



AN EXAMINATION OF THE APPROACH TO POLICE  
REFORM FROM THE PERSPECTIVE OF SERVING  
POLICE OFFICERS IN THE NATIONAL POLICE SERVICE  
OF KENYA.

THESIS SUBMITTED FOR THE DEGREE OF D. PHIL

Trinity Term (5<sup>th</sup> October) 2023

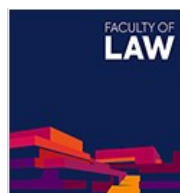
Word Count: 83,578

Douglas Brand OBE

St Anne's College

Student number: 1057968

Centre for Criminology – Faculty of Law – University of Oxford



## Abstract

This thesis explores the capacity, capability, and competence of the police of Kenya to instigate reforms in line with the 2010 Constitution that followed the 2007/8 election violence. I argue that a significant part of contemporary challenges to police reform in Kenya has its roots in the colonial legacy, particularly that carried over unaltered from the Mau Mau insurgency of the 1950s, into the newly independent Kenya. I show that the constitutional accountability of the police to the president, rather than purely to the law, promoted a culture of personality affiliation of the police to the office holder, with deleterious consequences for reform.

I show the constitutional drivers for reform and examine the police's appetite for reform actions. Through analysis of plans, and interviews with strategic leadership training graduates, I chart the impediments and enablers to reform, and the actions taken to implement the anticipated changes. I acknowledge structural reform initiatives to align policing to 21st century challenges, but I criticize the police and its political masters for not providing the relevant support needed for sustained reforms implementation.

I find that much of the anticipated police reform requires not only organisational mindset change within the police, but a shift in the societal atmosphere that tolerates corruption, improperly influences the police, and is ambivalent to respect for rule of law. I observe that reform support by donors often fails to recognise the context into which their assistance is provided, consequently diminishing its effectiveness. I conclude that the police are capable of reform but that its realisation is a journey rather than an event. There is evidence of some reform activities progressing, albeit in

different places and at different speeds, while others stall and await repair, and still others are ignored, resisted, or abandoned.

# Contents

Abstract.....	2
Acknowledgements.....	7
Introduction.....	9
Chapter 1: Setting the Scene.....	22
Situating the Research.....	22
Multi-layered contexts for police reform.....	27
Previous Reform Efforts in Kenya.....	37
Hope in the Challenges of Change in Kenya.....	38
Chapter 2: The Structure, Function, and Development of Policing in Kenya.....	40
History of Colonial Policing in Kenya.....	40
The Kenyatta Years.....	58
The Moi Years.....	66
The Kibaki Years.....	75
The Post-Election Violence 2007/8 and Its Aftermath.....	84
Conclusion.....	86
Chapter 3: A Framework for Thinking about Police Reform.....	89
Origins of Contemporary Police.....	91
The Legitimacy of the Police.....	93
Exporting Western Policing Ideas.....	116
Conclusion.....	142
Chapter 4: Methodology.....	145
Research Design.....	147
Data Collection.....	148
Addressing Potential Research Preconceptions.....	159
Coding and Data Analysis.....	160
Conclusion.....	165
Chapter 5: Implementing Reform.....	167
The Post Election Violence (PEV): Formal Investigation Findings.....	168
Reform Efforts pre-2007.....	172
National Turbulence: the 2007/8 Post Election Violence.....	174
Key Documentation.....	176
The NPS Strategy 2013/14 – 2017/18.....	204
Strategic Training.....	205
Engagement with the Public: The People Centred Policing Approach.....	212

Conclusion.....	216
Chapter 6: Impediments to Reform.....	220
Context.....	220
Corruption.....	227
Resistance.....	237
Phenomenological Language.....	247
Structural.....	250
Welfare.....	256
Conclusion.....	263
Chapter 7: Enablers of Police Reform.....	267
The Constitutional Architecture.....	269
Influence of the Inspector Generals.....	275
People Centred Policing – A Reform Journey, Rather Than Event.....	277
The View from the Police Interviewees.....	284
The Professional ‘Grasp’ In Reform Initiatives.....	297
Knowledge and skills gained from the SLCP.....	304
Internal Police Accountability – A Note of Optimism?.....	307
Summary, final analysis and conclusions.....	310
Chapter 8: Conclusion.....	315
Introduction.....	315
Reform Factors.....	315
Foundation Conditions on Independence.....	316
The Three Presidents and Personalising of Power.....	317
Calibre and Quality of Police Leadership.....	318
Influence of the Police Reform Implementation Committee (PRIC).....	319
The response of the police to the 2010 Constitution and its legislation.....	321
The Consequences of Donor Support to Police Reform Initiatives.....	322
Senior police leaders’ responses to the PEV inquiries’ findings.....	323
Police Organisational Culture and the Reform Legislation.....	324
Relevant Literature.....	325
Methodology and Parameters.....	325
Summary.....	326
Measuring the Effect of Reform Activity.....	328
Further Areas for Research.....	333
Appendix i: National Task Force on Police Reform, Terms of Reference.....	336
Appendix ii. Inspector General’s signal to the National Police Service.....	338

Appendix iii: Media Report on Arrest of Prolific Criminal.....340  
Appendix iv: Semi Structured Interview prompt for SLCP participants.....341  
Bibliography..... 342

## Acknowledgements

While the journey of this thesis has often been travelled alone, it was made possible for me to undertake by the help, wisdom, guidance, patience, and encouragement of many people. I wish to acknowledge here that their presence was palpable, strengthening my resolve to continue researching and writing when otherwise, my inclination might have been to stop and to step away.

I am grateful to the team at the Centre for Criminology at Oxford, and in particular to my supervisors, Ian Loader and Jonny Steinberg, for their wisdom and guidance and for taking a chance on someone who didn't necessarily fit the traditional profile of a prospective doctoral candidate.

Many supporters in Kenya, some of whom are now friends, I cannot name because the ethical undertakings for my research, to which they contributed, do not permit that. However, I wish to humbly thank those senior officers of the National Police Service of Kenya who, sometimes at personal risk, volunteered their experiences of reform challenges to me. My thanks also go to those members of Kenyan society who not only extended generous hospitality and wisdom in equal measure, but who also shared with me their thoughts, fears, and aspirations about future community security as I muddled my way through trying to understand the dynamics of policing in Kenya. This thesis would have been impossible without their candid views and their belief in quality policing being attainable in Kenya.

I can name and thank David Kimaiyo and Joseph Boinnet, the first and second inspector generals of the National Police Service, for giving me the opportunity to access the police in my role as advisor, and then to subsequently support my academic research. I also deeply appreciate the individual contributions of SM, VK, GK, PL, VJS, AH, CM, JM, and EP to my doctoral journey - thank you for being there.

I reserve my final appreciation and gratitude to my family, both immediate and extended, who, despite the turbulence my latest 'project' has generated, have remained patient, supportive, and generous in creating space for me to reach this point – thank you all.

## Introduction

This thesis examines the conditions of policing in Kenya between 2014 and 2021 and explores the potential for reform of police behaviours and practices in the context of the 2010 constitution. I approach this inquiry by seeking to answer three research questions:

1. What is meant by 'reform' in the Kenya context?
2. What are the impediments to the implementation of reform?
3. What are the enablers for the implementation of reform?

Empirically, I focus on the experiences of senior police officers who are graduates of the Police Strategic Leadership and Command Programme (SLCP), instituted in Kenya in 2015, a previously un-researched population. I examine their responses to learning about elements of strategic responsibilities in modern policing and explore the steps they subsequently took to operationalise their knowledge into reform measures, both in policy and in the field at the point of service delivery.

I draw on post-colonial policing theories and assess their effect on the reform efforts in Kenya, including the inevitable relationship between the head of the police and the president (Hills, 2007); police disempowerment and capabilities of state legal authority (Jauregui, 2013); the exporting of police capability as an extension of foreign policy (Bayley 2005), and the commodification of community policing (Brogden, 2002). I conclude that the variability of the State's contribution to public protection and security through crime prevention and community policing actions – what Brodeur (2010) describes as 'low' policing - had a deleterious effect on public

confidence in the police. However, while the police are often perceived to be too influenced by the politics of the moment and partial to the influence of elites, the research interview cohort (see Chapter 7) indicates that there is reason to be confident of the willingness of many senior police officers to improve policing by promoting the reforms intended in the 2010 Constitution.

The idea for this thesis on police reform has had a long gestation period. It came from a combination of my experiences in both domestic and international policing environments. In domestic policing, I found that changes to organisational culture and for that matter, the beliefs and ideals about change expressed by individual officers, together with the establishment of believable and realistic goal setting, were as much factors in reforms progression as the technical or legislative drivers for change. As a police commander in the City of Sheffield, England, I found that, while the policies of my Force (South Yorkshire Police) outwardly advocated public engagement and community policing, the underlying culture for many of its officers, both senior and junior, was that policing was done exclusively by the police, and *not with*, the public.

An example of this was when, with colleagues from the Local Authority, Social Services, Probation Service, Crown Prosecution Service and Health Service, I formed a partnership to target elements of recidivism and repeat crimes where perpetrators were known to most if not all the partnership agencies. The question we sought to answer was simple: Could the scale of criminality by a relatively small number of individuals or groups — who were responsible for disproportionately high levels of crime and disorder — be reduced if the collective information we held about their

behaviours and challenges was shared and the most appropriate interventions applied? This healthy collaboration between key agencies saw a reduction in crime and disorder over a four-year period from 1995, ultimately confirming Sheffield as the safest city in England in the year 2000.<sup>1</sup> The initiative, supported by a Home Office sponsored scheme called 'Safer Cities', attracted national political attention. Subsequently, it contributed to a change in legislation that made such a partnership approach mandatory.<sup>2</sup> I had thought, rather naively as it turned out, that the statistically proven reduction in crime and the enshrining of partnership working in legislation would be welcomed in the police. It was not, and I faced internal criticism and resistance to the reform measures I undertook to introduce the partnership policing initiative. It was seen by some as interference with traditional policing, and by others as exposing the police to an unwelcome level of scrutiny. This gave me first-hand insight into the impediments that I was to discover were faced in a much more challenging environment by the senior police officers in Kenya.

Subsequently, I undertook a number of international advisory postings, through which I witnessed and participated in efforts made by donors to introduce democratic policing to recipient countries.<sup>3</sup> I found that, often, the policing systems being proffered as being beneficial for reform had been experimented with, but not been fully tested to sustained success, in the donors' domestic situations. These donor countries were generally, advanced democracies, Western, and often Anglophone in their identity. However, in the assessment of a country's suitability to receive such policing support, the recipient country's historical, cultural, and political

---

<sup>1</sup> <http://news.bbc.co.uk/1/hi/uk/839096.stm>, Accessed 12 December 2022.

<sup>2</sup> Art.3 The Police (Secretary of State's Objectives) Order 1998

<sup>3</sup> I served in various senior police advisory roles in Iraq, Darfur, Ethiopia, Nigeria, The West Bank (Palestine) and Kenya.

background did not seem to be considered as a factor in the reform's dynamic. There was an apparent assumption that the donating country's policing system was 'better' and would consequently be an improvement on what had existed hitherto in the recipient countries. The impressions I had developed over years of international work were subsequently crystallised in my Kenya experiences.

### *Overview of Chapter Contents*

In Chapter One, I outline the conditions I found having been appointed by the British government to support the reform activities in the restructured National Police Service of Kenya (NPS) in March 2014. I explain that having served as the strategic policing advisor to the inspector general of the new NPS for over three years, I came face-to-face with the realities of implementing reforms based on an international model in a recipient country. On the surface, the environment had all the right conditions for accepting and developing advances in accountable policing. Kenya was a respected country in post-colonial Africa, with a developing economy and political transitions of power that were achieved through the ballot box rather than the bullet. This changed when a hotly contested presidential election at the end of 2007 brought violence to the country, and its people to the brink of civil war. Following the post-election violence (PEV) of 2007/8, and with significant external influence and support, strong legislation was developed to liberalise the political system and to direct the police via the new 2010 constitution and its laws.

The chapter provides a contextual backcloth for my research, describing the perspectives of reform that I follow and the reasons for them. To place the reform of

policing in the wider context of Kenya's development aspirations, I include relevant cross-cutting themes, like the place of police in society, post-colonial development interventions, and the influence of development donors.<sup>4</sup> I describe the thinking behind the thesis, illustrating the motivations and opportunities I was able to capitalise on through my unique position as an advisor to the Inspector General of the National Police Service. I also draw on my exposure to the inner workings of the NPS including the contacts I was able to develop and the access to policing operations and personnel my role permitted.

I illustrate the multi-layered contexts within which police reform takes place. Recognising that policing does not exist in a vacuum and that history matters (a mantra I unapologetically repeat throughout the thesis), I explore the attitudes towards reform from a political, societal, and policing perspective and illuminate the broad categories of impediments that can obstruct the pursuit of change.

I explain how the origin of reform aspirations for the Kenya police lay in their reputation for low levels of professional competence and corruption, as well as their perceived unhealthy relationship with political figures and other 'big men'<sup>5</sup> characters, up to and including consecutive presidents since independence in 1963.

I examine the background to the export of mainly Western and Anglophone policing systems to developing democracies and find agreement with scholars who doubt the efficacy of such initiatives (Bayley, 2005; Hills, 2007; Skogan, 2008). I also examine reform intentions from both a domestic and a potential donor perspective and find

---

<sup>4</sup> Vision 2030 is Kenya's development plan, commenced in 2008, for accelerating transformation of the country into a rapidly industrialising middle-income nation by the year 2030.

<sup>5</sup> As described in "Big Men" in Sub-Saharan Africa: How Elites Accumulate Positions and Resources.' (Daloz, 2003)

that, often, in other states as well as Kenya, 'gold' standards of attainment are set (as opposed to 'good enough') that are difficult to meet and sustain, and thus risk discrediting the reform intervention. I examine how reform initiatives can conflict with attitudes of communities towards formal policing and find that some state policing interventions are rejected by communities in favour of informal, non-state resolution, with the consequence that the validity of state presence can be undermined.

I show how earlier presidential initiatives attempted to set a framework for reform of the police, and I argue that although constitutional change, legislation, and procedural shifts are necessary drivers, they are not sufficient on their own to engender the reforms required. My thesis is based on empirical data drawn from documentary sources, including legislation, strategy documents, and professional reports. It also contributes to the data gained through analysis of interviews with graduates of strategic police training, where I observe that the capacity of these graduates to implement their reform training is strongly influenced by (a), their personal and professional characteristics, (b), the political and social atmosphere in which they work, and (c) how they are managed and led in their working environments.

Chapter Two is entitled, 'Policing in Kenya from the Late Colonial Period'. It introduces the historical origins and influences on the police in Kenya from the late colonial period, through independence and up to the national crisis of election violence in 2007/8. It examines the inherited conditions of policing and the influences on the police organisation that prevailed during the first three presidencies after

independence of Jomo Kenyatta, Daniel Arap Moi, and Mwai Kibaki. The chapter explores how rule of law, that which is conducted through parliamentary process and legislation, was in competition with rule by law, that of presidential direction, often exercised by successive presidents for expediency or largesse, and how this affected policing. It also explores the extremes of exercise of power by President Moi that was significantly outside the law. It shows how, after the introduction of multi-party politics in the early 1990s, criminal gangs were recruited to prosecute violence against Moi's political opponents and where torture and detention were used to manage potential disaffection in the country. The historical chronology provides a background to the habits and behaviours of the police in Kenya. I argue that this historical background is a major component of the impetus of pressures on the police that influence the level of inclination, energy, and effort they have to apply the constitutional reforms of 2010, which are explored in the later empirical chapters.

Chapter Three explores the understanding and challenges of Police Reform in Africa, examining the relevant literature that has emerged since the 1960s, including the perspective of exporting police reform abroad as an extension of foreign policy (Bayley, 2005). I engage with post-colonial theories, including the imbalance of political influence on the police and the role of non-state actors in policing (Anderson, 2002; Killingray, 1986), and the illustration Kenya provides that political liberalisation is a high-risk activity that can produce unintended side-effects in expressions of power and control (McCracken, 1986; Branch and Cheeseman, 2008). The theory of post-authoritarian and democratic policing described by Bayley (2005a), Marks, *et al.* (2009) and Manning (2010) are scrutinized for their impact on the concept of police democratic accountability. The involvement of international donors and the theory of

crafting transnational policing described by Goldsmith & Sheptycki (2007), and Marenin (2007) are also explored. In the context of the 2007/08 election violence, I focus on the literature accounts of the role of the police (Branch, 2011; Mueller, 2008; Branch and Cheesman, 2008) and draw on the findings of the commissions of inquiry into those events, (Waki and Kriegler) and the police Reform Task Force, (Ransley) in which the police were heavily criticised for their lack of professionalism and their indiscipline that added to the scale of violence. The reports of all three of these enquiries helped in disaggregating the complexity of the causes of the violence, which subsequently contributed to the shaping of directions to the police in the 2010 constitution.

In common with recent scholarship exploring the complex dynamics of police reform in Africa, (Bierschenk, 2017; Diphoorn, 2017; Owen, 2014; Agboga 2020), I find that police actions during and after the PEV, were determined by several factors. These included: the legacies of the political preferences of successive presidents, the inconsistent funding of the police organisation, the presence of powerful individuals who wield often unauthorized influence over police, and the personal values and experiences of individual officers who are members of both a professional police body and also tribes and clans of Kenya.

-

Chapter Four, the methodology chapter, outlines the research methods that were considered in conducting this work and explains my reasoning for adopting a primarily qualitative approach that nevertheless creates,

*... the need for a notion of paradigm that can be sufficiently flexible, permeable, and multilayered to reflect the reality of social research in the 21st century' (Denscombe, 2008, p.270).*

It outlines the steps taken to maximise opportunities for information and data gathering in the field work through questionnaires and interviews, and describes the choices made in determining the composition of the interview cohort. I also account for the parameters of the research arena relating to operational and geographic access, briefly commenting on the effect the Covid pandemic in 2020 and 2021 had on access to interviewees. Following the Braun and Clarke (2021) method of Thematic Analysis in determining the main themes that were subsequently explored in the analysis of interviews, the chapter concludes with a description of the methods used to analyse the collected data.

Chapter Five examines the challenges of implementing police reform on the ground. It consists of an empirical, legislative, and documentary review of the 2010 constitution and its implementing legislation and explores the framework for the envisaged greater public accountability of the police. I trace the establishment of the National Police Service through a 2011 act of parliament, and also assess the functions and intentions in the legislation of two new oversight bodies – the National Police Service Commission, (NPSC), and the Independent Police Oversight Authority (IPOA) in relation to objectively monitoring and supporting policing in Kenya.

The Police's policing strategy (2013/14 – 2017/18) and some of its key components relating to community engagement and accountability are scrutinised to explore how effectively the police absorbed, adopted, and applied the constitutional requirements.

In particular, I compare Inspector General Boinnet's 'People Centred Policing' strategy and Steinberg's account of the South African attempt to introduce a community-oriented policing capability (Steinberg, 2011). Also, in the context of testing the police organisational response to the Bill of Rights in the constitution, I explore Wairuri's (2020) account of the suspension of constitutional standards of detention in the context of '*Operation Sanitize Eastleigh*', a 2014 counter-terrorism operation in Nairobi that attracted significant complaints and criticisms about its abandonment of constitutional principles. I also evaluate the intention and effect of personal leadership engagement by key figures in implementing reform activities. The chapter also permits me to account for my role in the reform narrative, which is relevant to the later empirical chapters, in which I argue that one of the deficiencies was the implementation plan for policing reform, which did not anticipate the significant energy, expertise, and resource required to develop, achieve, and sustain the reform measures.

Chapter Six examines the impediments to reform from the perspectives of graduates of the Strategic Leadership and Command Programme and explores the prevailing organisational conditions. Drawing on the semi-structured interview process outlined in chapter four, the interviewees observations on impediments were clustered under three main headings: Corruption, Resistance, and Structural. Each heading contains a number of sub-headings for clarity and ease of navigation.

I find that a good proportion of impediments come from within the police. Poor management and leadership of junior and low-ranking officers by their seniors is a

systemic norm. The withholding of allowances, misuse of petty discipline or transfers to difficult areas, and scant attention to welfare is a regular substitute for proper management of front-line personnel. This condition is not exclusive to Kenya. As Jauregui (2016) describes in her revealing account of policing in Uttar Pradesh, India, the mindset of senior officers towards their subordinates is one of 'expendable servants' (2016, p.83).

Where appropriate, observations from non-police interviewees are incorporated to illustrate a particular impediment. The chapter concludes with a summary in which I argue that for police reform objectives to be achieved, there are political and social impediments that need to be addressed as well as the deficiencies that exist within the police organisation.

Chapter Seven identifies the potential enablers for reform. These consist of both police professional developments in the adoption and promotion of accountability as specified in the constitution, and also from the general attitude of the population towards political and social development within the country. Empirically, I focus on the reform implementation experiences of senior police officers who are graduates of the strategic training programme (SLCP). This programme was introduced to meet one of the constitutional requirements relating to training officers to the highest levels to meet the spirit of the Bill of Rights protections to citizens. It was aimed at senior police officers because of the expectation that they would have the greatest impact. I examine the exposure of these officers to learning about elements of strategic responsibilities in modern policing and explore the steps they subsequently took to

operationalise their knowledge into reform measures. Unsurprisingly, I show that some of the areas described as impediments in the previous chapter offer potential solutions and enabling facility in this chapter. Both this chapter and its predecessor paint a rich and nuanced picture of the day-to-day challenges and opportunities faced by senior officers charged with leading reform. This chapter also reflects on engagement with key stakeholders who have an informed opinion of the reform efforts of the police, and in particular, on the value of strategic training to position police leaders towards valuing public engagement and accountability.

Chapter Eight is the concluding part of the thesis. I reflect on the outcomes and analysis of the interview data and discussions, together with relevant observations from document analysis and the literature. The chapter raises questions about the extent to which an organisation can claim to be reformed. It concludes that reform is a perpetual journey rather than an event, which needs clear tests for measuring progression, reflecting Raunch and Van der Spuy's (2006) observations that:

*It is important that the international community at large, and the most influential donors in particular, recognise that reform of the police is a long-term project marked by differing stages of consolidation, and not the fruits of a once-off short term intervention (2006, p.164).*

In terms of Kenya's political maturity and interest, I explore the readiness of the police and the country for police reform, and its consequent effect on the appropriateness of donor interventions that sometimes place unrealistic expectations on the results of their interventions. The chapter also confirms the limitations of the research and

maps out suggested future directions. Further enquiry into Kenyan police reform is prompted, not least in relation to the approach to recruitment, development of leadership competence, the relationship between welfare of the police, and police treatment of the public. The relevance, quality and outcomes of donations of police support to recipient countries is also worthy of further exploration.

Finally, I argue (albeit rather obviously) that a well-trained and informed cadre of senior officers, with numbers sufficient to influence police activities in all parts of the country, with or without sustained international support, is essential in order to make a positive effect on the implementation of reform. Also, such a cadre needs significant investment in continuous professional development to be, and remain confident, relevant, and effective. However, I also acknowledge that there are often limitations to the potential for reform in the police in the absence of broader political and social reform.

## Chapter 1: Setting the Scene

This research is related to the post-election violence that occurred in Kenya at the end of 2007 where the incumbent president, Mwai Kibaki, was controversially re-elected. It is based on the opportunity to assess the response of the police organisation in Kenya to fresh directives of accountability and oversight contained in the Constitution of 2010, which itself followed the intervention of the international community to the violence and political turmoil that followed the 2007 presidential election. The architecture of the constitution drew heavily on the findings of two commissions of inquiry that examined the election processes and the causes of the violence, and a task force that looked specifically at the necessary reforms for the police, who were heavily criticised for their role in the violence and their failure to protect citizens.

### Situating the Research

I started the research by drawing on my background as former strategic advisor to the Inspector General and the National Police Service. I had considered that the reform directives, restructuring of the police, and the apparent supportive political conditions would mean that Kenya might buck the trend of failed reform efforts reported in other post-colonial states, and illustrate some successes. I had provided close professional support to the Inspector General and his team on their reform journey. After such significant professional and personal investment, I was keen to see what the outcomes were – to identify what progress had occurred – and as importantly, what still needed to be done. I determined that this could best be achieved by applying academic discipline to my enquiry, which formed the kernel of my research project.

