Oversight indicates that police misconduct is still sustained after establishment of a civilian agency.(Walker, 2005) Supports that whether an oversight system is created or not the rates for officer misconduct stay almost the same.(Pitcher, 2010) Concluded that minus clear measures for appraising civilian bodies structures, many of the condemnation and praises are based on individual outlook. A number of researchers are in agreement that though the industry is deficient of satisfactory appraisal criteria, it's important that the citizens recognize that citizen oversight bodies strengthen police accountability.

It's basically immaterial whether or not oversight bodies enhance police accountability but the perception by the citizens that it working will motivate the public's request for civilian oversight of police currently and in the future (Evanson).

### **2.3 Holding Police Accountable and Performance of Police officers**

According to (Schedler, 1999) the two important elements of accountability are enforcement and answerability. In answerability public officials are obligated to explain what and inform about what they are doing while in enforcement, power holders who violates their public responsibilities should have sanctions imposed on them by accounting agencies

Being an important component of policing, accountability and integrity should be enhanced in order to create, reestablish or increase public belief and build

acceptability which is essential for successful policing (United Nations Office On Drugs and Crime(UONDC), 2011). Effective accountability is vital if the police are to realize their goals of lawfulness and legitimacy. The observance of prescribed legal necessities as well as all court decisions and statutes is referred to as lawfulness while the perception that the police behavior is both consistent and lawful with civic expectation is legitimacy (National Academy of Sciences, 2004).

Legitimacy and lawfulness are vital for the police are to attain their objectives of improving the quality of a community life, decreasing crime and disorders, and helping public requirements. (Scott, 2000.)Point's out that deficiency in legitimacy hinders the growth of working collaboration a vital component in community policing and oriented policing. Successful accountability is important in accomplishment of the policing objectives.

Police accountability systems are bodies and practices outside the police units which are established to guarantee that the actions of the police are scrutinized and gauged with regards to efficiency(maximum gain to resources used in undertaking of their jobs),effectiveness (level of performance) and integrity(compliance rules and regulations, reverence of persons rights, and prevention of abusive actions such as cruelty, extra use of force plus extra-judicial killing,. corrupt practices and law implementation decisions based on biases against categories of individuals) (United Nations Office On Drugs and Crime(UONDC), 2011).

Making individual officers to account for their behavior is a critical element of policing since its related to achieving the basic objectives of policing(Walker, 2005).In Accountable policing, police should accept being quizzed about their decisions and actions and agree to the penalties of being found guilty of misconduct, including having to compensate victims and sanctions(Schedler, 1999).

To warrant that the police become answerable for their actions, IPOA undertakes to investigate complaints against the police whether disciplinary or criminal including death in police custodies and police actions that lead to death or serious injury. IPOA also monitors and if necessary investigates police operations that affect the members of the public. This is all endeavored in ensuring the public understands the actions of the police and trust that it was done in good faith thus improving policing standards (GOK, 2011).

There are several categories of oversight bodies' that vary broadly in regards of their level of engagement in investigating grievances against police and deciding the penalty. The level of engagement depends on the agency's legal authority and capacity. Oversight bodies are required to make determinations for the citizen and officers involved after investigating accusations of misconduct and determining punishment, for those rulings to be acknowledged as appropriate by both the public and the police, the oversight body must be broadly viewed as objective and impartial (Phillips Emma, 2002).

Fully external models of citizen agencies that have complete independence to undertake inquiries and make conclusions are mostly in societies where law enforcement institutions have totally lost public faith in the internal police affairs unit to undertake investigations. At their inception, they are regarded by the public positively as autonomous inquiries of officer misconduct. Regrettably, in due course, lots of such models get into the same condemnation as the procedures they were meant to replace. They become overstretched very fast and many do not complete their inquiry into in a timely way (McDevitt, Farrell, & Andresen, 2005).

The IPOA Act mandates the Authority to independently oversee how the police handle complaints made by both the public and the police. Within the Authority, this is operationalized by the complaints management and legal directorate with complaints management officers who receives, process and forward to the Investigation Directorate for investigation as mandated under Section 6 of IPOA Act. Mechanisms and capacity towards improved internal investigations management on allegations of criminal actions and misconduct by Police are in place. The Authority has a team of investigators handling the day-to-day investigative responsibility within the Directorate of Investigations. (GOK, 2011)

According to IPOA's performance report during the period of January to June 2014, the Authority received a total of 610 complaints compared to 250 received during the previous period (1st July 2013-31st December 2013), recording an increase of 360 cases or 144%. Cumulatively, the Authority had so far received 860 complaints since inception in June 2012. The largest number of complaints during both reporting periods was received from the public with a cumulative proportion of 63% of all the complaints received in the period. Complaints from the police notably went up from

11 to 75 as well as from the State and non-State actors, an indication of increased collaboration with respective agencies (IPOA, 2014).

Independent examination is mainly significant in regards to the police's obligation to combating crime and maintains order. In order to achieve their function, officers are given a series of powers. Which can be abused in the course of carrying out these mandates, thus, impartial and proper monitoring of police action is essential. Given that the police sometimes work in dangerous environment they are lawfully allowed to use force to protect themselves and the general public. Nonetheless, wherever force is used there is the possibility of abuse; hence, the police by tradition are taken to have a control over the legitimate usage of physical force (Association for the Prevention of Torture(APT), 2013)

(Article 3 of the UN Code of Conduct for Law Enforcement Officials, 1979) Allows police officers to only strictly apply force when it's absolutely indispensable in the undertaking of their obligation. Furthermore, there are the fundamental Codes on Force and Firearms usage by police officers (Adopted by resolution of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in September 1990) which gives principles on good police practice in the usage of firearms and force, thus supporting and guarding the right to life (Crawshaw, 1998).

According to the UN code, police officers should use guns against people only for defense against looming danger of death or grievous injury. In practice, there are strict considerations for police usage of force. Furthermore, proper reporting and procedural review should be conducted when the police use force or firearms. Many reasons can lead to police abuse such as difficulty of using force in line with the principle of proportionality, wrong assessment of a situation resulting to violation of human rights, Officers taking advantage of their powers to intimidate or extort information and because there is a culture of impunity in a given context.(Association for the Prevention of Torture(APT), 2013)

(Pyo, 2011) discusses a project in Hungary and Spain which found that systematic monitoring of police stops and public reporting of data increased the proportion of stops that uncovered offences. Thus making police work to be less discriminatory and more efficient. In both the countries, police had a prior history of prevalent ethnic profiling. This project confirms the notion that police officers will rely more on



objective evidence rather than act on stereotypes if they are aware that their reasons and results will be scrutinized. Success in enhancing performance and reducing prejudiced actions is a motivation to believe that extra inroads could also happen in other places.

IPOA is mandated to inquire into any death or grievous injury including passing away or serious injury in: Police detention, due to police actions or cause by officer in the line of duty. Police are required to take necessary steps upon a death or serious injury to safeguard evidence important in the inquiry ,notify the IPOA in writing, and provide it with proof and all other facts applicable to the matter (GOK, 2011).IPOA monitors and reviews all policing operations affecting members of the public including: any event involving the use of police service, use of fire arms by the police, deployment of police officers, and training of police officers, operations that can potentially affect the interaction between the general public and police, and any other matter of national importance affecting the public. The purpose of this monitoring and review is to: respond to public concerns on any matter involving the police, ascertain that the police are being deployed for the for lawful purposes, share information relating to the police with the general public, ensure compliance with policing and human rights standards; and establish standards of policing (IPOA, 2013).

One main objective of citizen oversight is to make police agencies more apparent, mainly the way the oversight reacts to police who misuse power. It is as important as the actual resolution for an oversight body to be able to successfully give information on the inquiry into an accusation and the outcomes of the process to the petitioner, public as well as police (Phillips Emma, 2002).Based on the findings of any investigations, the reports of the inspection teams and the conclusions drawn from the monitoring and review exercise, the IPOA prepares reports containing recommendations to State organs.

#### **2.4 Promoting Professionalism and Performance of Police officers**

(Siegfried, 1989)Defines professionalism as a set of specialized skills obtained from broad training, internal principles and moral codes that obligates its members to be accountable to the institutions/community they serve and to one another.(Gaines, 2007)Explain that the quality of policing has been raised by a movement to create

professional standards in police work thus transforming both police administration and policing. In (Schmallegger, 2007) it is predominantly believed that a highly professional police agency is more successful in undertaking of its core mandates.

The quest for officer professionalism is in dual senses. Foremost, it has connotation in the conventional sense of honesty, observance of code of ethics and standard operating procedures; and secondly, in today's more intricate times, professionalism is responding to institutional needs or community, in becoming more effective in policing and being respectful of human rights(Schneider, 2009).Presently, professional police institutions are those organizations where service, civilian respect and education are fundamental to their undertaking(Goldstein, 1977).

IPOA promotes professionalism by reviewing pattern of police misconduct in order to come up with policies that would bring an overall change, reviewing the functioning of the internal disciplinary processes to ensure they are effective and efficient and inspecting detention facilities and monitoring police operations that affect members of the public to ensure they are within the laid down legal framework.

In India, an interview conducted by(CommonWealth Human Rights Initiative(CHRI), 2011) with roughly twenty five respondents who had complained to the complaint agencies in Uttarakhand revealed that there was a similar pattern of police misconduct. The interviews demonstrated the confidence police officers had in their ability to escape criminal liability or accountability, often leading to continued power abuse on their side. The respondents recounted the occurrence of additional threats as well as physical torture and in some case illegal detention following their complaint to police complaint agencies

Merrick Bobb, a special counsel, whose role was created by the Los Angeles County Board of Supervisors to enhance better understanding of polices and trend argued that civilian oversight can enhance practical reforms that reduces misconduct by prioritizing pattern analysis rather than reacting to individual complaints. Having conducted several investigations in the crime ridden neighborhoods of south Los Angeles regarding shootings by officers at the Sherriff Century Station that involved interviewing staff, reviewing documents and observing police actions, He realized that the high number of shooting was due to the fact that excessive burdens were

being put on quite new officers minus adequate command, elements that added to the increased incidents of shootings(Phillips Emma, 2002).

Major trends in police behavior can be revealed by examining a collection of complaints closely. Upon assessing watchdogs' offices in five states in Brazil, and after taking into consideration the varying sizes of each police service, researchers at the Centre for Studies of Public Security and Citizenship in Rio de Janeiro learnt that complaints filed in São Paulo and Rio de Janeiro mostly concerned the civil police than the military police. This vital information can assist oversight agencies and law enforcement managers to craft reforms that impact greatly on misconduct (Phillips Emma, 2002).

In a study by(Ayiera, 2015),it was indicated that abuse of power and police misconduct frequently happened in the form of: extorting money and demanding/taking bribes, refusal to record complainants' statements, police beatings and physical assaults and interfering in criminal cases to influence the outcome. The study also revealed that other common complaints of police abuse were associated with incidents of police officers pursuing personal grudges and vendettas against civilian. Respondents indicated that several community members had experienced abuse of power by police in the form of failure to take action. The interviewees further stated that in cases where a complaint was pursued by the police, the process was, uncertain, prolonged and tedious such that many gave up due to the frustrations encountered.

