

# UNIVERSITY OF NAIROBI

## **The Contemporary Management of Security: A Case Study of Community Policing in Kenya from 2003-2006**

**By:**

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**Thesis submitted in partial fulfillment of the MA Degree in  
International Studies, University of Nairobi**

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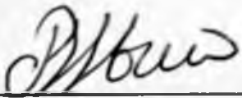


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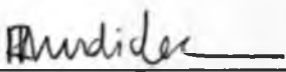
## Declaration

This dissertation is my original work and has not been presented for the degree in any other university.

Sign   
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05/10/2007  
Date

This dissertation has been submitted for examination with approval as University Supervisor.

Signed   
Mr. Robert Mudida

5/10/07  
Date

## **DEDICATION**

I dedicate this work to all the police and communities who have had their lives tormented, ruined and cut short through crime. May this and other works on the subject contribute to control of the scourge!

## **ACKNOWLEDGEMENTS**

This study was a culmination of numerous interactions from class sessions, seminars, and talks to informal discussions with lecturers, staff at NDC, fellow participants and other persons that were involved in the interviews that constitute a major part of the work. To them all please accept my grateful acknowledgement. I also owe thanks to the Department of Community Policing, Children and Gender at Police Headquarters, Security Research and Information Centre, and SaferAfrica for the valuable assistance in providing the information I required for this study.

Special acknowledgement to my supervisor Mr. Robert Mudida who provided me with invaluable guidance. I acknowledge the unfailing support of members of my family throughout the demanding tasks that saw this work to completion. Finally I extend my thanks to the University of Nairobi, Institute of Diplomacy and International Studies, for having given me the opportunity to carry out this engagement subject.

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## **LIST OF ABBREVIATIONS**

**CBP** Community-Based Policing

**(CSOs)** Civil Societies Organizations

**(CP)**Community Policing

**GJLOS** Governance, Justice, Law and Order Sector

*Kenya Economic Recovery Strategy for Wealth and Employment Creation 2003-2007(ERS)*

**(NARC)**National Rainbow Coalition

**(RIC)**, Royal Irish Constabulary

**(N.C.B.D.A.)**.Nairobi Central Business District Association

**(NGO)** Non-Governmental Organization

**PEACENET-KENYA**; started as an idea of three organizations, Oxfam GB, the Mennonite Central Committee and the Anglican Development Desk, who were collaborating, in 1992, on relief provisioning to victims of politically motivated ethnic violence in Molo and Burnt Forest areas of the Rift Valley province.

**Wanjiku**, Ordinary Citizen



## **ABSTRACT**

This study attempts to examine the concept of community policing and whether its adoption as strategy of crime prevention really reduces crime or the fear of crime in view of the failure of the traditional approach in crime control. This study therefore attempts to examine the process of the implementation of the community policing in Kenya its role in reducing crime or the fear of crime.

Community policing was officially launched in Kenya on 27<sup>th</sup> April 2005 as a as an alternative policing strategy in the fight against crime that relies collaboration between the police and community. A set of internal benchmarks and both qualitative and quantitative indicators to monitor the impact of implementation of community policing has been setup and comprise a: checklist of activities to measure progress, responsiveness and visibility or resistance by police or community, and statistics of implementation in terms of crime reduction.

The assessment of the role of the policing policy will be carried out by using primary and secondary sources of data. Primary sources will include interviews with Kenyan Policy makers including the practitioners in the police force, provincial administration, and managers of the private security and some members of the civil society as well as the academia. Secondary date will be obtained from Kenya Government publications, books, journals, magazines, print media, the internet and unpublished papers from workshops and seminars.

What emerged out of this study is that the community policing improves good relationship between police and community and this may create an impression of

reducing crime and fear of crime. However other strategies like appropriate patrol deployment and fast response time to scene of crime are also contributes to reduction of high incidents of crime and fear of crime.

### BACKGROUND TO THE STUDY

#### 1.1 Introduction

Security is a common good, an essential component of sustainable national development. This is a new concern for many countries. As pointed out by Chalom, et al in *Urban Safety and Good Governance : The Role of Police*; security refers to “a situation characterized by a climate of peace, conviviality and mutual awareness allowing all citizens to freely exercise their individual, political and social rights, and allowing for the normal operation of public and private institutions”.<sup>1</sup> The primary responsibility of a government of any sovereign nation-state therefore is to provide a secure environment conducive for socio-economic development. One of the key pillars towards this objective is to provide security to all people. It is for this reason that governments all over the world have in place institutions to undertake policing activities in order to reduce crime; tackle criminality, anti-social behavior and the fear of crime.

Despite their complex organization, police structures can be classified under two principal models: centralized systems (Latin influence) and decentralized systems (Anglo-Saxon influence). The two police organizational models are illustrated using examples from northern hemisphere countries, since to date most other countries have taken their inspiration from these models.

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<sup>1</sup> M. Chalom, et al *Urban Safety and Good Governance : The Role of Police* (Nairobi: Safer Cities Programme UNCHS (Habitat), 2001) p 15

The centralized, *gendarmerie* model of most Western Europe is concerned with order-maintenance on behalf of the central state and, to a lesser extent, the social order of the streets. It features a paramilitary, hierarchical structure with a minimum of legal and organizational discretion for the rank-and-file officer.<sup>2</sup> The United States represents one of the best illustrations of a decentralized police model, with more than 16,000 active police bodies.<sup>3</sup> They have jurisdictions which involve local and national authorities and government officials, and their legal responsibility, as in India and Great Britain, is subjected to the rules of common law. India is of course an intermediate case where authority is vested in sub-national political units, the member states of the federation.

While police missions can vary from one region to another, depending on particular local problems, public expectations remain the same. They rest primarily on the prevention of crime, the maintenance of law and order, preservation of peace, the improvement of human and territorial safety and the respect of individual rights. Preventive police mission may be pursued through traditional policing and or community policing.

Traditional policing is epitomized as 'bandit-catching' or crime-fighting policing.<sup>4</sup> Here, the major *raison-d'être* of the force is to 'catch criminals' rather than to enforce social order. Crime is prevented by criminal justice system of a state that is by the police, the courts and the prisons. The essence of this is the deterrent effect it is hoped to achieve by a mere police presence on the ground, owing to the likelihood of

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<sup>2</sup> J J. Gleizal, State, local collectivities and security: concepts and policies, (*Cahiers de la Sécurité Intérieure*, IHESI, Paris, No.16, 1994), pp 13-24.

<sup>3</sup> R. Reiner, "The British Model", (*Cahiers de la Sécurité intérieure*, IHESI, Paris, No.13, 1993), pp 25-59

<sup>4</sup> R.I. Mawby "Policing Across the World" *Issues for the Twenty-first Century* (London: UCL Press Limited 1999), p37

the detection and punishment of offenders. Discretion is common but formally bounded by the limits of the criminal law.<sup>5</sup>

Here the police themselves set their own goals. The public has no say in determining those goals; nor is the idea of providing a service to the community considered to be concern of the police. Policing is built around the criminal law and the law of criminal procedure. In order for the police organizations to function effectively, paramilitary and bureaucratic approaches to police organizations are emphasized. Police organizations are highly centralized and managed on assumption that police work is readily measurable and controllable.<sup>6</sup>

Police work is mainly reactive in nature and is characterized by its orientation to the past, because the majority of the things that the police deal with and had already happened. The police officers, reinforced by their commanders and the media, perceive themselves as 'crime fighters', the 'thin blue line' between the rule of the law and general disorder, constantly in war with criminals, liberals and enemies of other sorts.<sup>7</sup> Police sub-culture is in turn, characterized by isolation, solidarity and silence.

Community policing is decentralized organizationally with a 'flattened' pyramid structure. The police organization functions to solve problems, often independently of whether those problems are located within the remit of the criminal law. Professional discretion is paramount in the search for resolutions, not all of which may involve a legal, or indeed, a criminal sanction.

The first colonial settlers that came to East Africa were mostly British. They introduced the traditional system which has been in place since then. A brief

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<sup>5</sup> R.I. Mawby "Policing Across the World" *Issues for the Twenty-first Century* op cit p37

<sup>6</sup> *ibid* p 38

<sup>7</sup> M. Pagon, "The Need for a Paradigm Shift in Police Leadership", *Police Leadership in the Twenty-First Century: Philosophy, Doctrine and Developments*, (Waterside Press: United Kingdom, 2003), p 158

examination of policing in Kenya before and after independence reveals a police force that used to be servants of the political elite and an instrument of the ruling party. The public had no say in determining their goals in the effort to fight crime. Policing was built around the criminal law and the law of criminal procedure. In order for police to function effectively, paramilitary and bureaucratic approaches to police organizations were emphasized. Police work was mainly repressive and reactive in nature, characterized by its orientation to the past, because the majority of the things that the police dealt with had already happened. Police sub-culture was, in turn, characterized by isolation, solidarity and silence<sup>8</sup>. The country is now faced with increase in serious and violent crimes, a lowering in age of first-time offenders, a widespread use of illegal drugs by younger and younger populations, an increased fear of crime among large segments of the society to the extent that both the public and criminal justice communities perceive that most of what we are doing to stop or even revert these trends have been unsuccessful.

The traditional policing in place created credibility gap between citizens and the Police which made it difficult to obtain the crucial information necessary for managing security resulting in high levels of crime that prevented citizens from going about their business without fear of crime and criminals. The trend continued even after independence until it reached a time when the civil society in collaboration with the government became committed to improving policing methods in the 2000's.

The government responded by introducing community policing as an alternative strategy to security management. This is the contemporary approach to policing all over the world that recognizes the independence and shared responsibility of the police and

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<sup>8</sup> R. W. Foran, *The Kenya Police 1887-1960*; (London: Robert Hale Ltd, 1962) p 6

the community in ensuring a safe and secure environment for all citizens.<sup>9</sup> However the debates about community policing invariably involve a contest over the meaning of the term and whether it is only rhetoric and really doesn't work.<sup>10</sup> The focus of this study is on the debate whether engagement in partnerships with organized groups and private and public agencies cooperatively address issues of crime, fear of crime and trust of policing agents.

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

The Kenyan public is worried about the increased occurrence and fear of crime and in most parts of the country. This has resulted in the public putting pressure on policymakers and law enforcement agents to reverse the trend and get rid of this security concern. One of the causes of this increased occurrence of crime and fear of crime can be attributed to the poor relationship between police and members of public. Community policing adopted by the government in April 2005 can be viewed within this context as the government response to bridge the gap between the police and the community. The traditional policing with strong judicial orientation of the past, based on criminal law of criminal procedure, does not seem to be effective solution for the public security concern<sup>11</sup>. Here the police themselves set their own goals. The public has no say in determining those goals; nor is the idea of providing a service to the community considered to be concern of the public. Police work is mainly reactive in nature and is characterized by its orientation to the past, because the majority of the things that the police deal with and had already happened.

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<sup>9</sup> National Policy on Community Policing (Kenya Police Force 2004) p 1

<sup>10</sup> G. L. Kelling, & M.H. Moore, From political to reform to community: the evolving strategy of police. In: J.R. Greene and S.D. Mastrofski (Eds.). (*Community Policing: Rhetoric or Reality*, New York: Praeger Publishers, 1988), pp 6-21

<sup>11</sup> M. Pagon, , "Organizational, Management and human Resource Aspects of Policing at the turn of the Century", in M Pagon (ed). (*Policing in Central and Eastern Europe*, 1998) p 48

The recent approaches of proactive justice system, comprising the community policing,<sup>12</sup> from the standpoint of police leadership, are the most important in controlling crime. Community policing in Kenya recognizes that citizens can make important contribution to the Government's effort to community safety, solve common security problems, and reduce the rate of crime in the country. Community policing committees comprised of eminent members of the community have been put in place at various levels from village up to location to establish a long-term partnership between communities and the police to help improve relationship between police and community in a bid to solve security problems.<sup>13</sup> This study therefore gives contextual of community policing in contemporary management of security and the role it plays in improving the relationship between police and members of community. The study then finds out whether the relationship between police and members of community reduces crime and fear of crime.

### **1.3 Objectives of the Study**

Broadly the study examines the process of the implementation of the community policing in Kenya and its effectiveness in improving police performance and guaranteeing security for all citizens. Specifically the study:

- 1) assesses the role of community policing in improving police–citizen relations;
- 2) assesses the role of community policing in reducing crime and;
- 3) Examines the effectiveness of community the fear of crime.

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<sup>12</sup> P.H. Hahn, , *Emerging Criminal Justice: Three pillars for a proactive Justice System*, (Thousand Oaks Sage Publications 1998) p 65

<sup>13</sup> Community Policing Handbook, (Kenya Police Force: 2004) p 16



## 1.4 Literature Review

The literature review covered security, meaning of community policing and relative value of community policing. While the term "community policing" (CP) is quite extensively used in Kenya it has come to mean quite different things to different people. Available literature reveals that both internationally and locally "community policing" is capable of variety of different meanings, which make it difficult to meaningfully promote without substantial definition of precisely what one is talking about. Debates about community policing invariably involve a contest over the meaning of the term. The second issue is on the assumptions of the value of community policing as a strategy of crime control.

### Security

The traditional academic discourse on security has often focused on the aspect of national security as opposed to protection of human life and welfare. Bary Buzan<sup>14</sup> though acknowledges that security is one of the greatest challenges that humanity faces argues in favour of the broadening of the concept of security. However national security is still central for him, because states still "dominate many of the conditions that determine security". He argues that states are the referral objects for security and hence emphasizes a faceless security; a security that refers more to an institution or a superstructure, which is the state. Security here does not refer to the protection of human lives and welfare.

Robert Mandel<sup>15</sup> observes that security is multifaceted concept, but proposes a definition of national security that is concerned with pursuit of measures that are aimed

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<sup>14</sup> B. Buzan, *People, States and Fear*, 2<sup>nd</sup> ed; *An Agenda for International Security Studies in the Post Cold War Era*, (London: TJ International Ltd, Padstow, Cornwall, 1991), pp 1-34

<sup>15</sup> R. Mandel, *The Changing Face of National Security: A Conceptual Analysis*, ( London: Greenwood Press Westport, 1994 p 16

at preventing threats from abroad that may endanger the survival of regimes their citizenry or their ways of life.

Mohammed Ayoob<sup>16</sup> also keeps the highly political notion of security, which is synonymous to state or regime security. But he rightly notes that the preoccupation for security is high in the third world because of the predominance of insecurity in social life. However, attributing this insecurity in social life to inadequate statehood, meaning the failure to impose a legitimate political order at home, takes the security concerns away from the imperative of protecting human lives and welfare. Insecurity is therefore defined in relation to vulnerabilities of state structures, both territorial and institutional. Other forms of vulnerability are not part of Ayoob's concept of security, unless "they become acute enough to acquire political dimensions and threaten state institutions or regime survival."<sup>17</sup>

This study is in line with shift from focusing on national security to people centred concern for security with emphasis on community policing as the strategy for crime control. "While the term "community policing" (CP) is quite extensively used in Kenya it has come to mean quite different things to different people. Available literature on the origin, evolution, substance and implementation reveals that both internationally and locally "community policing" is capable of variety of different meanings, which make it difficult to meaningfully promote without substantial definition of precisely what one is talking about. Debates about community policing invariably involve a contest over the meaning of the term. The second issue is question

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<sup>16</sup> M. Ayoob, *The Third World Security Predicament: State Making, Regional Conflict and the International System* pp 1-45

<sup>17</sup> *ibid* p 9

posed by Greene and Mastrofski as to whether community policing is "rhetoric or reality" therefore just public relations gimmick.<sup>18</sup>

### **Defining Community Policing**

Community policing, sometimes referred to as community-oriented policing, community-based policing, or problem oriented policing, is currently presented by academic observers of policing as characterizing "modern", "progressive", or "contemporary" policing.<sup>19</sup> However, while it is generally considered to be the "new" approach to policing that has recently begun to sweep through North America, Europe, and common law countries in Africa, Australia and New Zealand, Cox and Fitzgerald refers community policing as a re-emergence, renewal, or revitalization of a former philosophical, organizational, and operational approach to urban policing developed last century in Metropolitan London by Peel and his associates,<sup>20</sup> who saw the role of the new police in 1829:

“to maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police. The police being only members of the public that are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.”<sup>21</sup>

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<sup>18</sup> J. R. Greene, S. D. Mastrofski (eds.) *Community Policing: Rhetoric and Reality*. (New York: Praeger 1988)

<sup>19</sup> J. H. Skolnick, and D. H. Bayley, *The New Blue Line: Police Innovation in Six American Cities*. New York: Free Press. 1986; G. L. Kelling, "Acquiring a taste for order: The community and police". (*Crime and Delinquency* 33 (1), 1987), pp 90-102; C Murphy, *The development impact and implications of community policing in Canada*. In Jack R. Greene and Stephen D. Mastrofski (eds.), (*Community Policing: Rhetoric and Reality*. New York: Praeger. 1988a), pp 177-190; Jack R. Greene, Stephen D. Mastrofski (eds.) *Community Policing: Rhetoric and Reality*. (New York: Praeger 1988) p 62; Trojanowicz, Robert and Bonnie Bucqueroux *Community Policing: A Contemporary Perspective*. (Cincinnati: Anderson. 1990) pp xi-xiii; M. K Sparrow., Mark H. Moore and David M. Kennedy *Beyond 911: A New Era for Policing*. (New York: Basic Books. 1990), p 6

<sup>20</sup> S.M Cox., & J.D Fitzgerald., *Police in Community Relations: Critical Issues, 2nd edition*. (Dubuque: Wm. C. Brown Publishers, 1992), p 159

<sup>21</sup> Law and Order: The Magazine for Police Management, Vol. 50, No.4, April 2002, p 34

Sir Robert Peel's principle underlies effective policing and underscores the importance of police-community partnership in police work. The principle continues to inform modern policing and form a basis for what is now commonly referred to as "Community Policing."

The central principle underlying this style of urban policing is a full *partnership between the community and their police* in identifying and ameliorating local crime and disorder problems. It claims that crime and disorder problems are the *joint property* of the community as "client" as well as of the police as the local agency delivering public security services. Accordingly, the police and the community are *co-producers of order and civility*<sup>22</sup> and "co-reproducers of order".<sup>23</sup> They achieve this remarkable symbiotic state through an interactive, cooperative, and reciprocal relationship which, in practical terms, means that community members, as clients of the police, participate in shaping police policy and decision making.<sup>24</sup> Underlying this partnership principle is the core assumption that the level of crime, disorder, and fearfulness in a community is inversely related to the level of public participation in policing. That is, public participation breathes life into the partnership principle.

This relationship of partnership and participation contrasts with the "professional, bureaucratic, or traditional" model of policing in which crime is the exclusive property of the police under this "professional policing" or "crime control" model, the police form a "thin blue line" against crime and, in practice, unfortunately also form a thin blue line against the community. In operational terms, the professional model can be characterized in a number of different ways but has been described

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<sup>22</sup> J. Q. Wilson, and George Kelling, "Broken windows". (*Atlantic Monthly (March)*: 29-38. 1982), p 6;

<sup>23</sup> R. V. Ericson, *Reproducing Order. A Study of Police Patrol Work*. (Toronto: University of Toronto Press. 1982), p 56

<sup>24</sup> C. Short, *Community Policing - Beyond slogans*. In T. Bennet (ed.), *The Future of Policing*. (Cambridge: University of Cambridge. 1983), p 67

succinctly by Kelling and Moore (1988) as a technology-driven, rapid response strategy coupled with random motorized patrol.<sup>25</sup> Trojanowicz and Bucqueroux suggested the following definition and called it the "Nine P's" of community policing:

"a philosophy and not a specific tactic, community policing is a proactive, decentralized approach, designed to reduce crime, disorder, and by extension, fear of crime, by intensely involving the same officer in the same community on a long-term basis, so that residents will develop trust to cooperate with police by providing information and assistance to achieve those three crucial goals. Community policing employs a variety of tactics, ranging from park and walk to foot patrol, to immerse the officer in the community, to encourage a two-way information flow so that the residents become the officer's eyes and ears on the streets helping to set departmental priorities and policies. In addition, the officer then carries this information back to the rest of the department so that problems can be solved and the quality of life improved."<sup>26</sup>

Koch and Bennett defined a community policing philosophy as:

"A belief or intention held by the police that they should: first, consult with and take account of the wishes of the public in determining and evaluating operational policing policy and practice; and second, collaborate with the public whenever possible in solving local problems."<sup>27</sup>

Trojanowicz and Bucqueroux also developed "Ten Principles" of community policing<sup>28</sup> and Manning proposed<sup>29</sup> eleven assumptions that underpin the concept of community policing. Kelling and Moore stated that we arrived at this era of community policing with the call to re-establish close community relationships. According to them we have passed through the "political" era (with intimate police and

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<sup>25</sup> G. L. Kelling, and Mark H. Moore *From Political to Reform to Community: The Evolving Strategy of Police*. In J. R. Greene and S. D. Mastrofski (eds.), *Community Policing: Rhetoric Or Reality*. (New York: Praeger, 1988), p 41

<sup>26</sup> R. Trojanowicz, & B. Bucqueroux, *Community Policing: How to Get Started*. (Cincinnati: Anderson Publishing Co. 1994), pp 2-3

<sup>27</sup> B. Koch, & T. Bennett, *Community policing in Canada and Britain. Research Bulletin* (Home Office Research and Statistics Department, No. 34, London: HMSO, 1993), p 37

<sup>28</sup> R. Trojanowicz, and B. Bucqueroux, *Community Policing: A Contemporary Perspective*. (Cincinnati: Anderson Publishing Co. 1990), pp xiii-xv

<sup>29</sup> P. K. Manning, Community-based policing. In: R.G. Dunham G.P. Alpert. (Eds.), *Critical Issues in Policing: Contemporary Readings*, 2nd ed., (Prospect Heights, Illinois: Waveland Press, Inc, 1993) p 24.

community relations) and the "reform" era (with professionally neutral and distant relationships).<sup>30</sup>

The following quote from the Report of the Independent Commission on Policing for Northern Ireland aptly summarizes the crux of Community Policing (emphasis added):

"The term [community policing] has many definitions and has become somewhat devalued by frequent and indiscriminate use. We have called this [...] "Policing with the Community" because we believe this encapsulates better what most people want to see – the police participating in the community and responding to the needs of that community, and the community participating in its own policing and supporting the police. What we emphatically do not mean by "community policing" is vigilante groups policing neighbourhoods with baseball bats, or, at the other extreme, what the Philadelphia [(USA)] police chief, John Timoney, has described as "sitting around the trees, holding hands and singing Kumbaya".