Through interviews, and fieldwork observations of the professional environment in which I had worked, my research illuminates a range of attitudes towards the appetite for police reform. There were some enthusiastic supporters, but also, a significant number of sceptics and objectors. In between, in an ebb and flow of interest and application, was the majority of the police, for whom, as Owen describes in the case of Nigeria:

*The task of police reform can be seen as partly about which way the majority in the middle is likely to lean – a question of motivating and incentivizing them to spread the good example (Owen, 2014, p.9).*

To be effective and sustainable, such motivation and incentivizing must take account of the social atmospherics and political dynamics in which the police operate. Through the course of the research, I found that Kenya's political and social dynamics, while outwardly suggesting a willingness to improve the lot of the citizen, had actually much in common with adverse phenomena in other post-colonial states, which are associated with regime protection and suppression of the populace. This condition had inhibited the widespread operationalisation of the intended reforms. However, there were some glimpses of potential enablers for reform in the police of Kenya, which I analyse in chapters 5 and 7.

Reflecting on my professional work as a police strategic advisor to the NPS, I tried to apply objective tests to the outcomes of my contributions to the reform agenda. For over three years (2014 – 2017) I had sought to find ways to encourage and cajole the most senior officers of the NPS to grasp the significant shift in their purpose of

policing contained in the constitutional and legislative directives. I sought to help them adjust their mindsets towards the 'how' and 'why' of their Service. How successful had I been? I had found that the level of resistance to change at a senior level, while for the most part passive, was nevertheless a powerful impediment to progressing the reform agenda. Would my academic research find anything different?

As I interviewed the graduate senior officers of the strategic leadership programme designed in 2014, I started to recognise recurring patterns in interview responses. Disappointingly, from the content of the interview responses, I realised that Kenya's potential for reform success was predicated on many of the same conditions that other authors had commented on, particularly in former colonial states in Africa and India (e.g., Steinberg, 2005; Hills, 2007; Baker, 2010; Jauregui, 2016). These conditions included: absence of authentic political will; low organisational energy to embrace change; funding that was both inconsistent and insufficient for the tasks demanded in the legislation; poor quality of leadership; failure to attend to welfare and working conditions of police officers; and the absence of continuous professional training. Also, there was an atmosphere in society that, while critical of the police for its corruption, oppression and brutality, was also supportive of such actions if it benefited some individuals or communities. I also found a significant level of ambivalence in society about holding itself to the same standards - of anti-corruption and strict adherence to the rule of law - it sought of the police. There were, however, signs of optimism too. As I explore later, there was a strong constitutional and legislative directive as well as a clear willingness in many of the senior officers to take action to improve the way policing is conducted.

Consequently, my research advances discussion of three questions relevant to Kenya's relatively recent constitutional changes after the Post-Election Violence in 2007/8. First, the thesis asks what is meant by reform for the police in the context of the 2010 Constitution. Second, it identifies impediments to reform, both in general, drawing on literature and commentary from scholars and on professional observations in reports and briefing papers, and in particular, through interviews with serving senior police officers. Third, it identifies enablers of reform for Kenya, drawing on scholarly commentary, personal experiences in my professional capacity as a strategic advisor on police reform, and encouragingly, through the real experiences of serving senior police officers.

As will be seen in Chapter 7, enablers take on several different forms. Some, like constitutional and legislative directives, are very specific in describing courses of action and intended outcomes that create the legitimacy for reform. Others are less tangible and are determined by responses to the legitimacy of space to develop confidence and courage for the reform measures envisaged to be undertaken. At one level, the enablers might be organisational, with the police as a whole embracing the need to shift its position, for instance towards greater public accountability. At another level, it will be for individuals or groups to use the legitimacy of space to resolve to take a stand and provide a higher quality of service. Often, the capacity to combine enablers determines the success potential of the reform measures. For example, the directive in the constitution to train officers to the highest levels of accountability and respect for human rights, provides the legitimate space for the police to upgrade its training in the way that the SLCP, for instance, intends. The consequent raising of confidence and professional abilities of SLCP participants,

allowing them to enhance the quality of engagement that they and their police officers have with the public, can be evidenced as is shown in the interview responses.

However, in respect of the senior officer graduates of the strategic training programme (discussed in Chapter 5), the numbers who have been through the programme remains low.<sup>6</sup> Consequently, their efforts to engender reforms around the country remain geographically and professionally isolated, they lack the sustained influence of trained senior mentors, and their ability to join up towards a critical mass of reform influence is significantly limited.

Despite these confounding factors, among the senior officer graduates of the strategic training I interviewed, I found evidence of positive attitudes and actions towards progressing reforms within certain echelons of the police. This discovery of active engagement by strategically trained graduates encouraged my belief that one of the contributions to effective reform implementation would be sustained investment in strategic training and mentoring. Further, that if the training effort were scaled more realistically, and the right selection criteria of officers for senior positions applied, then achieving the critical mass of police officers needed to influence the NPS towards reforms was more probable than just possible, a contention that I amplify in Chapters 5 and 7.

---

<sup>6</sup> Up to 25 officers per year were selected for the Strategic Leadership and Command Programme, though a much shortened four-week version of the training was made available to officers of the rank of Assistant Inspector General and to all 47 county commanders.

## Multi-layered contexts for police reform

The thesis examines the impediments to reform that come from political, societal, and policing perspectives. As noted above, policing does not exist in a vacuum, and history matters: these truths underpin the extent to which implementation of police reform can take place and what shape such reforms might take.

Though there have been debates on de-coupling police from the state, formal public policing in modern times and in most of the developed world continues to draw its authority from the state for sound reasons (Loader and Walker, 2001). That the state determines how its citizens will be protected and consequently, what reforms might be needed to remain relevant would at this point, however, benefit from some amplification. As Boege *et al.* (2008) describe, the Weberian/Westphalian structure and philosophy of the state does not exist far beyond the borders of the Organisation for Economic Co-operation and Development (OECD). Weber's position that a unique feature of the State is its legitimacy in the exercise of appropriate force and violence when discharging its functions, sets an evolved shape to the expectations of how such force is applied in a democracy. Boege *et al.* argue that not all states necessarily want or need this structure. Rather than labelling states outside that perimeter as 'fragile', 'developing' or 'emerging', they argue that those states should be seen as 'hybrid political orders' (Boege *et al.*, 2008, p.2). Describing them in this way would, they claim, foster intellectual acknowledgment of *difference* rather than *deficiency* when assessing potential for reforms and consequently, donor engagement. It would create a broader identity for more appropriate support in recipient countries, a concept I consider later in the thesis with regard to South Africa, Nigeria, and Uttar Pradesh, India.

A brief history of Kenya's colonial background will help to describe how this played out there. Kenya was colonised in 1895 as a British Protectorate and became a formal colony of the British Empire in 1920, though because of its commercial interests, it had been subject to imperial influence since the early 19<sup>th</sup> Century. Initial policing had been introduced to provide security and protection to Britain's expanding commercial interests in the port of Mombasa and to the railway that would eventually lead from the port to Uganda. Brogden (1987) described the British imperial approach:

*British institutions, from medicine to law enforcement, were transplanted to the Empire: to delegitimise indigenous customs; to impose centralized social control; and to incorporate local society as a branch of imperial society (Brogden, 1987, p.10).*

While these imperial legacies are still present in many post-colonial states, in Kenya as in many other countries, there are also indigenous power structures, customary practices, and affiliations relating to tribe, clan, and village relating to un-regulated centres of population. These are often surrounding large towns or cities or in remote rural areas where there are vacuums of access to state support and intervention, including police and policing.<sup>7</sup> Through responses to interviews and documentary sources, I show that there is limited engagement by the state police with many of these communities, and that people tend to look to non-state actors to help solve problems and conflicts, including crimes. These non-state actors can be manifested in a number of guises and their engagement is not without risk of prejudice or bias

---

<sup>7</sup>It is estimated that some 60% of the 3.3 million inhabitants of Nairobi for instance, live in the informal 'slums' that surround the city. UN-HABITAT report 'Nairobi Urban Sector Profile' 2006 [Kenya : URL Nairobi Urban Profile.pdf \(unhabitat.org\)](#). Accessed 12 January 2023.

towards individuals or sections of communities.<sup>8</sup> However, they do provide unregulated but otherwise essential services which are unauthorised, but tacitly approved by authorities. This situation is not wrong nor right, but rather, it reflects the 'as is' conditions that prevail in many parts of Kenya, and forms of non-state 'policing' are found to be comfortably integrated into this social system. Consequently, although reform initiatives were prompted by the PEV, it is also important to hold in mind that these were the prevailing complex and multi-layered background conditions for policing in Kenya.

#### *States Offering Reform Support*

The variations and even tensions between different expectations and understandings of 'state' are illuminated when elements of 'state' from one are exported to another, as in the case of the export of Western and Anglophone policing systems through internationally funded development programmes, which have increased over recent decades (Brogden, 1987; Bayley, 2005). However, the motivations for such action and the outcomes of its intentions leave much to be desired (Skogan, 2008; Baker and Scheye, 2009), and this surfaces another tension crucial for my thesis. Former colonial powers are often direct or contributory donors to police reform projects. The desire to support reform initiatives springs from altruism at one end of the donor spectrum, to post-colonial guilt at the other. As Fraser suggests:

---

<sup>8</sup> These range from former gang members who have control of the hotel food waste collection franchise and who consequently control access, at a price, to the waste food dumps where people can buy time to access the best pickings, to groups who support local politicians in providing basic amenities and provisions, or who resolve conflicts and disputes, in exchange for promises of election votes.

*in most cases, the former colonial powers recognized some sort of ongoing responsibility and became the first major donors'* (2009, p.47).

But understanding what is actually needed in terms of police reform in any particular country and in specific circumstance is often neglected (Bittner, 1975; Peake and Marenin, 2008). 'As a rule', Brzoska observes,

*'the greatest lacunae relate to institutional and sociological aspects of policing and other non-military security forces'* (2003, p.41).

In respect of aid provision, Langan argues that some arrangements might denude policy sovereignty on the part of recipient governments, '*with deleterious consequences for the well-being of African citizenries'* (2018, p.62). Swedlund asserts that,

*'fads and fashions in development aid are attempts to overcome particular types of commitment problems that undermine the credibility of policy compromises reached by international donors and recipient governments'* (2017, p.5).

In some cases, post-colonial guilt, including fear of being perceived as overly interfering, or even introducing a subtle form of neo-colonisation on matters of security, crime policy, or internal self-governance, can prompt donors to be selective on questions of local culture and practices, particularly if they have political

connotations.<sup>9</sup> When potential donors are considering support, they rarely explore the customs, cultures, contexts and histories that pre-existed the inherited system, to consider whether the support being offered is relevant or fit for purpose (Baker, 2010). This renders a disservice to both the police and the public in recipient countries, because these often-ill-conceived interventions remain powerful influences in day-to-day life, despite not being necessarily aligned to identified need or benefit.

The enveloping of policing into the activity of security sector reform (SSR) has generated significant Western intervention in international police reform initiatives.<sup>10</sup> A main plank of the strategy developed in the European Union and other Western states, was to address threats at their point of origin, rather than wait for them to manifest themselves at its borders or within individual states, and this necessitated building compatible capacity and capability in collaborating states.<sup>11</sup>

However, many potential collaborating countries did not meet the professional, technical, financial, or political competence standards required. While this prompted significant energy to provide expertise and resource to bring proximity states 'up to speed' in procedural and technical competence, little attention was given to the internal conditions and capability of these states to respond. The consequent policies that set the investment in support provided by donor nations often created a 'gold standard' of attainment that was and remains difficult to meet and sustain. This led

---

<sup>9</sup> Support to former colonies of the UK was supposed to end after their independence, but political clamor over perceived abandonment of colonies led eventually to the creation of the Ministry of Overseas Development in 1964 (Langan, 2018). Alesina and Dollar state: 'An inefficient, economically closed, mismanaged non-democratic former colony politically friendly to its former colonizer, receives more foreign aid than another country with similar level of poverty, a superior policy stance, but without a past as a colony' (2000: 33).

<sup>10</sup> See Brahimi (2000), and US Military, 'Handbook for Military Support to Rule of Law and Security Sector Reform' (2016).

<sup>11</sup> Personal notes: conversation with author of the EU security strategy, July 2004, Brussels.

to degrees of potential failure and, overall, the potential for discrediting of the intervention (Steinberg, 2010).

As a professional police advisor, my view of the desirability of a 'good enough' intervention aligns with Baker's (2010) analysis of Sierra Leone, and reflects my experience in both Africa and the Middle East.<sup>12</sup> In Baker's view, Sierra Leone needed to be able to stand up a police force that had basic capabilities to respond to immediate needs and which could provide rudimentary and uncomplicated responses to domestic demands ('good enough'). Instead, he reflected, the UK's Department for International Development (DfID) sought to bring about a complete 'gold standard' police reform strategy that introduced community policing, technical enhancements, sophisticated investigative tools, and a high-level public order competence. Baker argues that:

*'With hindsight, one overarching mistake stands out. The reform programme was simply too ambitious. It attempted too much too quickly'* (2010, p.17).

Baker observed that the pursuit of a 'gold standard' level of policing undermined the effort of bringing about a basic capacity to maintain order and respond to calls for assistance, which is what was actually needed. 'Good enough' is often sufficient when considering a police support intervention (Hills, 2013). However, as Hills observes, the desire to bring such countries 'up to speed' in democratic policing technologies and

---

<sup>12</sup> Personal notes, August 2005: Leadership decision to restructure introduction and orientation training for international advisors in Darfur to meet demand realities of this non-executive power police support mission.

Author, September 2017: Lead practitioner responsible for adjusted expectation response to UN/Iraq Ministry of Interior request for community policing training.

procedures, is weakened by a failure to acknowledge the historical and cultural reasons why such democratic conditions do not exist:

*'Nevertheless, IGOs, donors, and scholars continue to promote the general transfer of procedural goals developed in, and for, specific cultural fields aligned with liberal democracies' (2013, p.318).*

Donor countries often neglect to consider that the varied democratic policing systems that they offer have had many years of domestic gestation and incremental development within political, legislative and social contexts that are unfamiliar to recipient countries. Consequently, such systems cannot be easily shoehorned into a recipient country where the historical and cultural context is very different (Zeigler and Nield, 2002).<sup>13</sup>

The success or otherwise of donor interventions is most often determined through reported metrics. Development will be measured against institutional progress in agencies such as education, health, agriculture etc. A human rights intervention might measure access to justice, opportunities for minorities, and abuses of authority. However, no donor activity will have truly succeeded if the interventions do not take into account the culture, customs and context of the recipient country. The priorities of the recipient country might not align with the donor perspective, but that view

---

<sup>13</sup> In Kenya, the UK supported strategic police training had an intended three-year life span, with an expectation of commensurate funding. In year one, the UK would teach the Kenyan officers, year two, Kenyan officers selected from the year one course would work alongside the UK trainers to learn on the job, and year three, the Kenyan officers would lead the training with assistance from the UK trainers. What the UK government did not take into account was the years of experience that the UK trainers brought to Kenya as experts in their field, qualities and capabilities that were not easily transferable to Kenyans who did not have the experience or expertise on which to base their input to such a high-level course. Challenges to this situation were made by me and funding for one further year was provided, but the flawed proposition to create instant 'expertise' in Kenyan staff remained.

might nevertheless be imposed because of the imbalance of financial and political power that donors can wield (Peake and Marenin, 2008).

#### *Appropriateness of Police Reform Interventions*

Steinberg's (2008) account of post-apartheid South Africa's adoption of Western perspectives on policing is revealing. He describes the 'on the ground' complexities and weaknesses of introducing a foreign crime-prevention and community-policing model into semi-urban areas, which had previously only known a security and 'signal crime'<sup>14</sup> style of reactive police response. In his analysis of Bittner (1990), relating to the origins of demand for policing, Steinberg concludes that while policing is generally acknowledged as necessary in populations, in South Africa, state-offered policing is only welcome in discrete areas of need. Non-state actors apparently provide a level of 'policing' service that seems to be acceptable to the public, describing one of the distinctions of acceptability as being a, '*strong relationship between non-compliance and density of public space*' (Steinberg, 2008: 483).

Like Baker (2008) in respect of Sierra Leone and Nigeria, Hills (2008) on Nigeria, and Jauregui (2016) on Uttar Pradesh in India, Steinberg (2008) observes that many communities seek non-state help to resolve conflicts or problems, legacies that are attributed to pre-colonial practices or because of a sustained absence of adequate provision of such service from the state capacity. As I explore in Chapter 4, despite the risks associated with the absence of regulation, consistency, and accountability, the policing void that is neglected by the state authorities is often filled by vigilante or

---

<sup>14</sup> 'A Signal Crime is any criminal incident that causes change in the public's behaviour and/or beliefs about their security'. ([The signal crimes perspective - Security, Crime and Intelligence Innovation Institute - Cardiff University](#)). Accessed 26 February 2023.

other organised groups, or even state or local police officers acting in personal capacities.

For Kenya, my thesis recognises the challenges this presents to providing security for the millions who live either in remote rural settings, or in informal slums around large towns and cities, neither of which attract regular attention or support from the National Police Service. Informal and non-state 'policing' is prevalent in these areas. I also find that there are risks of generating semi-authorised vigilantism through the introduction of the *Nyumba Kumi* (Swahili for ten households) initiative introduced through a Kenyan presidential directive in 2014, that threatened to inappropriately compete with the legislatively driven community policing strategy being developed by the police with donor support. This is explored more fully in Chapter 5.

### *Training and its Context*

In the case of reform support for the police, while training is an essential component, donors often neglect to consider the conditions under which training takes place and the capability for the recipients to implement their acquired skills or knowledge. Training, and the expected associated learning, that is delivered and then left for the recipients to progress on their own without guidance, will often have limited effect (Mahan and Stein, 2014). While easy to measure – so many students for so many weeks at X cost, and a form of test to demonstrate understanding – training is only really validated when its impact is assessed, and few donor activities can achieve this successfully. As Shilston (2015) observes:

*'Too often the more profound, yet complex, challenges of institutional and constitutional reform give way to the obvious and comparatively easy delivery of training and equipment. Police accountability, arguably the most important component of democratic policing, needs to be assessed in a consistent and rational manner if deployment of resources and effort on the part of donors are to result in more convincing outcomes'* (2015, p.37).

Many recipient countries would benefit from the longer-term presence of advisor/mentors who can gradually help develop a recipient country's capacity and capability in specific areas of policing, commensurate with the political, financial, cultural and contextual conditions that prevail in the current and future climate. Mentoring has been described as a key but neglected element of people care (Jensen and Graves, 2013). And, as posited by other research,

*'there is significant evidence to demonstrate that mentoring, appropriately structured and introduced in a timely manner can benefit individual practitioners, their organisations, and ultimately the quality of service they provide to the public'* (Gill et al. 2018, p.211).

Sadly, this form of long-term support is much less attractive to donors, who themselves are often constrained by timeframes, politics, and finances.

## Previous Reform Efforts in Kenya

There have been several previous phases of reform effort in post-independence Kenya. My thesis describes the reaction to organisational dynamics that prevailed in Kenya when police reform was proposed internally in the final year of President Moi's term, and again after the appointment of President Kibaki in 2002 (see Chapter 2). It also examines the part that preceding historical conditions played in determining the extent to which reform could happen.

I argue that although constitutional change, legislation, and procedural shifts are necessary drivers, they alone are not sufficient to engender the reforms required. This is because of broader cultural, political, and economic influences, and other impediments and considerations that prevail. I also argue that donor and political expectations of reform are often unrealistic in terms of intended outcomes (see Chapter 4). As discussed above, donors' contextual understanding, their bureaucratic cycles and funding projections, and limited understanding of the culture and backgrounds of intended recipient states, are out of kilter with the time and conditions required to bring about the intended reforms. As Call (2002) observes:

*'In general, there has been little analysis to determine how international actors, prone to national-level institution-building, might draw on the insights of anthropologists of particular societies to strengthen, rather than to undermine, local forms of conflict resolution, justice or policing' (Call, 2002, p.107).*

The consequence of this is that many donor interventions build in failure from the outset by not recognising the real-world limitations of their aspirations. Politically,

what might sound like a feasible and achievable goal when support is first announced, will often subsequently fall short of its ability to deliver when the unrealistic expectations of outcomes are revealed (see, for example, footnote 12).

## Hope in the Challenges of Change in Kenya

Despite the nested complexities outlined above and elaborated below, as I show in chapters 5 and 7, I was able to discern potential enablers for reform within Kenya both from the perspective of police professional development, and from the general attitude towards political and social development within the country. Within the police, the appetite for reform is limited, which is unremarkable given that, generally, conservative organisations like the police resist change (Kotter and Schlesinger, 1989).

As Machiavelli observed long ago:

*'...nothing is more difficult to arrange, more doubtful of success, and more dangerous to carry through than initiating changes. The innovator makes enemies of all those who prospered under the old order, and only lukewarm support is forthcoming from those who would prosper under the new. Their support is lukewarm ... partly because men are generally incredulous, never really trusting new things unless they have tested them by experience'*(Machiavelli, 1513).<sup>15</sup>

In the context of the 'examining the approach' element of the thesis title, the research questions consequently ask more fundamentally, can the Police Service of

---

<sup>15</sup> Britannica, T. Editors of Encyclopedia. "The Prince." Encyclopedia Britannica. Accessed February 3, 2023. <https://www.britannica.com/topic/The-Prince>.

Kenya reform itself to satisfy independent assessment that it can meet the demands of the 2010 constitution?

In summary, I have situated the research and my place in it by focussing on the conditions for new standards of accountability for the police of Kenya towards the public, as directed by the 2010 constitution. I have acknowledged that donor motivations for providing support though enthusiastically driven, will sometimes have limited understanding of what their interventions can achieve in terms of reform. While the state provides policing through authorised bodies that are directed by legislation, I acknowledge that the presence of non-state actors in the country's policing architecture is not only recognised and tolerated, but is in some parts of the country — particularly in urban overspill areas of population — an essential part of keeping forms of peace and addressing low-level conflict and problem resolution. An aspect of the measures that indicate that reform of the formal police is happening is, consequently, the ability of those police to penetrate semi- or un-authorised communities to offer policing services that are recognisable in other parts of the country, and which are preferable to that which is offered by non-state actors. What this demonstrates, as illustrated by many interviewees in Chapter 7, is the need for effective, accountable, and sustained engagement with those people.

## Chapter 2: The Structure, Function, and Development of Policing in Kenya

This chapter is presented in three parts. The first provides a brief history of Kenya up to and including its transition to independence, in which the development of policing is explored. The second examines the influences of the first three presidents, Jomo Kenyatta, Daniel Arap Moi, and Mwai Kibaki, on the development of the country and their consequent influence over the police. The third describes the political situation that led to the post-election violence in 2007/8, the intervention by the international community, and the subsequent establishment of a new constitution in 2010. Among many fundamental shifts to the political and social expectations for the country, the Constitution required the police to have greater public accountability, and to undertake a series of reforms to align their purposes towards a more democratic approach to policing.

Each part is expanded to provide a social and political context to the environment within which the police in Kenya operated, which in turn provides a platform for the ensuing examination of contemporary policing in Kenya and the ability of the police to undertake sustainable reform.

### History of Colonial Policing in Kenya

This part of the chapter provides a brief historical background of policing in the British African colonies before focusing on the specific influences that shaped the structure, behaviours and processes of the police in Kenya. It charts the development of

policing from a small commercial protection capability for the port in Mombasa, into a force for the protection of vibrant and expanded colonial commercial and economic interests that emerged in the 1920s and 1930s. It briefly touches on the global influences that affected the way policing expanded through a chronology of events up until the immediate pre-independence period.