(Common Wealth Human Rights Initiative and Kenya Human Rights Commission, 2006)Indicates that a first order priority for democratic police reforms is enhancing the internal disciplinary systems within the police to be effective. Other oversight mechanisms are not replaced but rather complemented by internal accountability systems. Self-restraint is self-discipline and which needs to be balanced by external oversight, thus encouraging the internal accountability systems to appropriately fulfill their responsibilities and promotes public confidence. Internal Oversight are also considered cost effective and hence, if conducted correctly, can be a quicker means of dealing with poor performance and misbehavior more than outside mechanisms

In order to prevent external oversights from becoming overloaded with work, which may jeopardize their effectiveness, the police should bear the sole responsibility for

the overall performance of and integrity of police institutions by continuing to carry out internal investigations (United Nations Office On Drugs and Crime(UONDC), 2011)

IPOA watches over the undertaking of the Internal Affairs Unit (IAU) of the police in order for them to independently authenticate that the internal police mechanisms deals with grievances against officers effectively and fairly. If not satisfied with IAU's intervention, The Authority can take over the investigations. The unit is mandated to among others deal with cases of indiscipline, including police misconduct raised by either the members of the public or police officers and corruption. In order for an enabling environment to be created for the unit, the law requires that the IAU should be situated in offices separate from the rest of the service and should not be subject to direction, command or control of Administration Police, Kenya Police or Directorate of Criminal Investigations but shall be answerable directly to the Inspector General. For accountability, IAU is obliged to report on a regular basis to among others the IPOA and the NPSC," Kavuludi. (<http://www.capitalfm.co.ke/news/2015/01/police-internal-affairs-unit-to-be-detached-kavuludi/>)

The rights of police officers should be fulfilled and respected just like they have an obligation to respect and protect basic individual rights. Thus, even though police officers may be guilty of human rights violations, monitors should be aware of the fact that they themselves may be victims of abuses thus impacting greatly on the manner they treat detainees. For instance, very poor working and material conditions are not only a breach of police officers 'social and economic rights, but may promote corruption or contribute to other behavior harmful to those under their custody. Monitors should take on a holistic approach that takes into consideration the difficulties and needs of the police in their efforts to comprehend the root-causes of ill-treatment, including systemic problems within police stations. Dialogue between the police and monitors about the problems that the police face may well produce greater openness to criticism; thus, it often proves a significant diplomatic tool.(Association for the Prevention of Torture(APT), 2013)

Section 6 (e) of IPOA Act mandates the Authority to inspect of police premises, including police custodies. This, alongside the implementation of recommendations made is expected to result in improved conditions of detention facilities, police

premises and police operations which is one of the result stipulated in IPOA's Strategic Plan 2014-2018. For purposes of ensuring that all police premises meet the required standards, the Authority may at any time inspect the premises including any police post; police station; lock-up or detention facility; armory facilities; sanitary facilities; police houses; child protection units; gender desks; or any other police premises that the authority may need to inspect. The inspection team shall ascertain whether or not any police premises it inspects, is clean, in good and habitable condition, has gender and child protection units and has the necessary facilities to assist the Service to discharge its roles. The Authority shall have the discretion to notify the police of its intention to inspect any premise (IPOA, 2013))

During the January-June 2014 reporting period, the Authority conducted inspections of 40 police premises out of which 23 were police stations, 1 police post, 6 police patrol bases, 9 Administration Police camps/posts and the Government Vehicle Check Unit Headquarters. Recommendations were made for action to be taken by Officers in Charge of Stations within 90-days (3 months) duration while others required the action of NPS, NPSC, IG and Treasury.

Out of the 40 police premises inspected 28 (70%) had detention facilities. The inspection indicates that artificial lighting in the detention facilities was available for only 14% of the 28 facilities and only 10% had separate cells for juveniles. This notwithstanding, a significant proportion of facilities met the required ventilation, separation of cells for male and female, clean toilets while moderate proportion of facilities had ensured clean cells. All the 40 police premises inspected had either deplorable buildings or office space was very limited or a combination of both. 93% of the police premises inspected did not have security arrangements at the main gates/entrance or screening of persons entering the premises despite the current security threats where police stations have continued to become targets of terrorists. All the 40 police premises inspected (100%) did not have access facilities for people with disabilities.

## **2.5 Independent Oversight of handling of complaints and performance of police officers**

The major component of any accountable and professional police institution is a complaint mechanisms, thus their effectiveness and existence should be evaluated by monitors. The first level of a complaints mechanism is the internal complaints

mechanism through which complaints are addressed to the in charge of the police station/department and internally investigated by a police entity. The shortcoming in this mechanism may be the strong ‘esprit de corps’ within the police and lack of autonomy (Association for the Prevention of Torture(APT), 2013).

For a police complaints system to be effective it has to be accessible, simple and basically fair. It should recognize complaints as valuable feedback rather than being defensive. It should seek to address the main cause of public dissatisfaction by assuming that all complaints are made in good faith but also recognizing that few complaints are malicious and vexatious and can take up an unreasonable amount of time, and be able to deal with those robustly(Glass, 2014).

A major topic of debate is whether or not the police can effectively police themselves. Many civilian oversight practitioners and Community activists’ doubt their ability to(Walker, 2005). In fact, the simple creation of a civilian agency by politicians and officials is a communication of the ineffectiveness of the existing internal models of accountability. Opinions concerning interior police accountability systems are; officers who commit misconduct are protected by the police subculture referred to as “code of silence”, investigations are prejudiced and favor the officer, police function in a clandestine society that tolerates abuse and misconduct and police management permits such actions to happen(Finn P. , 2001)

These perceptions have unfortunately been contributed by the police themselves, and the police management that has not done much to increase public faith. A study conducted by(Tracy Brown, 2008) offers vital information regarding the commissions and omissions by the police that propagate the view that police cannot police themselves. Generally, the survey suggested that there are numerous police bodies that have not embraced the significance of comprehensive police answerability practices. Its most noteworthy conclusions are;60.1% do not capacity build its new supervisors; 33.4% do not have a specialized person to conduct internal inquiry and 91.8% did not get contribution from the public in regard to their citizen complaint procedure.

A survey conducted by the New Jersey Civil Liberties Union (NJCLU) on about 500 police bodies in 2009 in New Jersey found out that: only 4% of agencies accepted online complaints, 63% require complaints must be filed in person, lots of police

organization do not receive civilian complaints beyond the usual operational hours, 68% will not accept complaints by phone, 49% do not accept anonymous complaints and 86% do not send grievance forms or allow them to be taken from police station.

In their report, the New Jersey American Civil Liberties Union ACLU (2009) stated that internal affairs is defeated before it begins if people are uncomfortable to lay complaints. It is necessary for the Police to enhance their relationships with the public and citizen oversight agencies since it's in the public's and their own best interest for police accountability mechanism, whether internal, external or both, to be successful. It is important for the police management to comprehend the issues that have made their internal mechanisms to be observed to have failed for them to advance their own answerability mechanisms as well as assist citizen oversight agencies to be successful.(American Civil Liberties Union of New Jersey(ACLU), 2009)

There are numerous examples of citizen review models. The most independent model is the Class I model also called the Citizen Review Board. In this model complaints against officer by the public are examined, probed, and approvals for Policy action or disciplinary are made by a panel composed entirely of civilians (Wright, 1995) Civilian Police Review Authority (CRA) of Minneapolis is an example of class I model which collects, deliberates, probes, and determines complaints. It's autonomous from the police and composed mostly civilians (Watch, 1998).

(Walker, 1995) Gives a class II model of a police accountability system also called the Citizen-police appeal board where police officers investigate public complaints then a board of citizens reviews the officer's report and recommends action to the top police manager.(McDevitt, Farrell, & Andresen, 2005)Also defines this model as an internal investigation with an external review model which frees the oversight agency from the burden of conducting separate investigation thus preventing backlog while leaving the oversight agency independent from the police agency

An example of a Class II model which does not perform investigation is Portland Oregon's Police Internal Investigations Auditing Committee (PIIAC).It Makes chance check of internal inquiries to decide if unbiased and complete inquiries have been conducted, assess all concluded cases involving usage of force and hears petitions from general public on internal inquiries. The police supervisor decides on the disciplinary actions to be taken (Watch, 1998).

The Class IV model also called auditor system reviews the Police agencies inner complaint system and recommends where necessary (Wright, 1995). Auditors are well trained to assess the fullness of investigations and have experience in the investigative process. Monitors always have full access to all evidence. Unfortunately, the auditor may be seen by the public as collaborating with officers (McDevitt, Farrell, & Andresen, 2005). San Jose's Independent Auditor receives civilian complaints but does not probe them. The Professional Standards and Conduct Unit (PSCU) a police department in San Jose is responsible for investigating complaints. The auditor is allowed to be part of the interview but is not allowed to ask questions. He can commend revision of procedures and policies but those commendations are not obligatory. He can neither punish officers nor petition the police supervisor's judgments concerning any sanctions (Stuchinsky, 1996)

In Kenya, IPOA has a mandate to Monitor, Audit and review actions of the Internal affairs unit of the police (IAU). IAU was formed under section 87 of the National police service Act (2011). The purposes of the unit are; to take and probe complaints against the police; encourage uniform principles of discipline and preserve records of the evidences of any complaint or investigation made to it (section 87(2) NPS ACT 2011). Section 87(4e) of the Act requires the Unit to investigate misconduct and hear complaints at the request of the IPOA. Nevertheless the Authority may at any time get involved and take over the inquiries if they reasonably believe the inquiries are exceedingly hindered or obviously unreasonable (sec 87(5) NPS ACT)

IPOA oversees the complaints resolution mechanism by the Internal Affairs Unit with the objective of: attaining efficiency, ensuring expeditious resolution of disputes, assisting in capacity building of the unit and building public confidence in the operations of the Unit (sec33, IPOA regulations 2013). IPOA may takeover internal inquiries into misbehavior if: the investigation process has been inordinately delayed or manifestly unreasonable, the complainant applies to the Authority to take over the case, the Unit so requests or the Authority deems it fit. (Sec 33, IPOA Regulations, 2013)

IPOA carries out continuous audits of the operations of the Unit which include: case by case review the complaints addressed by the Unit to ascertain the quality of investigations and reasonableness of the actions taken; assessment of the processes



and procedures employed in the handling of complaints to ascertain that they comply with the principles of natural justice; assessment of the levels of professionalism employed in the operations of the Unit; assessment of the time taken in resolving complaints, frequency of complaints by type; and assessment of any other matter that may be necessary to ascertain the effectiveness of the Unit. Based on the conclusions drawn from the monitoring and review and audit of investigations the IPOA may recommend mechanisms to be put in place to: assist the police build capacity of the Unit to guarantee professional handling of investigations; and strengthen the complaints resolution process as a means of maintaining public faith in the investigation of grievances against the police. An audit by the Authority shall assess every aspect of the case including recording of the complaint, investigation, proceedings of the Unit, adherence to the laid down procedures and the decision of the Unit.

Assessment or audits of investigations done by IAU helps IPOA carry out research to find out levels of public confidence in both the oversight agency and the Policy agency to assess patterns that cannot be tracked statistically easily, look at the appropriateness evidence used to make particular recommendation, conducting reviews of the prosecutorial or disciplinary outcomes of investigations and their appropriateness.

## **2.6 Management Capabilities of IPOA and Performance of Police officers**

Milton J. Esman a noted management academician said that the capabilities of institutions and the expertise of people, as well as those of management rather than culture, natural endowments, readiness of resources, and the reasonableness of public policies, is what most differentiates progressive societies and their governments.

For oversight agencies to be successful, their Effective management and leadership is very critical. Effective governance is also vital to safeguarding the faith of public, organizations, and politicians in the efforts of citizen oversight organizations. (Walker, 2001)Indicates that the unfortunate Civilian Complaint Review Board in Washington DC was characterized by a continued backlog of complaints which was at least partly, an outcome of administration failures.

Oversight agencies managers are required to work within the framework of judicial and governmental structures. They need immense management and organization

Methods and practices knowledge, including objective setting, program development and execution, budget development and financial management, personnel management, employee relations, team building, employee supervision. They should be highly resilient and be able not to personalize adversity. They should effectively interact and operate with different stakeholders like police officers and their managers, elected and appointed officials among community groups. They should have Knowledge of general legal principals and statutory and be willing to make a long- term commitment to the organization

The perception by police agencies that; oversight measures signify external intrusion, oversight staff lacks knowledge on and understanding of police work, and oversight procedures are biased has made them oppose oversight agencies(Finn P. , 2001)(Wechter, 2004) says that the belief by police officers that somebody who is not an officer lacks know-how and qualifications to understand the demands of policing on an officer has led to many officers to view citizen investigators as suspect. The assumption is that due to the fact that Citizen Investigators lack experience of law implementation, they may have trouble in justly determining whether officers have engaged in misbehavior.

Given the high level of ignorance among the general public about the code of conduct governing officer behavior, the extent of freedom of choice, the techniques used to train officers and the whole conditions of an incident that can influence officer behavior. It is only fair that there should be a transparent appointment process for oversight managers and their staff only based on merit rather than on political or any other affiliation.(Evanson)

If possible, oversight managers should be appointed on a contract basis, with a strict procedure for their removal. This is to bring in fresh point of view and to avoid any complacency due to too long a period of time which might promote a relationship to develop between the police and oversight managers. The IPOA Act sec 13 gives appointed members of the Board a term of six years.