What we do mean is: the police working in partnership with the community; the community thereby participating in its own policing; and the two working together, mobilizing resources to solve problems affecting public safety over the longer term rather than the police, alone, reacting short term to incidents as they occur."<sup>31</sup>

Community policing therefore responds to the current security milieu involving the whole services of the changes required both within and outside the policing area. It signifies a paradigmatic shift in policing in which the police services moves away from close-mindedness of law enforcement bureaucracies towards a more participatory model of public safety.

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<sup>30</sup> G. L. Kelling, & M.H. Moore, From political to reform to community: the evolving strategy of police. In: J.R. Greene and S.D. Mastrofski (Eds.). *Community Policing: Rhetoric or Reality*, New York: Praeger Publishers, 1988), pp 6-21

<sup>31</sup> C. Patten, *Report of the Independent Commission on Policing for Northern Ireland Police reform*. (Northern Ireland Police 1998), p 35

In a document produced to serve as a guide for police reform projects in Kenya

the Non-Governmental Organization (NGO) Saferworld defines community-based policing as:

“both a philosophy (a way of thinking) and an organizational strategy (a way to carry out the philosophy) that allows the police and community to work together in new ways to solve problems of crime, disorder and safety issues to improve the quality of life for everyone in the community”.<sup>32</sup>

Community policing can thus be distinguished from other forms of policing because it derives its priorities in part from community input. In addition, because physical and social disorder clusters closely with crime, the Community Policing Officer (CPO) also acts as the community facilitator in dealing with these problems. In the CPO's role as liaison, the officer acts as the community's link to public and private agencies, acting as an ombudsman to deal with neighborhood decay.

### **Relative Value of Community Policing**

The goals of community policing are to reduce crime and disorder, promote citizens' quality of life in communities, reduce fear of crime, and improve police-citizen relations.<sup>33</sup> These goals are generally achieved through three essential efforts: police-community partnership, problem solving, and organizational transformation. The current debates focus on the concerns of others on the relative value of said efforts which are also the key characteristics of community policing.<sup>34</sup>

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<sup>32</sup> “The Philosophy and Principles of Community-Based Policing” *Saferworld*, (London: 2003), p2

<sup>33</sup> Community Policing Consortium. *Understanding Community Policing: A Framework for Action*. Washington, D.C.: Bureau of Justice Assistance. Reprinted in Willard M. Oliver, ed. 2000. *Community Policing: Classical Readings*. (Upper Saddle River, N.J.: Prentice Hall. 1994) 14

<sup>34</sup> R. Trojanowicz, and B. Bucqueroux, *Community Policing: A Contemporary Perspective* op cit 1990), pp xiii-xv

## Police-community partnership

The effort rests on the belief that people deserve input into the police process, in exchange for their participation and support.<sup>35</sup> Police and citizens join together to identify the problems facing a community, prioritize them, and develop and implement viable responses. In a true partnership, the police and citizens make important decisions together about agency policies, practices and direction. Partnerships are formed not only with residents but also with organized groups and private and public agencies. These organized entities are stakeholders in a healthy community, as well as potential resources for addressing community problems. They include public and private service agencies (for example, housing agencies, other public assistance agencies and nonprofit groups serving high-need groups), interest groups (for example, the Urban League, Mothers against Drunk Driving, neighborhood organizations), and public works agencies.

According to the above arrangements "communities are to be consulted, surveyed, organized, and negotiated with, in order that their interests, needs and concerns are incorporated into neighborhood police priorities and strategies. Murphy argues that this vision of a more active, democratic, and politicized community, however, begs the question of who legitimately represents that community."<sup>36</sup> A key element of the community service strategy is the notion that to accomplish safer, more orderly communities, police must acknowledge that they share that responsibility with the citizenry--that indeed without close cooperation these objectives can never be realized. This notion of police-community reciprocity or co-production has the ring of a

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<sup>35</sup> R. Trojanowicz, and B. Bucqueroux, *Community Policing: A Contemporary Perspective* op cit 1990), pp xiii-xv

<sup>36</sup> C Murphy, "The Development, Impact, and Implications of Community Policing in Canada." In *Community Policing: Rhetoric or Reality*, ed. Jack R. Greene and Stephen D. Mastrofski, 177-190.( New York: Praeger. 1988) p186



coequal partnership between police and public, but in practice its programs manifest a markedly asymmetrical relationship. Co-production in practice means citizens do what police think is best"<sup>37</sup>; and in practice, "in their encounters with citizens, police officers seek to establish a position of dominance as soon as possible and to maintain it"<sup>38</sup> While the idea of police and citizens as partners is an attractive idea, it is the police department that remains in control of information gathering, of initiation of action (as a proactive department), and that approves or disapproves any initiatives by citizen groups.<sup>39</sup>

### **Community policing role in Problem solving**

This principle of community policing rests on the belief that solutions to today's community problems demand freeing both people and the police to explore creative, new ways to address neighborhood concerns beyond a narrow focus on individual crime incidents. In problem-oriented policing, police work with residents, organizations, and agencies to identify and solve community problems related to crime, disorder, and the quality of life. But problem solving is not just a mechanism for linking with the community and developing trust; it is good policing, as Herman Goldstein, the father of problem-oriented policing, explains.

"Smarter policing in this country requires a sustained effort within policing to research substantive problems, to make use of the mass of information and data on specific problems accumulated by individual police agencies, to experiment with different alternative responses, to

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<sup>37</sup> S. D Mastrofski.. "Community Policing as Reform: A Cautionary Tale." In *Community Policing: Rhetoric or Reality*, ed. Jack R. Greene and Stephen D. Mastrofski, 47-68. New York: Praeger1988. p56  
<sup>38</sup> E Bittner. *Aspects of Police Work*. ip cit. 1990 p 26  
<sup>39</sup> S. D Mastrofski. "Community Policing as Reform: A Cautionary Tale." In *Community Policing: Rhetoric or Reality*, ed. Jack R. Greene and Stephen D. op cit 1988.p 52

evaluate these efforts and to share the results of these evaluations with police across the nation".<sup>40</sup>

With this tool, police are not merely responding to the same locations and individuals over and over to address crime; they are addressing underlying problems that can eliminate, or at least reduce, future occurrences. How it looks in practice should vary considerably from place to place in response to unique local situations and circumstances. Better listening to the community can produce different policing priorities. Officers involved in neighborhood policing quickly learn that many residents are deeply concerned about problems that previously did not come to the attention of police. The public often focuses on threatening and fear-provoking *conditions* rather than discrete and legally defined *incidents*. They often are concerned about casual social disorder and the physical decay of their community rather than traditionally defined "serious crimes." The police, however, are organized to respond to the latter under the traditional model of policing.

Mastrofski argues that four systems of rule-bound accountability may be diminished by community policing—the system of criminal, civil, and administrative law; the police department's formal internal system of command; peer groups both within and outside the police who provide, formally and informally, work standards for the police; and informal rules and guidance from the community in the form of the expectations of those who are policed—including press, interest groups, and civic leaders.<sup>41</sup> The development of community problem oriented policing strategies has

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<sup>40</sup> H Goldstein, *The New Policing: Confronting Complexity*. National Institute of Justice, Research in Brief. Washington, D.C.: U.S. Department of Justice. Reprinted in Oliver, Willard M., ed. 2000. *Community Policing: Classical Readings*, 71–80. (Upper Saddle River, N.J.: Prentice Hall. 1993), p 5

<sup>41</sup> S. Mastrofski, Community policing as reform: a cautionary tale. In *Community Policing: Rhetoric or Reality?* (J.R. Greene & S.D. Mastrofski (eds). New York: Praeger, 1988) p 45

major legal implications. Broadening the police function from crime-fighting into the diverse world of community crime prevention means that police officers will depart from the relatively clear restraints of the criminal law to areas governed by vaguer maxims.<sup>42</sup> Hence community policing is only possible when the constitutional rights of citizens are vague rather than distinct, and especially where the police mandate is permissive rather than restrictive.

### **Organizational transformation in community policing**

To implement true community policing, police departments must also create and develop a new breed of line officer who acts as a direct link between the police and the people in the community. As the department's community outreach specialists, community policing officers must be freed from the isolation of the patrol car and the demands of the police radio so that they can maintain daily, direct, face-to-face contact with the people they serve in a clearly defined beat area. Ultimately, all officers should practice the community policing approach.<sup>43</sup>

Community policing therefore involves organizational decentralization and a reorientation of patrol in order to facilitate communication between police and the public. Line officers are expected to work more autonomously at investigating situations, resolving problems, and educating the public. They are being asked to discover and set their own goals and sometimes to manage their work schedules. Decentralization facilitates the development of local solutions to local problems and

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<sup>42</sup> D.H Bayley, . Community policing: a report from the devil's advocate. In *Community Policing: Rhetoric or Reality?* J.R. Greene & S.H.D. Mastrofski (eds). (New York: Praeger1988.), p 71

<sup>43</sup> R.Trojanowicz, and B. Bucqueroux, *Community Policing: A Contemporary Perspective* op cit 1990), pp xiii-xv

discourages the automatic application of central-office policies. The police are not independent of the rest of society, in which large organizations have learned that decentralization often allows flexibility in decision making at the customer-contact level. Accordingly, many departments that adopt a serious community policing stance strip a layer or two from their rank structures to shorten lines of communication within the agency. Police organizations with no traditions of decentralized decision-making may encounter major problems.<sup>44</sup>

Broden observes that decentralization required by community policing, and the resultant increased autonomy of the rank-and-file, may have three effects on the urban police institution. It may mean a loss in effective management control as a consequence of decentralization. Similarly, it may result in a loss of wider accountability and control. Finally, loss of external and internal supervision may lead to a breakdown of professional standards of behaviour by police officers.<sup>45</sup>

Over time, traditional centralized authority may re-assert itself.<sup>46</sup> Organizations may pay lip-service to decentralization in terms of developing specialist units<sup>47</sup> and of cultivating decentralized inter-agency links.<sup>48</sup> Organizational decentralization and consequent local development of inter-agency links may be actually

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<sup>44</sup> R. Trojanowicz, and B. Bucqueroux, *Community Policing: A Contemporary Perspective* op cit 1990), pp xiii-xv

<sup>45</sup> M.E Brogden, *The Police: Autonomy and Consent*. (London: Academic Press. 19820, p 12

<sup>46</sup> J.E Eck, Alternative futures for policing. In *Police Innovation and Control of the Police*. D. Weisburd & C. Uchida (eds), (New York: Springer. 1993), pp 59-79

<sup>47</sup> C.J Murphy, Community Policing in Canada: Pretence and Reality. In *Police and the Community: Contributions Concerning the Relationships Between Police and Community and Concerning Community Policing*, (T. Feltes & E. Rebscher (eds). Holzkirchen: FelixVerlag. 1990), p 45

<sup>48</sup> S.Sadd, & R. Grinc. *Issues in Community Policing: An Evaluation of Eight Innovative Neighbourhood Oriented Policing Projects*. (New York: Vera Institute of Justice. 1993), p 15

counterproductive<sup>49</sup> and result in an inter-agency power struggle.<sup>50</sup> Decentralization outside tradition suggests that much community police work may become routinized. Ritual takes over with statistical devices constructed to justify practices. 'Doing-nothing' becomes the dominant way of spending time.<sup>51</sup> Buerger notes that there is a 'mystical belief that simply taking the police officer out of the patrol car and placing him/her on foot, will somehow guarantee community consultation.'<sup>52</sup> Specialization without decentralized tradition will lead to organizational schisms and confusion.<sup>53</sup> The empirical evidence of decentralized organization, implanted where there is no tradition, suggests that community policing is the antithesis of acceptable policing in countries with strongly centralized police organizations.<sup>54</sup>

### **Crime prevention by citizens and police working together**

Community policing's organizational strategy first demands that everyone in the police department, including both civilian and sworn personnel, must investigate ways to translate the philosophy of power-sharing into practice. This demands making a subtle but sophisticated shift so that everyone in the department understands the need to focus on solving community problems in creative, and often ways, that can include challenging and enlightening people in the process of policing themselves. Community policing implies a shift within the department that grants greater autonomy (freedom to

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<sup>49</sup> M Liddle., & A.K. Bottoms. *The Five Towns Crime Prevention Initiative*. (London: Home Office. 1991), p 6

<sup>50</sup> C Moore., & J. Brown. *Community versus Crime*. (London: Bedford Square Press. 1981), p 23

<sup>51</sup> T.H Bennett, & R. Lupton. *National Review of Community-Oriented Patrols: Report to the Home Office Research and Planning Unit*. (Cambridge: Institute of Criminology. 1990) p 8

<sup>52</sup> M.E Buerger, A tale of target-limitations of community anticrime actions. (*Crime and Delinquency* 40. 3, 411-36. 1994), p 17

<sup>53</sup> M.H Moore.. "Problem-Solving and Community Policing". In *Modern Policing: Crime and Justice* 15. M. Tonry & N. Morris (eds). (Chicago: University of Chicago Press. 1992), p 5

<sup>54</sup> M.E. Brogden, *The Police: Autonomy and Consent*. (London: Academic Press. 1982) p 65

make decisions) to line officer, which also implies enhanced respect for their judgment as police professionals. Within the community, citizens must share in the rights and responsibilities implicit in identifying, prioritizing, and solving problems, as full-fledged partners with the police.<sup>55</sup>

Community policing involves helping neighborhoods solve crime problems on their own, through community organizations and crime prevention programs. The idea that the police and the public are “co-producers” of safety, and that they cannot claim a monopoly over fighting crime, predates the current rhetoric of community policing. In fact, the community crime prevention movement in American policing during the 1970s was an important precursor to community policing.<sup>56</sup> It promoted the idea that crime was not solely the responsibility of the police. The police were quick to endorse the claim that they could not solve crime problems without community support and assistance, for it helped share the blame for rising crime rates at the time. Now police find that they are expected to lead this effort. They are being called upon to take the lead in mobilizing individuals and organizations around crime prevention. These efforts include neighborhood watch, citizen patrols, and education programs stressing household target-hardening and rapid crime reporting.

Cultural factors both within the police organization and in the relationship between the police and the community impede effective community policing.<sup>57</sup> The

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<sup>55</sup> R. Trojanowicz, and B. Bucqueroux, *Community Policing: A Contemporary Perspective* (1990), pp xiii-xv

<sup>56</sup> L. Friedell, “The Defining Characteristics of Community Policing” in *Community Policing: The Past, Present, and the Future* eds. L. Friedell and M. A. Wycoff, (PERF Washington DC: 2004), pp 3-10

<sup>57</sup> R.M. Grinc., “Angels in Marble: Problems In Stimulating Community Involvement In Community Policing.” (*Crime and Delinquency* 40, 3, 199), pp 37-68.

specifics of canteen culture constitute one hurdle.<sup>58</sup> Lower ranking officers using a variety of techniques resist change from their crime-fighting self image.<sup>59</sup> In a social context which emphasized the police public order function, development of close relations ran contrary to traditional cultural practice. The schemes fell foul of police culture which preferred isolation to close engagement with the community.<sup>60</sup> As in the Belgian case, the existence of a strict rule-defined mandate (whether it be the legal rules governing police mandate or the procedural rules of police practice) affects the climate for community policing. The lack of a specified legal mandate for the police may expand the police mandate into community policing.

## 1.5 Justification of the Study

This study can be justified on two grounds; academic and policy. Academically the study aims to contribute to emergent but as yet not fully explored field. It is anticipated that the findings of the study will contribute to the literature on community policing especially in testing whether community policing improves police community relations and consequence of such relation in reducing crime and fear of crime.

At policy level the study intends to inform about the importance and challenges involved in the implementation of community policing. This is important given the fact that community policing is relatively a new phenomenon in the police fraternity in Africa. According to Hahn the new philosophy is a major change from the traditional understanding of the police function, its organization design, its relationships to consumers, its measurement of outcomes its tactics and technologies and a whole of

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<sup>58</sup> J.E Eck., & W.W. Spelman. *Problem-Oriented Policing in Newport News*. (Washington, DC: Police Executive Forum. 1987) p 45

<sup>59</sup> S Sadd., & R. Grinc. *Issues in Community Policing: An Evaluation of Eight Innovative Neighbourhood Oriented Policing Projects*. (New York: Vera Institute of Justice. 1993), p 14

<sup>60</sup> M.H Moore... Research synthesis and policy implications. In *The Challenge of Community Policing—Testing the Promises*. Part VII2855-300, D.P. Rosenbaum, (ed.), 1994

host of other elements of policing.<sup>61</sup> Most notably, the organizational design shifts from being highly centralized to decentralize and the police function begins to be legitimized by community support as well as by the traditional sources of law, the political structure and professionalism. The call for the new approach to fighting crime is basically to ensure security.

## **1.6 Theoretical Framework**

The theoretical framework used in this study is Kuhn theory of revolution. Policing is a key function in ensuring safety of citizens and security of their property and can be performed by a number of different processes and institutional arrangements. States have in place structures that are responsible for creating enabling environment that would be responsive to citizens needs by ensuring the desired security but the police in modern times are only but one aspect of policing. It is worth noting here that the sources of an order can be traced not in the police but in the society's culture and its social economic conditions. Accordingly the function of the police should be viewed as a merely complementary to society's efforts at social control. This should include all aspects of culture norms and the relationships of individuals with the society. It is in this view that informs the community policing approach. It is based on the recognition that Traditional Policing approaches fall short of providing security.

The theoretical standpoint of this is Kuhn's discussion on paradigm and how shifts occur. Kuhn argues that in science all scientists are engaged in problem solving but they work with one paradigm (which can be likened to way of viewing social, economic or political issues and hence determinant of the strategy formulated to resolve

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<sup>61</sup> P. H. Hahn, , *Emerging Criminal Justice: Three Pillars for a Proactive Justice System*, (Thousand Oaks Sage Publications 1998), p 32



the issue) in the context of normal science. But whenever a paradigm develops significant anomalies and is no longer able to solve the pressing problems of the day, it is overthrown and a new paradigm is identified and takes over<sup>62</sup>.

Community policing is a philosophy of full service personalized policing, where the same officer patrols and works in the same area on a permanent basis, from a decentralized place, working a proactive partnership with citizens to identify and solve problems<sup>63</sup>. Police develop relationships with the community and pool resources together to address the most urgent security concerns of their community.

Kuhn's paradigm shift framework is important because it helps to explain the rationale behind the move towards community policing in Kenya. The study will outline the major weaknesses/failures in the traditional policing approach in Kenya that necessitated a shift towards community policing as a new paradigm in attempts to maintain law and order. Secondly the framework will be important in analyzing how community policing intended to overcome these failures of the old paradigm. Lastly an analysis of the effectiveness of community policing in Kenya will be predicted in on Kuhn's assertion that the new paradigm does not necessarily resolve all the problems of the day. And that over a period of time anomalies also begin to appear in the new paradigm that necessitate the emergence of another paradigm. Consequently the study will also attempt to demonstrate some of the shortcomings of the community policing approach. Those three bench marks will act as points of reference in analyzing the rationale, implementation and effectiveness of community policing in Kenya.

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<sup>62</sup>T. Kuhn, *The Structures of Scientific Revolutions*, (Chicago University Press, 1970)

<sup>63</sup> R. Trojanowicz, & B. Bucqueroux, , "Community Policing", (*A Survey of Police Department in the United States*, 1994), pp 2-3

## **1.7 Hypotheses**

This study will test the following hypotheses:

- Community policing improves police–citizen relations
- Community policing reduces crime.
- Community policing reduces fear of crime.