### *Who Were the Colonial Police in Africa?*

Chamberlain (2014) suggests that the origins of formal policing in African colonies can be traced to the tense debates emanating from the 1884/5 Berlin Conference of European powers that prompted the so called 'scramble' for Africa. Debate about the common conditions for claims to territory 'ownership' and therefore exclusive rights to trade or exploit, suggested that there should be a requirement for each colonial power to provide the means for proving, enforcing and defending trade and cooperation treaties with indigenous authorities or for lands seized. The hitherto loose, private security arrangements that were mainly focused around localised trading posts or exploitative operations were considered inadequate for this task and more formal policing was considered the better solution. That said, there is evidence of the formalising of police forces in the 1860s in Lagos, Nigeria, and the Gold Coast (present day Ghana), and earlier, in the 1820s in the Cape province of South Africa, (Alemika, 2003; Van der Spuy, 1989).

For the development of policing in the areas of British interest in Africa, Killingray (1986) claims that:

*'The picture of policing in British colonial Africa is in many ways similar to that of England before the Peel reforms of 1829, where, writes Paul Rock, "certain areas were unpatrolled and unpatrollable, and they enjoyed an autonomy of state control" (p.414).*

Waddington (1998) describes the origins of colonial policing as belonging to the policing effort established in Ireland, organised on a Gendarmerie model, centrally controlled, with officers held in barrack and used for coercive activities or to put down trouble. Waddington further observes that colonial policing was directed mainly at the protection of citizens, which in the interpretation of the day in the British Empire meant a small, privileged class, a status not applied for the most part, to the indigenous population. He suggests that colonial police were not oppressive *per se*, but rather, the 'how' of policing was very much determined by the 'who' it was who was being policed:

*'When it is citizens with civil and political rights then policing is approached with caution; but when the recipients of police authority are not citizens, then police are free to exercise naked coercive force' (Waddington, 1998, p.26).*

In later colonial times, as the legitimacy of the administration was increasingly challenged with consequent political insecurity, the operational role and intensity of policing was extended (Anderson and Killingray, 1992). There was no single colonial

policing 'model' in the early colonial period. Rather, there were different forms of policing that were developed, initially by local need identified by the Administration, and subsequently by the influence of former European police officers now engaged in the colonies, who adjusted their *métier* and experience to the local conditions they found.

Colonies governed themselves. Crown Agents, acting as an independent agency on behalf of the British Colonial Office, supplied each colony with its resources and personnel, including administrators, staff, and police officers. The type and extent of policing was also influenced by the preferences of the small but influential colonial population, and by officials like District Administrators (Atz, 1988). The Irish model described by Waddington had developed for the purpose of policing its own domestic insurgency and it was only later that this model was exported, often through former Irish police officer displaced from Eire and seeking to find other areas of colonial operation to apply their experience.

Justice, the courts, and policing were modelled on the UK systems, though, as alluded to above, the presumption that colonial policing was based on a particular model from Ireland, is only partially correct. Despite there being no standard colonial administration model, (there was no common training for colonial administrators until after 1927),<sup>16</sup> the early British colonial administrative system, which had been developed from the methods of the Colonial Office and India Office in Whitehall, provided a base line for the functions and administrative systems that were then adapted locally according to need. However, as individual colonies developed,

---

<sup>16</sup> See O'halpin's 1989 account of the civil service reforms conducted by Sir Warren Fisher, the first head of the civil service.

policing became more and more an essential part of the ability of colonial administrations to deliver their services, collect taxes, and manage increasingly complex local relationships. It was only following the Fisher Committee recommendations,<sup>17</sup> that a Colonial Police Service was established in the late 1930s to coordinate the policing standards around the colonies, though it was not operationalized until after the Second World War (O'halpin,1989).

Generally, police dealt with crimes, disorder, and tax collection. Crimes in the colonies were those identified as relevant to the Administration. Threats to the Administration, including the breakdown of order, were treated as relevant and important. Thefts, assaults, and occasionally even murders in the general population on the other hand tended to feature less in the colonial administration's crime books, particularly the further away they were from the larger population centres and the influence of police. Crimes and disputes requiring resolution in the more remote areas often had their remedy in the perceived vagaries of local custom, which were usually overseen by the Administration's appointed indigenous chiefs. Killingray (1986) points out that the colonial system of administration required two elements; the first, some effective protection of the colonial presence and activities, and second, a means of collecting taxes to support the administration. In quoting James Read, he expands on the machinery of administration required to accomplish these tasks, explaining:

*'these included not merely judges and magistrates,  
administrative officers and police officers from Britain, but  
clerks, messengers, and policemen who might be local people,*

---

<sup>17</sup> For an account of the development of the Colonial Administration and the Colonial Police Service, see Atz (1988), 'The British Colonial Police Service: A study of its organization and its operations in six British African colonies, 1937-1966,' unpublished PhD thesis, Temple University.

*'native strangers' from other areas, or Asians. The colonial regime provided new instruments of coercive authority mainly reflecting alien ideas'* (Killingray, 1986, p.413).

### *The emergence of Police in the British African Colonies*

The development of policing in the colonies was an *ad hoc* affair. For example, the Gold Coast, (Ghana), had initially drawn its protection from the West India (military) Regiment in 1850. However, despite its relative success in protecting the administration and its activities, for reasons of cost, a more local solution was sought. The Gold Coast Corps was raised in 1851 from local tribes, but with disastrous results. Indiscipline and mutinous behaviour prompted its disbandment after a short time and the colonial government continued *ad hoc* arrangements, including the recruitment of men from the Northern Nigerian Hausa tribe to undertake policing functions because the local natives could not be trusted (Deflem, 1994). The establishment of Crown colony status in 1874 formalised Gold Coast policing arrangements, with the Hausa structured as a paramilitary police force accommodated in barracks and providing protection and detachments for public order, and the local Fante tribe providing other, more local policing responses (Tankebe, 2008).

Nigeria's formal policing was initiated in 1861 after gunboat diplomacy had secured a treaty with King Kosoko of Lagos, and installed an established merchant, William McCrosky, as colonial governor. McCrosky immediately set about establishing a police force and thereafter securing buildings, (as jails), and administration to deal with offenders (Alemika, 2003). The growth of the police in Nigeria followed the pace

of the colonial expansion. Over the next 50 years, police forces were established in the Niger coast and the Eastern protectorates to enforce colonial rule. The calibre and quality of the initial recruits was poor. Ill-discipline and over zealousness was a common part of police behaviour, particularly when dealing with '*obstructionist indigenous rulers and communities*' (Alemika, 2003, p.191).

In the late 1890s, in the protectorate of Nyasaland (present day Malawi) no consideration had been given to providing European police officers. This was mainly because the colonial presence was limited to small administrative centres run by District Administrators. Local Africans who had fought for the British in the occupation wars were recruited as police in an *ad hoc* fashion, some through the officer in charge of the protectorate forces and some through local arrangements with District Administrators. Their duties included recruitment of workers for colonial estates, as well as the pursuit and return in chains of 'deserters', who had run away. It was not until the 1920s, after a series of thefts in the south of the country and the threat of a growing 'dangerous class' — identified as returning migrant workers from the Transvaal — that the governor agreed to the recruitment of European officers and an augmentation of the numbers in the police. The brutality and violence that had been a feature of other colonial police forces did not have the same reputation in Nyasaland, much of the reason being attributed to the small size of the Force and its reliance on locally recruited policemen (McCracken, 1986).

The British and Dutch influences made for a complicated development of policing in South Africa. Brogden (1989) describes the development of policing in South Africa as unique, illustrating three separate styles and developments of policing style - the

British, based on a Metropolitan and the Irish Constabulary model, the Dutch, drawn from a quasi-military model, and the least known but undisputedly significant, the indigenous system (Brogden, 1989). Following the South African war from 1899 to 1902, the British sought to accommodate rather than significantly change the Dutch system in the states it now controlled. Consequently, hybrid systems of policing developed where, in common with other colonies, traditional arrangements were adapted to fit local conditions. The modern distinctions between military and police functions were not so clear, as van der Spuy explains:

*'The existence of dual-purpose units which carried out both military and police tasks was the rule rather than the exception'*

(1989, p.264).

While in some peripheral areas traditional law and enforcement was tolerated, the wholesale importation and application of European legal codes and administration gradually eroded the effect of traditional law systems and with it the last vestiges of customary law enforcement (Brogden, 1989).

#### *The Emergence of Policing in Kenya*

In Kenya, early policing developed in similar fashion to the colonies already mentioned, starting as a protection force for the developing Mombasa port. However, because of the size of its colonial population and economic contribution, the Kenyan colony became, to a significant degree, unique. The Colonial Administration had grown out of the original commercial interest of MacKinnon's Imperial British East Africa Company, established in the late 19<sup>th</sup> century (Anderson &

Killingray, 1991). MacKinnon installed a police force made up of mainly Indian personnel in 1887 to protect the trade routes from the coast into the hinterland of what is now Kenya. Following the establishment of the British East African Protectorate in 1897, the first Protectorate Commissioner, Sir Arthur Hardinge, caused the setting up of a proper police force to extend control into the country and to protect the administrative centres being established (Gimode, 2007). The early recruits to the police were drawn from Somali and Nubian populations with only a small presence from other Africans. However, the early decades of this new force were blighted by a brutal regime of repression and coercion. As Gimode explains:

*'It was a semi-military outfit and was often on active service with the Kenya African Rifles (KAR), and they were deployed to repress local populations in favour of the colonial hegemony'*  
(2007, p.230).

In the early decades of the 20<sup>th</sup> century, the colony attracted a significant and influential white settler population that had, through displacing traditional tribes, acquired large tracts of tribal land for farming. As the century progressed, their interests became an important part of the country's exports and, consequently, its economy. This meant that in addition to the traditional structure of colonial administration existing in other colonies, in Kenya, the interests of this influential population of white settlers also had to be managed. One of the practical consequences and challenges for the Administration was that the police were often caught in the middle of disputes between white settlers and tribespeople. Demands from influential white settlers for more effective police action, particularly in relation

to stock, homestead, and farm-related crime that was codified from imported British (Indian) law, often clashed with the perception of indigenous people, that the state was interfering in matters that had remedies in traditional investigations and resolution.

### *The Growth of Police Influence*

The loose arrangements for colonial policing in Kenya had been formalised in 1906 by an incorporation of the regular police into an Ordinance (Waller 2010). Some 1,800 regular police were deployed mainly to urban centres of population and to where the white settler community was dominant. Waller describes policing as being conducted in zones, where the greater presence was in the population centres, and with the more distant zones being barely policed at all.

Since 1911, the areas of African reserves to which displaced mainly Kikuyu tribespeople had been relocated were off-limits to the regular police, being managed instead by the Administration's emerging parallel force of tribal police. Important for future controls of the population, the Police Ordinance included powers for the police to control the movement of individuals from one district to another, (the pass system), which effectively meant that the police could *'disallow or control political meetings, effectively allowing the administration to control African politics on a country wide basis down to each small locality'* (Mueller, 2010, p.81).

The Administration in these more remote areas, to where communities had been displaced, had what became known as Tribal Police. These police had developed from

the station 'askaris',<sup>18</sup> and had been recruited locally on an *ad hoc* basis by the early administration officers to provide enforcement support — and sometimes local muscle for appointed 'chiefs' — to ensure the Administration maintained authority and collected taxes (Ochieng', 1972). While not particularly well trained or equipped, their local knowledge and association with the Administration allowed them to exercise policing duties in a way that the regular police could not (Anderson & Killingray, 1992). The incorporation of the Tribal Police by way of ordinance into the Administration Police in 1926 was an attempt to regularize their functions and purpose. However, even where the police (either regular or Administration) did operate, their effectiveness was questionable. As Waller points out:

*'Police work in a conventional sense was limited. In remoter areas, the police did not expect to detect much crime, let alone identify the perpetrators and bring them successfully to court ... The rounding up of suspects in serious cases was partly ritual and precautionary: many would later be released for lack of evidence. Arrest offered a public demonstration of power in the absence of real control'* (2010, p.527).

#### *Aspects of the Transition from Colonial to African Leadership.*

The British Empire had its origins in commercial exploitation. Kenya, as part of the now attractive East Africa region, had drawn a significant settler population to its fertile and profitable lands. By the 1920s, European farmers had secured vast tracts of indigenous lands to pursue agriculture on an industrial scale and its products like

---

<sup>18</sup> Word loaned from Arabic meaning 'local soldier'.

tea, coffee, cotton and maize were profitably entered into the British home and international markets. Indigenous people, displaced into formally demarcated reserves, continued to farm on a smaller subsistence basis and to rely on local barter for their needs, while many worked for cash for the settler community (Anderson, 1984). The benefits while this condition remained were clear. Settlers sold their products through established British trade routes. The indigenous African workers earned money from the settlers that was sent back home to their families on reserves, and the colonial administration received the annual hut and Poll tax revenue from the reserves that contributed up to 50% of its running costs. The police, of course, were at the fore front of ensuring taxes were collected (Anderson and Throup, 1985). However, the equation began to unravel quickly when the great depression of the 1930s struck. The quietly simmering tensions over land seizure, displacement of indigenous tribes (mainly Kikuyu), into reserves and their expansion of both human and animal populations, plus steps to restrict expansion of cattle ownership by Africans because of fears of American like 'dust bowl' soil erosion, crystallised (Anderson, 1984; Lonsdale, 2006). The prices for white farmer commodities, which were linked to international markets, fell. With no price protection mechanisms in place, traders sought to buy at the cheapest prices and the white farmers found themselves in competition with indigenous African producers. The African producers had been encouraged in no small part by the colonial administration. Whitehall policy sought to accelerate African production while at the same time subsidising white farmer production until market prices rose in the late 1930s. One of the consequences of the price tension was that the less efficient white farmers abandoned their lands and shed their African labour. This left workers with no

income to pay their taxes. Though their income was drying up, the African workers still faced the annual poll and hut taxes, which in many cases they could no longer afford to pay. The police, charged by the Administration to collect taxes, consequently found themselves in regular confrontation with these workers. Consequently, the subsequent coercive and often violent enforcement actions on indigenous workers for failure to pay tax, contributed to further alienation of the police from communities (Throup, 1987).

Following what has been described by Lonsdale as the 'second colonial occupation' (in Anderson, 1984, p.321), the period from the early 1940s saw major expansion, development and modernisation of agricultural and industrial systems in the colonies. This was part of Britain's strategy to recover from the effects of the depression, to service the war effort, and to ameliorate the austerity after the war. Alien farming systems and the development of different institutions to more fully exploit colonial resources, created a growing discontentment amongst indigenous peoples, not least because they felt that their contribution to the war effort had not been appropriately recognised or rewarded. In Kenya, the discontentment had its origins even earlier. The displacement of people from tribal lands by white European farmers had caused resentment towards their agricultural hegemony and more modern land husbandry methods. Animosity and conflict over land allocation with other tribes, who were having to accommodate the mainly Kikuyu tribes' people from the displaced areas into demarked reserves, was common. There was also grievance from African Kenyan farmers. They had rallied to the call for greater production in the 1930s and 1940s but their status and importance in the post war conditions had regressed as the colonial power sought to strengthen its position in favour of the interests of the

significant, albeit minority, European settlers (Anderson, 1984). Into this mix the police, acting more towards protecting the Administration's and white settlers' interests rather than applying an equal hand, were drawn into a form of institutionalised conflict with the different tribal and ethnic groups of indigenous Kenyans.

### *The Mau Mau Emergency*

A critical point in the colonial history of Kenya, and one that would shape the development of policing throughout the 1950s and into the independence transition, was the emergency known as Mau Mau. The story of the Mau Mau has been microscopically examined by eminent authors, (including Anderson, 2012; Throup, 1987; Bennett, 2013; Leakey, 2013; Clough, 1998; Kanogo, 1987; Berman, 1991), and need not be expanded greatly here. However, the policing and security piece of the period does need to be included, because the response to Mau Mau shaped the mindset of colonial authorities, which was subsequently projected onto the attitudes, behaviours, and procedures for the police of an independent Kenya in December 1963.

The Mau Mau emergency had its origins in the younger members of the Kikuyu Central Association (KCA), becoming disgruntled at the slow progress of the elders in their campaigns for reconciliation of land allocation disputes, resolving displacement issues, and recognition for better opportunity (Lonsdale, 2006). The KCA advocated a faster, more violent agenda. The Mau Mau period effectively started in 1952 and lasted until 1957, though the aftermath of detentions and prosecutions lasted until 1960. Initially, its main features were attacks on other tribes' people and widespread

'oathing' activity<sup>19</sup> (Kanogo, 1987). Attacks and killings of white European farmers elevated Mau Mau activities to a perceived national threat, generating a demand on the colonial administration that ultimately saw the deployment of the British Army to fight the insurgency under emergency powers previously established in 1939. The emergency also witnessed the selective and rapid expansion of the different arms of the police to combat growing lawlessness in parts of the country. There were tensions, however. Anderson and Killingray point out that the army did not want to operate as civil police, and too often the police were drawn into a style of local policing that had all the hallmarks of armed coercion. It was certainly the case in Kenya that any allusion to formal civil policing was hijacked by the military response to the Mau Mau, forcing the police to become effectively armed 'support' to the army (Anderson and Killingray, 1992).<sup>20</sup> Concerns raised about the engagement of the police and the direction that policing was taking in Kenya, prompted the setting up of a colonial government 'Kenya Police Commission' in 1953.<sup>21</sup> With membership from the Colonial Office in London, the Commission's Terms of Reference included:

*To review the organisation, administration and expansion of the Kenya Police Force, together with its scope of employment and its conditions of service during the period 1<sup>st</sup> July 1945 to date. To make recommendations for the future organisation and administration of the force.*

---

<sup>19</sup> 'Oathing' in this context involves swearing, often on pain of death, to undertake an action or to protect a secret. It often involves rituals using animal blood and body parts, the idea being that compliance with the oath will be achieved through fear (Knighton, 2010).

<sup>20</sup> It should be noted however, that Anderson's later work suggested that it was less rivalry and more a desire by the Army commander, General Erskine, to distance the army from the inevitable 'dirty war' that was likely to be the hallmark of the poorly trained police and militias in their engagement with Mau Mau and its sympathisers (Anderson, 2014).

<sup>21</sup> Report of the Kenya Police Commission, 1953, contained in the Catling Papers, Bodleian library, shelf mark MSS.AFR.S.1784(21D)

The Commission's key recommendation was that that police officers should be appointed as constables, akin to the English system with common law boundaries, but primarily accountable to the law and not the government. This proposal was rejected by the Kenyan colonial government. In its response to the Commission<sup>22</sup> it said that the status of 'constable in common law' while appropriate for the home country, would not be understood by the people of the colony. Critically, the response further stated that it is the government that is responsible for keeping order and that therefore, the Governor's representatives in the country, the provincial and district officers, must be able to give direction to the police to achieve this.<sup>23</sup> Arguably, this is a most significant milestone in the identity of 'political' being ascribed to the police in Kenya. While the concept of government control was understandable in its historical context, at a stroke, the potential for the development of an autonomous, modern, civil police, answerable only to the law and not to politics, was swept away, thus creating fertile conditions for its continuance into independence a decade later and taken full advantage of in Jomo Kenyatta's post-independence Kenya (Gimode, 2007).

### *Preparing for Post-Colonial Policing*

The Commissioner of Police, Richard Catling, had been in charge for most of the period of Mau Mau and had also managed the approach to independence and the country's eventual transition. Invited to stay on after independence as Inspector

---

<sup>22</sup> Sessional Paper No 24 of 1954: 'The implementation of the recommendations of the Kenya Police Commission, 1953', Bodleian Library, Shelf Mark MSS.AFR.S.1784(21D)

<sup>23</sup> *ibid.*

General by the country's first prime minister then president, Jomo Kenyatta, Catling anticipated that he would have time under the new African leadership to continue to develop the cadre of African police officers who had shown promise and loyalty under the colonial regime to become senior leaders. These officers had been promoted into junior and middle rank leadership positions in the colonial police and were assessed as being good prospects for the future. Catling had arranged leadership and policing skills-based training courses, some conducted back in the UK at the National Police College, Bramshill, for those who had been identified as likely candidates for future high leadership positions in the police.<sup>24</sup> However, his post-independence star burned out quickly following complaints from Kenyan MPs about the presence of such a significant person from the Colonial period having such a powerful position, and he left in 1964 having served less than a year under the new regime.

### *The Birth of Independent Kenya*

Policing never exists in a vacuum. On the day of Kenyan independence, the legacies of colonial rule, including the methods and standards of colonial policing, were stamped on the expectations, competence, and capability of policing in the new Kenya. The new government, with limited experience in national administration, had to absorb the realities of the Kenyan condition. These included residual discontentment in parts of the population following the Mau Mau conflict; threats on its Eastern borders, the so called Shifta wars;<sup>25</sup> historical tribal clashes over cattle and land in the North and

---

<sup>24</sup> Catling Papers, as above

<sup>25</sup> 'Shifta' wars initially dismissed by Kenyatta as domestic disturbances. Expressions of disgruntlement by people living on the Kenya/ Somalia border, ethnically identifying themselves with Somalia and not wishing to be ruled by Africans, eventually spilled into conflict and had to be acknowledged to be an international matter by the Kenyatta government (Branch, 2011).

Northwest; and stabilising the country and addressing the often-unrealistic expectations of its newly emancipated population. As part of the inevitable juggling of dynamics and power plays in the regions, Kenyatta also had to acknowledge and accommodate the reality of the 'big men' (Daloz, 2003) influences that had managed much of the lower but no less important level of day-to-day life in Kenya under colonial rule and, to a degree, its economic business too. As Branch explains:

*'Under Kenyatta, Kenya's extraversion meant that those who were able to act as mediators could build up great wealth and influence through legal and illegal means. By the 1970s, the elite in control of the state were just as happy smuggling Ugandan coffee or ivory poached from the Maasai Mara as they were legally exporting coffee grown in Kiambu or tea from Kericho'* (2011, p.122).

The Kenyatta Kenya Africa National Union (KANU) government would also have to manage the tensions generated through the different political quarters that sprang from diverse perspectives of how the country as a whole should be constituted. Crudely, two camps of practical politics developed. The first, strongly supported by Kenyatta and his allies who held close connections to Western influenced capitalist economic and political beliefs, was a centralist structure with power held and dispensed from Nairobi. The alternative was a devolved federal-like structure for the provinces. Oginga Odinga and Danial Arap Moi were supporters of the devolved system of government, not least because they felt that the centralized model led by Kenyatta would be dominated by the Kikuyu tribe, Kenya's largest ethnic group.

However, on independence, Kenyatta's party KANU and the Kenya African Democratic Union (KADU), of which Odinga and Moi were key players, had merged, and Odinga, from the second largest ethnic group, the Luo, had been made Interior minister then later, vice president. Friction between the factions remained and eventually, Odinga resigned from the government and established the Peoples National Union (PNU) as an opposition group with himself as leader. Odinga's supporters advocated more localised control of land allocation and resource, which was the basis of the Lancaster House pre-independence discussions, and a position favoured by the British Government (Anderson, 2014). However, the existence of Odinga's party was short lived and Kenyatta effectively created a one-party state by banning the PNU as a political party, incarcerating Odinga for 18 months along the way. Kenyatta's government, while seeking to maintain an inclusive political atmosphere, had a propensity to often resort to coercive means to maintain influence. This early government approach set a tone for the behaviours of all parts of its administration, including importantly, the police.

I now turn to the dynamics of political power in the new country, and how it played out in politicising the activities of the police under three very different presidents. This is the not-so-distant hinterland of the contemporary status of the police and illuminates their preparedness and capacity to undertake major reform following the 2010 constitution.

## The Kenyatta Years

Within the government of the new Kenya, there were two political philosophies at work. Despite other differences of opinion, Kenyatta, Mboya, and initially Odinga, were united in their desire for a centrally-controlled country with power held by the well-developed and Kikuyu-led elite, together with their allies. However, other KANU members, particularly Ronald Ngala and Daniel Arap Moi (who had been appointed to limited local political representation under the colonial government), were concerned that the centralist version of the new country would undermine the conditions and opportunities of local wealth and control in the provinces. They also worried that under the centralist system, redistribution of land and resources would deprive long established communities of their opportunity for enjoying the benefits of local resources, economy and trading. Ngala and Moi broke from KANU and established the Kenya African Democratic Union (KADU). As Branch explains, the initial plans discussed in the Lancaster House negotiations, fiercely resisted by Kenyatta and KANU, were for devolved authority for provincial levels of regulation, effectively weakening the central power envisaged by KANU (Branch, 2011). Ultimately, KANU determined that they would not fight against the emphasis on devolution in the pre-independence constitution but, rather, dismantle its authority once the country was fully independent.