(United Nations Office On Drugs and Crime(UONDC), 2011) Requires the oversight managers and their staff to be ready to undertake their responsibility since a civilian oversight agency derives its moral authority partly from the knowledge and honesty of its members. They must have, or gain, a deep understanding of policing so that they

can avoid having impractical expectations or exercising too much sympathy for the police which can result in a lack of objectivity vis-à-vis the complainant or the police.

The competencies required of oversight investigators include; refined analytical written and communication skills, proficiency in case law on search and seizure, cultural awareness, research on perception and recollection and Knowledge of investigative techniques and procedures. The need to possess' experience of at least 3 years in conducting criminal and civil investigations that involves: conducting interviews with friendly and adverse witnesses, gathering, analyzing and evaluating evidence, and documenting information in writing.((NACOLE), 2012)

Since oversight bodies cannot function well without the support, the government should accept and facilitate the work of those responsible for scrutinizing its law enforcement officers. It's upon the Independent oversight agencies to strike a balance between maintaining their independence and ensuring the support of the police leadership and political authorities, since, both vital for their credibility and possible success. (Hansen, 2008)

IPOA is managed by a team of eight board members with a vast experience in areas of human rights, policing practices, police reforms, administrative justice and legal procedures. It has a Chief Executive officer appointed by the board and four directions in charge of the four departments.

## **2.8 Theoretical Framework**

(Kombo and Tromp, 2006) refers to Theoretical framework as a logical set of prepositions resulting from and supported by facts which explains or accounts for phenomena by clarifying, based on theories, why things are the way they are .

This study is based on the deterrence theory in criminology. It is believed by Proponents of deterrence that violation or obedience to law is a choice made by people after analyzing the consequences and gains of their actions. This theory can be traced to the works of traditional theorists such as Jeremy Bentham (1748–1832), Thomas Hobbes (1588–1678)), and Cesare Beccaria (1738–1794).It depends on three separate components: celerity, certainty, and severity.

An excessively severe Punishment is unfair while one that is not severe enough will not dissuade offenders from committing wrongdoings sensibly calculating human

being is more likely abstain from criminal acts the more severe he thinks the punishment will be. Thus, to avert criminality, criminal law must give emphasis to penalties to encourage people to comply with the law.

Certainty of punishment simply means ensuring that reprimand is done each time a wrong deed is committed. Beccaria believed that if people know that their unwanted deeds will be disciplined; they will, in the future, try to abstain from offending. Celerity means that reprimand must be instantaneous in order to discourage misconduct. When the punishment is applied closely to the commission of the wrongdoing, the higher the possibility that wrongdoers will recognize that misconduct does not pay.

In summary, deterrence theorists trust that if a reprimand is severe, definite, and swift, a normal individual will gauge the gains and losses committing offences and will be discouraged from disobeying laid down regulations if the loss is bigger than the gain. Classical philosophers believed that certainty is more effective in averting crimes than the severity of a reprimand.

This study attempts to find out whether the existence of Independent Policing Oversight Authority can deter the members of the Kenya National Police Service from engaging in misconduct and embracing the legal procedures in their policing operation with the knowledge that any criminal or disciplinary behavior will certainly be punished severely and swiftly. IPOA as an oversight body monitors police actions and operations and swiftly investigates criminal or disciplinary offences by the police and ensures that culprits are severely punished to deter other officers or the punished officers from engaging in criminal offences.

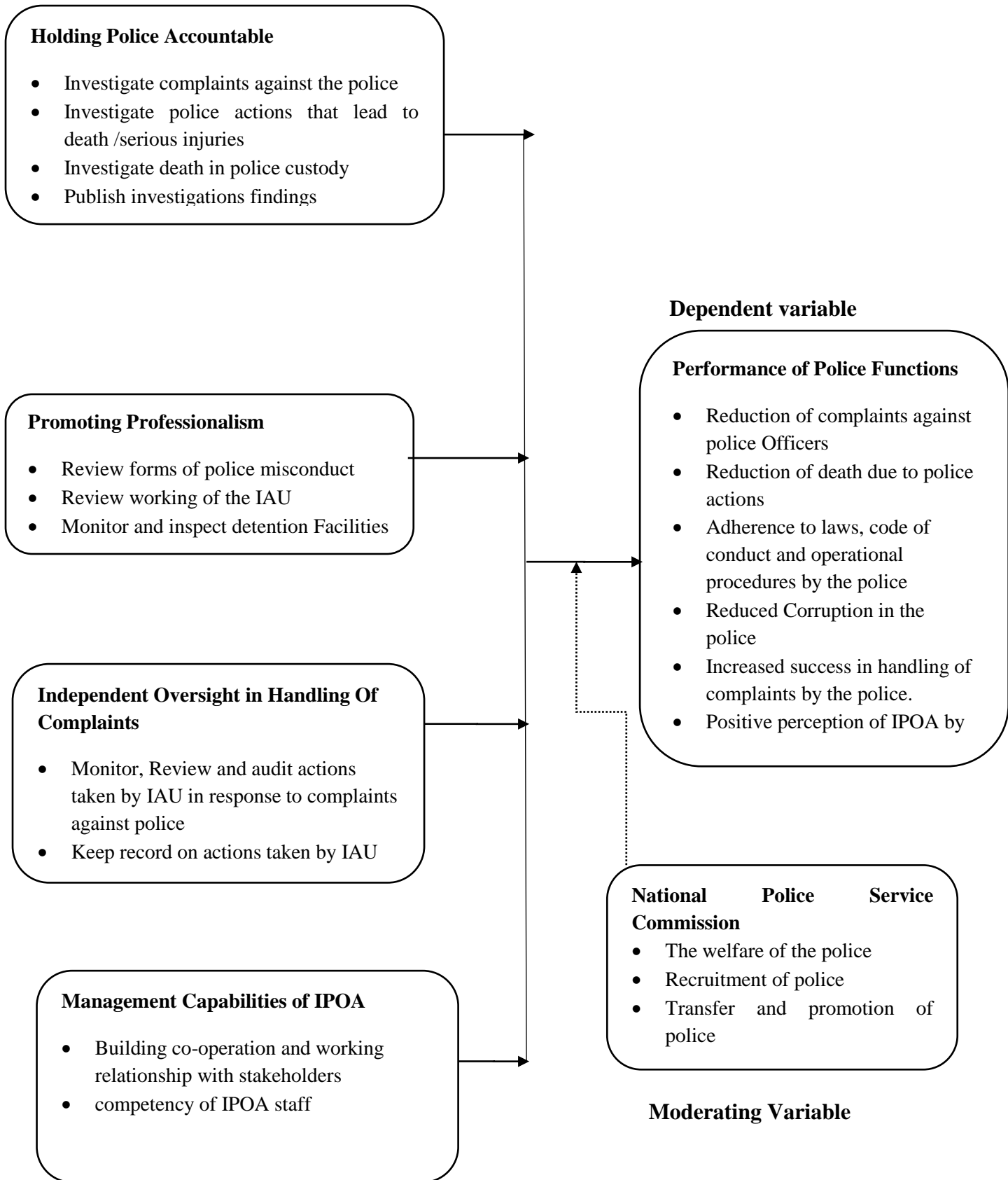
(Phillips Emma, 2002) Indicate that most civilian oversight bodies take the approach of receiving and acting on complaints against police officers with a view that punishing individual officers for misconduct will deter misconduct in other officers and improve the performance of police agencies. An additional approach involves the oversight agencies engaging with law enforcement agencies in identifying as well as resolving systemic issues associated to administration, supervision, training, or other facets of law execution that cause or propagate misconduct

The study therefore attempts to find out the extent the deterrence theory is applicable in indicating the influence of IPOA on the performance of police functions. It is hoped that the study will suggest better strategies IPOA can use to improve professionalism and accountability in the Kenya National Police Service.

## **2.9 Conceptual Framework**

(Kombo and Tromp, 2006) refers to a Conceptual Framework as a tool of research meant to assist a researcher cultivate awareness and understanding of the situation under study and to communicate it. It involves making ideas about interactions between variables in the study and showing this connection diagrammatically (Mugenda, 2003)). This study will use the conceptual framework shown in figure 1.

## Independent Variables



**Figure 1: Conceptual Framework of IPOA on Police Performance**

The conceptual framework is developed to give clear link between the independent and dependent variables as they relate to each other in this research. The independent variable according to the conceptual framework indicates the activities carried out by IPOA that are aimed at positively influencing the performance of police functions.

The dependent variable is an improved performance of police functions which will be measured in terms of Reduction of complaints against police Officers, Reduction of death due to police actions, Adherence to laws, code of conduct and operational procedures by the police, Reduced Corruption in the police, Increased success in handling of complaints by the police, Positive perception of IPOA by the police and Confidence in IPOA Staff.

The National Police Service Commission responsible for Recruitment, transfer, Discipline and welfare of the police plays a moderating role on the influence of IPOA on police functions since all these variables are important for the overall performance of the police.

## **2.10. Summary of Literature Review**

Independent police oversight agencies have diverse mandates. Acting on complaints and general supervision are evaluation functions intended to correct or punish misconduct while personnel management and direction setting are functions meant to provide guidance and preventing misconduct. Supervision of detention facilities is a combination of giving directions beforehand and evaluation after operations. The evaluations resulting from police oversight provide new contribution for new measures and policies expected to improve performance of police functions.

The core police functions are outlined in section 24 and 27 of the National police service Act .In the performance of these functions article 244 of the constitution of Kenya sets the standard that should be maintained by the National police service. To ensure that the police perform their functions while adhering to the provisions of the constitution, IPOA was formed to provide oversight on all police function. IPOAs core functions are outlined in section 6 of the IPOA Act. Section 5 of the IPOA Act gives the three main objectives for which the Authority was established

Accountability is an important element of policing. Effective accountability is important if the police are to realize their purpose of legitimacy and lawfulness. Police

accountability systems are organizations and processes external to the police departments which are set up to ensure that the police actions are scrutinized and evaluated with regards to efficiency, effectiveness and integrity. To ensure that the police are answerable for their actions, IPOA undertakes to investigate complaints against the police whether disciplinary or criminal including death in police custodies and police actions that lead to death or serious injury.

The lobby to create professional principles in policing commenced in the 1900s and has improved the quality of policing. IPOA promotes professionalism by reviewing pattern of police misconduct in order to come up with policies that would bring an overall change, Reviewing the functioning of the internal disciplinary processes to ensure they are effective and efficient and inspecting detention facilities and monitoring police operations that affect members of the public to ensure they are within the laid down legal framework. Operative corrective structures within a law enforcement agency must be a first-order importance in democratic reform. Internal accountability mechanisms complement, rather than replace, other oversight mechanisms. While police officers have a duty to respect and protect individuals 'basic rights, their own rights should be respected and fulfilled on an equal basis

Complaints systems are vital components of any specialized and accountable police body. An efficient police complaints system must to be accessible, simple and basically fair. An effective police accountability mechanism, whether internal or external or both, is in the best interest of the police department and the community they serve.

Successful administration and management of oversight organizations is vital for their success. Oversight managers should work within the framework of governmental and legal structures. Most police agencies have opposed citizen oversight by perceiving them as an outside interference. The moral authority of the oversight body is a partial outcome of the integrity and experience of its staff. Independent bodies have to get balance between preserving their autonomy and ensuring the support of the police leadership and political authorities. Table 2.1 gives a summary of the studies reviewed.