## **1.8 Scope and Limitations**

### **Scope**

This study analyses the implementation and effectiveness of community policing in Kenya. To achieve these objectives the study will focus on three significant variables:

- 1) community participation
- 2) the relevant policies guiding the implementation of community policing and
- 3) structures in place to effect the implementation.

### **Limitation**

The area of study which covers the whole of Kenya mainly relied on data obtained from Police Headquarters in Nairobi.

## **1.9 Methodology**

This study was carried out by using primary and secondary sources of data. Primary sources included in-depth interviews with Kenyan Policy makers including the practitioners in the police force, provincial administration, and managers of the private security and some members of the civil society as well as the academia. Secondary

data was obtained from Kenya Government publications, books, journals, magazines, print media, the internet and unpublished papers from workshops and seminars.

The existing documents were the examined to understand their substantive content because the situation under study cannot be investigated by direct observation or questioning. Data generated since the 2000 to 2006 was collected for analysis although community policing was only launched in April 2005. Naturally occurring data could not be used as the effects of community policing was not possible tot collect through observation.

Individual interviews were conducted by the researcher for purpose of clarification and detailed understanding of the workings of the Community Policing Forums which is the organization strategy for Community policing in Kenya. In-depth interview is preferred because there it provides an opportunity for detailed investigation for very detailed subject coverage. Another reason for choosing in-depth interview is that Community Policing is a complex phenomenon which can be best understood through depth focus. Because interviews will take place at a location of the participant's choosing, again in-depth interviews were appropriate for more access to potential participants. Focus group which is an alternative method of interview could not be used because it offers less opportunity for the detailed generation of individual accounts.

Data obtained from police is likely to have institutional biases. Since police have the preserve of collecting crime statistics on behalf the public it is expected to be objective in its reporting. Despite the existence of some crime that is never reported the data generally reflects what is expected.

## **1.10 Definition of Concepts**

**Police** - This shall refer to a particular kind of social institution composed primarily of a body of people with broad mandate of crime control, order maintenance and some negotiable social service functions<sup>64</sup>.

**Policing** – This shall imply a set of activities aimed at preserving the security of a particular social order, or social order in general<sup>65</sup>.

**Communal Policing** – This will refer to the mechanisms used by pre-modern societies to maintain social order.

**Traditional Policing** – Crime is prevented by criminal justice system of a state that is by the police, the courts and the prisons. The essence of this is the deterrent effect it is hoped to achieve by a mere police presence on the ground, owing to the likelihood of the detection and punishment of offenders. Discretion is common but formally bounded by the limits of the criminal law.<sup>66</sup>

**Community Policing**–: Police model which promotes closer relations between the police and the community for more effective prevention of crime and insecurity, and partnerships with the broader community (local councillors, business associations, groups of citizens, trade unions, urban planners) and all other public or private institutions. Community policing is basically a professional police model spanning the

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<sup>64</sup> R. Reiner, *The politics of the Police*, 3rd ed (NY: Oxford, Oxford University Press, 2000), p1

<sup>65</sup> R. Reiner, 'Order and Discipline' in I. Holiday, A. Gamble, and G. Parry (ed), *Fundamentals in British Politics*, (London: Macmillan, 1999) p 14

<sup>66</sup> *ibid*

continuum between two major poles: the community-based approach and problem-oriented.

**Social Order** – this shall imply consensus of interest or latent conflict of interest between social groups differentially placed in a hierarchy of advantage, or perhaps a complex intertwining of the two<sup>67</sup>

**Social Control:** Everything that contributes to the reproduction of social order including the organized ways in which society responds to behaviour and people it regards as deviant, problematic, worrying, threatening, troublesome or undesirable.<sup>68</sup>

**Security:** As discussed at the Zaragoza Conference in 1996, security refers to “a situation characterized by a climate of peace, conviviality and mutual awareness allowing all citizens to freely exercise their individual, political and social rights, and allowing for the normal operation of public and private institutions”<sup>69</sup>

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<sup>67</sup> O. Marenin, 'Parking Tickets and Class Repression: The Concept of Policing in Critical Theories of Criminal Justice' in *Contemporary Crisis*, 1983, PP 241-66

<sup>68</sup> S. Cohen, *Visions of Social Control*, Cambridge: Policy Press 1985, pp 1-2

<sup>69</sup> Vourc'h, Catherine and Michel Marcus, *Urban Cultural Spaces and Urban Security*, International Meeting, 21-22 October, La Villette, EFUS, Paris. (1996)

## **1.11 Chapter Outline**

The study will be divided into five chapters:

### **Chapter one: Background to the Study**

Will consist of the introduction and statement of the problem, objective, justification, literature review, conceptual framework, hypothesis and the study methodology

### **Chapter two: Historical Perspectives on Policing and Debates in Community Policing**

Will provide historical perspectives on policing to highlight the major shifts that have taken place in the past and the contemporary examples of where community policing has been initiated

### **Chapter three: Community Policing Experience in Kenya**

Will explore the policing in Kenya including community policing and the process of its implementation.

### **Chapter four: A Critical Analysis of Community Policing in the Kenya Context**

**Chapter five: will carry the Conclusion and Recommendations**

## Chapter Two:

# HISTORICAL PERSPECTIVES ON POLICING AND DEBATES IN COMMUNITY

## POLICING

### 2.1 Introduction

This chapter attempts to examine the development of the police function by drawing upon both pre- and post-1829 police historical literature. It starts by examining mechanisms that are called into play for the wrongdoer in kindred and state-organized societies by looking at societal relations control measures, structures in place to ensure that those controls are complied with and concepts informing the relations with the society over the time. Finally some of the debates in community policing will be examined.

There are two perspective views regarding the origin and emergence of modern policing. The first links the origin of the modern police function to social change in stateless societies. The same idea continues today to influence literature on police-community relations.<sup>1</sup> Charles Reith advances this view when he suggests that;

*“Firstly, there is a coming together of individuals or small-group community units in search of collective security. . . . Secondly, there is discovery or recognition of the need of rules or laws for smooth and cooperative action and living, and the making of these makes necessary, also, the setting-up of authority of one kind or another. . . . Thirdly, there comes, always and inevitably, discovery or recognition of the facts that some members the community will not keep some or all of the rules; that by their behavior in this respect they weaken and endanger the welfare and lives of other members and the existence of the community as a whole; and that to ensure its continuing welfare and survival, means must be found for compelling observances of rules. Fourthly, in one form or another, these means are found and established. Their effectiveness is the key-stone of community existence.”*<sup>2</sup>

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<sup>1</sup> R Trojanowic and B Bucqueroz *Community Policing: A Contemporary Perspective* (Cincinnati: Anderson, 1990), pp ix-x; and J. H. Skolnick and David H. Bayley, *The New Blue Line; Police Innovation in Six American Cities*;( Newyork: Free Press, 1986), pp 9-11

<sup>2</sup> C. Reith, *The Blind Eye of History: A Study of the Origins of the Present Police Era.*(London: Faber and Faber. Reprint. Montclair, N.J.: Patterson Smith1, 952 ( 1975, reprint.),pp 14-15

The second view adopts theories of Marx and suggests that the police function, in its modern form, is linked to economic specialization and differential access to resources which characterize class-dominated rather than kinship-based societies. The proponents of this view believe that society dominated by a ruling class needs a coercive instrument to maintain its control over basic resources and over a labor force necessary to produce the surplus product to support and sustain that ruling class.<sup>3</sup> They argue that the development of the police function parallels and is dependent upon the development of the state. By a series of almost imperceptible changes, the police function existing within a kinship society, as a product of and serving the whole society, is transformed into a police function that predominantly represents the interests of the dominant class in a class-dominated society, while at the same time purporting to and appearing to represent the entire society.

## **2.2 Early Forms of Policing**

This comprised of a simple egalitarian society in which most matters of social life were communal affairs, and there was no need for judge or jury. There was no overarching political level, and therefore no state.<sup>4</sup> Such a society was organized and governed by and through its ideological formation, that is, by customs, traditional norms of behavior, and rituals organized and enunciated through a kinship system.<sup>5</sup> Power resided in the customary order carried on by the elders as a group and not in any one person, for there was no institutional base to perpetuate individual power.<sup>6</sup>

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<sup>3</sup> J. Haas, *The Evolution of the Prehistoric State*. (New York: Columbia University Press. 1982), pp 173-174

<sup>4</sup> *ibid.* p 18

<sup>5</sup> *Ibid* p 18

<sup>6</sup> E. Copet-Rougier, "'Le Mal Court': Visible and Invisible Violence in an Acephalous Society--Mkako of Cameroon." In *The Anthropology of Violence*, ed. David Riches, (Oxford, England: Basil Blackwell. 1986), pp 50-69



Wright and Fox (1978) used anthropological studies to present the development of criminal justice control mechanisms.<sup>7</sup> The authors analyzed a number of civilizations of mounting complexity in order to show the increasing incidence of criminal justice specialists. Moving through the band, the tribe, the confederation to the primitive state, these authors found increasing political centralization and specialization: big-man, chief, paramount chief, and finally king. Social control mechanisms found in the societies included private revenge, ridicule, gossip, insult and scorn. As the society progressed and became more complex control was characterized by use of the mediator and the development in the chief of the implicit threat of force, backed by public opinion.

Hoebel supported the above perspective and recognized that kinship-based societies usually settled disputes through negotiation and mediation in loosely structured moot courts characterized by lack of formal proceedings, lack of authority, stress on peacekeeping rather than assessing blame, and an attempt at decision making through consensus. Complex state societies he noted were characterized by dispute management based on adjudication in formal courts having authoritative decisions backed by legitimized coercion.<sup>8</sup> Stress was on unilateral decisions based on rules or norms and fact situations related to the violation of these rules.<sup>9</sup>

From the standpoint of the Fried, the police function emerges when there is the perceived need by the chief or some bureaucratic clique to protect for themselves limited access to basic resources at a time when there is a class division of society into rich (those controlling the mode of production) and poor (those working for the rich).<sup>10</sup> He observes that to maintain that division, a third power is necessary. It is this third power, the state that

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<sup>7</sup> W. Burton, and Vernon Fox. *Criminal Justice and the Social Sciences*. (Philadelphia: W. B. Saunders. 1978), p 34

<sup>8</sup> H. E. Adamson, *The Law of Primitive Man: A Study in Comparative Legal Dynamics*. (Reprint. New York: Atheneum. 1983), p 42

<sup>9</sup> N Laura, and H. S. Todd. *The Disputing Process: Law in Ten Societies*. (New York: Columbia University Press. 1978). p 39

<sup>10</sup> M. H. Fried *The Evolution of Political Society*. (New York: Random House 1967) p 16

regulates class conflict by acting as a neutral power, ostensibly representing all classes but actually representing the class structure. The state maintains that structure by confining struggle to the legal and economic spheres, thus at the same time maintaining the relative positions of the dominant and subordinate classes.

It follows from this analysis that once there is such a class division, a police agency becomes necessary as one institution to aid in maintaining this equilibrium of inequality. What such a society designates as crime (to be banished or controlled by a police) flows from attempts on the part of the subordinate class to re-equalize distribution of assets either on a collective basis (riot, rebellion, revolution) or on an individual basis (theft, robbery, burglary, fraud). The police represent an active threat of violence to repress or punish any of these acts.<sup>11</sup> Both the exercise of force and the criminal justice system are directed towards a common goal with the former acting as a fail-safe mechanism for the latter.<sup>12</sup> This special public force (the police) is needed because a self-acting armed organization of the people has become impossible since their cleavage into classes.

The English police provide a historical case study of the development of a policing function particularly germane to the above proposition. Anglo-Saxon society in the early part of the first millennium A.D. is described as being organized on principles of kinship, relying on collective security as a means of social control.<sup>13</sup> In this sense, the origins of British policing lie in early tribal history. They are based on customs for securing order through responsibility being placed on local representatives of the community. It can perhaps best be prescribed as a primitive system of policing of the people by the people. As time went by the

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<sup>11</sup> C. Hugh.. *Marxism and Law*. (New York: Oxford University Press. 1982), p 28

<sup>12</sup> *ibid.* p 29

<sup>13</sup> G. M Trevelyan.. *History of England*. Vol. 1.(Garden City, N.Y.: Anchor Books 1953), pp 50-61

system became based on the notion of communities being notionally split up into groups of 10 people. These groups were called 'tythings'. For each group there was one tything man who was responsible for the orderly behaviour of his tything. A further individual, a 'hundred man' was responsible for the tythings and the 'hundred man' had to answer to a more senior representative appointed to oversee an administrative area called a County.

By the year 900 through up to the conquest of Normans in 1066 tribal social structure had evolved into a series of territorial kingdoms governed by the rules of a budding feudal society. Under the feudal order, the unit of organization became the manor, with the constable emerging as an officer of the manor court as well as the appointed agent of the king to keep his peace. The Norman invaders of 1066 accepted the Saxon legal system in its entirety but took over and centralized the administration of the laws.<sup>14</sup> The tithing system of "home rule" was however replaced with 55 military districts called shires, each headed by a Norman officer called a reeve, hence the title "Shire-Reeve" (*The origin of the word Sheriff*). William the Norman conqueror also established the Frankpledge, which required all free men to swear loyalty to the King's law and to take responsibility for maintaining local peace.

However, as the Normans became more integrated into their conquered communities, much of the central control lapsed and the manor, with its manorial court, again became the key institution for social control. At the same time, the term 'constable' became more widely and variously used, with local part-time appointed unarmed, able-bodied citizens to act unpaid in each parish (a small community whose boundaries reflected the area from which the local Church drew its congregation). This justice-constable system which was essentially developed to protect the resources of an emerging elite class continued until the formation of the London professional force in 1829.

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<sup>14</sup> H. R. Loyn, *The Governance of Anglo-Saxon England, 500-1087*. (Stanford: Stanford University Press. 1984), p 179

### 2.3 The Emergence of a Public Police

While on continental Europe public police systems were well established by the seventeenth century,<sup>15</sup> Anglo-American policing was essentially private, non-specialized and non-professional until the nineteenth century. The modern Anglo-American police systems that emerged then in the nineteenth century have been characterized by Bayley (1985) as public, specialized and professional organizations.<sup>16</sup> The reasons for their emergence have been the subject of considerable discussion.<sup>17</sup> On the one hand, orthodox police histories have tended to see the emergence of the new police as evolution, an inevitable progression to meet the problems of urban industrial society that the 'old' police was failing to address. On the other hand, radicals have argued that the new police were appropriate forms of control within capitalist societies where traditional forms of social control had broken down yet order, predictability and continuity were crucial to the smooth running of *gesellschaft* societies.

In between, revisionists argue that the 'new' police reflected both the needs of newly industrialized and urbanized societies and the forms of organization most appropriate to such settings.

Given the different ways in which the modern police developed, such differences are maintained in police systems as transitional influences are strengthened. The police of England and Wales inherited a broad mandate to provide a service to the public that was wider than an exclusive emphasis on crime control and public order maintenance. On the other hand, early research on police time-allocations and public calls to the police suggested that only a minority of police time is spent dealing with crime.<sup>18</sup>

<sup>15</sup> T. Bowden, *Beyond The Limits of the Law*. (Harmondsworth: Penguin, 1978), p 34

<sup>16</sup> D.H Bayley, *Patterns of Policing: A Comparative International Analysis*. (New Brunswick: Rutgers University Press, 1985), p 14

<sup>17</sup> R.. Reiner, *The Politics of The Police*. (London: Harvester Wheatsheaf 1992) and Brogden, M., T. Jefferson, S. Walklate. *Introducing Policework*. (London: Unwin Hyman, 1988), p 65

<sup>18</sup> M.Punch, & T. Naylor. "The police: a social service", (*New Society* 24, 554, 1973), pp 358-61.

However, as in the USA, increased technology and the replacement of foot patrols with mobile patrols were seen as shifting the emphasis of the police from community service to reactive crime fighting. The Accrington experiment in the 1960s, whereby a balance between beat offices and rapid/response specialist backup was sought (Home Office 1966), was generally considered a failure. Moreover, unlike in the USA, advocates of community policing were in a minority within the senior police management, with many chief constables distancing themselves from the outspoken views of John Alderson in Devon and Cornwall.<sup>19</sup> While the Brixton disorders in April 1981 and subsequent riots in other major cities were at least partially provoked by aggressive policing methods, and the Scarman (1981) inquiry advocated a 'return' to community policing.<sup>20</sup>

More recently Bayley in a comparison of policing in industrial societies recognizes that they spend little of their time preventing crime and more of it 'restoring order and providing general assistance.'<sup>21</sup> On the other hand, Kelling and Moor suggest that while there was a shift from the welfare focus of the kinship of policing to a crime focus during the 'reform era', there has been a swing back towards a wider mandate as policing has entered the 'community problem solving era.'<sup>22</sup> As in England, this change of heart is to a certain extent associated with recognition that more sophisticated technology had distanced the police from their publics, although in the US research also questioned the effectiveness of rapid response.<sup>23</sup> More recently, there has been elite-backed attempt to reconstruct history and to build on the admitted failure of the past, a movement dubbed "community policing." Bayley (1988), describes

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<sup>19</sup> J Alderson, *Submission to Scarman: The Case for Community Policing* 1981.

<sup>20</sup> Lord Scarman. *The Brixton Disorders*. (London: HMSO (Cmnd 8427). , 1981), p 24

<sup>21</sup> D.H Bayley,. *Police for the Future*. (New York: Oxford University Press. 1994), pp 18-19

<sup>22</sup> G.L Kelling,. & M.H. Moore. *The Eevolving Strategy of policing: Perspectives on Policing*. (Washington DC: US Department of Justice. 1988) p 24

<sup>23</sup> W Spelman,. & D. Brown. *Calling the Police: Citizen Reporting of Serious Crime*. (Washington DC: U.S. Government Printing Office. 1984), p 68

community policing as "the new philosophy of professional law enforcement in the world's industrial democracies; that community policing has emerged as the major strategic alternative to traditional practices that are now widely regarded as having failed; Community policing does not represent a small, technical shift in policing; and that it is the most fundamental change in policing since the rise of police professionalism."<sup>24</sup>

## **2.4 Community Policing**

Community policing, touted as "the first major reform movement in policing since the 1930's," or "perhaps the most significant police effort to identify, label, and implement a new organizational strategy is a joint product of Harvard University's John F. Kennedy School of Government's Executive Session on Policing and Michigan State University's School of Criminal Justice, that represents a retaking of control of the police by the community--a restatement of the English police philosophy that the police are the people and the people are the police."<sup>25</sup> Community policing is both a philosophy and an organizational strategy that allows the police and community residents to work closely together in new ways to solve the problems of crime, physical and social disorder, and neighborhood decay. The philosophy rests on the belief that law-abiding people in the community deserve input into the police process, in exchange for their participation and support.<sup>26</sup>

Community policing, sometimes also referred to as "neighborhood-oriented policing," is said to include a sense of trust between police and citizens. The central premise of community policing is that the public should play a more active and coordinated part in enhancing safety. The public should be seen as "co-producers" with the police of safety and

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<sup>24</sup> D. H Bayley.. "Community Policing: A Report from the Devil's Advocate." In *Community Policing: Rhetoric or Reality*, ed. Jack R. Greene and Stephen D. Mastrofski, (New York: Praeger. 1988), pp. 225-238.

<sup>25</sup> R. Tronawicz, and Bonnie Bucqueroux, *Community Policing: A contemporary perspective*, (Cincinnati, Ohio: Anderson, 1990), p. 45

<sup>26</sup> Ibid p. xiii

order. Community policing thus imposes a new responsibility on the police, namely, to devise appropriate ways of associating the public with law enforcement and the maintenance of order.<sup>27</sup> Its essential components are: community-based crime prevention, proactive servicing as opposed to emergency response, public participation in the planning and supervision of police operations, and shifting of command responsibility to lower rank levels.<sup>28</sup> Thus, the essence of community policing is the rediscovery by police management of the need for community participation in crime control.