Despite constitutional agreement for an autonomous police force, in reality and in existing practices, Kenya took into independence a politicised police force inherited from the colonial government, that saw itself as the servant of the incumbent government, not purely the law. A year after independence, the Kenyatta government used constitutional amendments to remove police autonomy and

consolidate power into the hands of the president (Hills, 2007). Kenyatta had clearly signalled that centralising of power was to be a primary agenda item for constitutional reconstruction after independence, which would, by default, cement the politicised role of the police (Branch, 2011).

#### *Preparation for Post-Independence Stability*

In the preparation period prior to independence, the British government sought to ensure that the incoming president and government, together with the political and business elite of Kenya, would be both amenable and structured to ensure a continued beneficial relationship towards Great Britain. As Goldsworthy explains, the administrative infrastructure of Kenya was well developed and disposed towards the interest not only of the British in the homeland but also towards a significant white settler interest whose economic security had been an important consideration of the colonial government (Goldsworthy, 1982). Subsequently, two significant elements of the transition ensured that Kenya was more likely to emerge as a stable and important ally of the West after independence. The first was that the colonial government ensured that rewards for 'loyalty' were distributed to the powerful indigenous elite. The mainly Kikuyu echelon of the developing middle-class society that had remained loyal to the British during the Mau Mau crisis, enjoyed land allocation and important positioning in the pre-independence activities, thus ensuring a substantial and grateful section of the community who could be relied on to maintain good relations with the former colonial power after independence. The second, and on which Kenyatta was insistent, was for fair market prices to be paid to Europeans who chose to sell their estates and leave Kenya, and a consequent

acknowledgement and respect for the titles to land held by white settlers.<sup>26</sup> Consequently, an independent Kenya was considered to be stable. It was perceived to be devoid of the land grabbing and turmoil surrounding the exiting of the colonial power from other African countries and was to attract favourable conditions for investment and loans from external investors including the World Bank (Kyle 1999).

### *Immediate Challenges for Kenyatta's Government*

Jomo Kenyatta was almost immediately engaged in shoring up residual discontentment towards his new government. He sought British military aid to tackle threats of a coup and in particular to help manage the security in the Northern Frontier District, of the country, (NFD) where, just prior to independence, a few hundred Somali residents had taken up arms against the government in response to its refusal to allow them to secede to Somalia. In declaring a state of emergency, using the 1952 Emergency powers legislation inherited from the British after the Mau Mau episode, Kenyatta suspended normal administration and placed the NFD, (subsequent named 'the Northeastern Province' [NEP), under military control. This emulated the colonial government's special status for the Northern areas, under what Anderson refers to as '*Garrison Government*' (Anderson, 2015: 660). Never a lover of the military, Kenyatta had purged his administration of senior army officers after the mutiny of army units at Lanet<sup>27</sup> (Baynham,1990), and importantly, he removed the military from his personal bodyguard, replacing them with members of the General Service Unit, (GSU), the paramilitary police body of the Kenya Police Force (Parsons,

---

<sup>26</sup> Ochieng' estimates that between 1960 and 1968 more than 800,000 hectares of formerly European farms had been taken over for high density and low-density settlements and by 1970, two thirds of the old European mixed farm areas had been occupied by 50,000 Africans (Ochieng', 1972).

<sup>27</sup> In January 1964, the men of the 11th Battalion of the Kenya Rifles broke into the armory at Lanet Barracks and demanded a meeting with Prime Minister Jomo Kenyatta to discuss their grievances over status and pay (Parsons, 2007).

2007). Despite his concerns about the military, Kenyatta gave his blessing to the deployment of army units to the NEP with military assistance from the British. Kenyatta was content for the Kenyan military to be contained in the Northeast, far away from the centre in Nairobi with British military supervision, and focused on the ongoing threat from Somalia interests, which he initially characterised as a domestic challenge but later reconciled as being an international matter for his government to manage (Whittaker, 2015).

However, the effect on policing in the NEP was profound and persists to this day. Police officers posted to these operational areas of the Northeast were and are effectively governed by the military and national security agendas, their ability to function in civil policing terms severely constrained by military deployments, priorities, and the consequent treatment of the local populace (Anderson and Rolandson, 2015).

#### *Managing Political Discontent*

In respect of other political discontentment, Widner observes that,

*'in the immediate post-independence period, the Office of the President (Kenyatta's) moved rapidly to amend the constitution in ways that would ... limit the chances that an official opposition party would secure a significant foothold in parliament' (1992, p.68).*

One instrument to curb political opposition was the 1966 Sixth Amendment to the constitution, which empowered Kenyatta to detain political opponents without trial.

As Murunga and Nasong'o (2013) identify, the tensions between the Western capitalist orientations of Kenyatta, Mboya, Gichura, and Koinange, and the left-leaning politics of Odinga,<sup>28</sup> Kagia, and Pinto became critically fused and the difference in ideological positions were punctuated by the government's use of law enforcement agencies including the police to harass those expressing political dissent (Nasong'o and Murunga, 2013). The consequences of this power consolidation for the police were clear – since the 1950s, 'political policing' had trumped 'civilian policing' at every turn. The police would therefore continue to be used in a repressive manner inherited from the pre-independence era and developed under Kenyatta. With detention without trial, the police would become further embroiled in political 'crimes' that would displace their focus away from more traditional civil police roles. Their capacity for impartial accountability in terms of rule of law, would be compromised through the legitimacy of these constitutional amendments and other government influence, including the growing control over policing through the selection of Provincial Commissioners and Police Commanders, whose appointments, through the principle of rule by law, were personally sanctioned by the President.

### *Securing the One Party State*

However, though Kenyatta had effectively secured a one-party state by the mid-1960s, he nurtured the appearance of a balanced political condition in Kenya. As Branch and Cheeseman point out:

*'The executive enhanced its position by establishing patron-client relationships with strong local politicians who delivered*

---

<sup>28</sup> British policy leading up to independence was to split the moderates and extremists within KANU, and they were particularly concerned that Eastern-bloc countries and China would expect returns from their investment in Odinga (Kyle, 1999).

*the support of their ethnically mobilised constituents and clients. This system, which maintained regular elections to create local avenues of accountability, enabled the executive to demobilise opposition forces whilst maintaining a veneer of legitimacy'* (Branch and Cheesman, 2006, p.17).

Inevitably, the police would continue to be drawn, sometimes uncomfortably, into close proximity with politics. One of many illustrative incidents occurred in Kisumu in 1969. Politically, Kisumu was the heartland of Kenyatta's former vice-president, Oginga Odinga, from the Luo tribe, who had resigned over differences in the direction that Kenyatta was taking the country.<sup>29</sup> Kenyatta, seeking to shore up his political influence with the Luo tribe, attended the opening of the Russia hospital in Kisumu, a pet project of Odinga's. However, at the event, Kenyatta soon fell into a public row with Odinga. Some 5,000 Odinga supporters present became angry and threatening towards the President, throwing rocks and chanting pro-Odinga slogans. The police started firing live rounds and Kenyatta was bundled away. In the aftermath, at least nine people had been killed and scores more injured by the actions of the police, who, though responsible for the president's security, were nevertheless caught in the middle of a simmering political dispute that had its origins even before independence (Lamb, 1969).

In his later years Kenyatta became more intolerant of challenges to his view of the world. Jackson and Rosberg (1982) describe Kenyatta's behaviour like that of a

---

<sup>29</sup> While he resigned, he had effectively been ousted in the restructuring of the KANU government following the absorption of KADU members, where Tom Mboya had successfully tabled a motion to abolish the position of vice-president in favour of establishing 8 provincial vice presidents. (Branch: 2011)

'presidential Monarch' (1982, p.98), and that '*he carefully and jealously cultivated his role as an African King*', apparently dispensing instructions to the police and other parts of the administration as he personally saw fit (Jackson and Rosberg, 1982, p.101). His presidential 'edicts' often carried more weight than legislative deliberations from parliament, and he often favoured populist causes to support. The original constitution (Art.108[1]), gave control of the police to the president, but without guidance or institutional checks and balances other than through the police commissioner, who was the president's appointee (Hills, 2007). Hills, in explaining the attraction and advantage that presidents have in controlling the police, notes that:

*'Presidents do not want an effective or efficient police answerable to parliamentary committees or judicial enquiries (some have committed so many crimes that they cannot afford to), but they value the police as a tool for enforcing political decisions, maintaining order, regulating activities and regime representation'* (2007, p.407).

In inheriting the pre-existing conditions of control over the police enjoyed by the colonial administration, Kenyatta made good use of the legitimacy of this power - more rule by law than rule of law - in shaping the early years of the newly independent Kenya, but not necessarily for its exclusive benefit. As shown next, Kenyatta's successor, Daniel Arap Moi, in establishing his political control of the country, took the control of the police to significantly greater depths of abuse.

## The Moi Years

*'Detentions and political trials, torture, arbitrary arrests and police brutality reminiscent of the colonial era have become common during Moi's tenure. He perceives human rights generally as alien and Euro centric conceptions inconsistent with African values and culture.'* (Adar and Munyae, 2001, p.6).

If Kenyatta's political approach was inclusive, drawing regional and provincial players into a 'big tent' environment, Daniel Arap Moi was effectively a 'no tent' practitioner. Inverting Kenyatta's inclusive policy of keeping friends close and enemies closer, Moi only trusted those he had personally appointed. Kenyatta had established close collaboration with most provincial and district officials (PCs and DCs) because, though they were properly selected by the Civil Service Commission (CSC), their appointments had to be approved by the President. This meant Kenyatta effectively controlled the operational activities of the PCs and DCs, while at the same time retaining standards of professional competence through the CSC assessment process. Kenyatta knew that this professional standard of civil servant was important because in the provinces, as part of the overall stabilising of the country, the PCs and DCs controlled the police, a feature of the exercise of power that subsequently, Moi failed to fully grasp.

While the structure of the representative architecture was constitutionally established, the realities of Kenya politics meant that Kenyatta's close family and friends held not only key positions in the independence government, but were part of the 'big men' elites who were prosperous landowners and businessmen, courtesy of

elements of the Lancaster House negotiations. Moi, a Tugen and part of the Kalenjin ethnic group, was not part of the Kikuyu elite but had been appointed into the deputy president role in 1966 by Kenyatta as part of a plan to keep 'enemies' close.

Several years prior to Kenyatta's death, other members of the political elite were expressing discomfort at the possibility of a non-Kikuyu being appointed, which would allow power to leach outside of the Kikuyu elite to someone like Moi. This thread ran alongside some discontent that Kenyatta had lost his way in the final years following his 1969 stroke, so the resistance to Moi was far from unanimous. It was critical for Moi's presidency to retain not only of support in the centre, but also the significant power that Kenyatta had developed in the provinces through patronage and sponsorship, which Moi, as an outsider, would not automatically inherit (Branch, 2011). Moi's concept of *Nyoya*, (Swahili for 'footsteps'), where he would follow the principles laid down by Kenyatta, initially attracted support. However, his adherence to this was short lived. His actual approach was to neutralise the resisters that Kenyatta had embraced into the 'tent' and to appoint only his loyal supporters to key positions, whether qualified or not. In the case of the CSC and its role in assessing and appointing provincial and district administrators, Moi chose to emasculate it, first structurally then financially so that its influence and independence withered, and it no longer played its previous objective role in selecting qualified candidates.

### *Moi's Political Cleansing*

On the 1st of August 1982 there was an attempted military coup by some junior Kenya Air Force (KAF) officers. It was put down with an estimated loss of 600 to 1,800 lives.<sup>30</sup> The attempt gave Moi the legitimacy to mete out rough justice to the protagonists; some 2,000 members of the Air Force were arrested and over 1,000 charged with sedition. Following the failed coup, Moi conducted a purge of the upper echelons of the security forces, replacing the inherited Kenyatta acolytes with his own trusted appointees. The national police chief and the head of the GSU, despite them playing crucial roles in disrupting the coup, did not escape the clean-out and both were promptly sacked (Branch, 2011). It also gave Moi the excuse to accelerate his acquisition of broader control of the state apparatus and to solidify his authoritarian rule. Between 1982 and 1988, he gradually neutralised dissenting voices in parliament, effectively making the institution subordinate to the Executive. Limitations on the independence of the judiciary and the removal of security of tenure of the Attorney General and other senior judges were also introduced by Constitutional amendments in 1986 and 1988. Parliament, effectively under the control of the executive arm of the government, did not resist, with the consequence that meaningful oversight and control over excesses of the executive no longer existed (Adar and Munyae, 2001).

Such was his determination to consolidate personal power, that long after the 1982 coup had been quelled, Moi's political opponents, and even those who had no recognisable connection to anti-Moi practice other than quietly spoken dissent, were

---

<sup>30</sup> Adar & Munyae (2001) claim this number, though Branch (2011), suggests it was more like 200 airmen and civilians killed and some 500 injured.

relentlessly pursued, detained, tortured and often killed. The 'democracy of the police boots and the torture chamber' described by the Mwakenya dissident group (Branch, 2011, p.161), is illustrative of the formalising of detention without warrant and torturing as part of Moi's presidential predilections for personal power over that sanctioned by law makers in parliament. The parliamentary - sanctioned rule of law as it had existed in a patchy fashion, was replaced by abuse that went even beyond the rule by law seen under Kenyatta. Now 'law' was whatever President Moi determined at any particular time, and for any particular circumstance. His presidential powers had been extended to a level of authoritarianism that expressed extremes of oppression. Perhaps the epitome of the formalising of this abuse was the December 1983 establishment of Nyayo House, which was manifestly run as a torture centre by the police Special Branch and in which:

*'Over the next eight years up to two thousand Kenyans  
underwent interrogation and torture in the fourteen cells'*

(Branch, 2011, p.162).

Political rivals of Moi, including Raila Odinga, son of ousted vice president, Oginga Odinga, were incarcerated in the lead up to the '*saba saba*' (Swahili for 7/7), July 1990 demonstration that was held in central Nairobi to call for greater democratic representation in the upcoming 1992 elections. Moi instructed his officials to crack down on the demonstration and the resulting deadly clashes with the police lasted over two days and spread throughout Nairobi and to other population centres. Transport drivers went on strike in support of the demonstration and Moi gave authority for lethal force to be used by the police to put down the protest. At the

end, over 20 people were dead and over 1,000 had been arrested. Contrary to the hopes of the pro-democracy supporters who thought that the event would provoke change, Moi tightened his grip.

#### *Multi-Party Politics Reinstated*

Multi-party politics were, however, reintroduced to Kenya in 1991 after 31 years. Their reinstatement was strongly attributed to donor pressure following the 1990 Paris conference where donors imposed a six-month suspension of their multi-million dollar funding for aid in recipient countries, stating that new aid would be based on clear progress in implementing economic and social reforms (Branch, 2011). However, in acquiescing to the demand for political change in Kenya, Moi also saw the opportunity to retain internal power within the existing political structure using the remaining coercive legislation, and exercised his control of the police to curb the aspirations of the emergent 'authorised' opposition parties, whose fragmentation and dysfunctional organisation split the opposition vote, and allowed him to win the 1992 'democratic' election (Branch, 2011). Following this electoral success, the phenomenon of informal repression, usually disguised as responses to ethnic or land disputes, was visited on the population in the new political paradigm. The application of violence was not exclusive to the state apparatus of police and security forces. It was shared with militias and other support groups belonging to politicians and other big men, to influence political or social advantage.

#### *Political Opposition Exposed: Consequences*

The establishment of multi-party politics and the consequent 'permitted' criticism of his rule, gave Moi the opportunity to use both state and, through gangs of thugs he

recruited, non-state violence against the emergent political groups that he could now readily identify and treat as threats to his rule. To strengthen his hold on power, Moi clearly began using coercion in new, shocking and unprecedented ways, legitimizing the fostering of disorder through presidential decree as a way of weakening his enemies. The legacy of the disorder he created was to prove significant well after he was gone.

Although Moi made some presidential concessions in the mid-decade, as in 1996 when a Standing Committee on Human Rights was established, Kenya's political system remained that of a one-party state reliant on police complicity and violence (Hills, 2007). The Kenya Human Rights Commission estimated that between 1991 and 1996 some 1,500 people were killed and over 300,000 displaced, in circumstances that could be attributed to political 'adjustments' to communities, ethnic groups and regions by some of the newly-created, legitimate, opposition political parties (KHRC, 1998).

Initially, Moi's appointment had been greeted with some optimism, particularly among the university student body that had endured a fractured relationship with Kenyatta. Initially he courted the universities by liberalising the rules for lecturers to engage in consultancy work while retaining their government salaries, but the austerity measures engendered by the failing economy and the conditions set by the IMF and the World Bank for loans, soon turned the academic world of student and lecturer alike against him (Branch, 2011). Moi took a harsh stand against the universities and when his approach was questioned in parliament, MPs were threatened. On a reduced majority, but again with a fragmented opposition, Moi won

the 1997 election and his crackdown on opposition parties, using the now well established, personally politicised police as well as gangs, was harsh. Adar and Munyae (2001) give examples of politically motivated state violence drawn from the 1999 U.S. State Department's report on human rights in Kenya, and Amnesty International's 1997 reports on human rights abuses:

*in May 1998, a meeting by KANU and opposition MPs at Kwanza (Rift Valley Province) was declared illegal. The police beat politicians, journalists, and the general public to prevent the rally. A subsequent opposition public meeting was invaded by thirty armed raiders. The police reportedly did nothing to stop the raiders ...*

*On January 16, 1999, during vote counting of a by-election in Eastern Province, police used wooden clubs and batons to disperse a crowd outside the vote counting hall. They were protesting the announcement of a narrow victory by the KANU candidate based on the counting of the contested ballot boxes. The police entered the hall and beat up opposition MPs ...*

*On June 10, 1999, police resorted to tear gas and force to break up a public rally by KANU and opposition MPs at Machakos, Eastern Province, who had met to discuss issues of concern to the Kamba people' (Adar and Munyae, 2001, p.11).*

In each of the above cases, police brutality was directed towards elected leaders who were present to discuss constituency problems, but the government perceived that as criticism and the police put the gatherings down with impunity.

The late 1990s saw a weakening of the KANU government because of factional splits within the party. Much of this was along ethnic lines, and it saw the emergence of new factional political parties. In contrast, the opposition in parliament became more and more stable. Whereas the early years of Moi's presidency had seen a rapid deterioration of any vestige of democratic process, with detention without charge becoming a favoured method of neutralising dissent towards the Moi government, the constitutional changes post 1992 that would only allow him two further terms in office generated agitation for constitutional change. It also prompted changes of position regarding his likely successor several years before the next election in 2002.

The pursuit of 'order' in the country and the violent suppression of dissent particularly towards political opponents, had been the hall mark of Moi's presidency since the early 1980s. But so too had corruption. Most infamous was the Goldenberg Scandal, a scheme designed to reward exporters if they exchanged their currency earned into Kenya shillings (Branch, 2011). Within the scheme, there was also a programme of credits to cover the period between spend and payment. Goldenberg secured the exclusive rights for export of gold and diamonds by promising that the government would secure \$50 million in the transactions – this despite the fact that Kenya had no gold nor diamonds to export. The frauds conducted with complicity of government officials was breath-taking, at one stage accounting for, '*... 7% of money circulating in the Kenya economy*' (Branch, 2011:219). The 24 years of Moi's rule revealed

systematic corruption at every level, in parliament, government, administration, in the economy and in society (Hornsby, 2012). His dispensing with the CSC in favour of personal appointees as well as his suppression of political opposition by deploying gangs to administer violence with ostensibly state authority, are illustrations of abuse even beyond the rule by law powers afforded to him by the vehicle of presidential decree. The exercising of personal coercive power by Moi, as opposed to the publicly scrutinised parliamentary rule of law, bordered on criminal behaviour.

In the case of the police, beyond the arbitrary use of their capacity for violence in questionable support of the Moi agenda, it is difficult to imagine any new recruit, or an officer nominated for promotion during the 1980s and 90s, being immune to the influence of this 'Moi' condition. Recruitment, retention, promotion, transfer, and other matters affecting officers, both junior and senior, were likely to be controlled not by the proper use of established regulations and management systems but, rather, by the whims, ethnic preferences or just plain corruption of (a sometimes less than professionally qualified) superior.<sup>31</sup> There is a high probability that over the twenty-four years of his rule, a significant number of senior police officers were in their positions because they enjoyed the patronage of the president, rather than through professional competence. It is also likely that these officers would not question or refuse to act when, for instance, they were directed to use force to break up a gathering or meeting that the government (that is to say, Moi) considered undesirable, whether against the rule of law or not.

---

<sup>31</sup> Informal conversations with serving senior police officers who described the system of a 50,000 Kenya shilling payment by families of potential recruits to local senior officers for a 'bypass' in the police recruiting process, facilitating direct entry into the recruit training schools.

It is against this backcloth that part of the primary research section of this thesis examines the ability or otherwise of the police who were recruited, appointed and promoted in the Moi era to influence or initiate self-generated reform. After decades of the inculcation of corrupt and oppressive behaviours, it is unsurprising that it is the legacy of the police organisation of the Moi years that is found wanting in the post-election violence of 2007/8. I find that when the police organisation as a whole, and some parts like Special Branch in particular, were implicated in operationalising the abuses in the oppressive rule of Daniel Arap Moi, it is challenging to find the confidence, professionalism and practical competence in sufficient quantity amongst the police at all ranks to realise the reforms envisaged in 2010.

## The Kibaki Years

Remarkable in recent African history, following Moi's repressive decades of rule, he exited office not through coup, escape from the country, or assassination, but via the ballot box, such was the majority that Kibaki had secured in his 2002 presidential bid. Mwai Kibaki succeeded Moi by defeating a weakened KANU, under the umbrella of the National Alliance Rainbow Coalition, (NARC). Kibaki was assisted in developing a strong opposition candidature by the defection of key senior players from Moi's KANU, including Raila Odinga, principally because Moi had selected Uhuru Kenyatta as his successor to the presidency, ignoring strong demands from KANU members to ballot for a candidate. Even as the end of his reign neared, in supporting Kenyatta, Moi was seeking to manipulate the outcome of the election by splitting the Kikuyu vote that, with the Kalenjin electorate, would allow Kenyatta to win against Kibaki.

The binding factors holding NARC together was a collective determination to defeat KANU and to institute constitutional reform. In particular, Odinga's support for Kibaki was based on a memorandum of understanding that after the election, the Kibaki government reforms would create the role of prime minister, to which Odinga would be appointed in a constitutional change that would include a directly elected president, Kibaki. As Muranga and Nasong'o explain:

*'the coalition was a reaction against trends in KANU, not least Moi's 'imperial presidency', and not a result of a well-thought-out political programme aimed at instituting a long-lasting alliance' (2006, p.11).*

However, having won the election, Kibaki's enthusiasm for major constitutional change waned. The big question for the country and for the Kibaki regime was, how different would it be from the repressive years of Moi? Would there be a shift away from the harmful and damaging abuse of authority that had characterised Moi's rule? Importantly, would the government's policies and priorities direct the police — the most visible of the culpable enforcement agencies under Moi — to change its behaviour? As I show in Chapters 5 and 6, though professing the need for reform, the police did not easily shed the habits of corruption and violence consolidated over two decades of Moi rule.

#### *Kibaki's Encouraging Start*

Between 2002 and 2007, the Kibaki government oversaw a significant expansion of civil liberties and political freedoms (Press, 2012). Certainly, the initial steps by Kibaki, Kenya's longest serving parliamentarian, were received with great support and

expectation within the country. As the new school year started in 2003, 1.3 million children took advantage of free places in state primary schools as Kibaki fulfilled one of his election promises of scrapping school fees. There was a clear out of judges and civil servants who had found succour in the Moi years, and Kibaki's appointment of the anti-corruption activist, John Githongo, as Permanent Secretary for Governance and Ethics was seen as a positive signal for the anti-corruption platform and welcomed in the country.<sup>32</sup> Githongo wrote:

*'By February 2003 we had seen the establishment of a Ministry of Justice and Constitutional Affairs, a Department of Governance and Ethics in the Office of the President, and a Cabinet Committee on Anti-Corruption that was established at the first Cabinet meeting. The Kenya Anti-Corruption Commission was strengthened with specific legislation in May 2004; a Kenya National Commission on Human Rights was established; the Department of Public Prosecutions was strengthened to create units dedicated to the prosecution of corruption and money laundering; Special Anti-Corruption Courts were established'* (2008, p.361).