**Table 2.1 Knowledge gap**

<b>Variable</b>	<b>Author(Ye ar)</b>	<b>Title Of Study</b>	<b>Findings</b>	<b>Knowledge Gap</b>
<b>Concept of IPOA and performance of police functions</b>	Mark Evanson	Embracing Citizen Oversight	Police misconduct is perpetuated even after the establishment of oversight agencies	The reason behind the continued establishment of oversight bodies by many governments
	Walker 2005	The new world of police accountability	Officer misconduct stays the same whether or not oversight system is established	What drives for public demand for a citizen oversight of police
	Pitcher 2010	Developing effective interactions	Oversight structures strengthen internal police accountability structures	How can citizen oversight be evaluated
<b>Holding Police Accountable</b>	PYO,2011	Good Policing: Instruments, Models and Practices	When the police know they will be scrutinized, they rely more on objective evidence	Reasons for sustained levels of police brutality even with establishment of civilian oversight systems
<b>Promoting</b>	CHRI,	A	Police are certain in	Can civilian

<b>Professionalism</b>	2011	partnership for human rights	their ability to escape accountability leading to further power abuse	oversight promote professionalism
	Ayiera E. A, 2015	Local Policing Accountability in Kenya Challenges and Opportunities for Action	Forms of police misconduct in Kenya are: refusal to record statements, taking bribes, interfering with criminal cases to influence the outcome, physical; assaults, police inaction, officers pursuing personal vendetta and grudges	Can understanding the patterns of misconduct help in promoting police professionalism
	Schmallegger 2007	Criminal Justice Today	A police department will be more effective in its performance the more professional it is.	Can external mechanisms make police more professional
<b>Independent Oversight of Handling of Complaints</b>	ACLU (2009)	The crisis inside the police internal affairs	Internal police affair unit cannot be effective if people feel uncomfortable to file a complaint,	The role of police internal affairs in police oversight
	APT 2013	Monitoring Police Custody – a	Police internal complaint mechanism may	Why are internal complaints

		practical guide	have shortcoming due to lack of autonomy and the strong unity within the police	mechanisms established
<b>Management Capabilities of IPOA</b>	Mark Evanson	Embracing Citizen Oversight	Police opposed to Civilian Oversight because they believe oversight staff lack experience and knowledge in police matters	The relationship between knowledge of police matters and police oversight
	UONDC 2011	Handbook on police	Civilian oversight staff need to gain deep understanding of policing in order to avoid impractical expectations or unnecessary sympathy for the police	Can civilians gain full understanding of police work

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

This chapter explains the research methodology adopted to undertake the study. This includes; research design, target population, sample and sampling technique, data collection instruments, data analysis techniques, ethical consideration and operationalization of variables.

#### **3.2 Research Design**

This study utilized a descriptive survey research design. Descriptive study is mainly concerned with the frequency with which something or a phenomenon occurs or the relationship between variables (Alan Bryman, 2003). The study aimed at collecting information from respondents on their attitudes and opinion in relation to the influence IPOA has had on performance of police Functions. This design was used because it is best suited for generalization.

This method was relatively proper for the study because it helped the researcher to generate statistical information on the influence IPOA has had on the performance of police functions.

#### **3.3 Target Population**

(Kothari, 2005) Defines target population as the total number of respondents in the total environment of interest to the researcher. The Nairobi central Business District has one police Division. The target population which is 400 will comprise of the Officers from central police stations, IPOA Staff and members of the public chosen from people who will report incidents to central police station on a particular day. Table 3.1 gives the summary of the distribution:

**Table 3.1: Target Population Distribution**

<b>Institution</b>	<b>Total numbers</b>
<b>Officers from Central police Station</b>	120
<b>IPOA Staff</b>	80
<b>Members of the public</b>	200
<b>TOTAL(N)</b>	<b>400</b>

### 3.4 Sample Size Selection and Sampling procedure

This section explains the approach used to identify the key categories of respondents for the study.

#### 3.4.1 Sample Size

The sample size of this study is 196 drawn from a population of 400 respondents using Krejcie & Morgan, 1970 table

#### 3.4.2 Sampling Procedure

Given that the target population is finite, the sample size of the study (S) drawn from a target population (N) will be calculated using Krejcie and Morgan (Morgan, 1970) as shown below.

$$S = \frac{X^2NP(1-P)}{d^2(N-1) + X^2P(1-P)}$$

Where:

*S* = Sample size

*X* = Z value (e.g. 1.96 for 95% confidence level)

*N* = Population Size

*P* = Population proportion (expressed as decimal)(assumed to be 0.5 (50%) – this provides the maximum sample size).

*d* = Degree of accuracy (5%), expressed as a proportion (.05);

Therefore where N=400

$$S = ((3.841) \times 400 \times 0.5(1 - 0.5)) / ((0.05 \times 0.05)(400 - 1)) + ((3.841) \times 0.5(1 - 0.5)) \\ = 196$$

Thus,

$$S = 196$$

The sample size of this study is 196 drawn from a target population of 400. The distribution of the sample was based on proportional allocation as shown in table 3.2:

**Table3.2: Distribution of Sample**

<b>Unit</b>	<b>Total Number (X)</b>	<b>Sample proportion (X/N x S)</b>	<b>Sample size (s)</b>
Central Police station	120	120/400 x 196	59
IPOA Staff	80	80/400 x 196	39
Members of the public	200	200/400 x 196	98
<b>Total</b>			<b>196</b>

### **3.5 Research instruments**

The study employed questionnaires to collect both qualitative and quantitative data. A questionnaire is a carefully designed instrument consisting of a set of items to which the respondents are expected to react, usually in writing (Amin M. E., 2005). Questionnaires were used because the study was concerned mainly with the views, perceptions and feelings of the respondents and such variables cannot be observed directly. Open and structured questionnaires will be used to make sure that all respondents react to the same set of questions and also, to elicit data on respondents background, independent, moderating and dependent variables. This enabled the study to collect quantitative data from the closed-ended sections, and qualitative data from the open-ended sections.

The questionnaires were be organized into seven sections: Section A; Personal Data; Section B : Holding police accountable to the public; Section C Promoting professionalism in the police service; Section D Independent oversight of handling of complaints; Section E Management capabilities of IPOA; Section F National Police Service Commission, and Section G Performance of Police functions.

#### **3.5.1 Pilot testing of instruments**

A pilot is a good way to troubleshoot any tools problems, familiarize the researcher with the procedures, and generally see if the research design has any potential flaws. Piloting of a research instrument refers to the administration of the questionnaire to a small representative sample but not including the group one is going to survey (Orodho, 2005). This is aimed at ensuring reliability and validity.

Piloting was conducted in Capital Hill Police Station. The researcher administered the questionnaire to 19 officers. This was arrived at by taking 10% of the main sample of 196 respondents according to Mugenda and Mugenda(2003). Once the respondents had filled in the questionnaires, the researcher analyzed the questionnaires and determined from the responses given whether there were any corrections or adjustments to be made in the questionnaires, such as spelling mistakes, and unfinished sentences, this also helped the researcher in knowing whether the respondents understood the concepts given in the questionnaires. The researcher also conducted focus groups with participants in the pilot test and asked every member to say in their own words what each question was asking and together come up with alternative questions. Once the corrections and adjustments were made, the researcher repeated the exercise with the same respondents used in the initial testing process after one week. This was to assist the researcher to know whether the respondents understood the concepts in the questionnaires by cross checking the responses given in the second exercise, with the ones which were given in the first exercise, and make necessary changes.

### **3.5.2 Validity of the instruments**

Validity indicates the degree to which a tool measures what it is supposed to measure Mugenda and Mugenda (2003). It ensures scientific usefulness of the findings arising from the study. The questionnaires were well thought-out to make sure that the questions remained consistent, focused and accurate. This was assured through wide discussion between the researcher and the University supervisor giving guidelines and Peer proof reading ensured both construct and content of the instruments.

The researcher assessed the content and construct validity of the research instruments. Content validity showed whether the questions and statements fully represented every element of the research questions and objectives of the study. Construct validity on the other hand ensured that the questions and statements were correctly and clearly stated. Content Validity Index (CVI) was used to calculate the validity of the questionnaire. The Instrument will be considered valid if the computed CVI will be more than 0.7 which is the least recommended CVI in surveys (Amin A. , 2005).

### **3.5.3 Reliability of the Instruments**

Reliability is the consistency of a measure. A test gives the same results repeatedly, it's considered. To check reliability, a test-retest method was used in whereby the

same the test was administered twice at two different points in time to the same respondents. This was used to assess the consistency of the questionnaire across time. The questionnaires responses were scored manually. The two sets of score were then correlated to determine the degree of accuracy and reliability. A high correlation of positive 0.7 and above indicates that the measuring instrument measures the same construct and is thus reliable. The reliability of the instruments was estimated by examining the consistency of the responses between the two tests (Kothari, 2005).

### **3.6 Data Collection Procedure**

After approval of the proposal, the researcher administered the questionnaire to the pilot group, validated it and tested its reliability using a test-retest method. After modifying the instrument the researcher obtained an introductory letter from The University of Nairobi. The researcher visited the police stations/posts/camps and created a rapport prior to the collection of the data. Appropriate permission for the police officers to participate in the study was sought in advance by the researcher from the Nairobi County Police Boss, and the Officer Commanding Central Police Division.

The questionnaires were administered to the respondents through their respective bosses. The questionnaire is appropriate because its time saving and the target respondents are literate in addition to it ensuring uniformity in the way questions were asked. The researcher also obtained a permit from the Ministry of Science and technology before collecting data. The questionnaires were collected back from the respondents by their respective bosses. The researcher then picked the filled questionnaires from the bosses and the public.

### **3.7 Data Analysis Techniques**

The questionnaires were cross examined to ascertain their accuracy, completeness and uniformity. Irrelevant Data were eliminated to ensure completeness of information at the point of collection. It was then organized, coded and standardized then descriptive statistics namely: mean, median, and mode aided by Statistical Package for Social Scientists (SPSS) were used in analysis in order to answer the research questions and objectives. The researcher presented data using frequency tables, percentages and frequencies to establish the relationship between different variables of the study. This helped draw inferences over factors that influence the dependent variable. The results



from the data analysis were interpreted and presented using the frequency distribution tables.

### **3.8 Ethical Considerations**

Permission was obtained from all those taking part in the study. Those unwilling to undertake the study were under no duty to do so. The subjects were informed of the nature and the purpose of the study. Respondents' names were not shown anywhere in the data collection instruments for privacy and information collected was only used for the purposes of this study. The necessary research authorities were consulted.

### **3.9 Operationalization of Variables**

Indicators were denoted by the main variables in order to render them measurable as shown in Table 3.3

**Table 3.3: Operationalization of Variables**

Objectives	Variables Independents	Indicators	Scale	Type of Analysis
To determine how holding police accountable to the public as an IPOA mandate influences the performance of police officers in Nairobi City sub county.	Holding Police Accountable	<ul style="list-style-type: none"> <li>• Reduction of complaints against police Officers</li> <li>• Reduction of death due to police actions</li> </ul>	ordinal	Descriptive Statistics
To assess how promoting professionalism in the service as an IPOA mandate influence the performance of police officers in Nairobi city sub county	Promoting Professionalism	<ul style="list-style-type: none"> <li>• Adherence to laws, code of conduct and operational procedures by the police</li> <li>• Reduced Corruption in the police</li> </ul>	ordinal	Descriptive Statistics
To establish how independent oversight of handling of complaints by the service as an IPOA mandate influence the performance of police officers in Nairobi City sub county.	independent oversight of handling of complaints by the service	<ul style="list-style-type: none"> <li>• Increased success in handling of complaints by the police</li> </ul>	ordinal	Descriptive Statistics
To assess how management capabilities of IPOA influence the performance of police officers in Nairobi city sub county.	management capabilities of IPOA	<ul style="list-style-type: none"> <li>• Positive perception of IPOA by the police</li> </ul>	ordinal	Descriptive Statistics
To determine the moderating influence of the National Police Service Commission on the relationship between IPOA and performance of police officers in Nairobi City Sub county	National Police Service	<ul style="list-style-type: none"> <li>• Enhanced welfare of the police</li> <li>• Proper and fair Recruitment of police</li> <li>• Fair Transfer and promotion of police</li> </ul>	ordinal	Descriptive Statistics

## CHAPTER FOUR DATA ANALYSIS, PRESENTATION AND INTERPRETATION

### 4.1 Introduction

This chapter presents analysis and findings of the study as set out in the research methodology. The results were presented on the influence of the Independent Policing Oversight Authority on the performance of police officers in Nairobi city sub county, Kenya. The study sought answers to the research objectives of the study. The subtitles in the chapter are arranged according to the objectives of this study. The study finding have been presented in frequency distribution tables, mean values, percentages and explanations of the findings in between the frequency tables for further elaboration as well as the interpretation of the study results which have been given alongside the findings.

### 4.2 Response Rate

The study sampled 196 respondents from police officers, IPOA official and the public. From the study findings the response rate across IPOA, police office officers and the public was 64%, 66% and 72% respectively. This shows that the data across the various categories were good for analysis as they had response rate of over 60%. This response rate was considered adequate as according to (Indrus & Newman, 2002) ;a response rate of 50% is good enough on social studies. The study did not achieve the expected sample size, and this was attributed to lack of adequate time from respondents to participate in the study and the nature of the study.