More than anything else, the police are rediscovering that ordinary people and communities are the first line of defense in controlling crime and fear. The police cannot succeed without an effective partnership with the communities they serve. Without the eyes and ears of residents to extend the scope of police surveillance, the reach of police control is pathetically thin. Citizen's vigilance and willingness to come forward are an integral part of police operations. If that part of the machinery is not working well, the police, for all their sophistication and equipment are rendered ineffective.<sup>29</sup> According to community policing proponents the problem with the traditional approaches is that police work became a legal and technical matter that was left to the discretion of professional police executives under the guidance of law. Their function was narrowed to crime control and criminal apprehension. Activities that drew the police into solving other kinds of community problems and relied on other kinds of responses were identified as 'social work'. Success lay in being able to control

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<sup>27</sup> J. H. Skolnick and David H. Bayley, *Community Policing: Issues and Practice Around the word*, (Washington, D.C.: National Institute of Justice, 1988), pp. 3-4

<sup>28</sup> D. H Bayley., "community Policing: report from the devil's advocate." In Jack r. Greene and Stephen D. Mastofish(ed), *Community Policing Rhetoric or Reality*, (Newyork: Praeger, 1988), pp. 225-238

<sup>29</sup> M. K Sparrow., Mark H. Moore, and David M. Kennedy.. *Beyond 911: A New Era for Policing*. (New York: Basic Books. 1990), p. 46

crime effectively without having to depend on others, including the community they were policing.<sup>30</sup>

Community policing urges equalitarian, intimate and non-authoritarian communal relations. The more one pushes horizontal democratic relations the community policing appeals. Community policing requires a change in the uses of the law; in the standard used to apply the law and order enforcement; in the overall contracts governing police and the public and the degree of centralization, structure, hierarchy and formalization of such matters as recruitment, evaluation, promotion and rewards in police departments.<sup>31</sup>

## **2.5 Models and Experiences of Community Policing around the World**

Community policing as a strategy of policing is implemented differently by different countries in the world. Several approaches to the strategy have been designed in various countries. These include the problem solving approach in North America, Koban system in Japan and different partnership approaches in United Kingdom. Since 1979, when Herman Goldstein first proposed a problem-oriented approach to policing the concept and its community-focused counterpart have gained nearly universal backing as the preferred means of policing for the future.<sup>32</sup>

The development of community policing in different national and local contexts reflects the tensions between the legal, cultural, and organizational structures of policing. The complexity of that contextual meshes—law, culture, and organization—prevents easy

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<sup>30</sup> M. K. Sparrow, Mark H. Moore, and David M. Kennedy.. *Beyond 911: A New Era for Policing*. (New York: Basic Books. 1990), p 113

<sup>31</sup> P. K. Manning, "Community-based Policing", in Dunham R.G and G.P. Alpert, *Critical Issues In Policing*, 2<sup>nd</sup> edition, (Prospect Height, Illinois: Waveland Press. 1993), p 429

<sup>32</sup> H.Goldstein, and C. Susmilch, *Experimenting with the Problem-Oriented Approach to Improving Police Service: A Report and Some Reflections on Two Case Studies*.(Vol. 4 of Project on Development of a Problem-Oriented Approach to Improving Police Service. Madison: University of Wisconsin Law School, 1982).



transplants—whether it be in small town or urban ghettos.<sup>33</sup> As noted by Bayley, the origins of the *Koban* system in Japan (and Singapore) cannot be understood without contextualization within Japanese culture and society.<sup>34</sup> Conversely, the absence of community policing models, for example, in Austria and in Belgium, needs to be understood from within the specifics of historically-derived law, culture, and organization. Community policing thus is not a model that can be culturally transplanted to domains with different structures and traditions. The ‘failure’ of community policing in much of Western Europe, as in the cities of North America, is partly one of implementation. But the larger impediment is its alien legal, cultural, and organizational history.<sup>35</sup>

Even within one country, history tells different stories and offers different legitimization for community policing. Models developed without historical contextualization are doomed. For example, Moir notes that community policing developments in Australia failed to recognize the traditional unpopularity historically of the police.<sup>36</sup> This long-term community distrust cannot be ignored. Constructing community policing without regard to historical perceptions of the police is shortsighted.

New developments in Western European countries tend to be conflated in the community policing literature as a reaction to the crime-fighting model. Commentators on the ‘collapse’ of traditional policing have generally failed to recognize that they are referring to a specific ‘crime-fighting’ prototype. ‘Traditional’ has been used as a synonym for crime-fighting. In fact, at least three models of state policing are evident in Western society. There is the centralized, gendarmerie model of most of Western Europe, a version that draws originally

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<sup>33</sup> R. I. Mawby, *Policing Across the World*, (UCL Press: London, 1999), p 121

<sup>34</sup> D.H Bayley, ‘Community policing in Japan and Singapore.’ (In *Community Policing*, J.Morgan (ed.). Australian Institute of Criminology. 1984), p 41

<sup>35</sup> D.H Bayley, ‘Community policing in Japan and Singapore.’ (In *Community Policing*, J.Morgan (ed.) op cit 1984.)

<sup>36</sup> P Moir, ‘Community policing—questioning some basic assumptions.’ In *The Police and the Community In the 1990s* 5, S. McKillop & J. Vernon (eds). (Australian Institute of Criminology, Canberra, ACT, 1990), pp. 56-63

upon the Napoleon era in centralized or federalized organization and state-defined duties.<sup>37</sup> In its crudest form, that model is concerned with order-maintenance on behalf of the central state and, to a lesser extent, the social order of the streets. It features a paramilitary, hierarchical structure with a minimum of legal and organizational discretion for the rank-and-file officer. When writers refer to the collapse of traditional policing, this model is largely ignored, its practices not subject to evaluative scrutiny.

In the xenophobia of the Anglo-American literature, traditional policing is epitomized as 'bandit-catching' or crime-fighting policing.<sup>38</sup> Here, the major *raison-d'être* of the force is to 'catch criminals' rather than to enforce social order. Organizationally, it contains a range of specialisms with priority being given to criminal investigation. Discretion is common but formally bounded by the limits of the criminal law. It is this model to which commentators refer when they talk of the crisis in traditional policing.

Finally, we have the hugger-mugger of community policing, in its many guises and variations. Organizationally, community policing is decentralized, with a 'flattened' pyramid structure.<sup>39</sup> The police organization functions to solve problems, often independently of whether those problems are located within the remit of the criminal law. Professional discretion is paramount in the search for resolutions, not all of which may involve a legal, or indeed, a criminal sanction.

Certain contemporary police organizations often reflect different components of these models. Thus the Kenya represents paramilitary forms of organization while operating traditional common law powers of arrest and prosecution. Lack of appreciation of different historical

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<sup>37</sup> H-H Liang, ... *The Rise of Modern Police and the European State System from Metternich to the Second World War*. (Cambridge: Cambridge University Press. 1991), p 28

<sup>38</sup> M.E Brogden, & C.D. Sheering. *Policing for a New South Africa*. (London: Routledge. 1993), p 112

<sup>39</sup> R. I. Mawby, *Policing Across the World*, (UCL Press: London, 1999), p 123

orthodoxies results in an assumption of evolutionary progression from crime-fighting towards community policing.

The blend of law, culture, and organization contains different presumptions regarding the police role. Community policing, especially with regard to the question of equity, needs to be understood primarily in terms of local exigencies—whether the legal powers of the police officer allows the development of the kind of extra-legal practices required by community policing, whether the political culture of the particular society provides for an acceptance of state police officers conducting activities outside more general public order and crime related functions (and within that broader culture, the specific local police culture), and whether the inherited organizational structure of the particular police institution allows for the degree of decentralization of command and discretion central to the community policing practices.

### **2.5.1 Community policing in North America**

Community policing in North America developed haphazardly through a combination of recognition of the failings of traditional policing together with a variety of local *ad hoc* innovations and improvisations.<sup>40</sup> Hence, community policing from this perspective has generally followed an evolutionary trajectory, drawing deeply on Anglo-American roots, concerns, and police models. Organizational and structural problems could be resolved by a new policing philosophy which recognized the fundamental importance of community problems, priorities, and relationships. The problems of the Anglo-Saxon crime fighting models were to be resolved by an historical resurrection of the solution in the community. The tything man was re-born.

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<sup>40</sup> J.E Eck,.. Alternative futures for policing. In *Police innovation and control of the police*. ( D. Weisburd & C. Uchida (eds),. New York: Springer. 1993), pp 59-79

## 2.5.2 Community policing in Europe

Community policing processes in Western Europe vary dramatically. In countries such as Holland and Sweden, community policing has become the dominant philosophy.<sup>41</sup> As in North America, community policing has assumed orthodoxy rather than representing a radical challenge. In countries with quite different gendarmerie traditions of policing, such as France and Austria, little occurs under the community policing rubric. In the former Soviet bloc countries, cultural, organizational, and legal factors (together with political and economic exigencies) prevent any notable developments.

The critical decisive factors appear to be the combination of traditional forms of police organization, the cultural perception of the state police function, and the extent to which the criminal law is permissive or limiting in relations to police powers and duties. The development of community policing, in the tradition espoused by Goldstein, relates to a combination of decentralized organizational structures, a perception of the state police as being non-threatening (public consent), and a legal mandate which does not specify the limitations of the police function.<sup>42</sup> In other words, Goldstein's work is situated within the specifics of a particular policing tradition.

In the Scandinavian nation-states, independently of legal tradition, the other factors of organization and status lend themselves to such community policing developments. In Denmark, Neighbourhood Police Stations are common and some quarter of police officers

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<sup>41</sup> National Institute of Justice *Community Policing: Issue and Practices Around The World*. (Washington: National Institute of Justice. 1989), p 16

<sup>42</sup> H Goldstein, "Towards Community-Oriented Policing: Potential Base Requirements and Threshold Questions". (*Crime and Delinquency*, 1987), pp 33, 6-30

function as community police.<sup>43</sup> Danish police engage in various preventive policing measures within a broad rubric of community policing—a limited number of officers are assigned as ‘education’ police, with the main task of developing a positive relationship between the police and youngsters. The City of Copenhagen also employs fifteen specialized units within police stations to bring together schools, social workers, and the police, and Neighbourhood Police Houses provide a trouble-shooting base for a variety of police-community functions.<sup>44</sup> The central mission of Swedish schemes started from a crime reduction exercise, with major crime prevention strategies and built-in assessment measures.<sup>45</sup> For example:

Scandinavian mini-stations are especially attractive, warmly furnished, inviting places, where neighbourhood residents talk to the police about a variety of ‘problems’—a husband’s excessive drinking, child’s failure to meet school obligations—that do not bear directly on crime.<sup>46</sup> (National Institute of Justice 1989:10).

However, there are certain tensions in Swedish practice because of the centralized nature of the Swedish police system. Norway produces similar evidence with several detailed but essentially experimental locations for community policing posts. As with Sweden, there exists considerable friction between rhetoric and practice in Norway’s case because of the problems of a conservative police culture.<sup>47</sup> The Dutch police have been pioneers in community policing despite the older gendarmerie tradition and appear to have developed community policing as an indigenous alternative to the Anglo-Saxon model. The picture is complicated however by the

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<sup>43</sup> M Boyle,.. *The Experience of Neighbourhood Policing in Dublin*. (MA Thesis, University of Exeter. 1990), p 21

<sup>44</sup> National Institute of Justice *Community Policing: Issue And Practices Around The World*.(Washington: National Institute of Justice. 1989).

<sup>45</sup> E Kuhlhorn,. & B. Svensson (eds)*Crime Prevention 9*. Research and Development Divisions, National Swedish Council for Crime Prevention, Stockholm. 1982).

<sup>46</sup> National Institute of Justice *Community Policing: Issue And Practices Around The World*. (op cit 1989) p 10

<sup>47</sup> Ibid

multiplicity of forces and jurisdictions.<sup>48</sup> Considerable autonomy is exercised by local police forces as compared with the national institutions. Peculiarly, the police have a more ubiquitous role than in most other societies, being involved in issues of public health, in economic matters, and in matters of the quality of life in general.<sup>49</sup> There is considerable experimentation prompted by evaluative studies on police service output and on a recognition of the original omnibus role for policing. The community policing picture appears to owe more to indigenous Dutch factors than to the import of Anglo-American notions.<sup>50</sup>

Conversely, where the combination of traditional organization, legal mandate and the cultural location of the state police operate at the extreme, community policing schemes have been given little sustenance. For example, the French conception of the police role and organization prevents any major innovations. Juvenile squads work closely with other agencies but the French police are committed primarily to a state-defined public order role.<sup>51</sup> The most proximate French approach to a community policing strategy is the 'Bonnes Maisons' strategy for crime reduction. Critical in this context, is the importance of the joint agency Crime Prevention panel.<sup>52</sup> Similarly, in Belgium, community policing remains fragmented. Few of the 1980s innovations (such as neighbourhood constables, specialized 'social' patrol (Antwerp), team policing and project surveillance) have survived. The operation of Community Policing Officers (CPO) focuses mainly on information gathering, responding to citizen requests and on preventive actions. But generally, there is little commitment to

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<sup>48</sup> M. Kruissink, "Measuring police performance: evaluation of the Dutch police". In *Community Policing: Comparative Aspects of Community Oriented Police Work*, (D. Dolling & T. Feltes (eds), 1993), pp 99-109.

<sup>49</sup> S.J Fitzsimmons, & W.G. Lavery. Social Economic Accounts System: Towards A Comprehensive Community-Level Assessment Procedure. (*Social Indicators Research* 2, 1976), pp 389-452.

<sup>50</sup> V. Meeberg. Community policing in the Netherlands. *Community-Oriented Policing Seminar*. (Trevi Group: Dublin. 1991)

<sup>51</sup> R. R. Friedmann, *Community Policing: Comparative Aspects of Community-Oriented Police Work*. (New York: Harvester. 1991), p 74

<sup>52</sup> P Cornish, Overseas Models of Community Policing. In *The Police And The Community In The 1990s* 5, 187-99. S. McKillop & J. Vernon (eds). (Australian Institute of Criminology: Canberra. ACT. . 1991), p 8

community policing.<sup>53</sup> Elinerts *et al.* provide the only (critical) substantive documentation of Belgian community policing, arguing that the drive towards community policing was prompted by political and state policing scandals. In 1990, it was proposed to use the local municipal police as the cornerstone of community policing with the two national forces as complementary agents.<sup>54</sup> The police function in the localities was to shift from reactive to proactive practices with more emphasis on crime prevention. Two years later a notion of 'Safety Contracts' between the local municipality and the central Ministry emerged with the model Contract suggesting eight different initiatives, one of which emphasized 'community policing philosophy'. In practice, Belgium has seen few relevant developments. The major impediment to the development of community policing in Belgium has been its rule-bound nature:

Work is primarily committed to the development and control of rules and procedures; no time is left for real management, crime analysis or policy plans.<sup>55</sup>

Legal rules in particular are restrictive and the management and structures of Belgian policing are perceived to be incompatible with a community policing philosophy.

Austria provides another example of a Western Europe nation where the community policing approach is the antithesis of policing tradition.<sup>56</sup> There is no documented community policing schemes. They are absent because of the centralized nature of Austrian policing, the belief that such policing would be seen as 'snooping'—there is, for example, much opposition to any development of and a dominant conservative view of police function as traditionally

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<sup>53</sup> C., E. Hendrieck, Enhus, C. Elinerts. "Neighbourhood Policing: Report on a Belgian Experiment". In *Police and the Community: Contributions Concerning the Relationships between Police and the Community and Concerning Community Policing*, T. Feltes & E. Rebscher (eds). (Holzkirchen: Felix-Verlag. 1990), p 23

<sup>54</sup> Elinerts, C., E. Enhus, T. Van den Broek. "Community Policing In Belgium". In *Community Policing: Comparative Aspects Of Community-Oriented Police Work*.( D. Dolling & T. Feltes (eds), 1993), pp 159-75.

<sup>55</sup> Ibid p170

<sup>56</sup> , M. Proske.. "Community policing in Austria". In *Community Policing: Comparative Aspects Of Community Oriented Police Work*, (D. Dolling & T. Feltes (eds). 1994) p 19

conceived. Crime reduction and prevention is conducted through a privatization of lower level police functions in the service of the argument that criminality is better resolved by releasing professional police from extraneous duties. In Germany, which again has a policing system developed from the gendarmerie tradition, there has been a general reluctance to move towards community policing despite a major critique of both ordering and crime-fighting police functions.<sup>57</sup>

Community policing in the Republic of Ireland represents the outcome of developments where gendarmerie history has been weaned through culture and common law to the potential development of appropriate schemes. But those schemes have generally derived from ad hoc initiatives, owing more to a search for instant solutions, independently of larger departmental considerations. According to Aylward, the combination of terrorist threat and the homogeneity of the population has kept Community policing concerns in the background until recently.<sup>58</sup> Present changes, he argues, are due to the urbanization process and the relatively high proportion of young people in the population as compared with the rest of Europe. O'Reilly (1993) notes several factors contributing to the fragmentary development of Community Policing—such as the lack of correlation between police resources and the recorded crime rate (enhanced technology simply meant vastly increased costs with no obvious benefit in terms of crime control); the legal redefinition of rights; increased crime due to the breakdown of informal social controls; and a recognition that the historical development of a centralized

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<sup>57</sup> T. Feltes and E. Rebscher (eds). *Police and the Community: Contributions Concerning the Relationships between Police and Community and Concerning Community Policing.* (Holzkirchen: Felix-Verlag, 1990). and T. Feltes, ... Foreword: police research in Germany. In *Community policing: comparative aspects of community-oriented police work*, (D. Dolling and T. Feltes (eds). 1993)

<sup>58</sup> S. Aylward, Community Policing In Ireland: Political and Historical Aspects. In *Community Policing: Comparative Aspects of Community Oriented Police Work*, (D. Dolling & T. Feltes (eds). 1993), p 79



structure and national organized police service prevented any local accountability.<sup>59</sup> Until recently, ventures have concentrated on inter-agency relationships, such as developing schemes for marginal young males in Outward Bound Schemes, and similar activities.<sup>60</sup> Police officers are given responsibility for a homogeneous, physically distinct area. The central function is to make the neighbourhood a better place in which to live. The primary difference from earlier forms of patrol was that officers (within certain defined limits) could negotiate their working hours to take account of local events.<sup>61</sup>

Community policing as conceived in the Anglo-American contexts, has no evident manifestation in the former Soviet bloc countries. Gaberle in Poland, notes a general tendency in recent years to develop local police forces (such as under the Town Guard schemes) to deal with most everyday affairs instead of a centralized police.<sup>62</sup> Szikinger in Hungary suggests one key reason for the absence of community policing development—the historical investment of power in the police by the previous state has engendered distrust of police incursions into the community.<sup>63</sup> Centralized organization, cultural perception of the role and practices of the state police, and legal limitations of the police mandate—apart from a range of factors in relation to resources and tradition—militate against community police development.

### 2.5.3 Community policing in Asia

The Japanese 'Koban' system is a primary example of an indigenization of community policing developing, which appears to have no obvious source within Western tradition. The

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<sup>59</sup>T.J O'Reilly. "The Development Of Community Policing Initiatives In Ireland". In *Community Policing: Comparative Aspects of Community Oriented Police Work*, (D. Dolling & T. Feltes (eds). 1993), p 48

<sup>60</sup>M.N Tansey., Community Policing In Ireland: Policing Neighbourhoods. In *Community Policing: Comparative Aspects of Community Oriented Police Work*, (D. Dolling & T. Feltes (eds). 1993), p 35

<sup>61</sup>M. Boyle, *The Experience of Neighbourhood Policing in Dublin*. (MA Thesis, University of Exeter 1990)

<sup>62</sup>Gaberle, A.. "Civic Militia And Police In The Republic Of Poland". In *Community policing: comparative aspects of community oriented police work*,( D. Dolling & T. Feltes (eds). 1993), p 27

<sup>63</sup>I Szikinger,... "Community Policing in Hungary: perspectives and realities". In *Community policing: comparative aspects of community oriented police work*, op cit.( D. Dolling & T. Feltes (eds). 1993), p 19

importance however of Japanese community policing is not that it provides an alternative model to Anglo-Saxon notions. Rather it signifies the importance of context to community policing—where culture, law, and organization furnish appropriate prerequisites. One of the problems in considering the Japanese system is that many of the Western commentators have taken an uncritical view of the Koban system. Indeed, the Koban system has been regarded with much of the same myopia as were the early community policing schemes in the West.<sup>64</sup> The criticisms have mushroomed.<sup>65</sup> Japan represents a relatively homogeneous structured society with particular *cultural* features that have resulted in a specific perception in Japanese society of the relationship between the police and the society. Many of the earlier commentators appear to fail to recognize the reality of Koban practice, providing an unjustified rosy-hewed picture.

Bayley has also extolled the Singapore system of community policing which is portrayed as deriving directly from the Koban and was instituted as deliberate policy to replace the inheritance of the previous colonial policing structure.<sup>66</sup> Other authors have been more cynical about the Singapore model—for example, the failure to take into account the larger structural features of the country.<sup>67</sup> There is no evidence that the Koban actually results in decreased burglary rates. In reality, there is no mobilization of local people or communities in the Anglo-American community policing sense. The police are unwilling to reveal much about themselves to community. There is also indicative evidence that the Koban police act arbitrarily against minorities. The Koban is often staffed largely with elderly officers, those

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<sup>64</sup> D.H Bayley, „ Community Policing in Japan and Singapore. In *Community policing*, J.Morgan (ed.)(Australian Institute of Criminology. 1984). and Jon, S.T. & S.R. Quah. *Friends in Blue: The Police and the Public in Singapore*. (Singapore: Cambridge University Press. 1987), p 64

<sup>65</sup> V Kusada-Smick, *Crime Prevention and Control in the United States and Japan*. (Transnational Juris Publications. 1990) p 21

<sup>66</sup> D.H Bayley, “Community Policing in Australia”. In *Australian Policing*, D. Chappell & P. Wilson ed. (Sydney: Butterworths. 1989), p 97

<sup>67</sup> R.R Friedmann,.. *Community Policing: Comparative Aspects Of Community-Oriented Police Work*.( New York: Harvester. 1991), p 39

who have failed in other sections, and young probationers. In sum, the Japanese model may suffer, in the Western commentaries, from confusion between rhetoric and practice. As with the Anglo-American model, structural factors make it unsuitable for transplanting in other societies.