Public debate about politics was healthy and the NGO sector boomed (Branch, 2011). Following the coincidental publishing of a 2002 United Nations survey of victims that found that, *'over one third of all crimes committed in the country were attributable to police criminality'* (Press, 2012, p.450), in 2004, Kibaki terminated the police

---

<sup>32</sup> Conversations with senior police officers in 2017 confirmed that after the 2008 violence and the subsequent calm, definite changes happened at a local level where for example, traditional bribes paid to the police by motorists stopped being made.

commissioner's appointment, and appointed a former army brigadier, Mohammed Hussein Ali, as the new commissioner of the police. This was seen as a positive step towards 'gripping' the police to become more effective against crime, and less corrupt. Encouraged by the setting up of a government task force on police reform, the police launched a strategic review and plan in 2003 and openly discussed the need to rid its ranks of corrupt officers (Hills, 2008). However, nothing really changed, and by 2004:

*'Donor countries and agencies openly expressed their concern about the government's failure to address high-level corruption and take legal action against Moi' (Hills, 2008, p.239).*

Police violence continued. For example, in response to vigilante activities by the gang known as 'Mungiki', police initiated a retaliatory crackdown, adopting a shoot to kill policy. According to Press,

*'police may have killed as many as 500 suspected Mungiki members between June and October 2007' (2012, p.450).*

#### *Deterioration of Kibaki's Presidency*

The reason for the gradual failure of Kibaki's government is revealing. As part of Jomo Kenyatta's Mount Kenya Kikuyu group at the dawn of the new Kenya, Kibaki's appointment was welcomed by this elite establishment. Given that the pre-election power sharing agreement had been to remove the excesses of Moi, a Kalenjin, the elite deemed it no longer necessary to share power with Odinga, a Luo, now that one

of their own, Kibaki, a Kikuyu, was back in charge. Consequently, Kibaki delayed the discussions on major constitutional reform. What had been seen as such an essential part of the pre-election harmonising of the political heavy weights that made up NARC, was now less important. Kibaki reneged on the deal with Odinga, stating that the government would be weakened if there were two centres of power – the very situation NARC had argued was needed to thwart the Moi inheritance. It was not until July 2005 that a much watered down version of previous constitutional reform recommendations was pushed through parliament by the opposition, due in no small part to demands not only from the opposition but also a very agitated international community.

The failure to address the power sharing of the NARC manifesto prompted protest around the country and it sowed the seeds of discontent that led ultimately to failures in the 2007 election process and its subsequent unprecedented scales of violence (Branch, 2011). However, two major areas of concern would ultimately undermine Kibaki, both governmentally and personally, and both would have their origins in the zero-sum political conditions that had been the characteristic of Kenyan politics since independence.

The first concern was the Anglo Leasing corruption scandal. Top government officials were alleged to have benefitted from hundreds of millions of dollars of inflated government contracts for security-related services that were fraudulently let. While it started in the Moi era, the fraud and the benefits continued under Kibaki's presidency until they were revealed by Githongo in 2004. The second was the failure to curb localised and armed violence in the country. While at first glance there was little

relationship between these two issues, deeper examination reveals that the common factor in each was the effect of corrupt political affiliations and arrangements that had directly and indirectly put Kibaki in power. In the absence of strong presidential commitment, the police were powerless to take effective steps to reform themselves and, in consequence of the neglect during the Moi years of professional investment in the selection, promotion and development of officers to key positions within the police, the organisation was incompetent to deal with the violence and the crimes that continued to plague the country.

Politics in Kenya was always a moving feast of alliances, groupings, and adjustments, based on perceived benefits rather than policy or programme interests. The state resources are used by the political elite to maintain power and deny rivals access to the 'trough', in what Mueller describes as 'zero-sum ethnic politics' (Mueller, 2008, p.201). As Muranga and Nasang'o elaborate:

*'In this scheme of things, the President and his close associates, invariably from his ethno-region, have unfettered access to state resources. The rest can access state resources only at the pleasure of the former. This reality has promoted the culture of patronage politics, cronyism, personal rule, and the concomitant malaise of corruption and kleptocracy that have characterised Kenyan politics since independence' (2006, p.10).*

### *The Challenge of Corruption*

The interests of the Kikuyu elite had, therefore, to be protected. Many of their political figures, some former KANU members of Moi's government, were now serving

in Kibaki's government or were part of its broader administration. Prior to shifting to support Kibaki when KANU's light was fading, some had previously held similar positions in the Moi regime and were responsible for the high-level corruption that Kibaki's initiatives were claiming to be rooting out. Political precedent had an expectation that, despite their corruption, the electoral support given by these politicians and officials would be appropriately rewarded. It would be political suicide therefore, for Kibaki to pursue them with vigour, even when it was found that the Anglo Leasing scandal was still very active under his watch. In commenting that corruption consumed 8% of Kenya's GDP, the British High Commissioner, Edward Clay, accused Kibaki's government of eating, 'like gluttons' that caused them, 'to vomit all over our shoes' (Branch, 2011, p.253). By July 2004, Kibaki's anti-corruption agenda lay in tatters and diplomatic relations with donors were in crisis.

#### *The Challenge of Violence*

Kibaki faced the same conundrum with violence in the country. While it had always been present, there had been an acceleration of non-state capacity for violence in 1991 when Moi was faced with the prospect of multi-party elections, which he hated. In order to retain the reins of power,

*'he hired gangs to displace and kill those opposed to him in key electoral areas. Dead and displaced people don't vote'*

(Mueller, 2008, p.189).

Whereas under Moi, people had feared active repressive measures from the state through police action, and political rivalries were addressed by violence from armed groups and militias loyal to local politicians, under Kibaki it was the absence of state

action that angered the country. The government, and therefore the police, had neither disarmed local communities nor taken steps to reduce the chances of violent conflicts breaking out (Branch, 2011). As Mueller points out, the capacity of extra-state violence perpetrated by politicians' 'goon squads' and groups of thugs that killed and displaced rivals or inconvenient people,

*'had not been checked, had trickled down into the general population, and was out of control and ready to be tapped on call in a variety of ways'* (Mueller, 2008, p.188).

Kibaki did not seem to want to acknowledge that non-state violence in the country had been redirected and that it was now being used by gangs to settle business disputes, to undertake cattle rustling, and in places, was undermining the economy by generating millions of shillings through extortion of the general population. Following the time-honoured tradition of following the directions of the powerful elite, the police took little action, being either complicit, incompetent, or both.

### *Origins of Gangs*

The origins of this violence are important to understand in the context of the Kibaki conundrum. Many of the gangs and militias were created after the advent of multi-party politics in 1991. Formed either by Moi, to advance his preservation of power, or by opposition MPs for their own protection, the gangs and militias quickly absorbed discontented youth and grew to become formidable criminal gangs.<sup>33</sup> In exchange for political patronage, gangs were able to expand into successful criminal entities. In

---

<sup>33</sup> For example, Mungiki, (the multitude) had its origins in disaffected Kikuyu youth seeking to protect Kikuyu identity against Kalenjin; the Baghdad Boys and the Taliban were formed to protect Luo politicians in Kisumu and Nairobi (Branch, 2011).

Nairobi for instance, gangs controlled different parts of the city. They ran protection rackets that the police were incapable of dealing with, they, the police, being, '*corrupt to the point of being indistinguishable from the criminals*' (Branch, 2011, p.238). The gangs demanded 'tax' payments from the *matatu*<sup>34</sup> drivers to use the transport routes they controlled, as well as other protection schemes for businesses. Inevitably, this led to turf wars between different gangs for control of lucrative territory. The Mungiki gang became so powerful that in parts of Nairobi, their vigilantism offered both protection and retribution, effectively replacing the absent police and creating an almost shadow authority in the city (Rasmussen, 2017). Many of the same politicians and officials who had looked to Mungiki and other groups for protection or to carry out attacks on rivals in the Moi era, were now part of the Kibaki government. Like the situation with corruption, it would be difficult for Kibaki to act against those who supported him.

However, on election, Kibaki had outlawed Mungiki itself. So how did this affect the police and the application of state violence? Initially, as Branch (2011) concluded, the police were impotent. However, in response to growing discontentment in the country and criticism of Kibaki about the lack of security, the police were directed to be more robust. In the mid 2000's, no doubt encouraged by Kibaki's belated reaction, the police adopted a shoot-to-kill policy with regards to members of Mungiki and their criminal enterprises. This condition then extended, and the police acted with impunity more generally against gangs and other criminal groups. Press (2012) refers to the report of the Kenya National Commission on Human Rights (KNCH), a government agency, in claiming that police may have killed as many as five hundred

---

<sup>34</sup> Private minibuses and buses.

suspected Mungiki members between June and October 2007 (Press, 2012). Both Press, (2012) and Ruteere (2011) go further in identifying that the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions concluded after his 2008 Kenya mission that the Kenyan police were operating death squads tasked to eliminate suspected Mungiki members.

Given the impunity that was apparent, it is not unreasonable to speculate that if the police targeted Mungiki members for killing, then other criminals or even non criminals might attract the same attention and consequences, particularly if the police felt that they could act with same impunity. Indeed, it is a view held within elements of the police that police violence and killings continued throughout the Kibaki era. It was suggested that eliminating criminals was legitimised in what can be described as a form of 'noble cause' corruption, the police responding on the one hand to criticism of the belated presidential reaction to previously neglected violence in the country, and on the other, compensating in part for the absence of effective judicial remedy through prosecutions and the courts.<sup>35</sup> These claims are explored as part of the later primary research interviews in Chapters 6 and 7 that explore the realities of initiating reforms that meet the expectations of the new constitution at the point of service delivery.

## The Post-Election Violence 2007/8 and Its Aftermath

Violence is a constant companion of Kenyan politics, which had, in one way or another, been habitually contained, even when there were predictable intensities of

---

<sup>35</sup> Informal conversations with senior police officers, Nairobi 2014.

violence potential around key occasions like elections or rallies. However, the growing consensus of disappointment and the signals of discontent in the population during President Kibaki's first term were clear to see. There was no expectation that the outcome of the 2007/8 elections would plunge the country into a depth of conflict that would surpass previous experiences of violence. Nor that it would threaten to collapse into a condition bordering on civil war.

President Kibaki did not pursue corruption and violent crime with vigour, ultimately leaving the nation disappointed and disillusioned. Failure to win a referendum on the constitutional reform proposals in 2005, and not acting on the anti-corruption inquiry and report prepared by former journalist and head of Transparency International in Kenya, John Githongo, revealed Kibaki's weakness as a deliverer of reform (Wrong, 2009). There was an absence of strong leadership to shape and drive government reform. In particular, that of the police, which had suffered decades of neglect in professional development and scales of nepotism that had left it weak, vulnerable, and incompetent to address the malaise and violence of crime across the country, which had brought the population to the brink of both despair and anger.

At the December 2007 election, where he sought a second term, Kibaki's reform rhetoric had a hollow ring, and this time, his erstwhile running mate of 2002, Raila Odinga, was a strong alternative candidate for the presidency. Essentially, the country had now experienced nearly 30 years of overt corruption and violence. Opportunities for growth were stunted and an expanding youth population was frustrated at the lack of opportunity for them while they could see select sections of the elite 'eating' heartily. For many, therefore, the 2007 election was to be a rejection

of the Kibaki and previously, the Moi terms, rather than the embracing of Odinga as a saviour that was the main driver. A win for Kibaki would be an unacceptable endorsement of an unpalatable *status quo*.

After a very close race where subsequent independent enquiries into the election processes found malpractice from both the Kibaki and Odinga camps, Kibaki claimed victory. On 30th December, Kibaki was hastily sworn in as president, sparking disturbance in different parts of the country from Odinga's ODM followers amid claims that the Electoral Commission of Kenya (ECK) had rigged the presidential elections. This generated a violent reaction that bled into the early months of 2008, now commonly referred to as post-election violence (PEV). As I describe in Chapter 5, the PEV not only shook Kenya, but had a profound impact of the rest of the world too. Would Kenya, the erstwhile stable African post-colonial state, succumb to the ravages of inter-ethnic and tribal strife that had occurred in so many other African countries, or could it find a way of managing and reconciling its differences and restore an acceptable peace? The international community wanted to contribute to the latter outcome and as I outline later in Chapter 5, their engagement brought accomplished statesmen to Kenya to support the effort to help find a remedy for peace in the country.

## Conclusion

While not exhaustive, this chapter has set out the historical background of colonial policing in Africa and examines the particular story of pre- and post-colonial conditions in Kenya. It reviewed the events, standards and templates of colonial rule inherited

by the new independent Kenya, particularly those that shaped the police. It explored how the regimes of each of the country's three presidents were influenced by the political and social demands of maintaining power in Kenya, and in each case, it explained how, through direct and indirect presidential interventions, the police were principally political instruments, susceptible to corrupt practice and used for both state-sponsored and extra-judicial violence. It collated accounts of the experiences of the three different presidencies and explains how on the eve of the 2007 elections, the failures of five years of the Kibaki government to sustain its early assaults on corruption and violent crime, spawned discontentment in the population. A further five years of Kibaki's reign had dashed the hopes of almost half the population, who consequently rose up in protest and violence that permeated the country for almost 4 months in early 2008.

The thread that has run through this chapter is that because of the inherited political structure and the subsequent pursuit by the respective presidents of personal power, the police inevitably responded to the influence of political rule as opposed to being autonomously accountable to properly constituted legislation. This is not unique in post-colonial conditions. But up until 2008, there was an unconscious confidence that in Kenya, despite sporadic episodes of violence associated with diverse political affiliations, the country was somehow immune to the internal divisiveness that plagued most other African states. However, in acknowledging that policing standards in developing democracies such as Kenya rarely fully embrace liberal ideals, it is worth restating Hills' point that,

*'police standards reflect the social and political order sustaining them ... there can be no genuine reform without political reform, yet most reform projects require that the police should be made accountable to civilian authorities while ignoring the reality that police are already accountable to political elites. For such reasons, the prospects for genuine lasting reform are questionable'* (Hills, 2008, p.257).

While this is not a comment as to the 'rightness' or 'wrongness' of that condition in Kenya, the historical evidence does start to shape the expectations of what is possible in respect of police reform in Kenya, conditions which are explored later in the thesis.

## Chapter 3: A Framework for Thinking about Police Reform

*'Policing is, in short, closely bound up with how political order and identity are represented and imagined'* (Anderson 1991, p.40).

In this chapter I identify criminological literature relevant to police reform that underpins my research exploration on the possibilities and potential impediments for police reform in Kenya. I also draw on colonial history literature relevant to the context of the development of the independent State of Kenya and within that, the progress of its approach to rule of law, police, and policing. I explore the philosophical, cultural, policy and strategic aspects of policing and examine the context of policing as a component of bureaucracy and governance.

It should be said at this stage that an ideal literature review on the varied forms of policing that developed through colonialism, would tell the story of 19th Century policing from the vantage point of the British and other colonising countries. But the limitations of literature to draw on in that area would require a work of synthesis, grafting together a portrait of policing from a myriad scattered history of other things, and that it is beyond the scope of this work. That said, I do however, acknowledge Anderson and Killingray's (2014) end-of-empire observations, in which they describe the flow of exported police experiences out to the colonies, the refinements of those experiences *in situ* through adjustment to the local conditions, and then the reintroduction into the domestic and the colonial melting pot of these refined experiences as officers returned to the UK policing world or who moved to different

parts of the empire on transfer or promotion. This is expanded in Behrend *et al.*'s (2014) analysis of 'travel' models of policing and Rottenburg's (2014) explanation of 'translation' of practices from original to new environments.

I also explore more broadly Bierschenk's (2017) work and the extent to which postcolonial African policing is indebted to its colonial legacies for current policing methods and attitudes, some of which enhance the contemporary conditions, while others debilitate them.

The chapter is in four parts: First, I analyse the advent of modern police and policing and show the emergence of a scholarly field exploring policing from the 1960s, which emerged as an arm of broader academic social commentary (Reith, 1956; Bittner 1970). I explore the narrative that emerged about the 'why' and 'how' of policing that was an early illustration of an expansion of scholarship seeking to understand what police actually do, against a backcloth of complaint relating to inequitable and sometimes prejudicial deployments of policing resources.

Second, I explore the Anglophone literature (Reiner, 1985; Brogden, 1987; Bayley and Shearing, 1996; Skogan, 2008) that discusses the evolution of western policing styles and their relationships to evolving political and social environments, particularly that relating to accountability and oversight. This provides a backcloth to the policing models that were subsequently exported to other states under the rubric of police reform.

Third, I assess the growth and efficacy in exporting western liberal democratic policing policies and practices to foreign countries, drawing on Fukuyama's (2004) observations on the global conditions that prompt such enterprise, and Bayley's (2001

and 2005) assertion of the close relationship of the export of policing models to an extension of foreign policy. This contextualises the continuum of support offered by donor countries, ranging from basic recovery and stabilization activities offered to states emerging from conflict or other crisis, to those states for whom closer collaboration with donor countries offers significant and mutual benefit.

Fourth, to understand the context of contemporary policing in Kenya, I include the effect of imported colonial policing practices in Africa, relating to what Behrends, *et al.* (2014) refer to as 'travel models', an expansion of what Rottenburg (2009) calls 'translation', and I examine Hill's (2014) concept of 'policeness' and its context according to where the observation of the specific policing activity is conducted. I assert that considering the factors that are revealed in this last section, donors will probably fail to recognise that the model they export will experience the effects of both 'travel' and 'translation' before it is manifested in the expressed version in the recipient environment.

## Origins of Contemporary Police

Formal police forces emerged across the UK from the mid-19th Century after the legislative template, fashioned by Home Secretary Robert Peel's 1829 Metropolitan Police Act, created a professional police force for London. This provided a foundation stone for the structure of the subsequent development of police forces in the United Kingdom and in other Anglophone countries.<sup>36</sup> Similarly, in the United States,

---

<sup>36</sup> Relative to the subsequent influence of UK policing in the Colonial Empire, it is important to note that before the partition of Ireland in 1922, there had been an Irish Constabulary (later the Royal Irish Constabulary) since 1822. This was an armed organisation that policed rural parts of Ireland, with police officers based in barracks, as distinct from Peel's 1829 unarmed civilian police that operated in

municipal police departments based on common law principles were being developed to manage the demands brought about by the growth of urban centres of population.<sup>37</sup> The initial framework developed for democratic policing in the mid-19th century was subsequently refined, and became the basis of models of policing which were later 'exported' to recipient countries in the 20th Century.

The early western literature on the police, extracted from writings on broader sociological conditions, consequently emerged from both America and Britain (e.g., Jeffries, 1952; Smith, 1960; Goldstein, 1967; Critchley, 1967). Academic examination of contemporary policing and the subsequent imperatives to develop or 'update' the police (Bittner, 1970), have their origins in the expansion of social science research in the English-speaking West that gained influence in mid-20th century (Goldstein, 1967; Skogan 1978; Brogden, 1987). Although the UK and the US are very different contexts from that of contemporary Kenya, this literature is nevertheless relevant because it provides a backcloth to the policing frameworks that were and are exported to recipient countries, shaping policing structures and practices worldwide.

As schools of thought relating to the activities of the bodies called 'police' developed, there was also recognition that elements of policing often extended beyond the limits of just the formal police. In Kenya, while there were a number of agencies with policing powers (including the Kenya Wildlife Service, National Intelligence Agency,

---

urban areas.

<sup>37</sup>

In 1850s America, private bodies like the Pinkerton Detective Agency investigated crimes for clients on a commercial basis (Weiss, 1986). The United States Sheriffs system, which drew its origins from the English 9th century office of 'shire reeve', were mainly appointed as peace officers under court jurisdiction and had undertaken crime investigation as part of keeping the peace long before the new urban police bodies of the 1900s were established (Struckhoff and Scott, 2003). Sheriffs continued to play an important part in countering crime and criminality, not least because the powers of the newly formed municipal police forces were usually limited to the jurisdictions that had appointed them (Bittner, 1970).

and Ethics and Anti-Corruption Commission) the 2010 Constitution focused specifically on the police as the main subject for reform.

## The Legitimacy of the Police

According to Weber's principle, the state functions on behalf of its citizens, and through its laws, it alone holds the legitimacy of exercise of force and violence in protecting its citizens. Such force is usually delegated through soldiers or police (Runciman, 1978). Consequently, in using the expression 'police reform' I refer to efforts to improve the focus, procedures and activities of a state's official bodies of police that have been established by legitimate authorities (Bittner, 1970). In acknowledging that the police may be required to use such force in the legitimate execution of their duties, Bayley and Shearing (2001) qualify this reference of monopoly of force by describing the function of policing – providing security through physical constraint - as '*a quintessential function of government*' (Bayley and Shearing, 2001, p.5). Bittner elaborates, describing policing and police as,

*'an institution with the monopoly to employ non-negotiable coercive force in situations where its use is unavoidable.'* (Bittner, 1970, p.122)

In Western democracies, the powers of police to act are often accompanied by an assumption that such powers are exercised by consent, that is, they are drawn from the principles of social contract as espoused in the 17th and 18th centuries by philosophers, including Hobbes, Locke, and Rousseau (Boucher and Kelly, 2003). In more recent times, this assumption of 'policing by consent' as part of liberal

democratic practice has been exported by Western states to other countries as part of an effort to instil a suite of values that enable the measurement of democratic progress, though as will be shown later, this assumption can be strained in actual interpretation.

The expression 'policing by consent' derives from Peel's wish for a compact between the citizen and the authorities. It was elaborated by police historian Charles Reith in his 1956 book, 'New Study of Police History'. Reflecting on the nine principles credited to Peel, he described the phrase 'policing by consent' as a philosophy of policing that was,

*'unique in history and throughout the world because it derived not from fear but almost exclusively from public co-operation with the police, induced by them designedly by behaviour which secures and maintains for them the approval, respect and affection of the public'* (UK Govt [Home Office], 2012)

These principles have become established in police history and tradition as the standards to which Peel intended his new police to aspire, though it is likely that they are more an interpretation of his intentions, and probably more attributable to Reith's translation of parliamentary accounts from a century before. However, the main tenet of police activities then as now was that of prevention of crime, and the maintenance of public tranquillity, which would be achieved through public agreement rather than through coercion or the engendering of fear. Are these Peelian principles, however arrived at, still relevant today? Not all agree. In more contemporary times, Loader (2016) challenges the efficacy of the Peelian principles to

be a realistic prescription for modern policing, describing them as *'in key respects insufficient to the challenges of urban policing today'* (2016, p.428).

However, while it is clear the principles cannot stand alone in prescribing measures to deal with the complexities of contemporary policing, if seen as an expression of fundamental values, the principles do provide a foundation upon which more direct strategies for contemporary policing might be developed, and they have a direct impact on the potential for reform in Kenya.

Scholars of police reform in developing and post-colonial nations often illustrate constraints to publicly accountable policing by emphasising the regime-protection origins and practices of the police. Examples include Nigeria (Hills, 2008; Owen, 2014; Baker, 2011), Sierra Leone (Baker, 2010), Somalia and Haiti (though in a post-conflict condition, Bayley and Perito, 2005). In addition, observations on the appropriateness of a regularly offered foundation for police reform, that of the various guises of community-oriented policing (COP), are also relevant when considering what it is about reform that donors are seeking to prioritise (Bayley and Perito, 2010; Brogden, 1987). But as an export of model policing, Brogden and Nijhar (2005) point out that:

*'The first lesson which that mass of material should teach police scholars is that the export and import of COP – whether it may be from a small homogeneous community in the United States to a dilapidated and socially divided American city, or from Newport News to Nairobi – is largely unsuccessful'* (2005: p.232)

Against the backdrop of this scholarship, the contribution my work makes to the field of police reform is to illuminate the personal views, experiences, and challenges of senior police officers trained on a strategic leadership programme, who are seeking to implement reform measures in contemporary Kenya. The senior police officers' experiences have had limited attention (though see Owens, 2017 and Diphorn, 2017), but the accounts of the officers interviewed in this thesis add valuable richness and nuance to the understanding of the reform challenges they face and can contribute to the development of significantly better interventions - and analyses of interventions - in future.