**Table 4.1: Response Rate**

Response Rate	Police Officers		IPOA Officers		Public	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Responded	39	66%	25	64%	72	73%
Did not Respond	20	34%	14	36%	26	27%
<b>Total</b>	<b>59</b>	<b>100%</b>	<b>39</b>	<b>100%</b>	<b>98</b>	<b>100%</b>

### 4.3 Background Information

The study sought to ascertain the background information about the respondents involved in the study. The background information points at the respondents' suitability in answering the questions on the influence of the Independent Policing Oversight Authority on the performance of police officers in Nairobi city Sub County. This section provides analysis of the demographic information of the study respondents

#### 4.3.1 By gender distribution of the respondents

The study sought to establish the gender of the respondents. The findings are as shown in the Table 4.2.

**Table 4.2: Gender of Respondents**

Gender	Police Officers		IPOA Officers		Public	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Male	30	77%	20	80%	60	83%
Female	9	13%	5	20%	12	17%
<b>Total</b>	<b>39</b>	<b>100%</b>	<b>25</b>	<b>100%</b>	<b>72</b>	<b>100%</b>

The study established that majority of respondents who were police officers were males as shown by 77% with females been 13%. Further the findings revealed that that majority of the IPOA officials were also males (80%) with female representing 20%. The study also indicated that a majority of public members who participated in the study were males (83%) with females representing 17%. This implies that majority of the respondents in the study were males.

#### 4.3.2 Distribution of respondents by age

The study sought to establish the age bracket of the respondents and the findings are as shown in Table 4.3

**Table 4.3: Age of the respondents**

Age	Police Officers		IPOA Officers		Public	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
18-25 years	6	15%	1	3%	24	33%
26-35 years	28	72%	22	88%	40	56%
36-50 years	5	13%	2	9%	8	11%
<b>Total</b>	<b>39</b>	<b>100%</b>	<b>25</b>	<b>100%</b>	<b>72</b>	<b>100%</b>

The study established that most of the police respondents were aged between 26-35 years as shown by 72%, 15% were aged between 18-25 years while 13% of the police officers were aged between 36-50 years. The study also established that majority (88%) of the IPOA officers were aged between 26-35 years, 9% were aged between 36-50 years while 3% were aged less than 25 years. Further, the study showed that 56% of the public respondents were between 26-35 years, 33% were between 18-25 years and 11% between 36-50 years. This depicts that majority of the study respondents were experienced enough to understand the role of IPOA and its effect on police performance.

#### 4.3.3 Distribution of respondents by education level

The study sought to establish the highest education level of the respondents and the findings as shown in Table 4.4.

**Table 4.4: Level of Education**

Level of Education	Police Officers		IPOA Officers		Public	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Secondary Level	14	36%	2	8%	16	22%
Diploma Level	21	54%	6	24%	28	39%
Degree Level	4	10%	12	48%	24	33%
Masters Level of Education	0	0	5	20%	8	6%
<b>Total</b>	<b>39</b>	<b>100%</b>	<b>25</b>	<b>100%</b>	<b>72</b>	<b>100%</b>

The study found that most (54%) of the police officers were diploma holders, 36% had attained secondary level of education and 10% had degrees. From the findings, most (48%) of the IPOA officials were degree holders, 24% were diploma holders, 8% were holders of secondary education and 20% were holders of master degree. On the public side, the results indicated that 39% of the public were diploma level of education, 33% were degree holders, 22% were holders of secondary level of education and 6% were holders of master's degree. This depicts that majority of the study respondents had a sound academic background to fully understand the role of IPOA and their contribution to police performance.

#### **4.4 Police Accountability and Performance of Police officers**

The study sought to determine how holding police accountable to the public as an IPOA mandate influences the performance of police functions in Nairobi City sub county. This question was sought from police officers, IPOA and the public. The results of the study are presented in the table below. According to IPOA, they believed that most complaints against the police are justified as indicated by a mean of 3.8 which means they agreed. Also IPOA cited that complaints against police should be handled by IPOA (mean=4.1), and majority of the respondents were neutral regarding the idea that formation of IPOA has reduced complaints against the police (mean=3.4).

**Table 4.5: Responses from IPOA Official on Police Accountability and Performance of Police officers**

<b>Statement [IPOA]</b>	<b>Mean</b>	<b>Std. Deviation</b>
Most Complaints against the police are justified	3.8812	0.7723
Complaints against the police should be handled by IPOA	4.123	0.6898
The formation of IPOA has reduced complaints against the police	3.433	0.8215
Complaints received from public against police officers have increased with the establishment of IPOA	4.256	0.7032
<b>Average</b>	<b>3.923</b>	<b>0.7467</b>

The public disagreed that IPOA has improved compliance by police to human rights as shown by the mean of 1.88 (disagree). The results also indicate negative results with regards to IPOA improving the public’s trust on police force (mean=2.2). The respondents, however were neutral about IPOA opening the police force to public scrutiny (mean=3.3) while majority of the public disagreed that IPOA has enhanced the supervision of police officers when carrying out their functions (mean=2.4).

**Table 4.6: Responses from the Public on Police Accountability and Performance of Police officers**

<b>Statement [Public]</b>	<b>Mean</b>	<b>Std. Deviation</b>
IPOA has improved compliance by police to human rights	1.8768	1.765
IPOA has improved our trust in police force	2.2360	1.832
IPOA has opened the police force to public scrutiny	3.345	1.788
IPOA has enhanced the supervision of police officers when carrying out their functions.	2.414	1.842
<b>Average</b>	<b>2.467</b>	<b>1.8067</b>

According to the police officers, majority disagreed (mean=2.3) that complaints had been made against them. On the other hand, majority agreed (mean=4.2) that complaints against the police are justified and another majority disagreed (mean=2.4) that complaints against the police should be handled by IPOA. However, most of them were indifferent (neutral) (mean=3.31) to the idea that knowledge that the public will complain to IPOA motivates them to do the right thing while disagreeing that formation of IPOA has reduced complaints against the police (mean=2.47).

**Table 4.7: Responses from Police Officers on Police Accountability and Performance of Police officers**

<b>Statement [Police]</b>	<b>Mean</b>	<b>Std. Deviation</b>
Complaints have been made against you	2.29	1.893
Complaints against the police are justified	4.22	1.823
Complaints against police should be handled by IPOA	2.38	1.777
The knowledge that the public will complain to IPOA motivate you to do the right thing	3.31	1.823
The formation of IPOA has reduced complaints against the police	2.47	1.890
<b>Average</b>	<b>3.923</b>	<b>0.7467</b>

#### **4.5 Promoting Professionalism in the Police and Performance of Police officers**

The study further sought to assess ways in which IPOA has promoted professionalism in the police force. The findings of the study are presented in the section below. The study revealed that most police officers were neutral to the fact that inspection of police premises had made them to be more responsive to special interest groups like women or monitoring of police operations had led to better handling of the citizens by police. They also disagreed (mean=2.33 and 2.28 respectively) that inspection carried out by IPOA had led to improvement of adherence to human rights of prisoners and welfare of police officers. On the other hand, majority of the officers agreed (mean=3.90) that rewards towards outstanding police officers had improved professionalism in the police force.



**Table 4.8: Responses from Police Officers on Promoting Professionalism and Performance of Police officers**

<b>Statement[ Police]</b>	<b>Mean</b>	<b>Std. Deviation</b>
Inspection of police premises has made the police force more responsive to special interest groups like women and children	3.40	1.897
Inspections carried out by IPOA have led to improvement adherence to human rights of prisoners	2.330	1.884
Inspections carried out by IPOA have led to improvement in welfare of police officers	2.281	1.796
Monitoring of police operations have led to better handling of the citizens by police officers	3.486	1.804
Rewards for outstanding police officers have improved professionalism in the police force.	3.903	1.773
<b>Average</b>	<b>3.080</b>	<b>1.831</b>

According to IPOA, respect to the law has improved due to monitoring of police officers by IPOA (mean=3.57). IPOA was also in agreement that IPOA has enhanced transparency in the police recruitment process and that the police working conditions had improved in the past five years (mean=4.42 and 3.90 respectively). However, they disagreed that a new code of conduct had been developed through the oversight bodies and also disagreed that the police officers allow themselves to be questioned (mean=2.42 and 2.23 respectively).

**Table 4.9: Responses from IPOA Officials on Promoting Professionalism and Performance of Police officers**

<b>Statement[ IPOA]</b>	<b>Mean</b>	<b>Std. Deviation</b>
Respect to the law has improved due to monitoring of police force by IPOA	3.568	1.897
New code of conduct has been developed through police oversight bodies	2.417	1.786
The establishment of IPOA has led to transparency in police recruitment.	4.416	1.789
The police officers allow themselves to be questioned over their actions	2.225	1.911
Police working conditions have improved in the force over the past 5 years.	3.893	1.804
<b>Average</b>	<b>3.003</b>	<b>1.8374</b>

The public on the other hand strongly disagreed that IPOA had made the police to respect the law (mean=1.405) and disagreed that IPOA had made the police to follow the code of conduct or more honest (mean= 2.33 and 1.875 respectively). However, the public were in agreement that IPOA had made the police accountable to the public regarding their actions while they were neutral (mean =3.4) to the idea that IPOA had made the police more helpful to the citizens. The public also strongly disagreed (mean=1.8) that IPOA had made the police more honest.

**Table 4.10: Responses from the Public Promoting Professionalism and Performance of Police officers**

<b>Statement [Public]</b>	<b>Mean</b>	<b>Std. Deviation</b>
IPOA has made the police to respect the law	1.405	1.897
IPOA has made the police to follow their code of conduct	2.330	1.794
IPOA has made the police in Kenya to give answers to the public about their actions	3.781	1.688
IPOA has made the police more helpful to citizens	3.486	1.811
IPOA has made the police more honest	1.8756	1.696
<b>Average</b>	<b>2.3754</b>	<b>1.777</b>

#### 4.6 Independent Oversight of handling of complaints

The researcher also sought to understand how IPOA independently oversee handling of complaints against the police by IAU. According to the police, majority disagreed that IPOA should review completed investigations by police personnel to determine that they have been properly conducted (mean 2.4). On the other hand, they did not disagree or agree that reviews or audits of investigations done by IAU help IPOA to evaluate the patterns that might not be easy to track statistically and complaints raise with IAU are rarely completed (mean 2.9 and 3.1 respectively). However, they agreed that IAU is yet to fully be operational across counties and that IAU can fairly handle complaint against another police officer (mean of 4.3 and 3.9 respectively)

**Table 4.11: Responses from Police Officers on Independent Oversight of Handling of Complaints and Performance of Police officers**

Statement(Police)	Mean	Std. Deviation
IPOA Should review completed investigations by police personnel to determine if they have been properly conducted	2.40	1.840
Reviews or an audit of investigations done by IAU helps IPOA to evaluate patterns that might not be easy to track statistically.	2.966	1.789
Complaints raised with IAU are rarely completed successful	3.166	1.796
IAU is yet to be fully operational across the counties	4.382	1.754
IAU can fairly handle complaint against another police officer	3.912	1.773
<b>Average</b>	<b>3.312</b>	<b>1.764</b>

**Table 4.12: Response from the Public on Independent Oversight of Handling of Complaints and Performance of Police officers**

<b>Statement[ Public]</b>	<b>Mean</b>	<b>Std. Deviation</b>
IPOA takes action on complaints filed by the public	4.31	1.794
Complaints filed by IPOA are usually investigated to their completion	3.17	1.843
IPOA normally gives feedback on status of complaints reported with them	3.24	1.796
IPOA has taken some cases to court for prosecution	3.58	1.853
<b>Average</b>	<b>3.575</b>	<b>1.823</b>

Majority of the public on the other hand agreed (mean=4.31 and 3.58 respectively) that IPOA takes action on complaints filed by public and has even taken some cases to court for prosecution. However, they neither agreed nor disagreed that complaints filed by IPOA are usually investigated to their completion and also were indifferent on whether IPOA gives feedback on the status of complaints reported with them (mean of 3.2 and 3.5 respectively).

IPOA agreed (mean=4.43 and 4.37 respectively) that there is a strong cooperation between internal affairs unit and IPOA on handling of complaints and that IAU is not in a strong position to handle complaints against police officers. However, IPOA respondents were indifferent (Mean=3.42) to the fact that reviews or audits of investigations done by IAU helps IPOA to evaluate patterns that might not be easy to track statistically.