#### **2.5.4 Community policing in Africa**

Its application to African policing is often derided, but considered in the light of local conditions, its value lies in its encouragement of community participation in crime prevention and public safety schemes. Projects designed to encourage participation (in Africa, as in the United Kingdom and United States) include crime-stopper schemes, auxiliary police, and special public safety schemes, such as road safety weeks and radio programs that give advice on crime prevention. Its introduction has little to do with civil society or human rights standards in the states concerned.

The Zambian force, was keen to shift as early as 1993 to community-oriented policing in which communities take part in local policing, introducing schemes such as neighborhood watch, a locally based reserve constabulary, and farming networks intended to counter stock theft. The cash-strapped Zambian government may have seen this as a cheap way to respond to community needs, but community policing was also a critical issue, as economic liberalization and creditor pressure limited government spending in 1993. Such developments are, however, undeniably fragile, for the police react to incidents as they arise, and community policing tends to be sharply focused and confined to urban areas.

The Uganda government initiated a community policing programme with British assistance in response to tensions with Muslim communities in the early 1990s.<sup>68</sup> The programme was initiated without a prior need in Uganda was implemented and consolidated

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<sup>68</sup> H Ward, "Country Report: Uganda," *Vera Institute of Justice* (New York, 1998), p 28

through the Area Policing approach. The concept of policing involves inducing community assessment and met with initial resistance from the police, who felt demoted, and from the public who saw it as a British imposition. The government persevered and reportedly the programme improved and has helped develop police- community dialogue in urban areas. the programme did not function as well in rural areas where community policing was not well-equipped to deal with crimes such as livestock theft, grazing rights, and land disputes.

The South African Constitution and the 1995 South African Police Service Act established Community Policing Forums (CPFs) to bridge the chasm between police and communities.<sup>69</sup> A survey of CPF's found highly varied levels of participation in CPFs,<sup>70</sup> in black communities participation has faced hurdles in the deep suspicion of the police and the fact that this is a volunteer task without reimbursement for sorts of participating. In white neighbourhood, while relations with police improved as a result of fundraising drives, these CPFs were reluctant to criticize police work. A number of NGOs are providing skills training and education on community policing issues, the bill of rights, criminal law and the role of CPFs.

The previous discussions have mainly been looking at the implementation of community policing as a strategy of policing in different parts of the world. Regardless of the approaches designed in those countries community policing philosophy is seen to add basically two new strategies to traditional police work; collaborative, community-based problem solving and community building. Projects designed to encourage participation (in Africa, as in the United Kingdom and United States) include crime-stopper schemes, auxiliary police, and special public safety schemes, such as road safety weeks and radio programs that give advice on crime

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<sup>69</sup> D. Bruce, "Community Safety and Security: Crime Prevention and Development at the Local Level," (African Security Review, Vol. 6, No. 4, 1997).

<sup>70</sup> D. Mistry, The State of CFCs and their Challenges (Centre for the Study of Violence and Reconciliation, Johannesburg, July 1996)

prevention. The popular crime stopper schemes are the community policing forums mostly found in Africa. Community based policing is more widespread in North America Britain and common law countries with decentralized policing systems. However in most civil law countries of Europe community policing gained ground when the policing organizational model was decentralized. France and Germany in Europe are good examples. Decentralized policing systems combines well with community policing because the model facilitates communication between police and the public more readily more than the centralized bureaucratic model.

### **Community Policing, a Critique**

Community policing, perhaps because of its exaggerated claims--made well in advance of its having given any evidence of the worth of such claims has been attacked from many sides. While the idea of police and citizens as partners is an attractive idea, it is the police department that remains in control of information gathering, of initiation of action (as a proactive department), and that approves or disapproves any initiatives by citizen groups.<sup>71</sup> Moreover, the internal command structure and police culture of departments remain unchanged, regardless of what happens at the street level of the community policing officer.<sup>72</sup> Restructuring of relations among police officers may be more difficult than the restructuring of relations between officers and the citizenry.<sup>73</sup> The ideal of "community" is used to obviate the necessity of entering into the complex economic, political, and organizational analysis

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<sup>71</sup> S. D Mastroski. "Community Policing as Reform: A Cautionary Tale." In *Community Policing: Rhetoric or Reality*, ed. Jack R. Greene and Stephen D. Mastroski, 47-68.( New York: Praeger1988).p 52

<sup>72</sup> Ibid p 60

<sup>73</sup> E. Bitner, *Aspects of Police Work*. (Boston: Northeastern University Press. 1990) p 15

necessary to understand and influence the community-police relationship in a real community.<sup>74</sup>

According to community policing theory, "communities are to be consulted, surveyed, organized, and negotiated with, in order that their interests, needs and concerns are incorporated into neighborhood police priorities and strategies. This vision of a more active, democratic, and politicized community, however, begs the question of who legitimately represents that community."<sup>75</sup>

A key element of the community service strategy is the notion that to accomplish safer, more orderly communities, police must acknowledge that they share that responsibility with the citizenry--that indeed without close cooperation these objectives can never be realized. This notion of police-community reciprocity or co-production has the ring of a coequal partnership between police and public, but in practice its programs manifest a markedly asymmetrical relationship. Co-production in practice means citizens do what police think is best<sup>76</sup>; and in practice, "in their encounters with citizens, police officers seek to establish a position of dominance as soon as possible and to maintain it"<sup>77</sup>

Far from being the radical departure from "reform" policing, community policing is merely the reformulation of the same structural formulation--that of the neighborhood versus the police, so that the police appear to be both the "enemy" and the savior. In other words, the police remain as the buffer, the blame-taker, between the neighborhood and the real policy-

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<sup>74</sup> D. E. Duffee.. *Explaining Criminal Justice, Community Theory and Criminal Justice Reform*. (Prospect Heights, Ill.: Waveland Press. 1990) pp 128-132

<sup>75</sup> C. Murphy, "The Development, Impact, and Implications of Community Policing in Canada." In *Community Policing: Rhetoric or Reality*, ed. Jack R. Greene and Stephen D. Mastrofski, 177-190. (New York: Praeger. 1988) p186

<sup>76</sup> S. D. Mastrofski "Community Policing as Reform: A Cautionary Tale." In *Community Policing: Rhetoric or Reality*, ed. Jack R. Greene and Stephen D. Mastrofski, 47-68. (New York: Praeger1988), p56

<sup>77</sup> E Bittner., *Aspects of Police Work*.( ip cit. 1990), p 26

maker--the state.<sup>78</sup> State policies today have the effect of creating groups in increasing numbers that must be excluded socially for the state to continue to exist economically--those on welfare, the homeless, those without health insurance, the jobless, and those designated the criminal class. As those excluded from the economic cycle of the capitalist state become more numerous and detached from their communities, the police will have to be called on more and more to control these groups. In other words, the police, as a state agency, will become increasingly the principal agent of the dominant class to maintain an unequal distribution of wealth. Under such circumstances, it is difficult to see how the police can function as an agent of that same community for the well-being of the entire community.<sup>79</sup>

While it is all to the good to try to reform the police if the real object is to provide a safe community, "only if a community decides to take responsibility for its own safety can the police be truly effective".<sup>80</sup> "Community police" is placing the police horse before the community cart. There is good reason, therefore, that police reformers call their reform community policing and not community police.

When few community policing programs especially Michigan programme were evaluated they tended to show that community policing programs have little or no measurable impact on the crime rate or that they have more positive impact on middle-class than on lower-class communities.<sup>81</sup> What they do accomplish is to show the public that the police are trying

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<sup>78</sup> C. D. Robinson.. "The Mayor and the Police--The Political Role of the Police in Society." In *Police Forces in History*, ed. George L. Mosse, 277-315. (Beverly Hills: Sage1975), p 17

<sup>79</sup> D. E. Duffee *Explaining Criminal Justice, Community Theory and Criminal Justice Reform*. (Prospect Heights, Ill.: Waveland Press1990). p137

<sup>80</sup> D. Osborne, and Ted Gaebler.. *Reinventing Government: How the Entrepreneurial Spirit Is Transforming the Public Sector*. (Reading, Mass.: Addison-Wesley1992). p 64

<sup>81</sup> W G.. *Skogan Disorder and Decline: Crime and the Spiral of Decay in American Neighborhoods*. New York: Free Press. 1990 pp 107-109

to protect them, and therefore may increase the public's sense of security and reduce their fear of crime.<sup>82</sup>

While community policing has mixed ratings on one of its intended purposes, that of reducing crime, as a public relations device, intended or not, it has been a howling success. As one major study of foot patrol concluded, a conclusion applicable to community policing as a whole, "Although people seem to be only modestly aware of the levels of motor patrol they seem to be acutely aware of the presence of foot control".<sup>83</sup>

More fundamentally, community policing advocates and others who advocate auxiliary police or vigilantes such as the Guardian Angels either misunderstand or perhaps unconsciously adopt a mechanism that aligns them with the state in an effort to use the formal controls of the state to institutionalize, that is, incorporate the informal controls of the community into the state control apparatus. Many of the poverty-stricken communities about which these writers are concerned have been deprived of their access to basic resources. As a community, they are unable to feed, house, and nurture (educate, heal, and protect) their residents. Many of their young men have turned into predators, most often victimizing others in their own community in their individual search for survival.<sup>84</sup>

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<sup>82</sup> J. P Brodeur. "Police l'apparence." (*Canadian Journal of Criminology* 33 1991), 285-332.

<sup>83</sup> Police Foundation. *The Newark Foot Patrol Experiment*. Washington, D.C. . 1981 p122

<sup>84</sup> C. Robinson, R. Scaglione, With J. Michael Olivero *Police in Contradiction*(*op cit* 1994) p 116



## Chapter Three:

### COMMUNITY POLICING EXPERIENCE IN KENYA

#### 3.1 Introduction

This chapter is concerned with colonial policing and its impact on post-colonial police systems. The focus of the chapter is the development of police system resulting from British colonization of the Africa with particular reference to Kenya. The main aims are: to identify and discuss the distinctive features of colonial policing in terms of their structures and functions; to discuss the specific impact of colonial policing on policing in post-colonial countries; and to examine implementation the community policing in Kenyan context.

#### 3.2 Background of Kenya Police Force

Before colonization the African society “policed itself through kinship concepts of policing. Community elders which phrase refers to parents, village elders, clan elders, councilors, chiefs and Kings largely ensured the safety and security of the individuals.<sup>1</sup> Custodians of family or community values were responsible for the security of the individual members of the group that, they ensured through a strict code of discipline based on the ethos of the people. Sanctions like ostracization from the community of the errant member or outright chastisement operated to ensure the members compliance with the generally recognized values.<sup>2</sup>

The history of policing in Kenya, until 1920 called British East Africa, begins in 1896 when the British Foreign Office on recommendation of the British East Africa

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<sup>1</sup> L. Mair. *Primitive Government*. Baltimore: (Penguin Books,1964). p116

<sup>2</sup> *ibid* p116

Protectorate ordered the opening of first police station in the city of Mombasa.<sup>3</sup> The officer of the force came in from the Zanzibar police and had previously served in India. Originally, the force comprised some 150 agents, including Indians, Somali, Swahili and Cormorans.<sup>4</sup> Next to the official colonial police, the Imperial British East Africa Company (I.B.E.A) formed in 1886 to develop trade in the far interior and in the Ugandan kingdom, also had policing units at its disposal.<sup>5</sup> For the protection of its trade and commerce activities the Company could appeal to the East African Rifles and the Uganda Rifles, two military forces later merged into one army, the King's African Rifles. In addition, a railway engineer established the Uganda Railway Police. The main tasks of these forces were related to the territorial and economic establishment of colonial rule.

Police forces in Nairobi and Kisumu were also among the early systems. All of these affiliations were merged in 1902 by European colonizers to form the British East Africa Police, headed by Inspector General C. G. D. Farquhar.<sup>6</sup> In 1920, the organization's name was changed officially to the Kenya Police. The next half-decade witnessed the establishment of no less than 88 police stations and outposts scattered throughout the country.<sup>7</sup> During the era of the Mau Mau uprising, the Kenyan police force doubled its size to 13,000 officers, while maintaining a reserve force of about 9,000 police.<sup>8</sup>

Authority over the police force was ceded to the Kenyan government after the nation became an independent state. By 2005, Kenya's police force had grown to 34

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<sup>3</sup> R. W. Foran, *The Kenya Police 1887-1960*; (London: Robert Hale Ltd, 1962) p 4

<sup>4</sup> *ibid* p 7

<sup>5</sup> *ibid* p 6

<sup>6</sup> R. W. Foran, *The Kenya Police 1887-1960*; (London: Robert Hale Ltd, 1962) pp14-20

<sup>7</sup> B. W James, "Asian and African Recruitment in the Kenya Police, 1920-1950", (*International Journal of African Historical Studies*, 6, 1973), pp 401-412.

<sup>8</sup> *ibid* pp 188-194

million and included female officers. In addition, the force includes General duty officers, a General Services Unit (GSU), Railways Police, Kenya Airport Police Unit, Traffic Police Unit, Presidential Escort Unit, Tourist Police Unit, Anti-Terrorist Police Unit, and Diplomatic Police among the organizational structure of Kenya's police operations. There are also specialized units that included the Criminal Investigative Department (CID), the Police Air Wing, and Anti-Stock Theft and Dog Units.<sup>9</sup>

There has not been any significant change in the British-influenced police grade structures since Kenya's pre-independence period. Cadet assistant superintendents to commissioners constitute the range of appointed officers, cadet assistant inspectors to chiefs encompass inspectorate officers, and constable to sergeant comprises subordinate officers.<sup>10</sup> Because they are part of the civil service system, Kenya's police are not permitted to join trade unions. That has not resulted in many serious problems, however, because police salaries are considered fair when compared to local standards.

### **3.3 Discussion of Colonial Policing**

The police force in the colonial Kenya described above consisted of both imposed central units and tribal law enforcement forces. As with indirect rule in general, tribal police units were shaped by British conceptions of law enforcement, and can in no way be presumed to represent existing African legal practices. Projected African law enforcement clouded larger British strategies directed at political control and economic exploitation. The broader goals of British colonialism were also reflected in the ethnic composition of African recruitment. Based on the imperial notion of martial race, the

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<sup>9</sup> The Kenya Police Force Annual Report, 2006

<sup>10</sup> Police Act, Chapter 84, Laws of Kenya (.Nairobi: Government of Kenya 1988)

British colonial administration sought to incorporate African and Asian people into colonial law enforcement units to fulfill the ambiguous, yet likely more efficient, role of close, but not too close, policing.<sup>11</sup> This kind of multi-ethnic recruitment strategy reveals the British belief that members of the native population could provide a necessary link with the British rulers to increase the efficiency of police work. Therefore, it was carefully arranged that native policemen did not serve in their own region of origin or residence, which was considered too dangerous, but were to police other regions of the conquered colony, or were even exported into other British colonies.

The policy of policing strangers by strangers was in practice facilitated by the fact that native recruits enjoyed several benefits when they joined the police force (e.g. relatively high salary, and exemption from hut tax and hard manual labor). At the same time, British hegemony was secured through the appointment of British officers, though occasionally reliable Asians were also allowed in commanding positions. The British control over law enforcement in the colony was thus always predominant, in spite of the existence of relatively independent tribal police forces. The gradual Africanization of the police forces in later years, when African self-government became unavoidable, likewise does not seem to follow from humanitarian concerns, but rather reflected a carefully planned engineering of the inevitable path to African independence.<sup>12</sup>

The fact that next to a central police force a tribal police was maintained also reflects the principles of indirect rule and customary law. The enforcement of customary laws was mostly left to the tribal police, which operated in the economically unexplored

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<sup>11</sup> G. K. Danns, *Domination and Power in Guyana: A Study of the Police in a Third World Context*, (New Brunswick, NJ: Transaction Books, 1982), p 19

<sup>12</sup> D. M. Anderson and David Killingray, "Consent, Coercion and Colonial Control: Policing the Empire, 1830-1940", in D.M. Anderson, and D. Killingray, eds., *Policing the Empire: Government, Authority and Control, 1830-1940*, (Manchester: Manchester University Press, 1991); pp 1-17

rural regions, while the central police handled violations of introduced British criminal codes in areas of European settlement. Not surprisingly, many of the introduced laws were meant to secure political stability and served the economic interests of colonial power. The fact that much of the police work was involved in enforcing property, tax and labor laws testifies to this. Furthermore, many private police forces were established by colonial companies, which again show how law enforcement and commercial imperialism were inextricably linked. Various aspects of colonial policing, then, cannot be accounted for on the basis of a transposed model of western policing, which would unjustly emphasize the role of law enforcement in the prevention and detection of crimes as defined by systems of law. Rather, it is imperative to consider the profit-motivated expansion and politically motivated formation of colonial rule to adequately understand the development of colonial policing.<sup>13</sup>

### **3.4 Relation between Colonial Policing Abroad and British Policing at Home**

An important factor in the relation between colonial policing abroad and British policing at home is the aspired reliance in the formation of colonial law enforcement units on the model of the Royal Irish Constabulary. In Britain, two types of policing have historically emerged out of the Royal Irish Constabulary and the Metropolitan Police.<sup>14</sup> The Royal Irish Constabulary (RIC) was formed in 1836 to deal with the disturbances in British occupied Ireland. This police force was organized like a military force: the RIC agents lived in barracks, the different police units were headed by a commander whose orders the agents had to obey, and the commander was directly responsible to the British

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<sup>13</sup> D Killingray, "The Maintenance of Law and Order in British Colonial Africa", *African Affairs*, 85 (1986), pp 411-437.

<sup>14</sup> P. J. Stead, *The Police of Britain* (New York: MacMillan, 1985), pp 36-46, 61-66

administration in Ireland. The RIC was primarily formed to uphold British political rule in occupied Ireland rather than to enforce the law.

The Metropolitan Police, on the other hand, was first established in London in 1829 and became a model for the police in all British towns and cities. This civil police force was in the first instance directed at the preservation of order and the prevention and detection of crime. The Metropolitan Police was not organized as a military but as a civilian force. Metropolitan Police agents were officially considered enforcers of the law, not servants of any political government. The policemen all had the same duties and were each individually accountable for their actions. The Metropolitan force was also unarmed and its agents lived inside the community they were responsible for.

The differences between these two British police forces may explain why the British colonial rulers decided to introduce the Irish police model in its colonies overseas.<sup>15</sup> It was ascertained that the semi-military RIC police force was better suited to establish, maintain, and secure the enforcement of British imposed colonial laws. The police forces established in Kenya were indeed first and foremost semi-military forces that were housed in barracks and were separated from the community. Colonial police agents also performed their duties under the control of officers who were primarily responsible to the local administrative authorities and not to a legal system. The general reliance on the model of the Royal Irish Constabulary clarifies, for instance, the

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<sup>15</sup> R. Hawkins, "The "Irish Model" and the Empire: A Case for Reassessment", in D.M. Anderson and D. Killingray, eds, *Policing the Empire: Government, Authority and Control, 1830-1940*, (Manchester: Manchester University Press, 1991) pp 18-32

introduction in Kenya of Indian based police organizations, since the Indian police force was itself directly modelled after the RIC.<sup>16</sup>

The British conception of colonial policing, specifically as it relates to a shift from the territorial conquest to the internal stabilization of control, implied that the military character of the police would gradually make way for a police force designed to perform civil duties. In the history of British policing, this can be seen as a transformation of policing from the Irish to the Metropolitan model. But, as is shown in Kenya's case this was not a goal easily fulfilled, and the introduction of civilian police forces remained often more an aspiration than an accomplishment.<sup>17</sup> During the formative years of the colonies, the military functions of the police were dominant, and once the colonial territory was established, the creation of a more genuine police force, with civil duties, slowly took place. However, the shift to normal police duties was never complete, with military reserves always standing by, and never lasted long because of mounting political and economic tensions. Particularly, not long after the colonies were territorially consolidated, political activities of African nationalism often led to social unrest and forced the British colonial authorities to adopt forceful measures to preserve European domination.

The police forces then had to engage in political activities, much like the military forces from which they originated. When self-government became unavoidable, an orderly and dignified as possible retreat was prepared, notably through a general

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<sup>16</sup> D Arnold, *Police Power and Colonial Rule: Madras 1859-1947*, (Delhi: Oxford University Press, 1986). pp 25-34

<sup>17</sup> A Clayton, "Law Enforcement and Colonial Police Forces", op. cit.; 79-142

Africanization of the force and the training of African officers.<sup>18</sup> The processes of militarization, de-militarization, and re-militarization, as well as the changing nature of Africanization, indicate how important it is to take into account the temporal dimension from colony formation and consolidation to African self-government. Moreover, it shows the rather ad hoc and often muddled way in which the colonial powers responded to changing conditions.