#### *What Should the Police Do? The Demands of Non-Traditional Police Business*

One of the fundamental challenges to reforming traditional police behaviour is to get beyond the assumed responsibility that the police have for crime and criminality, a condition that has been embedded in the police *raison d'être* since their modern-day construction (Bittner, 1970). The public and the police alike often default to a description of the police role as being crime fighters or waging 'war on crime'. However, the reality is, and always has been, that much police time is absorbed with non-crime issues, in particular, public security and safety in its many guises. For example, as Monkkonen (1992) explains in relation to 1890s America, in the absence of Federal and state infrastructure, local towns and counties had responsibility for citizen welfare, and the police were in the front line of the response. He states that:

*'From very early on police did something for which they had not been created: they dispensed forms of welfare in response*

*to the pressing demands of the citizen'* (Monkkonen, 1992, p.555).

Similarly, in Britain, particularly during the Second World War where police duties had extended towards war efforts, including air raid precaution and rescue, the people's reliance on the police for matters other than crime had also been assumed by the public and police alike. Post-war activities like managing lost and found children, animals and property were seen as part of a softer community security service that reinforced the non-crime fighting - but nevertheless important - role of the police. As Loader and Mulcahy have argued,

*'policing remains closely tied to people's sense of ontological security and collective identity, and capable of generating high, emotionally-charged levels of identification among citizens'*  
(2003, p.39).

From the public's perspective, a beneficial consequence of this engagement in non-crime activity, particularly the rendering of help and assistance, has contributed to reinforcing the concept of 'by consent'. It also maintains the image of the indispensable nature of the police (Monkkonen, 1992; Loader and Mulcahy, 2003). The symbolism of what the police represented to the public reflected the public's desire for safety and security. Reiner (1992) describes the 'Golden Era' of British policing, crediting the TV police patrol programme, 'Dixon of Dock Green' with presenting a summary of all that was good in the relationship between police and public, a condition that was strengthened during the war years. He argues that the

subsequent erosion of this public veneration of police was '*a long process, with its roots going back to the 1950s*' (1992, p.761).

While the public's confidence in the police has been tested in the past few decades, particularly in relation to its trustworthiness, honesty, prejudice, and exposure of criminal behaviour within its own ranks, the calls for police intervention in varied situations continue unabated. Perhaps, even with the flaws in the police organisation so exposed, the public's desire for safety and security will nevertheless continue to outweigh the impact of the police's shortcomings, a situation that is particularly relevant in the case of Kenya, which is further explored in Chapters 5 and 6.

The debate about what police should be doing is frequently revisited (Rushin and Michalski, 2020). In modern times, greater scrutiny has been placed by government and by public forums on the activities of the police. In the UK there has been a tightening of focus on UK police performance since the mid-1990s (Sharp, 2005). In the USA, recent incidents relating to deaths of mainly black men caused by police has even generated calls for the de-funding of police forces in some cities, resurrecting the debate about the purpose of police and what they should and should not deal with (Vermeer *et al*, 2020). In Kenya, however, there appears to be no equivalent institutionally-driven demand for non-traditional police business to feature prominently. Though there are examples of police officers going to the aid of lost children or dealing with mental welfare issues, and indeed, Waki's Commission report records instances of police commanders providing the protection of police stations for displaced or vulnerable people during the PEV, there is no established habit of the public calling on the police for non-traditional police business.

While crime and order are still major elements of demand on the police, non-crime or order issues consume large amounts of police resources, and it is appropriate to examine what it is that police do and how that affects the capacity of the finite resources of the police to deliver 'service'. Such diverse matters as lost children or missing persons, initial care of mentally ill or homeless people found in public places, responses to calls for assistance or welfare, whether police-related or not, seem to be ancillary to the perceived priority of crime fighting, but are nevertheless an important public service rendered by the police (Scott, 1981). While these non-crime issues are acknowledged to be an important part of policing in the public perception, in terms of the measurement of police efficiency and effectiveness, they carry less accountability weight for use of police time and resources. Measurement of police activity and judgments as to their effectiveness, are still around crime and demand statistics and the ability of the police to control or influence them. This tension was recognised in the UK HMICFRS<sup>38</sup> 2020 report on call handling.

'Call handling' is the collective term used by police to account for demands made when members of the public call on the services of the police. This is usually by phone to alert the police to an emergency or because they are involved in or have witnessed an incident that they believe the police should attend to. A high proportion of the calls made to the police relate to non-traditional police business. Calls to the police often relate to a need for services from other public bodies, or general enquires, or sometimes, just because callers are lonely and want to talk to someone. The known availability of the police 24-hours a day makes them an obvious target for a wide range of calls for assistance. But non-traditional police calls not only create a

---

<sup>38</sup> Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services.

distraction but can often prevent police resources being assigned to real emergencies. Attempts to divert calls to more appropriate bodies have been attempted, but often they fail. As the HMICFRS report acknowledges:

*'The police service set up the 101 number (telephone alternative to 999) to take (non-urgent) calls that could be dealt with not just by the police but by other organisations such as health, social care, housing, and environmental services. But other organisations withdrew their support for 101 as their funding reduced. Much of the demand on 101 now isn't police work ... people call about a housing or health need or a problem that would be better dealt with by social care' (HMICFS, 2020: 5).*

In the case of UK Forces, while there is formal acknowledgement of this tension, there is, as yet no established remedy.<sup>39</sup> As the HMICFRS 2016 report mentions:

*'There needs to be a well-informed and mature debate about what the police should be expected to do and, just as importantly, what they should not do' (HMIC Annual Report, 2016, p.18).*

The discussion about what the police should do is unlikely to abate. In the UK, the Police Foundation's 2022 report of its strategic review of policing, in calling for the establishment of a Public Safety System alongside the Criminal Justice system, states, amongst many of its recommendations that,

---

<sup>39</sup> Commissioner Sir Mark Rowley: [Metropolitan Police: Move to attend fewer mental health calls sparks alarm - BBC News](#), Accessed 29<sup>th</sup> May 2023.

*'the scale and complexity of these challenges mean that the police on their own cannot meet them. Instead, we need to take a much more systematic approach to preventing crime and harm'* (2022, p.171).

Drivers of reform are diverse. Changes in how the police act, deploy or are managed can generate significant shifts in their day-to-day activities, and these changes are often referred to as reforms. However, the distinction between these re-arrangements, which I refer to as 'Technical Modifications', and the higher-level reform that Manning (2010) refers to, relates to fairness, equity and trust in relation to how matters of justice are applied to society generally, and by extension in dealings with crime and criminals. A fundamental impediment to this pursuit of higher standards in the activities of the police for crime and justice, is their preoccupation with non-traditional police demands, which can in some cases represent *'nearly 45% of demand on police time and resources'* (Boulton *et al.*, 2017, p.77). Even the proponents of fairness and equity ideals acknowledge that the police will inevitably be subject to the influences that make up wider society, which for the foreseeable future will include non-traditional police business demands. This means that in reality, the police will inevitably fail to fully achieve the true reform that the philosophy of fairness, and equity demands in relation to crime and criminals because of the demands of other non-traditional police business.

#### *Expectations Versus Realities - What is it That Needs Reforming in the Police?*

Society expects the police to respond to its concerns, some of which, like searching for missing or vulnerable people, domestic disputes or generic 'welfare' demands, will

draw significantly on police resources. Even less-active demands can be distracting and draw on police time and resource: the listening ear and a referral to a more appropriate agency or remedy after a call to a control room being frequent examples (Reiner, 1992; Boulton *et al.*, 2017).

However, despite bodies like the HMICFRS and the Police Foundation calling for clarification of what the police should and should not be doing, authorities appear to have little appetite to disturb society's unwritten expectations of the police. Authorities, while demanding more attention to crime fighting,<sup>40</sup> seem content for the police to continue to render non crime or order services, with the occasional nod to legitimizing their involvement in these matters through arrangements like partnerships with other agencies or high-demand users of police resources, in what Boulton *et al* describe as '*non-traditional police business*' (2017, p.77). This condition is presented as part of the police's expected contribution to the overall notion of public tranquillity and community security.

While generic calls for police reform are often quite strident, specific aspects of reform tend to be demanded situationally. The calls in the U.S. for defunding of the police, following cases of fatal encounters between police and black males have an undercurrent of Manning's equity arguments.<sup>41</sup> Similarly, recent statistics in the UK revealing that only 1% of rape allegations are taken to successful prosecution, have prompted criticisms about the attitudes of police and the efficacy of investigations in

---

<sup>40</sup> <https://news.sky.com/story/police-chiefs-issue-warning-to-home-secretary-suella-braverman-following-order-to-investigate-every-theft-12949836>. Accessed 29 August 2023.

<sup>41</sup> [What Has Happened in Minneapolis Since George Floyd Was Murdered - The New York Times \(nytimes.com\)](https://www.nytimes.com/2020/06/05/us/police/george-floyd-minneapolis.html). Accessed 18 June 2023.

this particular area of crime, which has often been attributed to a culture of misogyny in some quarters of the police organisation.<sup>42</sup>

Scholars have elevated specific parts of the police role and identified them as warranting reform. Reiner (1992) refers to the erosion of trust and symbolism as being a driver of reform, while Manning (2010) examines the place and importance of justice and equity in the ethos of the police as a focus for reform effort. Bayley and Shearing (1996) describe the drivers of reform as being fear of crime, the inability of government to satisfy society's longing for security, the commodification of security, the rise of mass private property, and cultural individualism. While Bowling's interpretation of the role of the police extends its functions into a broader structure of governance, and he cautions that priorities in police activities must be reviewed from time to time, to ensure they do not overextend their mandate, because the organisation,

*'relies on vigilance, surveillance, and a constant watch backed up by the ability to employ force legitimately in the service of the existing socio-legal order'* (Bowling, 2019, p.41).

More recently, Williams and Paterson have suggested that an important question to consider in the context of a general re-shaping of society, is,

*'whether there is a sufficiently common philosophical and conceptual understanding of policing to support its*

---

<sup>42</sup> Analysis: Dr Katrin Hohl, reader in Criminology, City University. '[New scorecards show under 1% of reported rapes lead to conviction – criminologist explains why England's justice system continues to fail • City, University of London](#)' Accessed 3 May 2022.

*development rather than just a common understanding of police functions'* (2020, p.1565).

And Loader, in revisiting the mission of policing, applies an interpretative measure to the debate, pointing out that:

*'Having the police come when they are called sends a powerful signal that the state cares and contributes enormously to the lived experience of secure belonging'* (2020, p.16).

While acknowledging that the police intervention might be limited and not provide a lasting solution, he points out that *'the fair application of such solutions makes a vital contribution to people's security'* (*ibid.*) which is a fundamental part of the state's role.

These scholars indicate that the field for reform is much broader than solely that of crime related matters, suggesting that attention needs to focus as much on a philosophically and values-based platform for reform as it does on traditional policing functions.<sup>43</sup> In Kenya, the recommendations of the PEV inquiries exposed a rich seam of reform imperatives. These addressed both the functions and the values of an organisation that had not sought or been exposed to major reform since independence. Their potential for successful implementation or otherwise is explored later in Chapters 5, 6, and 7.

### *Police Reform: Just and Equitable?*

---

<sup>43</sup> While not explored in this thesis, because of the growing involvement of non-police actors in policing activities, reform considerations are probably not reserved solely for the public police.

Irrespective of their focus of attention, there is an assumption that the police will conduct themselves with equity and justice. However, as Manning (2010) asserts, that assumption overlooks the complexities of social and cultural stratification that makes up modern societies, arguing that justice and equity are neglected elements of police reform. Drawing on the philosophy of John Rawls in describing policing in the context of justice in society, Manning expounds that reform efforts will fail if the police rely solely on adjusting existing actions, or assuming that societal conditions will sustain or produce democratic order. They will, he says, *'merely dramatize and may increase present inequalities'* (Manning, 2010: xi).

Manning highlights the natural inequality in society. He dismisses as true reforms the specific efforts in police deployments like community or problem-oriented policing that have emerged over recent decades. He also doubts the reform value to the police of popular business concepts like mission statements, objectives and goals that emerged in the 1990s. There is, in his word, 'naivety' that the focus should still be on crime suppression or crime fighting, and that,

*'... because the concern has not moved beyond crime, as officially recorded or other official data such as calls for service, the assessment leaves issues of justice and equal treatment, unexamined and relevant criteria unexplored'* (Manning, 2010, p.156).

The foundation of Manning's thesis is that justice, and therefore fairness, should be available to all rather than just some - distributive rather than allocative. His argument is persuasive. However, as I show later, the standards he sets for reform,

while fundamentally important, are impractical when stated as either / or options. Even he acknowledges that society's inequalities will be ever present and that, consequently, an organisation like the police - even when it seeks to act with and reflect values of equality - will *'nevertheless be subject to inequalities of other agencies like law, funding, and expectation'* (Manning, 2010, p.xi).

Justness in policy and practice is not solely laid at the feet of the police either. Loader and Mulcahy cite the Durkheimian principle that a state:

*'should not be known for its pride, nor should it be the wealthiest or greatest but rather it should be known for being just'* (Loader and Mulcahy, 2003: 106).

In their analysis, the justice of the state should be apparent in a wide range of its functions and not merely on the capacity of the policing or justice system. This is important when considering the realities of police reform generally, and in particular in the context of Kenya.

After the 2007/8 political violence, Kenya created and adopted a strong constitution and appropriate implementation legislation, in the context of a Bill of Rights, to direct government agencies, and in particular the police, to be more accountable to the public and be expected to exercise high standards of behaviour. However, reflecting Manning's lament on inequity, policing does not exist in a vacuum. The extent to which police reform can happen in any country will be determined as much by the permission of the power holders, the habits of society, and the integrity of the broader justice system, as much as it will be by the behaviour and attitudes of the police themselves (Hills, 2012).

As I show later in Chapters 5 and 6, inequity was a major cause of internal complaint and turbulence that led to the post-election violence (PEV) in Kenya. Despite constitutional change and promises of reform behaviour, this condition of unfairness and inequity remains a slow-burning issue, susceptible to rekindling in the future, against which the success of reform measures - particularly those of the police - will be judged.

#### *Reform to Ameliorate Erosion of Trust*

In what Reiner (1992) describes as the 'golden age of policing' the British police, as a highly visible representation of authority, found that the indispensable nature of their post war activities and their relations with the public were gradually deteriorating (Loader and Walker, 2001). Part of the perceived respect that had existed between the public and the police was because policing was imbued with a sense of trust embedded in the beliefs, habits and expectations of society. But as Goldsmith outlines, trust cannot be taken for granted. Trust is fragile,

*'due to its highly contingent character in most social relations.*

*Its extent and very existence depends upon a range of factors*

*both within and outside police control' (Goldsmith, 2005,*

*p.444).*

In the pursuit of justice then, enhancing fairness and equity together with developing and maintaining trust, are offered as the foundation ingredients which generate the motivation for reform. But other drivers exist that are outside of this philosophical purview, but which are nonetheless important contributors to the reform agenda. In Kenya, the fundamental shift of emphasis in the Constitution, on which the reform

measures for the public sector are based on the citizens Bill of Rights, is discussed in Chapter 5.

The way that the public police rearrange or deploy resources for greater efficiency or effectiveness can be prompted by factors relating to social, economic, political and technical demands. However, if they are to be true reforms, then the argument that they should meet the standards in Manning's equity and justice criteria is still very persuasive. While the significant changes in police strategy and tactics that reflect contemporary society's driving factors do need to be accommodated somewhere, Manning, (2010), Stenning and Shearing, (2005) and Goldsmith (2005) are adamant that police reform requires greater distinction and a higher designation than that attributed to mere management rearrangement of resources, however sophisticated they might be. So, to accommodate these lesser but nonetheless important reshaping activities in policing, separate from higher reform where they arise, I identify them under the collective label of 'Technical Modifications' (TM), meaning reorganising, making more efficient, or repurposing existing resources and deployments of people, but within the pre-existing standards and values in the police organisation.

Developments in technology will always have a potential to affect the way policing is undertaken. For instance, the growing reliance on CCTV surveillance and facial recognition techniques to detect suspicious or criminal activity in major centres of urban population, is a TM that can supplement or substitute traditional police patrol deployments (Welsh and Farrington, 2004). Often operated by private security personnel as well as the public police, such facilities serve client needs and can also help direct the public police towards incidents that require formal intervention, or

which can contribute to crime investigations. While initially, there can be benefits to draw from such collaborative effort, McCahill (2008), cautions that there is the potential for compromising formal accountability standards required of the public police in that,

*'the construction of surveillance networks is blurring the boundaries of the 'public-private' divide along the 'sectoral', 'geographical', 'spatial', 'legal' and 'functional' dimensions (quoting Jones & Newburn, 1998), giving rise to a plural policing continuum' (McCahill, 2008: p.199).*

Political agendas can also prompt changes that are promoted as reforms. The move to Unit Beat Policing in the 1960s was hailed politically as 'reform' because the UK government, facing public demands for more accessible police, sought to create greater mobility for policing and a commensurate improvement in the ability to attend to public requirements. Newburn (2006), however, argues that conditions were rendered worse, and that the initiative,

*'was undermined by a police culture that played down the service aspects of the system and exploited the opportunities for 'action' (2008: pp.91-2).*

In the past decade, the disproportionate and deleterious engagement of police with minority ethnic communities, some of which has led to deaths of mainly black men in encounters with the police, raised political and social concerns to such an extent that calls for the police to be defunded and replaced with a different form of public security mechanism was being actively pursued in some US jurisdictions (Rushin and

Michalski, 2020). For Kenya, the Constitution has placed the policing responsibility squarely on the shoulders of the public police, but the obligation on the government to fund constitutional reforms of the police will put pressure on the public purse. It remains to be seen to what extent those pressures will affect the reform agenda of the police as their activities, and those of their oversight bodies, generate greater fiscal demands from the public purse to meet their constitutional obligations.

### *Legislation as a Driver of Reform*

Legislation can have a profound influence on the activities of the police. New legislation can extend or restrict powers of the police, while the interpretation of existing legislation can change as social conditions change. In the UK, a change in legislation that does meet Manning's justice and equity criteria of reform was the introduction of the Police and Criminal Evidence Act 1984 (PACE). This legislation had its origins in the exposure of corrupt police practices relating to collusion between detectives and major criminals in the previous decades (see Tobias, 1972). PACE fundamentally changed the accountability and the consequent behaviour of police. Previously, when dealing with someone suspected of an offence, the approach by police had been to arrest and detain unless there is a good reason not to. The PACE reversed that.

Following the principle of a right to liberty, PACE required detention only when good and lawful reason demanded it. The custody officer (a designated post usually held by a sergeant and independent of other police procedures and practices), had to be satisfied that the arrest was lawful and necessary. Next, he/she had to be satisfied

that continued detention was necessary, certifying the reasons for detention for a fixed period and accounting for the condition of the person detained. After prescribed periods of detention, it is required that a senior officer certify continued detention, and if further holding of a person is required, a Magistrate has to authorize it, both giving written account of their reasoning.

The introduction of PACE 1984 was probably the most significant piece of police reform legislation in the UK in the late 20<sup>th</sup> Century; it significantly improved citizens' rights and created more visible accountability of the police.

Loader and Mulcahy's (2003) observations on symbolism and the gradual deterioration of deference to authority, has a resonance with accusations of abuse by the police in the use of out-of-date legislation. For example, Section 4 of the Vagrancy Act 1824, otherwise known colloquially as the 'Sus law', was introduced in the UK after the Napoleonic wars as a form of 'street cleaning' legislation. Its focus was to ensure that the activities of often destitute and itinerant former soldiers from the Napoleonic wars did not trouble polite and law-abiding society. However, over time, the power exercised by the police to control these 'vagrants', morphed into a generic expression for challenging the very presence of individuals in certain places at certain times. In 1970s London, it was common for the police to use this legislation to stop or even detain people who might not have committed a specific crime but whose presence and demeanour placed them in the category of being a 'suspected person wandering abroad' or loitering with intent to commit some future crime.<sup>44</sup> Bradford's (2015) granular examination of the elements of resentment engendered towards the police for using such powers for stop and search, reinforce Manning's assertion that

---

<sup>44</sup> Personal experience as an officer in Metropolitan Police 1970-1993.

equity and fairness of attention by the police are essential in respect of distributive justice. As Bradford reveals:

*'people who experience procedurally fair stop encounters may still come away with a sense of injustice based on distributive criteria, most notably, perhaps, if they have experienced a large number of such encounters in the past'* (2015, p.107).

The value of Section 4 as preventive legislation was strongly argued from the police side whenever it was challenged.<sup>45</sup> This was not least because the penalty for being a suspected person attracting up to three months in prison and thus someone seen by the police as a 'problem' person could be temporarily removed from society, thus providing a short-term solution without needing to demonstrate standards of evidence required for more traditional crime charges. However, by the 1970s, 'Sus' was routinely used by police in large urban areas as a means of exercising authority over a young, ethnically black population perceived to be truculent and anti-authority (Holdaway, 1983). Elements of the Act remain in force, but, following persistent outcry in the media, and a review by the Home Office in 1978, an internal instruction to the police in London in the late 1970s discouraged the use of Section 4 of the Vagrancy Act as a primary reason for arrest (Lawrence, 2017).

In this case, the police themselves, albeit reluctantly, recognising the public disapproval of the way the legislation was being used, sought to change police behaviour by discouraging the use of the Vagrancy Act. Arguably, this resulted in a fairer exercise of police authority. Such adjustment to the exercise of police powers,

---

<sup>45</sup> Lawrence (2017) argues that the pre-emptive nature of the police use of Vagrancy Act and other similar powers, has a long and consistent history, the manifestation of which in the 1970s was a continuance of that trend.

resulting in the fairer treatment of a young echelon of society by the police, would meet Manning's standard of a reform action rather than mere technical modification.

### *Elections*

The election of a new government can alter the emphasis on policing styles through changes of priorities and expectations by the public and the new government. Examples from diverse countries illustrate that these changes are often not without tensions. For instance, efforts by new regimes to democratise can be met with resistance from the old guard. In 2001 Peru for instance, a new government wanting to democratise and make police more accountable, was fiercely resisted from within the senior police ranks because it interfered with their corrupt practices (Costa and Neild, 2005). A similar situation faced reforming efforts in Venezuela (El Achkar, 2012), and in Argentina and Brazil (Hinton, 2005) where the introduction of structural changes and oversight bodies had extremely long gestation periods because of passive and active resistance to reform from senior levels of the police.

In the case of Kenya, the deleterious effect of the parallel 'system' of (a) law by legislation (rule *of* law) and (b) law by presidential preference (rule *by* law) explained in the previous chapter, was established on independence by the first president, Jomo Kenyatta. Because the police were constitutionally accountable to the president, the system obliged the police, willingly or otherwise, to respond favourably to presidential wishes. This condition was sustained through patronage and personal loyalty, often compromising the police to the margins of impartiality and lawful authority (Hills, 2008). The authority was further corrupted by Kenyatta's successor, Daniel Arap Moi (1978–2001), who not only extended the presidential preference of personal direction

but acted criminally in recruiting gangs to disrupt meetings of political opponents, often violently and in complicity with the police (Adar and Munyae, 2001; Mueller, 2008). Through a series of political compromises, which were effectively forced on Moi's successor, Mwai Kibaki, (2001–2013) in 2003, the 2007 election, in which Kibaki controversially defeated his opponent Raila Odinga, was scandalously tainted by allegations of corruption, sparking previously unimaginable social violence that led, ultimately, to a new constitution and major reform requirements of the police (Branch, 2011).