**Table 4.13 Responses from IPOA Officials on Independent Oversight of Handling of Complaints and Performance of Police officers**

<b>Statement(IPOA)</b>	<b>Mean</b>	<b>Std. Deviation</b>
There is a strong cooperation between internal affairs unit and IPOA on handling of complaints	4.43	1.56
Reviews or an audit of investigations done by IAU helps IPOA to evaluate patterns that might not be easy to track statistically.	3.42	1.698
IAU is not in a strong position to handle complaints against police officers	4.37	1.876
<b>Average</b>	<b>4.07</b>	<b>1.711</b>

#### 4.7 Management Capabilities of IPOA

The researcher further sought to establish the level of confidence in the management of IPOA as a civilian oversight body. The police disagreed (mean= 2.40) with the statement that the public have confidence in the leadership demonstrated by IPOA while the public were neutral (mean=2.82). On the other hand, both the police and public agreed that IPOA had employed competent staff (mean=4.382 and 3.68 respectively) and that they have confidence in IPOA (mean=3.912 and 4.16). However, the police were neutral that IPOA enjoys support from the executive, legislative and judiciary arms of the government (mean=2.966) while the public disagreed (mean=2.44). In addition, both the public and the police were neutral that IPOA management has remained resilient without personalizing adversity in their oversight of the police. These findings imply that both the police and citizens consider IPOA to be resource endowed to carry out their mandate.

**Table 4.14: Responses from Police Officers on Management Capabilities of IPOA and Performance of Police officers**

<b>Statement[ Police]</b>	<b>Mean</b>	<b>Std. Deviation</b>
The Kenyan public has confidence in the leadership demonstrated by IPOA	2.40	1.840
IPOA enjoys support from the executive, legislative and judiciary arms of the government	2.966	1.78
IPOA Management has remained resilient without personalizing adversity in their oversight of the police	3.166	1.796
IPOA has employed competent staff i.e. investigators, Monitors and inspectors	4.382	1.754
You have confidence in IPOA	3.912	1.773
<b>Average</b>	<b>3.37</b>	<b>1.792</b>

**Table 4.15: Responses from the Public on Management Capabilities of IPOA and Performance of Police officers**

<b>Statement[ Public]</b>	<b>Mean</b>	<b>Std. Deviation</b>
The Kenyan public has confidence in the leadership demonstrated by IPOA	2.82	1.866
IPOA enjoys support from the executive, legislative and judiciary arms of the government	2.44	1.871
IPOA Management has remained resilient without personalizing adversity in their oversight of the police	3.24	1.822
IPOA has employed competent staff i.e. investigators, Monitors and inspectors	3.68	1.903
IPOA has well trained staff capable of helping the organization achieve its mandate	4.16	1.788
<b>Average</b>	<b>3.27</b>	<b>1.846</b>

According to IPOA they agreed (mean=4.10) that trainings offered by IPOA to its staff have enhanced the management of IPOA. They also agreed (mean=4.382 and 3.823 respectively) that IPOA has employed competent staff and that decentralization of IPOA management has improved operation efficiency of the organization. They further agreed (mean=3.78) that IPOA management has remained resilient without personalizing adversity in their oversight of the police. However, they were neutral that IPOA enjoys the support from the executive, legislative and judiciary arms of government. These findings show that IPOA has been strengthened institutionally to enable it carry out its mandate enshrined in the constitution.

**Table 4.16: Responses from IPOA Officials on Management Capabilities of IPOA and Performance of Police officers**

<b>Statement [IPOA]</b>	<b>Mean</b>	<b>Std. Deviation</b>
Trainings offered by IPOA to its staff have enhanced the management of IPOA.	4.10	1.840
IPOA enjoys support from the executive, legislative and judiciary arms of the government	3.19	1.845
IPOA Management has remained resilient without personalizing adversity in their oversight of the police	3.78	1.896
IPOA has employed competent staff i.e. investigators, Monitors and inspectors	4.382	1.870
Decentralization of IPOA management has improved operation efficiency of the organization	3.823	1.670
<b>Average</b>	<b>3.855</b>	<b>1.824</b>

#### **4.8 National Police Service Commission and Performance of Police officers**

The researcher also sought to understand the effect of National Police Service Commission on performance of police functions. The police disagreed that vetting of police officers has played key role in enhancing performance while IPOA were neutral. Both the police and IPOA disagreed that recruitment of police officers by NPSC has improved the performance of police officers. The both disagreed that transfer and promotions of officers has been done fairly with establishment of NPSC. These findings imply that police officer believe that national police service commission has not enhanced the performance of service delivery of the police force.

**Table 4.17: Responses from Police Officers on National Police Service Commission and Performance of Police officers**

<b>Statement [Police]</b>	<b>Mean</b>	<b>Std. Deviation</b>
The vetting of police officers has played a key role in enhancing performance of police officers	1.88	1.925
Recruitment of police officers by national police service commission has improving the performance of police officers	2.48	1.866
The welfare of police officers has improved ever since NPSC was established.	1.97	1.798
The transfer and promotions of police officers has been done fairly with establishment of NPSC	2.25	1.832
<b>Average</b>	<b>2.145</b>	<b>1.855</b>

**Table 4.18: Response from IPOA Officials on National Police Service Commission and Performance of Police officers**

<b>Statement[IPOA]</b>	<b>Mean</b>	<b>Std. Deviation</b>
The vetting of police officers has played a key role in enhancing performance of police officers	3.26	1.918
Recruitment of police officers by national police service commission has improved the performance of police officers	2.29	1.711
The welfare of police officers has improved ever since NPSC was established.	2.51	1.844
The transfer and promotions of police officers has been done fairly with establishment of NPSC	1.785	1.912
<b>Average</b>	<b>2.45</b>	<b>1.781</b>

The researcher also sought to understand from the citizens their view on the effect of National Police Service Commission on performance of police functions. The citizen disagreed that vetting of police officers has played key role in enhancing performance. The



citizen also disagreed that recruitment of police officers by NPSC has improved the performance of police officers. The citizens were neutral on whether transfer and promotions of officers has been done fairly with establishment of NPSC and on whether welfare of police officers has improved since establishment of NPSC. These findings imply that public believe that national police service commission has not enhanced the performance of service delivery of the police force.

**Table 4.19: Responses from the Public on National Police Service Commission and Performance of Police officers**

Statement[Public]	Mean	Std. Deviation
The vetting of police officers has played a key role in enhancing performance of police officers	2.26	1.754
Recruitment of police officers by national police service commission has improved the performance of police officers	2.29	1.788
The welfare of police officers has improved ever since NPSC was established.	2.67	1.825
The transfer and promotions of police officers has been done fairly with establishment of NPSC	3.21	1.912
<b>Average</b>	<b>2.60</b>	<b>1.819</b>

#### **4.9 Analysis of the qualitative findings based on the study objectives**

The study participants were asked to give their opinions in regard to IPOA ability to hold police accountable to the public through investigation on complaints against police officers. From the study responses, mixed results emerged with the IPOA official very confident as they consider IPOA as an independent institution that draws its power from the mandate from the constitution. On the other hand, most of the police officers it emerged had low level of trust and confidentiality in IPOA ability to carry its mandate professionally. This according to them is attributed to IPOA negative perception against the police force. However, some few police officers in the study viewed IPOA as able to promote police accountability, with some improvement on their functioning as an organization. This was affirmed by one police officer who stated that

*“I am confident in IPOA ability to hold the police more accountable only if they overlook and entertain unnecessary complaints filed against police”*

Thus from the findings of police officers it can be suggested that police ability in IPOA to carry out its mandate need to be enhanced through improved mechanisms and capacity on internal investigations management, on allegations of criminal actions and misconduct.

The findings revealed that attempts by IPOA to promote professionalism through the carrying out of its mandate has faced challenges from police officers. Accordingly, it emerged from the finding that there is little cooperation from police officers who view IPOA with suspicion over its ability to carry out its mandate professionally. Most police officers considers that IPOA have a bias against the police officers, and such treat IPOA with contempt in dealings with IPOA. However, from the IPOA officers, the carrying out of its mandate has put more pressure on police officers to operate professionally. Thus to IPOA officers, police officers increasingly carry out their mandate with the knowledge that they are subject to scrutiny by the public and IPOA. This was affirmed by one IPOA officers who stated that “ Over the past 3 years we have seen police officers try and carry out their mandate knowing that they are been watched” .

It emerged from the study findings that IPOA handling of police complaints has impacted positively on police performance. According to an IPOA officer, a member of case intake committee, 157 completed investigations on complaints were handled in 2016, with 46 cases recommended for action from the ODPP. Increased action by IPOA has also led to police service taking action against some of the complaints filed against the police thus making police officers operate within the law. Further, the findings revealed that most police officers felt that IPOA handling of police officers has reduced the capacity of police officers to operate effectively. According to some of the respondents, as a result of IPOA complaints management, some police officers operate under fear in carrying out their mandate. This according to some of the participants is attributed to fear of retribution for any action that is deemed bad according to IPOA. This was supported by the following statement

*“Ever since IPOA started handling complaints against the police, some of the police officers have failed to fully do their duty as they fear been reported by the public”*

From the findings of the study most of the respondents, police officers and IPOA officers were in agreement that IPOA has been sufficiently funded, and this has enabled the institution to carry out its mandate. Although most of the respondents felt that IPOA is adequately funded, there was difference in views on how the management capabilities of IPOA can be enhanced. Most police officers were of the view that internal affairs unit in the

police force need to be funded more to provide more support to IPOA mandate while majority of IPOA officers were of the view that IPOA needs to be funded more to increase its effectiveness. According to one IPOA officer *“more budgetary allowance need to be given to IPOA to allow for capacity building “*. Although provision of more funding to internal affairs unit emerged as major suggestion among police officers, the enhancement of internal affairs unit was cited by some few police officers as welcome suggestion to improving the management capability of IPOA.

The study findings revealed a consensus among the police officers and IPOA officers on the role of National police service commission on performance of police service. Majority of the participants were in agreement that national police service commission has not fully lived to its mandate of improving police welfare. To many study participants, this has affected the morale of the police force to fully carry out their mandate. In the words of one police officer *“ The commission led by Kivuludi has not really improved the welfare of the police force instead they are looking after their interests”* Promotions it emerged is one area that NPSC has failed. Promotions are a thorny issue which has not been effectively dealt with by the NPSC. As a result, those that have been unsuccessful in having promotions have a low morale to deliver their mandate. Finally, the study results indicated that the general perception of IPOA among police officers and IPOA was varied. To the IPOA officers the institution has been successful in delivering in its mandate through; successful prosecution and conviction of police for unlawful use of force has affected police performance and IPOA training of the NPS on fundamental human rights has created enhanced awareness of the same among police officers. However, to the police officers there exists a general hatred towards IPOA from the police fraternity and this has affected the performance of police service.

**CHAPTER FIVE**  
**SUMMARY OF FINDINGS, DISCUSSIONS, CONCLUSION AND**  
**RECOMMENDATIONS**

**5.1 Introduction**

This chapter presented the discussion of key data findings, conclusion drawn from the findings and recommendation made. The conclusions and recommendations drawn were focused on addressing the purpose of this study which was to establish the influence of the Independent Policing Oversight Authority Programme on the performance of police functions in Nairobi city sub county, Kenya. The findings of the study are presented based on the views of the public, police and IPOA.

**5.2 Summary of key Findings**

The study sought to determine how holding police accountable to the public as an IPOA mandate influences the performance of police officers in Nairobi City Sub County. The study revealed the following findings:

**5.2.1 Holding Police Accountable to the Public and Performance of Police officers**

The findings of the study revealed that according to IPOA, on average the respondents agreed that holding police accountable has influenced the performance of the police officers. From the views of the citizens the findings indicated that most respondents disagreed that holding police accountable has not necessarily led to improvement on police officers. The study further revealed that police officers were neutral on whether holding police accountable by IPOA has influenced the performance of police officers.

**5.2.2 Promoting Professionalism and Performance of Police officers**

The study also sought assess how promoting professionalism in the service as an IPOA mandate influence the performance of police officers in Nairobi city sub county. Concerning this objective the study indicated the police officers and IPOA were neutral as to whether IPOA mandate of promoting professionalism has influenced the performance of police functions. However, the citizens disagreed that promoting professionalism has influenced performance of police functions. These findings imply that majority of the respondent's view that professional promotion has not influenced performance of police functions.