Finally, it can be noted that, while the general goal of British colonial rule was to create institutions as British, or as Irish, as possible, adaptations to local circumstances were always necessary, which suggests a more complex pattern than is expected from the perspective of dependency theory.<sup>19</sup> The inlands of the colonies, for instance, were often not policed, either because of ecological conditions, or because the area was not considered economically attractive for European settlement. The opportunities for the economic exploitation of a region heavily influenced the nature of law enforcement. This is clear from the economic role of much of the colonial police work (e.g. surveillance of European property and persons, collection of taxes, recruitment of wage labor), the establishment of private police forces alongside Company Rule, and the military and political nature of law enforcement in the transformation from conquest to abandonment of the territory. The reliance of the colonial police on the Royal Irish Constabulary, its evolution from military to civil and back to military duties, the ethnic composition of the force, and the adaptation to local circumstances given the overall goal of political and economic conquest, indicate how British colonial policing reveals certain general, re-

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<sup>18</sup> D. Killingray and D. M. Anderson, "An Orderly Retreat? Policing the End of Empire", in D.M. Anderson, and D. Killingray, eds., *Policing and Decolonisation: Politics, Nationalism and the Police, 1917-1965* (Manchester: Manchester University Press, 1992). pp 1-21

<sup>19</sup> S Cohen, "Bandits, Rebels, or Criminals: African History and Western Criminology", *Africa*, 54 (1986), pp 468-483



occurring patterns, as well as locally specific features and variations over space and time.<sup>20</sup>

The above brief history of the colonial police in Kenya like other British colonies was based on the Metropolitan Police model which is basically a special blend of paramilitary and traditional policing models. This is the police force that the independent Kenya inherited from the British.

### **3.5 Post Colonial Policing In Kenya**

After Kenya gained independence from Britain on 12<sup>th</sup> December 1963, there was a need to make some drastic changes in the administration of the Force. This led to the replacement of the expatriate officers in the senior ranks by Africans. Since then, the Force has realized tremendous achievements in various fields of operation.

Among them, due to the increase in criminal activities and in line with the police resolve to effectively deal with security threats and to bring down crime to minimal levels, various specialized units have been formed. They include the Anti-stock Theft, Anti-motor vehicle Theft unit, Tourism police unit, The Anti-corruption police unit, Presidential escort unit, and the Anti-Terrorism police unit

Presently the Kenya Police service is established under the provisions of an act of parliament known as the Police act, chapter 84, laws of Kenya.<sup>21</sup> The Force is headed by

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<sup>20</sup> A. Clayton, "Law Enforcement and Colonial Police Forces", in A. Clayton and D. Killingray, *Khaki and Blue: Military and Police in British Colonial Africa*, 67-78 (Athens, OH: Ohio University Center for International Studies, 1989), pp 79-142

<sup>21</sup> Police Act, Chapter 84, Laws of Kenya (.Nairobi: Government of Kenya 1988), p 3

the commissioner of Police who is appointed by the President under the provisions of section 108 of the constitution of Kenya.<sup>22</sup>

The Police Act provides for the functions, organization and discipline of Kenya police and Kenya Police reserve and for matters incidental thereto. According to section 14 of the Police Act, the police service is established in the republic of Kenya to perform the following duties:-

‘Maintenance of law and order; Protection of life and property; Preservation of peace; Prevention and detection of crime; Apprehension of offenders and Enforcement of laws and regulation with which it is charged’.<sup>23</sup>

The duties of individual officers and constables are to obey all lawful orders, investigation and apprehension of suspects, collect information affecting law and order and prevent crime and public nuisance.

The Force is under the command, superintendence and direction of the commissioner of police, who is responsible to the President for efficient administration and governing of the force.<sup>24</sup> For the purpose of police administration, the force is divided into provinces and Formations. The Provinces are sub-divided into, stations and posts. The commissioner of police is empowered under the provisions of section 5 of the police act to issue administrative orders called the Force standing orders for general control, direction and information of the force.<sup>25</sup>

The policing management strategy until April 2004 was based on Metropolitan model of policing which is strongly influenced by military experience of organizing men

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<sup>22</sup> The Constitution of Kenya (.Nairobi: Government of Kenya 1992),

<sup>23</sup> Police Act, Chapter 84, Laws of Kenya (.Nairobi: Government of Kenya 1988)

<sup>24</sup> Police Act, Chapter 84, Laws of Kenya (.Nairobi: Government of Kenya 1988)

<sup>25</sup> Section 5 of the Police Act Chapter 84 Laws of Kenya op cit 1988

to achieve a common task. The model is basically station based and is mainly concerned with order-maintenance on behalf of the central state and, to a lesser extent, the social order of the streets. The officers in this system carry out their crime prevention functions by organizing patrols and beats and are viewed with suspicion by the local community as patrol officers appear as an invasion army.

The situation created mistrust between citizens and the Police which makes it difficult to obtain the crucial information necessary for managing security resulting in high levels of crime that prevents citizens from going about their business without fear of crime and criminals. The trend continued until it reached a time when number of organizations in collaboration with the government became committed to improving policing methods in the 2000's. Among those on the forefront of this movement for constructive change were the Human rights organization and Nairobi Central Business District Association (N.C.B.D.A.). Basic research on public perceptions led police to reevaluate traditional policing methods with the view of coming up of different policing approach that would win back public confidence.

### **3.6 Public Perceptions of Policing**

In April 2003 the Kenya Police Reforms Task force appointed by the Commissioner of Police to gather information that would form the basis to initiate reforms that would align the police to current times and challenges carried out four surveys that covered; (532) police officers; (667) law enforcement agencies, 41civil society, and 3,368 the general population. The Director of *Security Research &*

*Information Centre* (SRIC) said that the inputs were collected from retired senior police officers, selected individuals and other volunteers.<sup>26</sup>

**Table 1: Research coverage**

<b>Internal (May 2003)</b>	<b>532</b>
Law Enforcement Agencies (August-September 2003)	667
Civil Society (October 2003)	41
Population Survey (November-December 2003)	3,368

**Source:** “The Kenya Police Reforms Framework”, *Security Research & Information Centre*, (Nairobi: Oakland Media Services Ltd, June 2004) p 15

The table below captures the relationship between the public and the police as expressed by police despondence.

**Table 2: Relationship between the Police and the Public**

<b>Perception</b>	<b>Frequency</b>	<b>Percent</b>
<b>Excellent</b>	4	<b>0.8%</b>
<b>Good</b>	32	<b>6.0%</b>
<b>Fair</b>	204	<b>38.3%</b>
<b>Poor</b>	191	<b>35.9%</b>
<b>Very Poor</b>	84	<b>15.8%</b>
<b>No response</b>	17	<b>3.2%</b>
<b>Total</b>	<b>532</b>	<b>100%</b>

**Source:** “The Kenya Police Reforms Framework”. *Security Research & Information Centre*, (Nairobi: Oakland Media Services Ltd, June 2004) p 9

<sup>26</sup> Interview with the Director of *Security Research & Information Centre* on 14<sup>th</sup> June 2007 at his office in Westlands

According to the above table it was evident that the relationship of the public and the police was not good. The finding indicated that the relationship did not provide an enabling environment for police officers to serve the same public. There was therefore an urgent need to correct the situation if proper services were to be offered for mutual benefit in terms of information sharing.

**Table 3: Who is to blame for poor Police Public Relations?**

	<b>Case</b>	<b>Response %</b>
Both Public and Police	<b>71</b>	10%
Public	<b>106</b>	15%
Police	<b>118</b>	16.7%
Civil Society	<b>6</b>	0.8%
Government	<b>180</b>	25.5%
Senior Officers	<b>103</b>	14.6%
Not Applicable	<b>17</b>	2.4%
No response	<b>81</b>	11.5%
Politicians	<b>10</b>	1.4%
Non	<b>15</b>	2.1%
<b>Total</b>	<b>532</b>	<b>100%</b>

**Source:** "The Kenya Police Reforms Framework". *Security Research & Information Centre*, (Nairobi: Oakland Media Services Ltd, June 2004) p 19

The government stood to be blamed for the poor relationship between the police and the public, followed by police. The main reason behind this scenario was argued by the

members of the reform team to be the misuse of the police for political reasons.<sup>27</sup> The public took the third position, followed in fourth by senior officers. The public were blamed for their unwillingness to share information with the police while senior officers were blamed for their role in corruption or ordering of unofficial duties.

**Table 4: How to improve Police Public Relation**

	<b>Cases</b>	<b>Response %</b>
Train Police on PR	217	25.9%
Train Police on anger management	14	1.7%
Better salary	141	16.8%
Train police on human rights	24	2.9%
Uplift the general welfare of the police	78	9.3%
Stop harassment by senior officers	36	4.3%
Non-interference in police affairs by godfathers	15	1.8%
Public should respect work of police	17	2.0%
Sensitize public on the work of police	114	13.6%
A more objective media	2	0.2%
Improve community Policing	51	6.1%
Recruit educated people	9	1.1%
Formation of a police Union	6	0.7%
No response	113	13.5%
Total	532	100%

The Kenya Police Reforms Framework”, *Security Research & Information Centre*, (Nairobi: Oakland Media Services Ltd, June 2004) p 19

<sup>27</sup> The Kenya Police Reforms Framework”, *Security Research & Information Centre*, (Nairobi: Oakland Media Services Ltd, June 2004) p19

The introduction of training on human relations took the lead position on the ways to improve police-public relations. Good police-public relations should be maintained at all times to sustain the rapport and common ties that are essential to good co-existence. The reform team observed that the police should open up and share information with the public informed of what is happening in their neighborhoods to avoid speculation and rumour mongering.

The public on the other hand must appreciate the difficult situations under which the police worked. In order for to build a good relationship between the police and the public the reform team recommended an introduction of barazas and the implementation of community policing as a strategy of policing.

### **3.7 Trustworthiness of Police**

74% of the population regarded police as untrustworthy and worse still 57% of the police regarded themselves or the entire police force as partly untrustworthy. This was a clear loss of confidence on the police from both within and without of the force. A whole 67% of the police respondents admitted that some of them colluded with criminals. More than half of the population (52%) believed that police colluded with criminals. These blocks, it was observed, any information that the public has about criminality because of fear that the information they gave to the police in confidence would leak out to the criminals thereby risking their lives.<sup>28</sup>

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<sup>28</sup> The Kenya Police Reforms Framework", *Security Research & Information Centre*, (Nairobi: Oakland Media Services Ltd, June 2004) p 19

When asked whether they considered themselves adequately equipped an overwhelming 98.1% of officers said no, while only four individuals comprising 0.8%, thought they were adequately equipped and 1.1%, or six individuals, did not respond to the question.<sup>29</sup>

When asked whether the police are corrupt the result was as shown in the table below:

**Table 5: Is the police force corrupt?**

	Frequency	Percent %
Yes	421	79.1
No	74	13.9
Don't know	9	1.7
No response	28	5.3
Total	532	100

The Kenya Police Reforms Framework”, *Security Research & Information Centre*, (Nairobi: Oakland Media Services Ltd, June 2004) p 10

An overwhelming 79.1% of the police respondents said yes, while only 13.9% said no. This self-confession was a sign, that given the appropriate environment, the majority of police would be willing to change the scenario.

In conclusion the Kenya Police Reforms Framework for Reforms report called for among others the need to develop ”a national police policy to guide community-based policing in Kenya; a strategic plan that provides for clear directions about the spirit of partnership policing for all stakeholders working to share resources in prevention of

<sup>29</sup> The Kenya Police Reforms Framework”, *Security Research & Information Centre*, (Nairobi: Oakland Media Services Ltd, June 2004) p 19



crime and set up community-police forums, train police and public on community-based policing principles, and undertake assessments to ascertain its impact community/police perceptions on community safety”.<sup>30</sup>

### **3.8 Police Reforms in Kenya**

The Kenya Police Reforms Framework for Reforms studies were initiated by the National Rainbow Coalition (NARC) when it came into office in January 2003 as it was felt that there was need to provide for an efficient and professional Police Service that commands the confidence of the population. The key issue in the *Kenya Economic Recovery Strategy for Wealth and Employment Creation 2003-2007(ERS)*. Legal Sector Reform Programme and the *Task Force on Police Reforms* that was commissioned by the president of Kenya was the adoption of community policing in Kenya as crime prevention strategy.

ERS a five-year plan for economic recovery and wealth creation launched in 2003 included police reform within its priority of strengthening the institutions of governance. Improving governance and security is one of the four basic components of Kenya's poverty reduction.<sup>31</sup>

Governance, Justice, Law and Order Sector (GJLOS) reforms, begun by NARC Government in November 2003, focus on strengthening the whole of the administration of justice, from public financial administration down to practice on the ground. Police reform is a key component of the GJLOS programme. The police are recognized as a pivotal institution as well as a player in the criminal justice system and reform of the

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<sup>30</sup> The Kenya Police Reforms Framework”, *Security Research & Information Centre*, (Nairobi: Oakland Media Services Ltd, June 2004) p 10

<sup>31</sup> Economic Recovery Strategy, 2003-2007, Government of Kenya, June 2003, p xviii

police as an institution is central to the plans. The key reform priorities set out in the Vision and Strategy documents include:

..“improving police local service delivery through a shift from reactive to proactive policing. The police will be piloting new protocols based on professional best practice in selected areas”<sup>32</sup>...

Key Output Area 4 of the document deals specifically with public safety and security and targets improvements to the police service institution. These include:

.... “enhancing public access to the police through the establishment of community-based police services. This will also include a review of the number and distribution of police stations and posts throughout the country, and establishment of special desks to deal with special and vulnerable groups; developing a community policing strategy, to complement police efforts towards improving security, and as part of the adoption of a new approach to policing; and developing a national crime prevention strategy to provide a clear picture of priorities and a performance monitoring and evaluation system.”<sup>33</sup>

As the GJLOS works to bring policy and action together it emphasizes civil society engagement with government and police and, based on series of consultative meetings, has worked to improve coordination and increase participation through the development of the NGO Coordination Council.

The Kenya Police Strategic Plan (2004-2008) seeks to work in support of the GJLOS strategy. The Plan articulates commitment to police reforms to improve the quality of policing service to the people of Kenya. The first objective of the plan seeks to “prevent and detect crime, maintain law and order and bring offenders to justice”. To achieve this objective, the Plan elects Community Based Policing (CBP) as the most preferred strategy, followed in order by establishment of a National Policy on Policing

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<sup>32</sup> Governance, Justice, Law and Order Sector (GJLOS) reforms, Government of Kenya, November 2003

<sup>33</sup> Governance, Justice, Law and Order Sector (GJLOS) reforms op cit 2003

and promoting collaborative partnerships between the communities, local authorities and the police service.

Police Reforms Task Force set up by the Government in April 2004 one month after Police Strategic Plan was published was mandated to take forward police reforms and coordinate other on going reforms. The Task Force's terms of reference required it to review the *Kenya Police Strategic Plan 2004-2008* and to recommend policy and institutional reforms for policing services in Kenya. The Task Force built on an earlier Security Research Information Centre Report and produced its own report, *Reforming Policing Services for the Social and Economic Development of Kenya*. This report builds on recommendations of the *Police Service Strategic Plan 2004-2008*. The Task Force completed its work with the release of the report. The report recommended, among other issues, additional police reforms including:

“(e) Community policing: Though it is recognized that the central role for maintaining law and order rests with the government, consideration should be given to new approaches that address insecurity more effectively given the limited resources available.”<sup>34</sup>

### **3.9 Community Policing in Kenya**

Since 2004, the Government of Kenya has embraced community policing as a core crime prevention strategy. The Government promotes community policing as an organizational strategy that facilitates accountability by establishing partnerships between the police and the community, which, in turn, fosters ties that facilitate accountability to the public. Conversely, improved cooperation in police work by the community assists police in gathering intelligence.

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<sup>34</sup> National Task Force on Police Reforms (2005), Kenya, 2005

The popularization of community policing gained momentum in Kenya when the New York based Vera Institute of Justice supported projects in Kenya through the Kenya Human Rights Commission and the Nairobi Central Business District Association (NCBDA)<sup>35</sup> The KHRC project prioritized developing relations that could curb crime and prevent human rights abuses, whereas the NCBDA project was conceptualized as a means of relieving the security concerns of the members of the NCBDA. In another community policing project managed by Saferworld from the President's office, community police consultation forums were established in Kibera, Ruai, Ziwani and Isiolo and it was found that there was a 30% reduction in crime in a three month period.<sup>36</sup>

Some successes have been reported with the two pilots although neither has been an unqualified success. The KHRC pilot found a police force and local community unwilling to cooperate and the NCBDA project became seen as overly zealous in its control of small street business, or hawkers, with allegations that this close attention merely provided opportunities for extortion.<sup>37</sup>

### **3.10 Nairobi Central Business District Association (N.C.B.D.A.) Projects\**

N.C.B.D.A founded victimization survey, documented the existence of unreported crime. Police had to acknowledge that only a fraction of crimes were being reported, and, therefore, began seeking ways to improve their image and to interact more effectively with the communities they serve.

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<sup>35</sup> Mulei, *Theories on the Role and Function of the Police*, University of Nairobi, Nairobi p 14

<sup>36</sup> Kenya Police (2004), Kenya Police Reports Framework June 2004, Kenya p 96

<sup>37</sup> Mulei, *Theories on the Role and Function of the Police*, op cit p 599

## **Police response to scenes of crime**

The study specified that a large portion of serious crimes are not deterred by rapid response. The crime sample that was analyzed indicated that almost two-thirds of these crimes were not reported quickly enough for rapid response to be effective. While a prompt police response can increase the chance of making an on scene arrest, the time it takes a citizen to report a crime largely predetermines the effect that police response time will have on the outcome. This study revealed a need for formal call-screening procedures to differentiate between emergency and non-emergency calls.

## **Perceptions and attitudes of youth living in Nairobi**

A survey carried by N.C.B.D.A in 2001 at Eastland's in Nairobi focused on interview and to collection of information about the perceptions and attitudes of citizens living in Nairobi, of 16-30 years were interviewed. The questions concerned four issues: one, community problems; second, trust or satisfaction with police service; third, knowledge of the ideas of community policing and finally empowerment.

From those interviewed four themes emerged. First theme was *infrequent, impersonal and negative interactions with police*. Negative experiences that participants, their family members or friends had with the police were key factor in all focus groups discussions. One youth said: "One day we were walking to the estate at about 8.00 o'clock at night and police stopped us. And when they got out of the car, we took off running. They stopped us for no reason. I couldn't stay around to get locked up, so I took

off running” This general perception reinforces the contention that personal contact with police is a more significant factors than demographic variables.<sup>38</sup>

A second theme was *lack of knowledge or familiarity with police or community policing*. Except of a few, all persons interviewed were reluctant to establish any rapport with thee police. When asked specifically about community policing concept, few participants understood it. Nor did they understand the idea of partnerships.<sup>39</sup>

A third theme was *a perception of lack of respect for the Eastland’s community and its inhabitants by police officers*. This perception surfaced in four complaints. Slow response time, lack of timely intervention, alleged police harassment and the perception that police did not care a bout the community.

The fourth theme was *community passivity as opposed to community apathy*. Participants generally expressed little interest in helping the police solve community problem, often because of their fear of violent retributions. “I may know what happened, but I aint giving away no names, because I ain’t got anything to do with it...’cause the person could come back and get you...they did my sister like that.”<sup>40</sup>

Passivity can undermine any community policing initiative. This study sheds light on the underpinnings of community passivity among Eastland’s’ teenagers and children. Their interactions with the police tended to be frequent, impersonal and negative. Consequently, they were not personally familiar with police officers and vice versa. This combination seems to explain their lack of respect toward all police officers. When combined with the real and present fear of nonrandom violence or retribution from within

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<sup>38</sup> Report of the Survey carried out by NCBD on, “Perceptions and Attitudes of Youth Living in Nairobi” (NCBD, 2001)

<sup>39</sup> *ibid*

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the neighbourhood, it might be rational for children and teenagers to be passive toward police assigned to patrol.

Although the survey focused on just one small area or community, it brings out the importance of considering youths as an important part of community policing efforts. It also draws attention to the sometimes-negative perceptions of police held by youths, often because of having only negative contacts with them. The survey further reveals that. "A majority of the males report experiencing the police as a repressive rather than facilitative agent in their own lives and in the lives of their friend and relatives."

### **3.11 PEACENETs and Saferworld projects**

Between November 2002 and February 2005, PEACENET led Civil Society Organizations (CSOs) in partnering with the Provincial Administration in Kibera and Isiolo and Kilimani Police station, Nairobi and Isiolo Police Station, Eastern province in implementing Community Based Policing (CBP) in Kibera and in Isiolo. The task team was chaired by the Kenya Police (Community Policing Unit-Nairobi area), assisted by Administration Police Chief Instructor.

The prevailing operational philosophy to community policing utilized is referred to as Community-Policing Forum.<sup>41</sup> This is a public consultation mechanism with the objective of focusing on crime reduction, prevention and community safety issues. It takes place at the level of the local police station. Under this approach, community representatives referred to here as Steering Committees of Community Based Organizations (CBO) work hand in hand with police on a one-to-one basis. The benefits are that leaders and the police get to know each other, without being disrespectful or

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<sup>41</sup> Community Policing Handbook, Kenya Police, 2005 p 6

being afraid of embarrassment. They also get to know each other's crime concerns. In November 2005, PeaceNet convened a national Community Based Policing evaluation workshop. An outcome of this evaluation workshop was the transformation of Kibera and Isiolo CBP pilot initiatives into "Model CBP Sites"<sup>42</sup>.