Concluding this part of the chapter relating to examination of drivers for reform, a useful and very public illustration of efforts at reform across many echelons of the police structure and philosophy, was that experienced in South Africa in the early 1990s. One of the biggest opportunities for reinvention of police was that experienced in South Africa following the end of Apartheid in 1994. Coming out of an era where policing, especially towards black South Africans, was oppressive and often brutal, the new government entertained all offers of the sophisticated Western style crime prevention policing strategies in a bid to reshape the identity of the police. But the significant political and social changes envisaged and aspired to by the populus required a longer gestation period before the developed Western systems of crime prevention and community policing could be really effective. Importantly, in the distinction between 'High' and 'Low' policing (Brodeur, 2007), the ability to control High policing, that of national intelligence and surveillance, gave the new political leadership of the African National Congress (ANC), a vehicle to keep check on factions and troublesome aspects within the ANC party itself, as well as in the general population. More visibly, in the Low policing context, that of the patrolling and

response officer, an education process was necessary. The population was not used to calling the police for assistance, and the police were not used to responding to calls for help. The development of the police capabilities in this new era needed, therefore, to be incremental, with expectations on both sides, police and public, being measured, careful and modest. Despite the received wisdom of the sophisticated preventative and community policing approaches proffered by Western experts to the new government, straightforward and simple changes to police behaviours and deployments were deemed most likely to be effective. Steinberg agrees with Bayley (2001) that:

*'in any urban context characterised by meagre security and endemic disorder, the police ought to establish its authority by confining itself to two functions: effectively investigating violent crime and providing rapid and fair interventions whenever citizens call for help in emergencies' (Steinberg, 2011, p.481).*

In the liberated South Africa, there remained a gulf in relations between the police and the public. Reform in this case required not just restructuring, retraining, and refocusing of the police body. It also needed a repair of the political and social infrastructure that would allow for the emergence of a more inclusive and democratic society, reflecting aspirations of higher values of justice, equity and trust (Steinberg, 2011). To date, however, despite community safety and policing initiatives like those described by Pfigu and Van de Waal (2014), the envisaged reforms and changes of

conditions and behaviour in both the public and the police remains largely an aspiration.

## Exporting Western Policing Ideas

I have not commented so far on examples of sustainable reform of police in domestic conditions because, despite the encouragement by authorities over the past few decades to establish a community-oriented approach to policing, (COP) for instance, there is little evaluation evidence about the outcomes of COP available. Also, it is important to note that even though this chapter relates to police reform in Africa, it is relevant to account for the origins of colonial standards that set the platforms for policing styles there and in the other colonies. Notwithstanding the observations by Behrends *et al.* (2014) of the effect of 'travel' on post-colonial policing models and Rottenburg's (2009) view of 'translation' in effecting the implementation of a capability from one place to another that are explored later in the chapter, it is important that actions or demands for police reform have a point of foundation from which the model or reform intention embarks.

Bayley (2001) and Ellison and Pino (2010) refer to forms of COP as being the most frequently offered model of foreign assistance to support democratic policing initiatives. However, Ikerd and Walker's (2010) illustration of sustained success of a community focused style of policing in a domestic environment, was found in only two US police Departments, one in Chicago the other in North Carolina. In each case they acknowledge that changes from reactive to a problem oriented / community focused model of policing took time — in the former case, nearly 13 years — and also

great effort to bring about the changes of mindset, attitude, and behaviours in the police themselves. Other observers (Skolnick & Bayley, 1986; Kelling & Moore, 1988; Brogden & Nijhar, 2005; Marinen, 1998; Ruteere & Pommerolle, 2003) have questioned the effectiveness or measurable success of COP through a variety of different lenses, aptly summarised by Taylor, Fritsch and Caeti (1998) in which they explain that,

*'what works in community policing is relegated to a few initiatives highlighted in a few selected cities across the country. The vast bulk of the literature on community-oriented policing is anecdotal and more apt to read like propaganda'*  
(1998, p.2).

Given this, it is a reasonable question to ask: if the service-oriented community focused policing (COP) is so difficult to establish, so challenging to measure, and takes so long for successful implementation in domestic policing conditions, what is it that is being exported as sustainable good practice to recipient countries, and why?

International police assistance has grown in popularity over recent decades as part of a suite of foreign policy interventions adopted by mainly Western democracies (Bayley, 2001). This is understandable in the context of the global balance of peace and security. Fukuyama argues that state-building is one of the most important issues for the world community to undertake because,

*'weak or failed states are the source of many of the world's most serious problems'* (Fukuyama, 2004, p.ix).

However, as he points out, while global business is highly efficient at moving goods and services across international borders, less is known about exporting strong institutions, including those of rule of law and policing, to developing countries because, as he elaborates:

*'well-functioning public institutions require certain habits of mind and operate in complex ways that resist being moved'*  
(*ibid.*).

In the case of policing, while providing assistance is an attractive alternative to direct intervention, there is little information as to why there are varied police assistance practices provided by the donor community, even when they claim to desire the same democratic outcomes (Skolnick & Bayley, 1986; Call, 2002; Freisendorf, 2016). In respect of the export of COP models, Brogden (2005) suggests that COP is seen by policy makers and NGOs as a helpful human rights antidote that can counter abuses by the recipient country's police. However, affirming the observations made earlier relating to South Africa (Bayley, 2001; Steinberg, 2011), Brogden points out that the reality is that *'COP is irrelevant to many such societies'* (2005: 64). A major reason for this is that COP is a highly devolved rather than centralised system, a condition that rarely exists in recipient countries. Chappell and Lanza-Kaduce (2004) are more explicit in what the components of a devolved police management condition means, explaining that:

*'Law enforcement that is rooted in the communities and neighborhoods requires a level of understanding about*

*communities, social organization, consensus-building, and community involvement'* (2004: p.93).

However, understanding the needs of the recipient country seems not to be important factor when donor countries are determining that COP will be exported, as Brogden and Nijhar (2005) expound:

*'Whatever its actual content, the structures of NWS, (Neighbourhood Watch), of community forums, of problem-oriented policing, and of beat patrols - like many other policing strategies - are promoted irrespective of local exigencies or realities. The West determines the policing programmes to be adopted'* (2005: p.9).

If it is accepted that international intervention is a component of globalisation as Fukuyama (2004) suggests, then the attention to what he describes as the 'habits of mind', as well as resistance, particularly in respect of the fundamentals of security and safety that policing contributes to, must attract special attention.

The policing system being considered for export should 'fit' the recipient country, and police support interventions must also take account of culture, context and the consequences of their introduction by foreign 'helpers' if they are to have a chance of success (Bayley, 2001; Bayley & Perito, 2010). Leeds (2007) points out that the efforts to promote reform for democratic policing by the donor community,

*'are hampered by narrow visions of what constitutes reform  
and concerns about unintended consequences of their support'*  
(Leeds, 2007, p.21).

In her work on the challenges to modernise the police in Brazil, Leeds illustrates that the indigenous constraints on reform from an administrative and political perspective, need strategies of change that,

*'require broader forms of intervention than are usually  
promoted by external donor agencies' (ibid).*

The evidence suggests that while introducing COP models is believed to be beneficial and representative of democratic standards from the view of the deliverer, no real evaluation of its impact or benefit is available and little consideration is given as to its suitability or acceptability in recipient countries.

For Kenya, this created a unique challenge. Historically, its policing was modelled on the British system. Potential donors could reasonably assume, therefore, that much of Kenya's inherited infrastructure and mentality was sustained and that it had retained common and recognisable standards and ways of operating. This was not the case. As described in Chapter 2, the origins of Kenya's policing lays in a very coercive and oppressive colonial history of counter-insurgency, and there has been little evidence of major reform towards more effective and accountable civil police in the years since independence. As I amplify in Chapter 5, while on the surface, Kenya's policing infrastructure might look compatible with achieving the 2010 constitutional reforms, there is little to show that it has the necessary impetus to make this a reality

without significant shifts in the attitudes and behaviour of the political establishment and broader society.

### *Implementation Challenges for Democratic Policing*

The expression 'police reform' support often presents an intention to develop the establishment or strengthening of rule of law activities in a recipient country. Usually this is because its social and political infrastructures have become stagnant, eroded, or collapsed altogether. Reform can also refer to the provision or upgrading of contemporary good practice where the policing capability has stalled, or needs refreshing or improving (Bayley, 1995: 2001). Police reform deployments are particularly familiar to those engaged in international support actions to countries that are emerging from conflict, or which are in a fragile condition (Marinen, 2010). However, a heavy dose of pragmatism needs to be applied to the realities of providing reform support. Bayley (1995) paints a succinct picture of the realities of donor interventions into foreign police and justice arenas, pointing out that:

*'In the short-run, fundamental changes in the behaviour and mind-sets of police personnel are unlikely. Wholesale firing and rehiring is both impossible and of doubtful usefulness. Countries cannot do without police, even for very short periods of time. Crime and disorder do not take a holiday while police personnel are retrained in a "democratic" outlook' (1995, p.87).*

Bayley's blunt assertion, echoed by Ellison and Pino (2012), signals to both the policy-maker and the practitioner that expectations must be realistic. Those who embark on rendering police aid to recipient countries for reform purposes need to understand the 'art of the possible'. As Ellison & Pino point out, in approaching the rendering of

police reform assistance, it is essential to engage in '*finding a way to balance reform with effective security in transitional democracies*' (2012, p.81).

It is also essential to explore the realistic nature of the budgetary provision and the achievable timeline for sustainable reform. Van der Spuy (2005) illustrates two cases of ambitious police reform initiatives in the immediate post-apartheid period in South Africa, (one a training programme in community policing of some 1,700 new recruits, the other a programme to support community policing at a station level), both of which were abruptly halted because of budgetary constraints, thereby frustrating the original reform intention.

#### *Who Will Be the Local Police?*

In some cases, local conditions are unlikely to be conducive to ideal reform activities and there may not be the local capability, capacity or will to achieve it in any case. Bayley (2005) points out that in most countries that attract police assistance there is a dilemma as to who should be the police. In countries emerging from conflict or coercive, authoritarian rule, the existing police are likely to be discredited. Yet it is unrealistic in the short-term to expect a substantial injection of fresh recruitment into the police and certainly not at the senior level. Peacock (2021), in observing the application of Bayley's six standards for instituting democratic policing (2001) in Ukraine, Armenia and Georgia, found that Bayley's 'employ the right people' criteria had had some modest success. The local authorities responsible for recruiting police in those areas combined public involvement when selecting new officers, and with the dismissal of the more obviously corrupt and scorned sections of the police that had the most interaction with the public. This attracted popular support and engendered

confidence that authentic reform was being undertaken. However, even in the case of Georgia - which is often portrayed as an exemplar of modern police reform - Peacock notes:

*'Despite the success in lowering crime and raising trust in the public, the reformist police leadership in Georgia appeared blind to the problems that remained in law enforcement'*  
(2021: p.8).

The reality of reform initiatives is that the core of the existing police personnel is usually retained, and various forms of intensive democratic training of them is undertaken. Reform activities are often led or influenced by police professionals from donor countries, and herein lies another potential challenge.

Often, the police advisors are expert in their own countries' justice and rule of law systems. However, unless they are open to understanding the culture, context, and consequences of their presence in the recipient environment, the experts may find the importing of their domestic systems, approaches, schedules and standards just will not fit. Van Der Spuy (2005) points out that in the Eastern Cape in South Africa, a failure to conduct thorough country-based assessments before large scale police reform projects were launched had a deleterious effect on the intended results. In her judgement:

*'Patterns of socio-political conflict need to be properly appraised; and institutional audits of the recipient organisation of assistance are vital to informing strategic interventions'*  
(2005, p.202).

With millions of dollars of taxpayers' money being committed to policing assistance globally, it is politically desirable for donor countries and organisations to claim success in their contributions to police reform measures. This is because to declare otherwise would be tantamount to an admission of failure, with the consequence of questions being raised over the validity of such a huge financial outlay.<sup>46</sup> Bayley (2005) refers to interventions needing to be realistic, and that the length of time assistance is rendered must take account of the conditions under which this substantial organisational change will take place. Chan (2004) points out that the internal and external dynamics of the organisation and its surrounding social and political environment will determine the speed of absorption of 'new ways'. Under changing conditions, and indicating no ability for timeframes to be fixed, she suggests,

*'organisational members with habitus shaped by the old culture may be as ill at ease as the newcomers because the organisational habitus they acquired no longer fits current conditions'* (Chan, 2004: 329).

No less important, the results at the end of the assistance interventions need to be evaluated appropriately and transparently – and this should not be limited to outputs. Bayley (2001) states that measurement of success that emphasise *outputs* rather than *outcomes*, stifle organisational creativity. However, focus on outcomes is not common in programme evaluations because they take time to reveal results and are difficult to measure. It is worth noting that even in domestic circumstances, evaluations of outcomes or impacts is weak. In a major review of the 1994 Crime Act

---

<sup>46</sup> Bayley (2005) estimates \$750 million annually by the USA alone, (later revised by Kempa (2010) from Bayley's figures to represent some \$66.6 billion globally (Kempa (2010, p.273) cited in Ellison and Pino (2012, p.55)

in the USA, the report suggests lukewarm uptake of COP initiatives in the non-grant sector, pointing out that,

*'the advancement of community policing among non-grantees offers some weak evidence that the COPS program provided fuel but not the launch pad for the nationwide proliferation of community policing tactics between 1995 and 1998'* (Roth et al., 2000, p.19).

Holding the providers of assistance to account for its success or otherwise is as commensurately important as the demands made of recipient countries to reform. As Call (2002) points out in relation to the evaluation of peace support operations:

*'In general, the peacebuilding literature has focused more on what international organisations have done, and the constraints they face, than on systematic evaluation of reform processes'* (2002, p.102).

Western nations are hugely invested in providing police reform interventions to fragile or vulnerable states around the globe. The motivation behind much of the investment initiative is to advance democratic principles in fragile, vulnerable or failing states, and police reform is often part of broader foreign policy agendas of donor countries. The form of police assistance being rendered is questionable in that the preferred approach, COP, has some doubtful success distinctions in domestic circumstances. Compounding the introduction of the COP form of assistance as a preferred model is a failure on the part of the donors to recognise, appreciate, and accommodate the culture, context and condition of the recipient country. Too often

donors try to make COP fit into circumstances that are often irrelevant or inappropriate. As Beck and Chistyakova (2002) observe,

*'the problem with many of these forms of assistance ... (include) ... 'we have this available so you can have it.' Potential recipients with very few resources are highly unlikely to refuse any offer but there is a real danger with such an approach that the agenda for assistance is set more by what is available rather than by what is needed' (2002: p.237).*

Global police assistance is hugely expensive and should attract relevant scrutiny from the donor countries' public spending oversight mechanisms. Donor countries or international organisations will not want to be seen to be failing in their intervention so most evaluation reports will err on the side of successful accomplishment. However, despite the suggested inappropriateness of their mandates, methods, scale, or timelines, there is a dearth of literature that applies scrutiny to the outcomes of reform processes. This is an area for further research.

#### *Right People, Right Place, Right Action*

Whether recruited through the UN, OSCE, EU or bilaterally, Police advisors are presumed to be expert in their own countries (but this is not always the case, as noted by Murray, 2007, note 14). Expanding on the observations made in the previous section, the expertise of police advisors and trainers evolves from the standards of democracy and quality of policing in their domestic circumstances. If

they are from Western nations, they will probably have worked in well-developed conditions that are commensurate with a good quality, professional policing job. They will also be well versed in standards of accountability and how their domestic policing system works within their own broader justice and governance system. Advisors from less developed countries will have commensurately different perspectives, standards, and expertise to offer. It is not straightforward, therefore, to take advisors outside of their domestic environment, place them in a fragile or emerging state, and expect automatic success from them in police reform activities. Facing often fractured systems of policing, justice and governance, and with the task to train or advise recipient country police officers, the role of the police advisor is complex, challenging, and often underestimated by policy makers. To be effective, police advisors need more than domestic police competence. They must also be motivated, have a flexible mindset, and be culturally aware as well as being professionally competent. This expectation is not always realistic. Hills (2009) points out that there is no common standard in the UN for the craft of police advisor<sup>47</sup> and many officers from donor countries, who are often self-selected, do not meet the criteria outlined above. While efforts to establish standards for police advisors have been more recently established in the OSCE<sup>48</sup> and the UN,<sup>49</sup> it is often contributing countries who ultimately determine the quality of the police advisor to be provided.

### *Police Reform Activities in Recipient Countries*

---

<sup>47</sup> Since 2018, a common manual of guidance for UN police advisors is now published.

<sup>48</sup> <https://polis.osce.org/guidebook-democratic-policing-senior-police-adviser-osce-secretary-general>. Accessed 16 January 2023.

<sup>49</sup> [https://police.un.org/sites/default/files/sgf-manual-mma\\_2017.pdf](https://police.un.org/sites/default/files/sgf-manual-mma_2017.pdf). Accessed 16 January 2023.

Police reform can either stand alone or be part of a broader justice reform program. In the latter case it is usually intended to contribute to the stability of a country or region as a key element of the broader development of accountable governance. However, as Bayley expounds, efforts to reform a police force need to be sensitive:

*'Because police are the most visibly coercive instrument of government, their actions powerfully influence whether government is perceived to be legitimate ...The way the police carry out their duties, both collectively and as individuals, teaches powerful lessons about the nature of a government'*  
(Bayley, 1995, p.79).

In the international context, police reform is seen as a noble cause that, along with humanitarian aid and poverty reduction, is an essential component in the rehabilitation journey of states. In 2020, on the 60th anniversary of the establishment of the UN Police, Secretary General Guterres reiterated that effective policing is crucial to building peaceful, prosperous and equitable societies.<sup>50</sup> On average, there have been 12,250 police officers deployed to up to 15 UN missions since 2009. For the reasons outlined above, it is likely that not all the deployed police advisors will meet the desirable standards.

There are other challenges. In the political negotiation to introduce efforts towards police reform, either through bodies like the UN, EU, OSCE or through bi-lateral agreements, the desired outcomes of the reform effort are often at odds with the realities of the social and political economy of the intended recipient country

---

<sup>50</sup> <https://www.youtube.com/watch?v=R-wyo6rEJlU> . Accessed 22 November 2022.

(Marinen, 2010). For example, where a state has had a long-established coercive form of policing or a system of highly centralised control, it might require decades of political, legal and social change before a sustainable form of democratic policing might be confidently introduced. Yet donor interventions often demand significant gains in the short terms of both time and finance. Consistent with a 'good enough' approach, rather than anything more elaborate, Bayley (1995) counsels that in these conditions, the encouragement should be focused on reactive policing, with emergency call lines and response capacity being developed rather than trying to impose the varied systems of community policing that are regularly exported, a perspective shared by Baker (2010) and Steinberg (2011). Initially, Bayley argues, the purpose is to get the police into a mindset of responding to individuals and their calls for help rather than perpetuating support to the regime, as is commonly the case in autocratic conditions.

Manning (2010) notes that democratic policing, applied to circumstances where there is no democracy or limited democracy, is bound to fail. He offers the post-conflict contexts of Bosnia and Kosovo and the experiments in Haiti as evidence. The quality of democratic policing support being offered can also be of varied quality. As Hills (2009) points out:

*'Despite the UN's promotion of 'international' policing standards, [there is] no evidence to suggest the existence of a common police craft. In particular, there is no consensus on what is necessary for effective policing' (Hills, 2009, p.300).*

This condition might in part account for the findings of Di Salvatore and Ruggeri (2017) on the outcomes of UN peacekeeping missions that, in the context of contribution to the peace keeping effort,

*'Peacekeeper observers and police, however, seem to have no relevant impact on post conflict peace'* (Di Salvatore and Ruggeri, 2017, p.11).

The culture and customs of the recipient country, the context of the proposed police reform methods, and the broader environment in which they are intended to be applied, are part of a softer but no less important element of the possibilities for reform (Bayley, 2001). Unfortunately, these elements, as well as the consequences of their introduction, are often neglected in the preparations for police reform support.

The consequence is that police reform activities can be supplied without real reference to their suitability to local social, political, legal, or cultural conditions. This situation can be exacerbated by the reform activities expected of police experts, who may have little or no experience of police reform outside of their home countries, trying to force-fit a style of policing that is unsuitable and consequently likely to fail (Freisendorf, 2016).

It is ironic, therefore, that the Kenya police, who were heavily criticised at a strategic and an operational level for their abuse of human rights during the 2007/8 election violence<sup>51</sup> are not precluded from providing a significant cohort of police support to the AU/UN mission in Somalia (AMISOM), in training and mentoring Somali police in, among other skills, human rights. As Leeds (2007) points out, *in extremis*, the failure

---

<sup>51</sup> See Chapter 5 and the granular account of the circumstances in Branch and Cheeseman (2008)

of the reform effort can be found to have been built into the agreement for the provision of a reform programme before any action actually takes place.

How can this be addressed? At the macro level, the UN recognized in 2012 the need for better coordination and focus of its intentions. It had found that its fragmented, sometimes duplicative, and often competitive efforts on rule of law assistance in post-conflict countries were failing. As the Global Policy Forum (GPF) observed:

*'Both the 2006 and 2012 Secretary General decisions on rule of law aimed to induce order in a loosely organized global system of autonomous legal and bureaucratic entities that answers to no single vested authority'* (Global Policy Forum Report 2014, p.19).

However, despite the establishment of the UN Global Focal Point for Rule of Law (Police, Justice and Corrections)<sup>52</sup> to promote greater collaboration and cooperation in the focus of UN resources, the GPF report of 2018 still found significant shortcomings in the desired 'joined up' nature of its services (Global Policy Forum Annual Report 2018, p.7)

Absorption and understanding of local conditions and local aspirations is an essential element of the pre-provision analysis. This will best determine what reform activities are likely to work, over what time frame, and with what local support and contribution. Bayley (2001) argues that the analysis should be penetrative, seeking a deep understanding of how policing works locally and where the reform opportunities lie. The analysis should not be conducted remotely, but in collaboration with local

---

<sup>52</sup> UN <https://www.un.org/ruleoflaw/wp-content/uploads/2022/03/GFP-Factsheet-Nov-2021.pdf>. Accessed 22 November 2022.

recipients to ensure that the provision of reform support, from whatever quarter, is confirmed by both the provider and the recipient (Leeds, 2007).

Kenya has attracted significant international aid since 2003. President Mwai Kibaki's promises of a more open government attracted support from the UK and Sweden for community policing initiatives. The USA sought to provide counter terrorism support and Germany invested expertise in investigations and forensic science. However, as explained in Chapters 2 and 5, Kibaki's intentions were compromised, not least because the political alliances he had created to secure his election. His ambitions were tainted by his government's previous associations with the Moi regime. Kibaki's intentions to root out corruption and provide more stable and just rule of law – policy positions that attracted donor support – were therefore thwarted by the previous corrupt and violence influencing members of his own National Alliance Rainbow Party (NARC) and his promised reform of the police withered.

#### *What drives foreign reform agendas?*

I have previously referred to Bayley and Shearing's (1996) perspective of drivers of reform; these were expanded by Stenning and Shearing (2005) to include changing demographics, societal and political expectations, as well as changes in perceived threats to security, safety and stability. Efforts at reform in most of the world require more than managerial or tactical changes undertaken by the police themselves; rather, they require administrative infrastructure and political and social acknowledgment too (Bayley and Perito, 2011).

In Kenya, the drivers for reform are similar, having been identified in the internal review of policing and the development of the Kenya Police Strategy in 2003. Prompted by the recommendations from the 2007/8 post-election violence commissions, the architecture of the broad reform of governance is firmly embedded in the 2010 constitution. As will be seen in Chapter 5, the constitution creates a high level of accountability of the police. It incorporates the restructuring of the police forces under an Inspector General, the establishment of a National Police Service Commission (NPSC) and facilitates the creation of an Independent Police Oversight Authority (IPOA) in the implementation legislation. However, there are subtle but important conditions for the recipient police that cannot be ignored in the reform mix.

#### *Professional Police Relations*

Aiding police abroad has many purposes, only some of which involve generating sustainable democratic reform for its own sake (Bayley, 2001). The architect of the EU's security policy shared with me that much of the EU's intention and funding, supporting aid to recipient countries, was to halt potential threats to the EU at their points of origin, rather than dealing with the manifestation of threats once they had arrived within EU borders.<sup>53</sup> This strategy was intended to extend the EU's notional security boundary more globally and provide geographic and political buffers to mitigate existential threats to its members (Celador, 2005).

Over recent decades, relationships between police forces around the world have had to become more cooperative and collaborative, because of the strengthening of

---

<sup>53</sup> Personal notes, 2005.

global interests like narcotics, terrorism, people and arms smuggling and other similar activities undertaken by organised criminality. The challenge in the pursuit of collaboration is for different police forces to be able to act comparably and compatibly (Bowling, 2019).