### **5.2.3 Independent oversight of handling of complaints and performance of police officers**

Concerning the third objective, which sought to establish how independent oversight of handling of complaints by the service as an IPOA mandate influence the performance of police officers in Nairobi City sub county. From the findings it was demonstrated that police officers were neutral to how independent oversight handling of complaints has influenced the performance of police officers. On the contrary, the findings also showed that the public and IPOA agreed that independent oversight handling of complaints has influenced the performance of police force in Kenya. This implies that majority of the respondent's supports IPOAs mandate of independently overseeing complaints handling by the police.

### **5.2.4 Management capabilities of IPOA and performance of police officers**

On the fourth objective which sought to understand how management capabilities of IPOA influences the performance of police officers. The study established that the police officers were neutral to the question that IPOA management capabilities have influenced the performance of police function. Further, the study revealed that the public and IPOA agreed that management capabilities of IPOA has influenced the performance of police function in Kenya. The study results imply that most of the respondents have confidence in IPOA and believes that IPOA has the human capacity to carry out its mandate.

### **5.2.5 National Police Service Commission and Performance of Police officers**

The fifth objective of the study sought to determine the moderating influence of the National Police Service Commission on the relationship between IPOA and performance of police function in Nairobi City Sub County. On this the study findings showed that the police officers and IPOA disagreed that National police service commission has influenced the performance of police functions. Additionally the study findings indicated that citizens were indifferent to the question whether national police function has influenced the performance of police functions. These results imply that NPSC has failed in its major roles that directly affect IPOAs ability to influence performance of police officers.

## **5.3 Discussions of Key Findings**

This section focuses on a detailed discussion of the major findings of the study which also entails comparing the study findings to the literature in order to come up with comprehensive conclusion.

### **5.3.1 Holding Police Accountable to the Public and Performance of Police officers**

With regard to the first objective, the study revealed mixed results from the citizens, police and IPOA on the effect of police accountability on performance of police officers. IPOA was formed to give effect to the civilian oversight of the police; the Independent Policing Oversight Authority (IPOA) was established through the Independent Policing Oversight Authority Act (No.35 of 2011). The functions of IPOA include the responsibility to ‘hold the police accountable to the public in the performance of their functions’ including promoting transparency and accountability of the Service. Thus IPOA becomes the first civilian oversight body in Kenya with legislated authority to seek accountability for specific police conduct and to promote a culture of accountability in the service. The study revealed that police were indifference to the role of IPOA. This is attributed to what some of the police officers call “exclusion approach”, where the interest and opinions of police officers are ignore at the expense of the complainants.(Kihiko, 2013) observed that police officers tend to have little confidence on IPOA which they view as intruding into their work. The study revealed that citizens have no confidence on the effect of police accountability on police performance. According to (Ayiera, 2015)Societal attitudes on the police force has had minimal change even with the establishment of IPOA as the police force is still the face of the police officers through their actions in the public. These findings align with the study by (Koech, 2016)who concluded that the citizens hold a low opinion on the impact of IPOA on police performance and the police have mixed view on contribution of IPOA on improving police service delivery.

### **5.3.2 Promoting Professionalism and Performance of Police officers**

The study also sought assess how promoting professionalism in the service as an IPOA mandate influence the performance of police officers in Nairobi city sub county. The study established that there was indifference among the IPOA and police officers as to whether IPOA through promoting professionalism have improved police service delivery. Section 6 (e) of IPOA Act mandates the Authority to promote professionalism through conducting inspections of police premises, including detention facilities under the control of NPS. The Authority is further mandated to monitor and investigate policing operations affecting members of the public. This, alongside the implementation of recommendations made is expected to result in improved conditions of detention facilities, police premises and police operations which is one of the result area (IPOA’s Strategic Plan 2014-2018). Police officers and IPOA staff considers IPOA role of professionalism to have had varied effect. This was affirmed through the findings that indicated that police officers and IPOA consider rewards

by IPOA to have enhanced professionalism. Study results also showed that on matters welfare of the police, both IPOA and police were in agreement that IPOA has failed to promote police welfare. These findings align with the findings of (Bruce, 2013) that showed lack of inclusivity on whether police oversight authorities have led to improvement in police professionalism. This study generally agrees with the findings of (Sitienei, 2015) who established that police reforms are yet to promote high standards of professionalism and enhance performance in service delivery.

### **5.3.3 Independent oversight of handling of complaints and performance of police officers.**

According to the IPOA Act, IPOA has been given the mandates to ensure independent oversight of handling complaints by the public and the police. Within the Authority, this is operationalized through the Complaints Management and Legal Directorate. Further, the Authority monitors, reviews and audit actions taken by IAU of the Service in response to complaints against the Police. The findings show mixed results from police officers on whether IPOA handling of complaints has improved police performance. According to (Osse, 2016) police are not fully receptive of IPOA role in handling complaints against them, but receptive to internal affairs unit (IAU) handling their complaints. The findings show that IPOA and citizens agreed that IPOA handling of complaints has improved police performance. (Hope, 2015) Observes that with IPOA the public have been granted an opportunity to report their complaints against the police officers, as such the police officers are under increased pressure to carry out their mandate in light with their police regulation, and knowing that they are under watch by an independent body. This finding is in line with the results of (Koech, 2016) who found out that IPOA handling of complaints has enhanced police service delivery.

### **5.3.4 Management capabilities of IPOA and performance of police officers**

The study deduced that the police officers were neutral to the question that IPOA management capabilities have influenced the performance of police function. This is tribute to the low confidence that police officers have on IPOA ability to handling police cases without biasness. These results confirm the findings of (Sitienei, 2015) who concluded that police officers have low confidence on IPOA ability to handle their cases. The study revealed that the public and IPOA staff have confidence in management capabilities of IPOA has influenced the performance of police function in Kenya. This supports (Osse, 2016) assertion that the government has provided the resources to support the operation of IPOA, with

devolved county operation. This has resulted in bringing the services of IPOA closer to the people. These findings are consistent with the results of (Mwangi, 2015) who established that human capacity development of IPOA has impacted positively on the service delivery of police functions

### **5.3. 5 National Police Service Commission and performance of police officers.**

The study findings showed that the police officers and IPOA disagreed that National police service commission has influenced the performance of police functions. The National Police Service Commission charged with the responsibility to oversee appointments, promotions and transfers of police officers, to address corruption in recruitment and career management, and also disciplinary matters is yet to take forward its role. Although the National police service commission is charged with the responsibility of looking into the welfare of police officers. It emerged from the study findings that the NPSC is yet to formulate recruitment, promotion and transfer policies. The mechanism for oversight over the disciplinary process and removal of members of the Police Service are yet to be agreed, and this has affected the effectiveness of the commission. These study result support the findings of (Kagut, 2016) who established that NPSC has not impacted positively on police performance. Additionally the study findings indicated that citizens were indifferent to the question whether national police function has influenced the performance of police functions. (Hope, 2015)) argues that the mandate of NPSC is predominantly on police welfare and administration, as such the public may be less informed on its importance.

### **5.4 Conclusion**

The study demonstrates that the police, IPOA and citizens hold different views on the role of police accountability on police performance. The study concludes that police accountability affect police performance has had varying and minimal effect on police service delivery. This presents a rich base from which to build up and document police accountability in various perspectives.

From the findings of the study, professionalism it can be concluded has had minimal or no effect on police service delivery. Police reforms has not resulted in enhancing the professionalism levels of the police force and therefore it can be asserted that police professionalism is not necessarily dependent on police reforms.

It emerged that police officers view the complaints role of IPOA with contempt, and thus it can be concluded that handling of complaints by IPOA has not resulted to service delivery.



Police officers it can be concluded have low confidence on the IPOA complaints investigation department.

With the establishment of IPOA, an independent oversight unit, the public have had opportunity to report their cases, with expectation that their cases can be acted upon. Thus it can be concluded that the public confidence in the police ability to delivery on their function has improved as a result of IPOA complaints division. The IPOA, it can be concluded have the capacity to delivery on their mandate, with the resultant effect felt on police service delivery. From the study findings it can be suggested that national police service commission has not been effective in improving police service delivery.

### **5.5 Recommendations**

The study recommends the following:

- i. IPOA to proactively deal with police misconduct by investing more on research into factors that can improve police service delivery and recommending policy and strategy changes. IPOA should be empowered more to carry out prosecutions as this will make them effective in handling public complaints against police thereby improving police effectiveness.
- ii. IPOA should also follow up all its recommendations resulting from their inspections of police premises and monitoring of police activities that affect the public to ensure they are implemented by the concerned institutions in order for the public, police and IPOA official to appreciate the impact of the inspections and monitoring.
- iii. IPOA should continue awarding outstanding officers as a way of motivating other officers and introduce other awards that will make police officers feel motivated. IPOA should continuously update their complainants about the status of their cases and publish their success stories in order for both the public and the police to appreciate the work they are doing. There is need for internal affairs unit and IPOA to develop framework that will enhance cooperation in addressing complaints against the police force and minimize duplication of work.
- iv. National Police Service Commission need to develop an action plan and regulation that will guide their operation in the police service and concentrate more on improving police welfare thus positively impacting on police attitude. This will make the police reforms more effective in the police service.

### **5.6 Suggestions for further study**

From the study and related conclusions, the researcher recommends further studies should be done on the challenges facing the implementation of police reforms. Further exploratory research should be carried out on police oversight in Kenya to understand its impact and challenges. A study recommending a practical way of evaluating civilian oversight institutions is also needed.

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**APPENDICES**

**Appendix 1: Introduction Letter**

**Akinyi Morine**  
**P.O Box 52568 -00200**  
**Nairobi**

**Dear Officer,**

I am the above named person a master's student at the University of Nairobi conducting a study on the influence of IPOA on the performance of police Officers in Nairobi City Subcounty. Your Views, ideas, opinions, expectations and experiences as stakeholder are therefore useful in this study. Following the instructions given, kindly complete this questionnaire to your utmost ability in two weeks and return it to

.....

Please be assured that the data you will give will be used purposefully for this study.

Thank you for your cooperation

Akinyi Morine  
**L50/68942/2013**





B 1.4	The knowledge that the public will complain to IPOA motivate you to do the right thing	1	2	3	4	5
B 1.5	The formation of IPOA has reduced complaints against the police	1	2	3	4	5
B 1.6	Briefly comment on your confidence regarding IPOAs ability to hold police accountable to the public by investigating complaints against the police..... ..... ..... ..... .....					

**SECTION C: PROMOTING PROFESSIONALISM IN THE POLICE SERVICE**

In this section, the researcher needs to learn ways in which IPOA has been promoting professionalism in the police service. Tick the most appropriate

No.	STATEMENT	SCALE				
		1	2	3	4	5
G1	Inspection of police premises has made the police force more responsive to special interest groups like women and children					
G2	Inspections carried out by IPOA have led to improvement adherence to human rights of prisoners					
G3	Inspections carried out by IPOA have led to improvement in welfare of police officers					
G4	Monitoring of police operations have led to better handling of the citizens by police officers					
G5	Rewards for outstanding police officers has improved professionalism in the police force.					

**SECTION D: INDEPENDENT OVERSIGHT OF HANDLING OF COMPLAINTS**

In this section, help the researcher understand how IPOA independently oversee handling of complaints against the police by the Internal Affairs Unit. Please indicate your response by circling or ticking in the appropriate box by opting from the scale where 1=strongly Disagree, 2=disagree, 3=Undecided 4 = Agree 5 =Strongly Agree

NO.	STATEMENT	scale				
		1	2	3	4	5
D 1	IPOA Should review completed investigations by police personnel to determine if they have been properly conducted					
D 2	Reviews or an audit of investigations done by IAU helps IPOA to evaluate patterns that might not be easy to track statistically.					
D3	Complaints raised with IAU are rarely completed successful					
D4	IAU is yet to be fully operational across the counties					

<b>D 6</b>	IAU can fairly handle complaint against another police officer	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>D 7</b>	Propose ways in which IPOA can assist the police build capacity of the IAU to guarantee professional handling of investigations; and strengthen the complaints resolution process as a means of maintaining public confidence in the investigation of complaints against the police..... ..... ..... ..... ..... .....					