Between 19<sup>th</sup> -22<sup>nd</sup> September 2006 PeaceNet-Kenya and Saferworld evaluated the CBP initiatives in Kibera, Nairobi and Isiolo, Eastern province. The process of evaluation was expected to strengthen the two initiatives, showcase them as model sites for CBP and document their experiences for further learning and possible replication across Kenya and elsewhere.

At the end of the evaluation and monitoring process it was generally found out that in Kibera: Groups had mixed feelings on the effectiveness of the Steering Committee. Other groups felt the Steering Committee was effective, others felt it was partially effective while others felt it was ineffective. All the groups noted that the CSIC was not as effective as it was supposed to be; At the institutional level, save for Single Mothers group, all the other groups had had a chance to take their members to either the Training of Trainers (TOT) course, or the Community level educators training or both. All the groups had had a chance to participate in the community level awareness activities; In some parts of Kibera, the level of awareness was considered to be below the 40% average. Again, people with special needs, as those living with disabilities were yet to be reached with CBP awareness initiatives. There was need for a deliberate action to reach out to them with information on CBP.<sup>43</sup>

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<sup>42</sup> Tentative report of the Kibera pilot Programme Evaluation, 19<sup>th</sup> -22<sup>nd</sup> September 2006, Peacenet and Saferworld, 2006 p3

<sup>43</sup> ibid p 6



At the Steering committee level, all the groups agreed that the level of understanding of CBP vary. Some Steering committee members were yet to attend any training while others had attended community level trainers workshop. As a result of the findings it was recommended that:

“There was need: for further awareness raising, and more specifically, more intensive training targeting various community leaders; a training for the steering committee to bring everyone to the same level of knowledge; to increase community participation in CBP training to increase local knowledge, instead of investing more in the police officers who are constantly on transfers; available information on CBP should be simplified and popular means be used to educate the community”.<sup>44</sup>

The finding shows that community policing as a strategy of crime management is yet to take root given that it was officially launched only a year ago and there appears to be still some organizational hitches. However community policing organizational forums (CPF) has been set up to station levels and a typical CPF will be put in place as described below.

### **3.12 Setting up Community-Policing Forums in Kenya**

The organization strategy for community policing in Kenya is the Community-Policing Forum (CPF). The forums were set up in all Kenya police stations and posts following the official launch of Community Policing by the President of Kenya as a crime Prevention strategy in April, 2005. Decision to start CPF is made by local leaders, residents and the local police and provincial administration and existing Community Business Organizations (CBO'S).<sup>45</sup> The Forums can be established in residential places, business areas and estates near local police stations for easy communication and

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<sup>44</sup> Tentative report of the Kibera pilot Programme Evaluation. 19<sup>th</sup> -22<sup>nd</sup> September 2006, Peacenet and Saferworld, 2006 p3

<sup>45</sup> Community Policing Standing Operating Procedures, (Kenya Police Force: undated), p 6

complementary support. It has quite a number of functions, but its main aim is to make a community safe. This is part of building a democratic society in which the police are accountable to the community they serve. The police alone cannot form a community policing Forum. Broden observes that such decentralization required by community policing, and the resultant increased autonomy of the rank-and-file, may have three effects on the urban police institution. It may mean a loss in effective management control as a consequence of decentralization. Similarly, it may result in a loss of wider accountability and control. Finally, loss of external and internal supervision may lead to a breakdown of professional standards of behaviour by police officers.<sup>46</sup> Kenyan Police Force is organizationally centralized and as a result this problem has not been reported due to daily need of vertical reporting procedures. The only adverse report emanating from the stations, according to the Director of Community Policing at Kenya Police Headquarters, is that some CPF member have misconceived the concept of community policing and at times assumed the powers of police in their private capacities.

The forum comprises of representatives of the community and police.<sup>47</sup> From the community's side there should be representatives of all the mentioned interested groups. The Officer Commanding Police Station (OCS) is a member and Co-chair and therefore he/she must attend meetings. Other station branches i.e. crime branch and traffic are invited to give professional guidance on duties and regulation of free flow of traffic and strategies to prevent escalating crime and road accidents. Mastrofski argues that four systems of rule-bound accountability may be diminished by community policing—the system of criminal, civil, and administrative law; the police department's formal internal

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<sup>46</sup>, M.E. Brogden *The police: autonomy and consent*. London: Academic Press. 1982

<sup>47</sup> Community Policing Standing Operating Procedures, (Kenya Police Force: undated), p 4

system of command; peer groups both within and outside the police who provide, formally and informally, work standards for the police; and informal rules and guidance from the community in the form of the expectations of those who are policed—including press, interest groups, and civic leaders.<sup>48</sup> The development of community problem oriented policing strategies in the circumstance has major legal implications. Broadening the police function from crime-fighting into the diverse world of community crime prevention means that police officers will depart from the relatively clear restraints of the criminal law to areas governed by vaguer maxims.<sup>49</sup> The community policing director confirms that although CPF has not been entrenched in Kenya's laws such interactions have no legal consequences so long as any incrementing matter against suspected members of public is received in confidence.

Meetings of CPF should be held regularly, representatives of all interest groups and can-committees should attend meetings.<sup>50</sup> The meetings should take place at least once a month. At these meetings, community and police representatives can raise their problems and concerns. Together representatives of the community and the police should draw a community profile and write guidelines with a clear mission statement. The guidelines will describe what the forum wants to achieve. So far the only complaint received is lack of transport for the communities attending CPF meetings especially in North Eastern Provinces where distances may be quite long.

The CPF needs an executive committee that is smaller than the broader forum. The committee will be responsible for the day-to-day running and administration of the CPF.

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<sup>48</sup> S. Mastrofski, Community policing as reform: a cautionary tale. In *Community policing: rhetoric or reality?* (J.R. Greene & S.D. Mastrofski (eds). New York: Praeger, 1988)

<sup>49</sup> D.H Bayley, Community policing: a report from the devil's advocate. In *Community policing: rhetoric or reality?* J.R. Greene & S.H.D. Mastrofski (eds). (New York: Praeger 1988.)

<sup>50</sup> National Policy on Community Policing, (Kenya Police Force: undated), p 3

At least ten people will be elected to represent the community and the police. The committee should meet weekly (if possible). The CPF can have other sub-committees such as: public relation and media committee to inform the community of problems and progress; a civic Education and training committee to identify organizations and individuals who can give workshops to the community and the police; a conflict resolution committee to set up ways of dealing with conflict between community police and community members or within community groups; an activities committee to organize events to assist the CPF, for fundraising, maintenance of buildings etc; a complaint committee to look into complaints from community against police and; youth committees to deal with special problems as needed.<sup>51</sup>

Keeping the CPF going means working hard using available resources and finding other resources that will help to solve problems in your community involving members of the community in joint activities with the police making as an important part of the partnership between police and community work despite limited resources. The members should initiate some joint activities, examples of joint activities are: organizing lay visit schemes at police stations; Establishing joint patrols e.g. neighborhood watch groups, where the community partners may be screened through the forum; advisory input from the forum on transfers of station personnel and appointments; projects for proactive crime prevention and; workshops on basic police procedures, e.g. how a charge is laid and a case investigated.<sup>52</sup>

Trust may be built between the police and the community as they learn more about each other and are open to each other about their mutual concerns and problems.

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<sup>51</sup> Community Policing Standing Operating Procedures, (Kenya Police Force: undated), p

<sup>52</sup> ibid

The CPF provides a place where you can all evaluate and understand the problems in the way of safety and security.

### **3.13 Community Policing Launch**

All Provincial Police headquarters have launched Community policing program in their areas. Also the Divisional Police Headquarters have launched the same program.

The table below shows the breakdown of launch of community policing has been successful in all stations in Kenya.

**Table number 6**

<b><u>PROVINCE</u></b>	<b><u>STATIONS</u></b>
Nairobi Area	28
Central	35
Rift Valley	28
Eastern	27
Western	20
Nyanza	38
Coast	27
North Eastern	19
<b><u>TOTAL</u></b>	<b><u>222</u></b>

*Source:* Department of Community Policing at Kenya Police Headquarters

The CPFs have created an enabling environment for police-community partnership. Partnerships have been formed not only with residents but also with organized groups and private and public agencies. The arrangement has brought members of public close to the police. This has reportedly assisted in eradication of crimes. Before community policing was introduced, members of police mistrusted the police but now the situation has improved making members of public have confidence in police and this has made them volunteer information about crime and criminals in the society. However as

Murphy argues the vision of a more active, democratic, and politicized community, however, begs the question of who legitimately represents that community."<sup>53</sup>

### 3.14 Training on Community Policing

Table below shows officers trained on community policing as per the Table number 7

<u>PROVINCE</u>	<u>NUMBER OF OFFICERS</u>
Nairobi Area	65
R.V.P	141
Central	58
Nyanza	83
Eastern	63
North Eastern	64
Coast	66
Western	85
<b><u>TOTAL</u></b>	<b><u>685</u></b>

*Source:* Department of Community Policing at Kenya Police Headquarters

Training is key to the effective implementation of community policing. Training communicates and reinforces the changes taking place in organizational values and policies, and helps build consensus, resolve, and unity both inside and outside the police organization. Initial training efforts were directed to all levels of personnel must become skilled in the techniques of problem solving, motivating, team building and to help the respective police stations sharpen their marketing message.

Building upon the successes and experience from the above pilot sites (Kibera in Nairobi and Isiolo in Eastern Province) , the practice of community based policing is now being extended to other parts of the country and new pilot sites are being established in Dagoreti and Embakasi divisions of Nairobi Province, within a zone in

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<sup>53</sup> C Murphy, "The Development, Impact, and Implications of Community Policing in Canada." In *Community Policing: Rhetoric or Reality*, ed. Jack R. Greene and Stephen D. Mastrofski, 177-190.( New York: Praeger. 1988) p186

Western Province, and at specific pilot locations in Tana River, Marsabit, Kajiado and Laikipia districts.

Statistics of crime figures for the years 1998 to 2003 and 2004 to 2006 (table 7 and 8 below) were gathered separately because of the difference in classification of offences. What was noticeable in the overall is that the total crime figures have been oscillating between 70,000 and 85,000. The year 2004 recorded the highest crime reported while 2002 had the lowest. Similarly there is no distinct trend on the individual crimes reported to police for action.

### 3.15 Crime Statistics for Kenya

**Table 7**

<b>OFFENCES</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>
<b>MURDER</b>	1637	1625	1807	1688	1661	1395
<b>MAN SLAUGHTER</b>	5	16	18	8	3	5
<b>RAPE</b>	1329	1465	1675	1987	2005	2308
<b>ASSAULT</b>	10847	11891	13035	12611	12689	13401
<b>OFFENCE AGAINST PERSONS</b>	2920	3173	3563	3020	3006	3516
<b>ROBBERY</b>	8303	8612	8925	9180	8504	8711
<b>BREAKING</b>	11382	9940	10712	10363	8338	9037
<b>THEFT OF STOCK</b>	2333	2278	2906	2327	2087	2291
<b>STEALING</b>	9899	9591	10129	8919	8340	9916
<b>THEFT OF MOTOR VEHICLES</b>	1081	1004	896	960	1043	803
<b>THEFT OF M/V PARTS</b>	934	770	748	753	587	708
<b>THEFT FROM M/V'S</b>	624	526	569	558	420	399
<b>THEFT OF BICYCLES</b>	596	652	836	565	488	632
<b>THEFT BY SERVANT</b>	3230	3075	3221	2757	2371	2957
<b>DANGEROUS DRUGS</b>	5171	5912	5481	5300	4467	4742
<b>HANDLING STOLEN PROPERTY</b>	347	384	361	347	299	299
<b>CORRUPTION</b>	145	43	42	23	76	50
<b>CAUCING DEATH BY D/DRIVING</b>	304	259	346	301	298	295
<b>OTHER OFFENCES AGAINST PROPERTY</b>	3168	3359	3555	3073	3363	3753
<b>ALL OTHER P/CODE OFFENCES</b>	9418	10415	11320	10612	10418	12131
<b>TOTAL</b>	<b>73673</b>	<b>74990</b>	<b>80145</b>	<b>75352</b>	<b>70463</b>	<b>77349</b>

Source: Kenya Police Force

However data analysis of crime reported from 2004 to 2006 (table 8 below) shows some consistency as there is a notable general decline in property related offences while the offences against the person in particular the offences against morality is rising. This can be explained by the higher report worthy of the offences due to positive impact of community policing which has the effect of improving the relationship between police and public and therefore trust being placed in the force to deal with the offences.

The improved relation courtesy of the new policing strategy also explains why there is an increase of reported cases involving police officers. The increase of corruption related offences is a positive sign of the trust due to the confidentiality of the manner reportees want their reports to be treated. With the introduction of community policing the perceived fear of police might have declined explaining the increase of number of police officers being reported for having committed offences. However the strategy is yet to contribute in reducing road traffic offences which continue to rise.

Table 8 Crime Statistics for Kenya

<b>S/NO</b>	<b>OFFENCES</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
1	HOMICIDE	2411	2313	2090
2	OFFENCES AGAINST MORALITY	3439	3153	3525
3	OTHER OFFENCES AGAINST PERSONS	20247	17304	18723
4	ROBBERY	7967	6936	5234
5	BREAKING	9242	8454	7420
6	THEFT OF STOCK	2380	2219	2209
7	STEALING	13119	12589	10874
8	THEFT BY SERVANT	3217	2874	2700
9	VEHICLE AND OTHER THEFTS	2037	1718	1660
10	DANGEROUS DRUGS	5761	6356	5821
11	TRAFFIC OFFENCES	60	38	62
12	CIMINAL DAMAGE	3852	3236	3518
13	ECONOMIC CRIMES	1868	1390	1873
14	CORRUPTION	182	107	252
15	OFFENCES INVOLVING POLICE OFFICERS	6	29	76
16	OFFENCES INVOLVING TOURIST	40	32	84
17	OTHER PENAL CODE OFFENCES	8013	6652	6104
18	TOTAL	83841	75400	72225

Source: Kenya Police Force



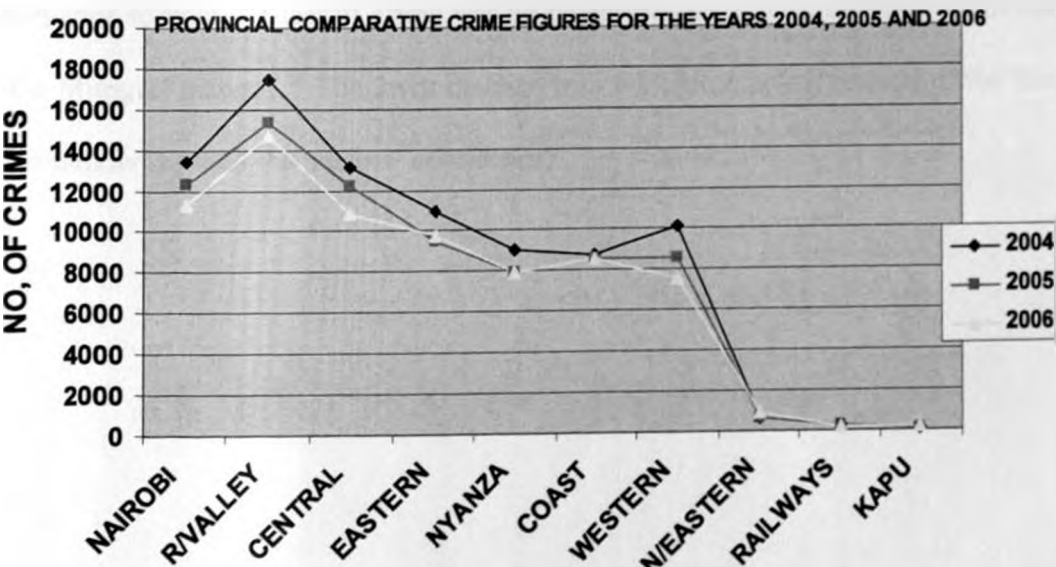
The pattern of crime indicates that Rift Valley province because of its size leads in all the offences reported to police for action. Nairobi the capital city though the smallest province follows but this is due to advanced industrialization coupled with its high level of living and intense competition for the limited resources for the high population.

**Table 9**

**PROVINCIAL COMPARATIVE CRIME FIGURES FOR THE YEARS 2004 TO 2006**

	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>NAIROBI</b>	13426	12300	11302
<b>R/VALLEY</b>	17478	15320	14730
<b>CENTRAL</b>	13187	12237	10900
<b>EASTERN</b>	10921	9454	9812
<b>NYANZA</b>	9035	7913	7962
<b>COAST</b>	8735	8629	8601
<b>WESTERN</b>	10093	8546	7600
<b>N/EASTERN</b>	615	605	949
<b>RAILWAYS</b>	294	270	204
<b>KAPU</b>	57	126	165
<b>TOTALS</b>	<b>83841</b>	<b>75400</b>	<b>72225</b>

Source: Kenya Police Force.



To date however, no succinct overview of community policing exists for practitioners who want to learn to use this wide-ranging approach to address the problems of crime and disorder in their communities. Community Policing Hand book, prepared by the Kenya police, is the beginning of an effort to bring community policing into focus. The document, while not a final product, assembles and examines the critical components of community policing to help foster the learning process and to structure the experimentation and modification required to make community-policing work.

The head of the Community Policing at the force headquarters was however confident that the reports from the station indicate that the relations between police and members of public has tremendously increased since the launch of community policing.<sup>54</sup> The crime prevention strategy has been in place for only one and a half years now since the launch and what is apparent is that there is still some teething problems related to perception of community policing and communication barrier in remote locations where the communities rarely use the national language. According to the community policing headquarter sources the fear of crime was on downward trend until the brief interference by the Mungiki menace.<sup>55</sup> The swift manner with which the police reacted to the threat has somehow restored the publics' confidence.

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<sup>54</sup> Interview with the Head of Community Policing, Gender and Children at Kenya Police Headquarters on 14<sup>th</sup> June 2007

<sup>55</sup> *ibid*

## **Chapter Four**

# **A CRITICAL ANALYSIS OF COMMUNITY POLICING IN THE KENYA CONTEXT**

### **4.1 Introduction**

The study is an analysis of the implementation of the community policing programme in Kenya. The thrust of the study centers on the argument adoption of community policing as an alternative policy strategy in the fight against crime that relies on collaboration between the police and community really reduces crime or the fear of crime in view of the failure of the traditional approach in crime control. This study therefore attempts to examine the process of the implementation of the community policing in Kenya its role in reducing crime or the fear of crime.

Chapter 1 argued that the traditional policing that was introduced and subsequently adopted by Kenya on attaining independence created credibility gap between citizens and the Police which made it difficult to obtain the crucial information necessary for managing security resulting in high levels of crime that prevented citizens from going about their business without fear of crime and criminals. The chapter argued the government responded by introducing community policing as an alternative strategy to security management. This is the contemporary approach to policing all over the world that recognizes the independence and shared responsibility of the police and the community in ensuring a safe and secure environment for all citizens.<sup>1</sup> Thus the paradigm

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<sup>1</sup> National Policy on Community Policing (Kenya Police Force 2004) p 1

shift from traditional to community policing is occasioned by the inability of the traditional approach to be effective solution for the public security concern.<sup>2</sup>

Chapter two gave the historical perspective of policing and debates on community policing. From the literature it was specific that community policing is a better strategy for controlling crime and fear of crime as the process provides close working relation between police and members of public.

Chapter three examines whether the process of the implementation of the community policing in Kenya has contributed to reducing crime or the fear of crime, as per the three research hypotheses namely: community policing improves police–citizen relations; community policing reduces crime; community policing reduces fear of crime. The implied null hypothesis is that community policing is associated with reduction of crime. This might be the reason why it was adopted as an alternative policy strategy in the fight against crime.

#### **4.2 General Themes to be Critically Appraised**

Four general themes define community policing: community engagement, problem solving, organizational transformation, and crime prevention by citizens and police working together.

First, community policing requires that police respond to the public when they set priorities and develop their tactics. Effective community policing requires responsiveness to citizen input concerning both the needs of the community and the best ways by which

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<sup>2</sup> M. Pagon, , “Organizational, Management and human Resource Aspects of Policing at the turn of the Century”, in M Pagon (ed).(*Policing in Central and Eastern Europe* 1998) p 65

the police can help meet those needs. It takes seriously the public's definition of its own problems.

This is one reason why community policing is an organizational strategy, not a set of specific programs. How it looks in practice should vary considerably from place to place in response to unique local situations and circumstances. Better listening to the community can produce different policing priorities. Officers involved in Community Policing Forums quickly learn that many residents are deeply concerned about problems that previously did not come to the attention of police. The public often focuses on threatening and fear-provoking *conditions* rather than discrete and legally defined *incidents*. They often are concerned about casual social disorder and the physical decay of their community rather than traditionally defined "serious crimes." The police, however, are organized to respond to the latter under the traditional model of policing.

According to the above arrangements "communities are to be consulted, surveyed, organized, and negotiated with, in order that their interests, needs and concerns are incorporated into neighborhood police priorities and strategies. Murphy argues that this vision of a more active, democratic, and politicized community, however, begs the question of who legitimately represents that community."<sup>3</sup> A key element of the community service strategy is the notion that to accomplish safer, more orderly communities, police must acknowledge that they share that responsibility with the citizenry--that indeed without close cooperation these objectives can never be realized. This notion of police-community reciprocity or co-production has the ring of a coequal partnership between police and public, but in practice its programs manifest a markedly

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<sup>3</sup> C Murphy, "The Development, Impact, and Implications of Community Policing in Canada." In *Community Policing: Rhetoric or Reality*, ed. Jack R. Greene and Stephen D. Mastrofski, 177-190. (New York: Praeger, 1988) p186

asymmetrical relationship. Co-production in practice means citizens do what police think is best"<sup>4</sup>; and in practice, "in their encounters with citizens, police officers seek to establish a position of dominance as soon as possible and to maintain it"<sup>5</sup> While the idea of police and citizens as partners is an attractive idea, it is the police department that remains in control of information gathering, of initiation of action (as a proactive department), and that approves or disapproves any initiatives by citizen groups.<sup>6</sup>

The second principle is that community policing assumes a commitment to broadly focused, problem-oriented policing. Problem-oriented policing encourages officers to respond creatively to problems that they encounter, or to refer them to public and private agencies that can help.

More importantly, it stresses the importance of discovering the situations that produce calls for police assistance. Police need to identify the causes that lie behind the calls and design tactics to deal with these causes. Officers must be trained in methods of identifying and analyzing problems.

Police work traditionally has consisted of responding sequentially to individual events; problem solving calls for recognizing patterns of incidents. Helpful in this identification are computer analyses of "hot spots": places where numerous complaints and calls for service arise. Problem-oriented policing recognizes that the solutions to patterns of incidents may involve other agencies and may be "nonpolice" in character; in traditional departments, this would be cause for ignoring these problems.

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<sup>4</sup> S D Mastrofski.. "Community Policing as Reform: A Cautionary Tale." In *Community Policing: Rhetoric or Reality*, ed. Jack R. Greene and Stephen D. Mastrofski, 47-68.( New York: Praeger1988). p56

<sup>5</sup> E, Bittner. *Aspects of Police Work*. ip cit. 1990 p 26

<sup>6</sup> S D Mastrofski. "Community Policing as Reform: A Cautionary Tale." In *Community Policing: Rhetoric or Reality*, ed. Jack R. Greene and Stephen D. op cit 1988.p 52

Mastrofski argues that four systems of rule-bound accountability may be diminished by community policing—the system of criminal, civil, and administrative law; the police department’s formal internal system of command; peer groups both within and outside the police who provide, formally and informally, work standards for the police; and informal rules and guidance from the community in the form of the expectations of those who are policed—including press, interest groups, and civic leaders.<sup>7</sup> The development of community problem oriented policing strategies has major legal implications. Broadening the police function from crime-fighting into the diverse world of community crime prevention means that police officers will depart from the relatively clear restraints of the criminal law to areas governed by vaguer maxims.<sup>8</sup> Hence community policing is only possible when the constitutional rights of citizens are vague rather than distinct, and especially where the police mandate is permissive rather than restrictive.

Third, community policing involves organizational decentralization and a reorientation of patrol in order to facilitate communication between police and the public. Line officers are expected to work more autonomously at investigating situations, resolving problems, and educating the public. They are being asked to discover and set their own goals and sometimes to manage their work schedules. Decentralization facilitates the development of local solutions to local problems and discourages the automatic application of central-office policies. The police are not independent of the rest of society, in which large organizations have learned that decentralization often allows

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<sup>7</sup> S. Mastrofski, "Community Policing As Reform: A Cautionary Tale". In J.R. Greene & S.D. Mastrofski *Community Policing: Rhetoric or Reality?* (eds). New York: Praeger, 1988), p 45

<sup>8</sup> D.H Bayley,. *Community policing: a report from the devil's advocate*. In *Community policing: rhetoric or reality?* J.R. Greene & S.H.D. Mastrofski (eds). (New York: Praeger 1988.). p71

flexibility in decision making at the customer-contact level. Accordingly, many departments that adopt a serious community policing stance strip a layer or two from their rank structures to shorten lines of communication within the agency. Police organizations with no traditions of decentralized decision-making may encounter major problems.<sup>9</sup>

Broden observes that decentralization required by community policing, and the resultant increased autonomy of the rank-and-file, may have three effects on the urban police institution. It may mean a loss in effective management control as a consequence of decentralization. Similarly, it may result in a loss of wider accountability and control. Finally, loss of external and internal supervision may lead to a breakdown of professional standards of behaviour by police officers.<sup>10</sup>

Over time, traditional centralized authority may re-assert itself.<sup>11</sup> Organizations may pay lip-service to decentralization in terms of developing specialist units<sup>12</sup> and of cultivating decentralized inter-agency links.<sup>13</sup> Organizational decentralization and consequent local development of inter-agency links may be actually counterproductive<sup>14</sup> and result in an inter-agency power struggle.<sup>15</sup> Decentralization outside tradition suggests that much community police work may become routinized. Ritual takes over with

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<sup>9</sup> *ibid*

<sup>10</sup> M.E Brogden, *The Police: Autonomy and Consent*. (London: Academic Press. 1982), p 12

<sup>11</sup> J.E Eck, *Alternative Futures For Policing*. In *Police Innovation And Control Of The Police*, ( D. Weisburd & C. Uchida (eds). New York: Springer. 1993), pp 59-79

<sup>12</sup> C.J Murphy, *Community Policing In Canada: Pretence and Reality*. In *Police And The Community: Contributions Concerning The Relationships Between Police And Community And Concerning Community Policing*,(T. Feltes & E. Rebscher (eds). Holzkirchen: FelixVerlag. 1990) p 45

<sup>13</sup> S.Sadd, & R. Grinc. *Issues In Community Policing: An Evaluation Of Eight Innovative Neighbourhood Oriented Policing Projects*.(New York: Vera Institute of Justice. 1993) p15

<sup>14</sup> M Liddle, & A.K. Bottoms. *The Five Towns Crime Prevention Initiative*. (London: Home Office. 1991)

p 6

<sup>15</sup> C Moore, & J. Brown. *Community versus Crime*. (London: Bedford Square Press. 1981) p 23



statistical devices constructed to justify practices. 'Doing-nothing' becomes the dominant way of spending time.<sup>16</sup> Buerger notes that there is a 'mystical belief that simply taking the police officer out of the patrol car and placing him/her on foot, will somehow guarantee community consultation.<sup>17</sup> Specialization without decentralized tradition will lead to organizational schisms and confusion.<sup>18</sup> The empirical evidence of decentralized organization, implanted where there is no tradition, suggests that community policing is the antithesis of acceptable policing in countries with strongly centralized police organizations.<sup>19</sup>

Finally, community policing involves helping neighborhoods solve crime problems on their own, through community organizations and crime prevention programs. The idea that the police and the public are "coproducers" of safety, and that they cannot claim a monopoly over fighting crime, predates the current rhetoric of community policing. In fact, the community crime prevention movement in American policing during the 1970s was an important precursor to community policing. It promoted the idea that crime was not solely the responsibility of the police. The police were quick to endorse the claim that they could not solve crime problems without community support and assistance, for it helped share the blame for rising crime rates at the time. Now police find that they are expected to lead this effort. They are being called upon to take the lead in mobilizing individuals and organizations around crime prevention. These

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<sup>16</sup> T.H Bennett, & R. Lupton. *National Review Of Community-Oriented Patrols: Report To The Home Office Research And Planning Unit*. (Cambridge: Institute of Criminology. 1990) p 8

<sup>17</sup> M.E Buerger, A Tale of Target-Limitations of Community Anticrime Actions. (*Crime and Delinquency* 40, 3, 411-36. 1994) p 17

<sup>18</sup> M.H Moore. Problem-Solving And Community Policing. In *Modern Policing: Crime And Justice* 15. M. Tonry & N. Morris (eds). (Chicago: University of Chicago Press. 1992), p 15

<sup>19</sup> M.E. Brogden, *The Police: Autonomy And Consent*. (London: Academic Press. 1982), p 65

efforts include neighborhood watch, citizen patrols, and education programs stressing household target-hardening and rapid crime reporting.

Cultural factors both within the police organization and in the relationship between the police and the community impede effective community policing.<sup>20</sup> The specifics of canteen culture constitute one hurdle.<sup>21</sup> Lower ranking officers using a variety of techniques resist change from their crime-fighting self image.<sup>22</sup> In a social context which emphasized the police public order function, development of close relations ran contrary to traditional cultural practice. The schemes fell foul of police culture which preferred isolation to close engagement with the community.<sup>23</sup> As in the Belgian case, the existence of a strict rule-defined mandate (whether it be the legal rules governing police mandate or the procedural rules of police practice) affects the climate for community policing. The lack of a specified legal mandate for the police may expand the police mandate into community policing.

Despite the above observations community policing reduces crime, helps minimize fear of crime, and enhances the quality of life in communities nationwide. The success of community policing lies in the development of trust-based partnerships between law enforcement agencies, local government officials, and citizens. It is a collaborative effort in which law enforcement and community members identify,

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<sup>20</sup> R.M.Grinc., Angels in Marble: Problems In Stimulating Community Involvement In Community Policing. (*Crime and Delinquency* 40, 3, 199), pp 4437-68.

<sup>21</sup> J.E Eck., & W.W. Spelman. *Problem-oriented Policing in Newport News*. (Washington, DC: Police Executive Forum. 1987)

<sup>22</sup> S Sadd., & R. Grinc 1993. *Issues In Community Policing: An Evaluation Of Eight Innovative Neighbourhood Oriented Policing Projects*. New York: Vera Institute of Justice.

<sup>23</sup> M.H Moore., 1994. Research Synthesis And Policy Implications. In *The Challenge of Community Policing—Testing The Promises*. Part VII, 2855-300, D.P. Rosenbaum, (ed.).

prioritize, and address crime and disorder problems. The result is strong and confident communities.

Community policing recognizes that the police cannot effectively deal with crime and disorder by only reacting to individual incidents. It broadens the police mandate beyond narrow goals of *law enforcement* as an end in itself. It recognizes the importance of the police in developing and maintaining the idea of “community.”

Sir Robert Peel, the renowned British policing theorist, said it best when he argued that the people are the police and the police the people.<sup>24</sup> Not only is it cost prohibitive to have a cop on every corner; most of us do not want to live in that kind of society. The ideal is when the community enjoys the leadership, structure, and resources necessary to deal with most of its problems; occasionally, the community’s efforts to resolve its problems will be supplemented as needed by the police, whose unique authority spans the broadest possible range of options, including arrest and deadly force.

The Deputy Director SRIC noted that the police and the rest of the criminal justice system in Kenya traditionally have relied almost exclusively on strategies involving the law, dominance, and deterrence to promote public order.<sup>25</sup> Community policing he observed instead encourages police to become the catalyst to empower the Wanjiku, so that the law-abiding but often silent and intimidated majority can use tactics like membership and reputation to promote the norms that support community safety. Community policing needs to encourage and protect the Wanjiku who intervene with youngsters, so that they grow up to internalize law-abiding behavior. The police have a

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<sup>24</sup> Law and Order: The Magazine for *Police Management*, Vol. 50, No.4, April 2002, p 34

<sup>25</sup> Interview with the Deputy Director of SRIC ON 14<sup>TH</sup> June 2007 at their office in West Lands

valuable role to play in ensuring that the Wanjikus achieve critical mass on the streets so that they provide the social proof that the community will not tolerate being victimized.

I've addressed contemporary security management strategies for the world and in particular, Kenya. The study focused on the role of the contemporary approach to policing of over the world dependence and stated responsibility of the police and the safe and secure environment for all citizens.<sup>1</sup> It depicts the fear of crime around the world, and specifically in Kenya, is between police and members of public.

Community policing is the standard discourse on security, tactics and the police is, in addition at all times a relationship with the historic tradition that the police are the public and that the police being only members of the public that are paid to give services which are incumbent on every citizen in the interests of existence."<sup>2</sup> Broadening the police's actions from crime fighting to community crime prevention means that police officers will clear restraints of the criminal law to which are limited by various

at the heart of the strategy that with the resurgence of the police organizations including communities for serve only

<sup>1</sup> Policing (Kenya Police Force 2004) p.1  
<sup>2</sup> *Police Management*, Vol. 10, No. 1, April 2002, p. 1  
Using a novel idea for the devil's advocate in *Community Policing: A New Paradigm* (New York: Praeger 1994) p. 17

## Chapter Five

### CONCLUSIONS AND RECOMMENDATIONS

#### 5.1 Introduction

This study has attempted to address contemporary security management strategies for effective control of crime in the world and in particular, Kenya. The study focused on the role of community policing as the contemporary approach to policing all over the world that recognizes the independence and shared responsibility of the police and the community in ensuring a safe and secure environment for all citizens.<sup>1</sup> It contends that the upsurge of crime and fear of crime around the world, and specifically in Kenya, is linked to poor relationship between police and members of public.

To introduce community policing in the academic discourse on security, bridges the gap between the public and the police to maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police. The police being only members of the public that are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.”<sup>2</sup> Broadening the police function from crime-fighting into the diverse world of community crime prevention means that police officers will depart from the relatively clear restraints of the criminal law to areas governed by vaguer maxims.<sup>3</sup>

The study looked at the benefits of the strategy visa avis the vagueness of the rules but considered that police organizations isolating communities they serve only

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<sup>1</sup> National Policy on Community Policing (Kenya Police Force 2004) p 1

<sup>2</sup> Law and Order: The Magazine for *Police Management*, Vol. 50, No.4, April 2002, p 34

<sup>3</sup>, D.H Bayley. Community policing: a report from the devil's advocate. In *Community policing: rhetoric or reality?* J.R. Greene & S.H.D. Mastrofski (eds). (New York: Praeger 1988.) 17

hampers crime-fighting efforts. There could be unreported crime cases which makes police not aware of existing problems. Without strong ties to the community, police may not have access to pertinent information from citizens that could help solve or deter crime.

Helpful information will be forthcoming from community members when police have established a relationship of trust with the community they serve. Establishing this trust will take time, particularly in communities where internal conflicts exist or where relations with the police have been severely strained. Community policing offers a way for the police and the community to work together to resolve the serious problems that exist in these neighborhoods.<sup>4</sup> Only when community members believe the police are genuinely interested in community perspectives and problems will they begin to view the police as a part of that community.

The main objective of this study was therefore to assess the effectiveness of community policing really contributes to reduction of crime or the fear of crime in view of the failure of the traditional approach in crime control. In-depth interviews were conducted to this end, involving law enforcement personnel, the civil society, public administration officers, and members of public. Their perceptions of the community policing as a strategy of policing were complemented where necessary by secondary data. The three objectives of the study have been attained and the three hypotheses affirmed. Objective number one, which was to assess the role of community policing in improving police-citizen relations was brought to the conclusion that the relation has improved that

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<sup>4</sup> R.C. Trojanowicz, *An Evaluation of the Neighborhood Foot Patrol Program in Flint, Michigan*. East Lansing, MI: National Neighborhood Foot Patrol Center.

the public now trust police with information against rouge officers without any fear. The first hypothesis is therefore confirmed.

Objective number two, which was to assess the role of community policing in reducing crime interestingly found out that there has been marked reduction of offences reported to police for action since the crime control strategy was formally launched in 2005. However the offences against morality increased which may point to improved trust the complainants have with the police in the confidential manner their cases are treated. There was also increase of reported cases against police and corruption indicating that the members of public are now bold in revealing the unlawful acts of the police officers. Hypothesis number two is again confirmed.

Objective number three, which was to examine the effectiveness of community policing in reducing the fear of crime was partially fulfilled because according to the community policing headquarter sources the fear of crime was on downward trend until the brief interference by the Mungiki menace. The swift manner with which the police reacted to the threat has somehow restored the publics' confidence. The finding also agrees with hypothesis number three.

Although the current trend in crime reduction is positive it is still too early to fully conclude that the achievements could be attributed to community policing. The experience with Kenya's is that crime statistics have exhibited alternating low and high figures for along period. This is because all forms of crime are related to a societal context. As economic and social conditions change, so do the extent and form of crime.<sup>5</sup>

In Kenya like any other country, for instance many victims of crime may opt not to involve the authorities because experience either previous or by other victims has shown

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<sup>5</sup> B. Forst, *The Social-Economics of Crime and Justice*. (M.E., Shape Inc 1993), p 44

that very little is done in terms of either apprehending the criminals or preferring charges. Even when the appropriate action is taken, the process of justice takes so long that by the time it is concluded the victim has already suffered irreparable damage. The general feeling is that judicial system has a fair share of corruption and people are not getting adequate justice from the courts.<sup>6</sup>

Increased crimes may also be attributed to low morals, lack of self-discipline, poor leadership, lack of effective enforcement code of ethics for public service, diminishing patriotism, increased individualistic attitude and glorification of crime by media which highlights the weaknesses of the police force and the strength of thugs. The criminals are presented as heroes by newspaper headlines, which can be noted from the sample headlines: "Two Policemen Shot Dead," "Police Overpowered by Thugs," "Robbers Make Away with 96 Million." Such glorification leads to a perception of thugs by some young people as their role models.

## **5.2 Recommendations**

Police organizations in the world have often served to isolate police from the communities they serve. This isolation hampers crime-fighting efforts. The grey area of unreported crime suggests that in many cases police are not aware of existing problems. Without strong ties to the community, police may not have access to pertinent information from citizens that could help solve or deter crime.

Helpful information will be forthcoming from community members when police have established a relationship of trust with the community they serve. Establishing this

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<sup>6</sup> E, Eide.. & Skjerpen, T, *Economics of Crime and Deterrence and the Rational Offender*.(Elsevier Science B. V. 1994) p 125



trust will take time, particularly in communities where internal conflicts exist or where relations with the police have been severely strained. Community policing offers a way for the police and the community to work together to resolve the serious problems that exist in these neighborhoods. Only when community members believe the police are genuinely interested in community perspectives and problems will they begin to view the police as a part of that community.

A highly visible police presence helps reduce fear within the community, fear which has been found to be "more closely correlated with disorder than with crime."<sup>7</sup> However, because fear of crime can limit activity, keep residents in their homes, and contribute to empty streets, this climate of decline can result in even greater numbers of crimes. By getting the community involved, police will have more resources available for crime-prevention activities, instead of being forced into an after-the-fact response to crime.

The implementation of community policing necessitates fundamental changes in the structure and management of police organizations. Community policing differs from traditional policing in how the community is perceived and in its expanded policing goals. While crime control and prevention remain central priorities, community-policing strategies use a wide variety of methods to address these goals. The police and the community become partners in addressing problems of disorder and neglect (e.g., car jacking, drug abuse, defilement, rape, mugging and burglaries). As links between the police and the community are strengthened over time, the ensuing partnership will be better able to pinpoint and mitigate the underlying causes of crime.

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<sup>7</sup> R C. Trojanowicz and David Carter, "The Philosophy and Role of Community Policing", (*National Center for Community Policing*, 1988), p 12

**Rising incidents of crime and fear of crime are also a function of patrol deployment and response time to scene of crime it is recommended that further research be carried out to test role of community policing on the said variables.**

## **Appendix One**

### **INTERVIEW SCHEDULE**

#### **Questions Asked**

##### **a) Community engagement**

Questions were asked to gauge the effectiveness and potential of police-community partnerships across Kenya:

- In what ways are stations reaching out to communities to facilitate familiarity and trust?
- Are stations moving beyond these Community-Policing Forum (CPF) to truly engage the community as partners?
- Do residents have sufficient trust in the police and understanding of community policing to become and stay involved?
- Is the role of involving the community relegated to a unit or team of officers, or is community involvement a core principle of the department, underlying all that it does?
- Are stations successfully engaging in partnerships with organized groups and private and public agencies to cooperatively address issues of crime, disorder, and quality of life?

## **Problem solving**

Questions were asked to assess police agencies' problem-solving acumen in view of the fact that police stations can support or promote problem solving internally through training, policies and procedures, and individual and agency-level performance measures.

- Are the stations engaging in problem solving?
- Are they implementing problem solving collaboratively with residents, organized interest groups, and public and private agencies?
- Is problem solving relegated to a special unit or just to patrol, or are other components of the agency involved?
- Are stations implementing innovative responses?
- Do stations support problem solving internally through training, performance measurement, and other means?

## **Organizational transformation**

To find out about the nature and extent of organizational transformation in community policing agencies, the following questions were asked:

- Are field personnel given authority to make decisions regarding which activities are necessary to promote the health of their assigned neighborhoods?
- Has command or decision making been tied to defined geographic areas?
- Have patrol, crime analysis, and/or investigations been physically decentralized?
- Have agencies implemented alternative response methods for calls for service?
- Have recruiting/selection criteria been modified to reflect the skills and characteristics needed by community policing officers?

- Are recruit and in-service officers trained in community policing and problem solving?
- Do role definitions and personnel evaluations reflect community policing and problem solving?
- Do police stations incorporate community policing and problem solving into measures of their own performance?

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