**SECTION E: MANAGEMENT CAPABILITIES OF IPOA**

In this section, the researcher is interested in knowing your confidence as a police officer in the management of IPOA as a civilian oversight body in Kenya. Please indicate your response by circling or ticking in the appropriate box by opting from the scale where 1=strongly Disagree, 2=disagree, 3=Undecided 4 = Agree 5 =Strongly Agree

<b>NO.</b>	<b>STATEMENT</b>	<b>scale</b>				
<b>E1</b>	The Kenyan public has confidence in the leadership demonstrated by IPOA	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>E2</b>	IPOA enjoys support from the executive, legislative and judiciary arms of the government	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>E3</b>	IPOA Management has remained resilient without personalizing adversity in their oversight of the police	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>E4</b>	IPOA has employed competent staff i.e. investigators, Monitors and inspectors	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>E5</b>	You have confidence in IPOA	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

**SECTION F: NATIONAL POLICE SERVICE COMMISSION**

In this section, kindly help the researcher understand the moderating effect of the national police service commission to the influence of IPOA on performance of police functions. Please

<b>No.</b>	<b>Statement</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>F1</b>	The vetting of police officers has played a key role in enhancing performance of police officers					

<b>F2</b>	Recruitment of police officers by national police service commission has improving the performance of police officers					
<b>F3</b>	The welfare of police officers has improved ever since NPSC was established					
<b>F4</b>	The transfer and promotions of police officers has been done fairly with establishment of NPSC					

**F5.** How has the NPSC in carrying out its functions impacted on the performance of police officers in Kenya? Explain in detail.....  
 .....

**SECTION G: PERFORMANCE OF POLICE FUNCTIONS**

In this section, kindly give the researcher your opinion on police performance. Please indicate your response by circling or ticking in the appropriate box by opting from the scale where 1=strongly Disagree, 2=disagree, 3=Undecided 4 = Agree 5 =Strongly Agree

<b>No.</b>	<b>STATEMENT</b>	<b>SCALE</b>				
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>G1</b>	The proportion of complaints against officers that are internally generated is rising.					
<b>G2</b>	The number of unjustified deaths due to police actions has reduced since the inception of IPOA					
<b>G3</b>	The police Adherence to laws, code of conduct and operational procedures improved since the formation of IPOA					
<b>G4</b>	The rate of Corruption in the police has reduced since the inception of IPOA					
	There has been an improvement in police handling of the public based on citizens constitutional rights					
<b>G5</b>	There has been an increased success in handling of complaints against the police by the police since the inception of IPOA					
<b>G7</b>	Briefly give your opinion on how IPOA has influenced your performance as police officer.....					



<b>B5</b>	Briefly comment on your confidence regarding IPOAs ability to hold police accountable to the public by investigating complaints against the police..... ..... ..... .....
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**SECTION C: PROMOTING PROFESSIONALISM IN THE POLICE SERVICE**

In this section, the researcher needs to learn ways in which IPOA has been promoting professionalism in the police service. Tick the most appropriate

NO.	STATEMENT	scale				
		1	2	3	4	5
<b>C 1</b>	Respect to the law has improved due to monitoring of police force by IPOA					
<b>C 2</b>	New code of conduct has been developed through police oversight bodies					
<b>C 3</b>	The establishment of IPOA has led to transparency in police recruitment.					
<b>C 4</b>	The police officers allow themselves to be questioned over their actions					
<b>C5</b>	Police working conditions have improved in the force over the past 5 years.					

**SECTION D: INDEPENDENT OVERSIGHT OF HANDLING OF COMPLAINTS**

Please indicate your response by circling or ticking in the appropriate box by opting from the scale where 1=strongly Disagree, 2=disagree, 3=Undecided 4 = Agree 5 =Strongly Agree

NO.	STATEMENT	scale				
		1	2	3	4	5
<b>D 1</b>	There is a strong cooperation between internal affairs unit and IPOA on handling of complaints					
<b>D 2</b>	Reviews or an audit of investigations done by IAU helps IPOA to evaluate patterns that might not be easy to track statistically.					
<b>D 3</b>	IAU is not in a strong position to handle complaints against police officers					
<b>D4</b>	Propose ways in which IPOA can assist the police build capacity of the IAU to guarantee professional handling of investigations; and strengthen the complaints resolution process as a means of maintaining public confidence in the investigation of complaints against the					

	police..... ..... ..... ..... .....
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**SECTION E: MANAGEMENT CAPABILITIES OF IPOA**

In this section, the researcher is interested in knowing your confidence as an IPOA officer in the management of IPOA as a civilian oversight body in Kenya. Please indicate your response by circling or ticking in the appropriate box by opting from the scale where 1=strongly Disagree, 2=disagree, 3=Undecided 4 = Agree 5 =Strongly Agree

NO.	STATEMENT	scale				
		1	2	3	4	5
E1	Trainings offered by IPOA to its staff have enhanced the management of IPOA.					
E2	IPOA enjoys support from the executive, legislative and judiciary arms of the government					
E3	IPOA Management has remained resilient without personalizing adversity in their oversight of the police					
E4	IPOA has employed competent staff i.e. investigators, Monitors and inspectors					
E5	Decentralization of IPOA management has improved operation efficiency of the organization					
E6	Please give a personal opinion on the way IPOA has been managed since its inception..... ..... ..... ..... ..... .....					

## SECTION F: NATIONAL POLICE SERVICE COMMISSION

In this section, kindly help the researcher understand the moderating effect of the national police service commission to the influence of IPOA on performance of police functions.

Statement	1	2	3	4	5
The vetting of police officers has played a key role in enhancing performance of police officers					
Recruitment of police officers by national police service commission has improving the performance of police officers					
The welfare of police officers has improved ever since NPSC was established.					
The transfer and promotions of police officers has been done fairly with establishment of NPSC.					

## SECTION G: PERFORMANCE OF POLICE FUNCTIONS

In this section, kindly give the researcher your opinion on police performance. Please indicate your response by circling or ticking in the appropriate box by opting from the scale where 1=strongly Disagree, 2=disagree, 3=Undecided 4 = Agree 5 =Strongly Agree

No.	STATEMENT	SCALE				
		1	2	3	4	5
<b>G1</b>	There has been a Reduction of complaints against police Officers since the inception of IPOA					
<b>G2</b>	The number of unjustified deaths due to police actions has reduced since the inception of IPOA					
<b>G3</b>	The police Adherence to laws, code of conduct and operational procedures improved since the formation of IPOA					
<b>G4</b>	The rate of Corruption in the police has reduced since the inception of IPOA					
<b>G5</b>	There has been an Increased success in handling of complaints against the police by the police since the inception of IPOA					
<b>G6</b>	There has been a reduction in extra judicial killings with the establishment of IPOA					
<b>G7</b>	Briefly give your opinion on how IPOA has influenced performance of police officer..... .....					

## Appendix 4: Self Administered Questionnaire for Members of the Public

### INSTRUCTIONS

The questionnaire takes 10 minutes to fill. All questions should have only one answer. Please answer these questions as honestly as possible. Write your responses in the spaces provided, please don't write your name on the questionnaire

### SECTION A: DEMOGRAPHIC DATA

1. How old are you? Under 18  18-25  25-35  36-50  51-65  Over 65
2. Are you Male  Female
3. Educational level No education  Elementary  SHS  Teachers Cert A  Diploma  Degree  Masters  PhD  others (specify).....
4. In terms of religion, are you? Christian  Moslem  Traditional  others (specify).....
5. Employment Status Unemployed  Employed

### SECTION B: CONTACT WITH THE POLICE

6. Have you had any contact with the police within the past 12 months? Yes  No
7. What form did this contact take? You can choose multiple You reported a crime  You witnessed a crime  You were accused of committing a crime  You were stopped and questioned  You asked for some information  You were involved in an accident  You were required to produce your driving documents  Others (specify)\_\_\_\_\_
8. Overall, how satisfied were you with how the police dealt with you Very satisfied  Satisfied  Dissatisfied  Not sure
9. Have you ever experienced any problems with the police? Yes  No
10. What types of problem have you experienced? You can choose multiple  
The police service was unsatisfactory  The police refused to help you  The police didn't follow up a call you made  An officer was rude or impolite to you  The police harassed you  Others (specify)\_\_\_\_\_  
\_\_\_\_\_
11. Did you make a complaint about any of these incidents Yes  No
12. Who did you go to first about your complain Police  Office of Ombudsman  IPOA  NGO  Others (specify).....



## SECTION B: HOLDING POLICE ACCOUNTABLE TO THE PUBLIC

Please indicate your level of agreement or disagreement with each of the following statements by circling the appropriate number. Strongly agree [5] Agree [4], Neutral [3], Disagree [2], strongly disagree [1].

NO.	STATEMENT	scale				
		1	2	3	4	5
B 1	IPOA has improved compliance by police to human rights	1	2	3	4	5
B 2	IPOA has improved our trust in police force	1	2	3	5	5
B 3	IPOA has opened the police force to public scrutiny	1	2	3	4	5
B 4	IPOA has enhanced the supervision of police officers when carrying out their functions.	1	2	3	4	5
B 5		1	2	3	4	5

## SECTION C: PROMOTING PROFESSIONALISM IN THE POLICE SERVICE

In this section, the researcher needs to learn ways in which IPOA has been promoting professionalism in the police service. Tick the most appropriate

NO.	STATEMENT	scale				
		1	2	3	4	5
C 1	The police in Kenya respect the law	1	2	3	4	5
C 2	The police in Kenya follow their code of conduct	1	2	3	5	5
C 3	The police in Kenya give answers to the public about their actions and inactions	1	2	3	4	5
C 4	The police in Kenya are helpful to the citizens	1	2	3	4	5
C 5	The police in Kenya are honest	1	2	3	4	5

## SECTION D: INDEPENDENT OVERSIGHT OF HANDLING OF COMPLAINTS

In this section, help the researcher understand how IPOA independently oversee handling of complaints against the police. Please indicate your level of agreement or disagreement with each of the following statements by circling the appropriate number. Strongly agree [5] Agree [4], Neutral [3], Disagree [2], strongly disagree [1].

NO.	STATEMENT	scale				
		1	2	3	4	5
D 1	IPOA takes action on complaints filed by the public	1	2	3	4	5
D 2	Complaints filed by IPOA are usually investigated to their completion	1	2	3	4	5
D 3	IPOA normally gives feedback on status of complaints reported with them	1	2	3	4	5
D4	IPOA has taken some cases to court for prosecution					

### SECTION E: MANAGEMENT CAPABILITIES OF IPOA

In this section, the researcher is interested in knowing your confidence in the management of IPOA as a civilian oversight body in Kenya. Please indicate your response by circling or ticking in the appropriate box by opting from the scale where 1=strongly Disagree, 2=disagree, 3=Undecided 4 = Agree 5 =Strongly Agree.

NO.	STATEMENT	scale				
		1	2	3	4	5
E 1	The Kenyan public has confidence in the leadership demonstrated by IPOA	1	2	3	4	5
E 2	IPOA enjoys support from the executive, legislative and judiciary arms of the government	1	2	3	4	5
E 3	IPOA Management has remained resilient without personalizing adversity in their oversight of the police	1	2	3	4	5
E 4	IPOA has well trained staff capable of helping the organization achieve its mandate					

### SECTION F: NATIONAL POLICE SERVICE COMMISSION

In this section, kindly help the researcher understand the moderating effect of the national police service commission to the influence of IPOA on performance of police functions. Please

<b>Statement</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
The vetting of police officers has played a key role in enhancing performance of police officers					
Recruitment of police officers by national police service commission has improving the performance of police officers					
The welfare of police officers has improved ever since NPSC was established					
The transfer and promotions of police officers has been done fairly with establishment of NPSC					

### **SECTION G: PERFORMANCE OF POLICE FUNCTIONS**

In this section, kindly give the researcher your opinion on police performance. Please indicate your response by circling or ticking in the appropriate box by opting from the scale where **1=strongly Disagree, 2=disagree, 3=Undecided 4 = Agree 5 =Strongly Agree**

<b>No.</b>	<b>STATEMENT</b>	<b>SCALE</b>				
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>G1</b>	Professionalism has increased in the police force as a result of IPOA work.					
<b>G2</b>	Enforcement of laws and regulations with which it is charged has improved.					
<b>G3</b>	The police Adherence to laws, code of conduct and operational procedures improved since the formation of IPOA					
<b>G4</b>	There has been an Increased success in handling of complaints against the police by the police since the inception of IPOA					
<b>G5</b>	The rate of Corruption in the police has reduced since the inception of IPOA					
<b>G6</b>	The police force has been pro-active and responsive in the discharge of their duties with the establishment of IPOA					