To be effective in combating the growing sophistication of global organised crime, police forces must seek to establish the same level of interest, competence, professionalism, and expertise, as well as consideration for factors like human rights and professional standards (Goldsmith *et al.*, 2007; Hills, 2009). While an essential ingredient in theory, the reality of developing such levels of coordination and capacity building is quite challenging. There are two main reasons for this. First, efforts by mainly Western democratic countries to develop collaboration with non-Western states will often be thwarted by the absence of capacity, competence, or facility in those potential collaboration countries. Second, the rules, standards, and considerations that are often unconsciously built into the history and makeup of the democratic Western states, do not exist to the same degree in the potential collaboration states. This can be because of jurisdictional, legal and traditional differences, but it can also be because of an absence of recognisable democratic habits or history. In many countries with which such collaboration is sought – Kenya is one of them – both conditions apply (Peake and Marenin, 2008).

In the absence of the capacity or competence condition above, a solution that is readily applied by donor states for improving police capability is to train and equip the recipient police. Great expertise and significant funding can and is applied to such challenges. However, there are several weaknesses in this as a primary approach.

Bayley (2001) asserts that police behaviour cannot be changed by reorganizing or restructuring, but that is often the first and only action taken by managers. He states that managers fail,

*'to recognize that this rarely affects operational behavior because it does not touch the "culture" of an organization, that is, what the workers themselves think is expected of them'*  
(2001, p.21).

### 'Travel' Models and 'Translation' Effects

In acknowledging Peake and Marenin's (2008) observations that there is an apparent reluctance for donors to draw lessons from their interventions, and reflecting on Bierschenk's view that police forces should be understood as *'heterogeneous bundles of discourses and practices that do not form a coherent whole governed by a single logic'* (2017, p.104), the role of culture plays a part in how donor contributions are received and applied. There is, however, little current evidence to show that in preparation and planning for providing police development or reform interventions, donors are familiar with the concepts of 'Travel' and 'Translation' in the transfer of information or practices as espoused by Behrends *et al.* (2014) and Rottenburg (2009) respectively.

Behrend *et al.* and Rottenburg's thesis is that any model of an action when it is subject to transmission to another site will undergo some change, usually because the conditions, practices, habits and standards at the destination site are different from the originating site. In the context of policing, this could be for instance, training that is taken from one site to another (travel), like from a donor centre to a recipient

centre, where its condition is then adjusted to the local conditions (translation). In the context of colonial and post-colonial policing, their argument is that the very movement of police officers and their systems from one place to another, perhaps on training courses, attachments, or investigations, provides a legitimate capacity for procedures, drills, methods and specifications relating to policing business to be adjusted from the originating condition to the recipient condition, according to local circumstances. Initially suggested by Anderson and Killingray (1991) in respect of the refinement of metropolitan police practices when exported to different parts of the Colonies, as well as through the interaction of officers and procedures between colonies, the thesis is that, foundation processes taken from the home 'space' would always be subject to variation and refinement according to wherever officers from Britain were posted. Some foundation processes would be picked up and used because the refinement or adjustment suited the local circumstances, or rejected because they did not. Also, that those adjusted processes would be subject to further refinement as officers applied them when they moved from one colony to another. This could also be assumed not to be exclusive to Britain either. French, German, Belgian and Portuguese colonies would incur similar variations in their processes, (see Beek, 2016; Göpfert, 2020).

Taking these observations into consideration, it is not unreasonable to suggest that donor intentions can often have unexpected results. If, for example, the intention is to develop the recipient police's capacity for surveillance with the intention of improving evidence gathering to counter terrorist threats, then without an understanding of the broader context, the intervention might generate its own problems by facilitating the recipient regime with a capacity to apply greater coercive

control over its own citizens (Hills, 2009). Even when donor policy makers seek the opinion of professional police experts, these practitioners will likely comment on the technical challenges rather than the contextual, historical and political conditions that exist in the recipient country. While Bayley's democratic habits conditions are relevant to police practitioner advisors, their focus is usually on procedural and technical matters (Bayley, 2001).

To follow the technical competence in surveillance example; Western justice systems demand high-quality evidence as part of the checks and balances in law and practice that protect the public. However, recipient countries are seldom mature democracies and are thus unlikely to have a similar developed history. The consequence can be that donors seek to apply standards of competence that are not (and perhaps even cannot be) understood or followed politically, culturally, historically, or judicially in recipient countries. They can also have an unrealistic expectation of procedures, with the consequence that matters like investigations will not necessarily follow a universal path, as will be illustrated by the Beek and Göpfert example below. Donor policy makers and police practitioners can often be left frustrated when their efforts are thwarted by apparently benign interventions in the recipient country, such as transfer of key personnel in whom donors have invested effort, or the imposition of unqualified people by government or other influential figures as part of a patronage culture (Freisendorf, 2016).

Distinguishing the different expectations between donor and recipient and reflecting the observations on 'travel' (Behrends *et al.* 2014), and 'translation' (Rottenburg, 2009) in respect of the maintenance of the original integrity of donor practices in

police procedures on their transfer to recipient countries, Beek and Göpfert (2015) demonstrate a revealing clash of cultures in their example from Ghana. They describe the mismatch of expectations in the relationship between the European consular community, who were seeking to curb the proliferation of forged documents being proffered by Ghanaian visa applicants, and the investigative processes of the Ghanaian Criminal Investigation Department (CID) Border Traffic Fraud Unit.

The Fraud Unit, having been set up with donor financial assistance, was expected to investigate fraudulent efforts by visa applicants, and for the perpetrators to be arrested and their cases to go to court. The Fraud Unit was also expected to provide statistics to the respective consular sections on the number of cases taken to court, so that management of the problem could be demonstrated. The clash of culture and consequently, the expectation, came about because in Ghanaian CID practices, arrival of a prisoner at the police station usually triggered the start of representations and negotiations with friends or relatives of the arrested person. This resulted most often in a compromise solution being found, usually with some financial compensation being paid to the victim, a percentage 'consideration' to the police for their trouble. and with no court appearance. The insistence by the consular sections on court proceedings resulted in the requisite prosecutions statistics being produced. However, the Ghanaian culture of compromise and financial compensation traditionally conducted at the police station, was simply transferred to the court, where informal remediation and compensation were argued between lawyers, sometimes before a judge. The expectation by the European consular community of a watertight, incorruptible process of investigation and prosecution by the CID, intended to dissuade applicants from using fraudulent documents, was thwarted by

the remediation practice being maintained, but through appearance at the court, rather than at the police station. The case illustrates the state of 'policeness' (Hills, 2014) that prevails in that particular part of the Ghanaian investigation process, which, while apparently acceptable and customary for Ghanaians, did not meet the expectations of the consular community. They had anticipated an investigative standard, exported from the UK in colonial times, to have retained its British police influence, and not have been subject to 'travel' or 'translation' when introduced to local conditions.

This micro example provides an alternative perspective to how policing developed and continues to develop in Africa. It challenges the notion of static unreformed technical capabilities in the police of African countries waiting for the delivery of donor-led solutions to their apparent needs, which as I described earlier, have their own shortcomings. Hills' (2014) notion of 'policeness' observed in Somaliland indicates that there is also an alignment of the development of police competence with local need which, while it might not fit the Western model of reform, seems to have at least an empathetic profile that, as Boege *et al.* (2008) observed earlier in the chapter, suits the conditions in which policing is being conducted.

While relatively recent in terms of research, these concepts do open a parallel dialectic regarding how policing is reforming or at least developing in some African countries. Such research is at an early stage, and it is too soon to draw definitive conclusions. However, the indications are that there is a healthy alternative to the Northern, Western, narrative developing, which could challenge the perspective that theirs is the sole provider of reform wisdom.

### *Changing Hearts and Minds*

From a donor's perspective, the desire to influence a change towards more service-oriented policing service is often a driver for police reform interventions (Brogden and Nijhar, 2005). This effort is often represented by initiatives like community or problem-oriented policing, which are aimed at greater openness and accountability of the police towards communities. However, the mindset changes that are required of the police often equally apply to the political and societal conditions that prevail in the recipient country.

The extent to which police reform can be achieved in a recipient country, therefore, is determined by a number of factors, many laying beyond the curtilage of the police organisation. These include the degree to which the recipient government will allow the police to develop. For Kenya, police development will be determined as much by the maturity and accountability of the parliamentary and county assemblies that give legislative direction to the police as it will by the police themselves. Tolerance for corrupt practice in the political and societal arena, and the extent to which influential people inside and outside of government can steer the efforts of police, will also affect the capacity of the police to reform (Ruteere and Pommorole, 2003; Hills, 2012). However, ultimately, if all other factors are favourable, it will still be the willingness, intellectual competence, and customary behaviours of the police that will determine the extent that reform can be achieved (Hills, 2014).

Donors also have an influence over the effectiveness and sustainability of reforms they support. However, their enthusiastic intentions to reform elements of policing will often fail. Bayley (2001) states that the factors for such failure will include

creating unrealistic expectations of outcomes through difficult or unattainable targets; development time frames that are too short; inadequate funding; and inconsistency in policy support. In addition, for some donors that are former colonial powers, there is also the potential for sensitivity towards trespassing into a now sovereign nation's political preferences or constitution.

The provision of some types of policing aid are very attractive, both to donor and recipient. Developing or adopting sophisticated counter-terrorism methods, promoting and teaching higher levels of forensic science competence, or encouraging engagement in cybercrime investigation will often benefit the donor country or organisation and will attract commensurate support for the recipient country. But these are niche, more easily controlled specialisms, often accompanied with benefits like funding, equipment, foreign training courses etc. and often only for a small number of favoured police personnel.

However, broader reform areas like service-oriented democratic policing interventions not only have a much wider field of operation to accommodate but will require development activities beyond just those of the police (Freisendorf, 2016). Donor countries have grown to recognise that their ideas and influences, supported by significant funding in many cases, can persuade the direction of political, economic, and social conditions towards their particular interests (Celador, 2005).

The range of different international and transnational influences that are visited on recipient countries can also create tensions. There are many internal characteristics that shape how knowledge from donor policing 'experts' is received and adopted by recipient states. Given the cultural, legislative and customary differences that

invariably exist, some commentators suggest that it is unlikely that the imparting of knowledge from outside police experts will be a complete and sustainable success (Elisson and Pino, 2012).

Differences in culture and legal systems between for instance, North America and Latin America, can contribute to the potential for resistance. There is, as Goldsmith and colleagues suggest, a much more selective adoption of policing knowledge, citing, in the case of Colombia, the support provided by US policing 'missionaries' (Goldsmith *et al.*, 2007, p.103). Consequently, international donors are more likely to channel their assistance to controlling global forms of crime, such as narcotics trafficking and human trafficking, than to contribute to the politically more sensitive improving of transparency and reducing opportunities for corruption (Bayley & Perito, 2011).

## Conclusion

In summary, two categories of 'reform' standards have emerged from the literature. The first is 'high reform' which expounds the necessity for greater demonstration of justice, equity and steps towards trust-building by the police in their interactions with society. This is a far-reaching aspiration in the domestic examples I have shown and reflects the views of Manning (2010) and Bayley (2005). In respect of donor countries offering police reform support to recipient countries, this level of equity and justice reform aspiration does not feature strongly in the suite of interventions being offered. This could be because donors seek to avoid suggesting reform measures that crosscut into sensitive political governance territory, or challenge established social habits, or

that they do not fully grasp the political, cultural or customary context within which the reform measure is being offered (Manning, 2010; Goldsmith, 2005).

The 'low' or more pragmatic reforms, discrete areas such as investigations, public order tactics, forensics, or problem oriented / community focused policing, I designate as Technical Modifications (TM) because, while they often significantly rearrange or redeploy resources, they do not necessarily change the fundamental mindset or *raison d'être* of the police towards a more service oriented, accountable body (Bayley, 1995; Manning, 2010).

The exporting of Western policing methods is not without its deficiencies. It is suggested that domestic policy is muddled through rather than strategically planned (Osse, 2014; Stenning and Shearing, 2005). This leaves the efficacy and consistency of the actual police reform 'products' questionable. Democratic policing interventions often do not have proven sustainability in the donor country before being offered to recipient countries, nor are they fully able to be accommodated in the judicial, political or cultural arena in which they are intended. The reform interventions might, however, be a work in progress, particularly in relation to intentions like the implementation of community policing (with the exception of the two case studies of qualified success identified by Ikerd and Walker, 2010), and this possibility is explored further in Chapter 7.

The appropriateness or consequences of the police reform practice being offered is often not thought through and expectations are unrealistic (Hills, 2008). The police experts designated to deliver reform activities are not always equipped or

contextually and culturally sensitized to be able to adapt to the reform activities that are most appropriate in the recipient community. (UN Report 2014).

The concept of improved processes through 'travel' models and 'translation' processes presents an exciting alternative, or at least a complement, to the Western donor notion of exclusivity in respect of police development or reform. While research so far is limited, the potential for finding development or reform measures that are grown organically through understanding the relative nature of Hills' 'policeness', provides an attractive alternative narrative to that of the traditional North and Western claims of best practice.

Although much of literature reviewed in this chapter has not been about Kenya, it has either a direct or indirect relevance to the conditions that have existed since the country's independence, and more recently since the new constitution (Ruteere and Pommerole, 2003). Further reference to the literature relating to Kenya is discussed in subsequent chapters.

## Chapter 4: Methodology

My thesis question explores whether the police in Kenya can reform themselves in line with the requirements of the 2010 constitution. The origin of my research has two main planks. The first relates to my professional interest as a former UK police chief in improving the quality of policing that will contribute to a better quality of life for citizens, allowing for communities to flourish in any environment. The second, prompted by the first, relates to my specific appointment as the UK sponsored strategic police advisor to the Inspector General of the National Police Service of Kenya in 2014. This offer of support from the UK was triggered by the establishment of Kenya's new Constitution in 2010 in which, following severe criticism of their behaviour in the 2007/8 election violence, the police was restructured and required to be more accountable to the public. As part of its broad determination to make government and its agencies more accountable to the public, the constitution specifically mandates standards for the police in areas of professionalism, anti-corruption, human rights, training and engagement with society.<sup>54</sup>

This chapter outlines my methodological approach to answering the research question of can the police of Kenya reform themselves, and the three sub-questions of, what is meant by reform, what are the impediments to reform and what are the reform enablers? It explores the research design, accounting for my choice of semi-structured interviews of informants to gather data from practitioners responsible for delivering reforms, using an inductive approach. It explains how I followed Braun and Clarke's (2021) Reflexive Thematic Analysis approach to coding my data that was

---

<sup>54</sup> Art. 244 Constitution of Kenya 2010.

drawn from the interview responses, and how I drew on my experience as a professional senior police officer and on previous academic reading relating to implementing change in organisations (Johnson and Scholes, 2005). I also outline the assumptions I made that the appetite for major reform was likely to be limited. This was because my experience as a professional advisor, prior to my formal research commencing, indicated that there were varied levels of management interest and competence in motivating police officers generally, an absence of clear and authentic benefits of reforms to the police personnel, and questionable commitment to reform from all the NPS leadership.

I outline details of my research strategy, explain how I determined where the most relevant documentary data would be found, and how I selected participants to provide relevant information and accounts of their approach to reform initiatives. I explain why I chose a research cohort from the participants of a strategic leadership programme I had introduced and how, by interviewing them after their training I could gauge how they took their strategic theory back into the operational world of their respective commands. Methods for coding and analysing the data from interviews is explained and in the writing up style, I also explain why I have used specific Kiswahili words to describe actions or groups, where the use of English would not be entirely accurate.

The second part of my field research coincided with the Covid pandemic. I give a brief explanation of its influence on the shaping of my field research (UK government rules limited travel to Kenya). The chapter concludes with a summary of the

methodological approach, and signposts readers towards the applied empirical analysis of data that follows in Chapters 5 to 7.

## Research Design

The reform measures that were intended in the 2010 constitution relied heavily on how the political establishment and its organs, which included the police, would react to the constitutional requirements. I therefore determined that my research philosophy would be interpretivist rather than positivist, following grounded theory processes (Glaser and Strauss, 1999). This was because the research investigation faced a number of variables and subjective interpretations from both the organisation's perspective and from its individuals in their reactions to the constitution's demands. I point out that the capacity of graduates of the SLCP to implement their reform training is not only determined by the political and social atmosphere in which they work, but also by the personal and professional characteristics of officers and how they have been managed in their working environments. An important element of their strategic training was to highlight the reasons why police reforms fail, as described by Bayley (2001) and Skogan (2008), and to examine how, as a result of that knowledge, they might apply reform concepts like accountability, public engagement, and focused management in their own operational environments to avoid such failure.

The interview responses in Chapter 7 reveal a clear-eyed recognition of how the graduates sought to resolve these challenges, illustrated either by direct initiatives or by finding ways around any potential resistance in order to accomplish a desired

reform outcome. I conclude that if the SLCP - or something similar - is sustained and integrated into the broader reform implementation agenda, eventually it will generate a critical mass of trained and knowledgeable officers, who, despite the impediments previously expressed, can operationalise the reform agenda with a degree of confidence.

However, currently, the scale and the overall timeframe is unrealistic for progressing the training and realising the reform outcomes anticipated. For the anticipated 450 officers who need to receive the training to achieve the changes that the constitution, the broader society, and to a lesser degree, the donors envisage, much greater priority and focus must be applied. Significant action needs to be taken to scale the availability of this training together with mentoring support. Otherwise, the opportunity to embed reforms more rapidly and comprehensively, to establish a sustainably broad level of awareness and competence in the critical mass of the police, will be lost.

## Data Collection

The data for this research was collected across two field research visits to Kenya. The first was in the autumn of 2019 (nine weeks) and the second (ten weeks), following the lifting of Covid restrictions on travel, in the autumn of 2021. I used a semi-structured approach to interview graduates of the SLCP and, where possible, I conducted subsequent non-participant observation of the graduates in their workplaces. I also interviewed a number of civil society members in Kenya to informally gauge their practical expectation of reform, as well as officers who had not undertaken the training but who held senior positions. To get a broader international perspective, I interviewed a selection of international police advisors who had served

variously in EU and UN missions in the middle east, Africa and Asia. This latter group shared their experiences of guiding reform implementation measures in their recipient countries, which I could then compare with the Kenya experience. I also describe the parameters of access to interviewees I faced because of varied operational and geographical constraints.

#### *Documentary Data*

As I show in Chapter 5, I accessed the 2003 draft strategy for the Kenya Police in which the first internal criticisms of the police were aired and the direction for reform outlined. Additionally, I acquired the main reports of the two post-election violence commissions (Waki and Kriegler respectively), the UN special Rapporteur's report (Alston), and the report of the National Task Force on Police Reforms (Ransley). These documents were particularly helpful in cross-referencing the records of public evidence gathering hearings, to get a sense of the direct experience of victims and witnesses, as well as verifying casualty statistics in respect of the PEV. The recommendations in the reports were also identifiable in the final narrative of the constitution, indicating close alignment between the inquiry outcomes and the thinking of the legislators. This was helpful in my interviews, as I was able to use this evidence to set the scene for questions in the semi-structured interview process.

I also examined the aspects in the Constitution of 2010 relating to police reform, together with the subsequent 2011 implementation legislation: the National Police Service Act, the National Police Service Commission Act, and the Independent Policing Oversight Authority Act. I referred to the National Police Service Strategic plan 2013/4 – 2017/18 of which I was a contributing author. Other documents accessed

included the strategic Leadership and Command Programme (SLDP) curriculum, the qualifying assessment centre protocols, which I had designed, the first draft of the NPS Standing Orders, together with signals and other documentation relating to Inspector General Boinnet's People Centred Policing initiative. I also accessed formal reports on elements of reform I had submitted in my capacity as the IG's strategic advisor on policing, 2014 - 2017. Taken together, these documents provide the legislative, regulatory and strategic framework for the reform initiative, and give clear insight into what was intended.

I sought to acquire quantitative data through examining the backgrounds of the interview cohort. I anticipated that I could glean data that that would help me understand if there were common features in the backgrounds of the SLCP candidates. I created a survey on the University's JISC online survey service through which I sought baseline information such as education, tribal or ethnic affiliation, or the arm of the police in which the cohort served. An invitation to complete the survey accompanied an email to prospective research participants from the SLCP. However, the survey response was negligible with only 12 invitees participating. Consequently, I did not use the data because of its sparsity. There was little or no other objective data on which to pursue a positivist approach.

I wanted to hear at first hand and in professional language, what reform meant to the participants, and to see how they addressed implementation challenges. Interviews were consequently the main part of my empirical research. I explored how the police reacted to the reform demands, and whether the broader political and social landscape that they were part of and within which they operated, would be

permissive or obstructive to efforts by the police to reform. My professional background as a UK chief police officer for some 10 years, and my advisor role in Kenya for over three years were factors in determining how I charted an objective approach to the research.

### *Semi Structured Interview*

I chose a semi-structured interview (SSI) process as my primary means of investigation. I designed the SSI to have loose, open questions. This was to encourage participants to select the level at which they wanted to illustrate their account of reform matters, and also to help mitigate bias when I subsequently assessed the data.<sup>55</sup> The SSI approach also allowed me to draw on my professional background when asking follow up questions and to help the focus of respondents in particular parts of the reform arena being examined. As I briefly explain above, resistance or ambivalence to change in people and organisations has been commented on historically (Machiavelli, 1513), and in more contemporary times (Johnson and Scholes, 1995; Kotter, 2012). The SSI approach allowed me to explore the context of the responses about what the interviewees had done or felt they could do in terms of reform, and what effect the conditions that prevailed within the police and in broader society had on their ability generate enthusiasm or otherwise for reform.

### *Grounded Theory*

My research follows grounded theory principles (Glaser and Strauss, 1999). It is inductive in that it starts from the ground up and examines the police reaction to the specific demands on them contained in new Constitution. I was conscious that I

---

<sup>55</sup> See Appendix iv for outline SSI questionnaire prompt.

wanted to hear accounts from interviewees before considering or applying any particular theory, and while grounded theory can allow the exploration of new ideas or theories, in not having a theory on which to apply research questions, it is very much influenced by what the researcher chooses to identify as important or relevant (Pulla, 2014). In acquiring and analysing the data from this research, I could not ignore my previous professional experience in promoting a service orientated, accountable form of policing, and, consequently, the sort of behaviours that would not be conducive to such policing. That said, the theory helped me to balance lessons from my previous experience with the realities of the work context as expressed in responses from the interviewees. In doing so, it also supported my choices in determining what sub-questions to include in support of my overall thesis, following Willig's suggestion that:

*'The kind of knowledge that grounded theory aims to produce is knowledge of processes that reside in the data, and which can emerge from the data (with a little help from the researcher)'* (Willig, 2008, p.48).

Initially, I envisage using a mixed-methods approach. However, with the exception of gathering minor quantitative elements in respect of the numbers of interviewees and their career profiles, the data I collected was qualitative, being the perspectives on reform challenges expressed by the interview cohort. The interviews explore evidence of reform impediments and the steps taken to overcome them (see Chapter 6), as well as reform enablers, in which interviewees evidence initiatives they have personally undertaken or witnessed to progress reforms (see Chapter 7).

### *Selecting the Research Cohort*

The Strategic Leadership and Command Programme (SLCP) had its naissance in the findings of a training needs analysis (TNA) conducted in 2013 by the UK National College of Policing and the Kenya Police. This TNA had found that there had been no police-specific strategic training in recent memory, and it sought to provide solutions to meet the constitutional demands. There is a large number of senior police officers in Kenya (approximately 1,350 superintendents and above in 2014), and I gauged that, based on the practical interactions I had with senior officers during my professional engagement as advisor, not all would embrace the reform changes enthusiastically. Also, the calibre of many of the officers I met in the course of my advisory role was often mediocre, despite them holding important command positions. While a negative or non-reform orientation sample of the available senior officers would have been useful, the absence of continuous professional development (CPD) or formal strategic training for them for several decades could have skewed the data. Therefore, I chose to examine the reaction of a sample of officers who had recent exposure to the demands of the reform agenda in the context of international good practice training, and to explore how they would respond to the challenge to implement the changes required.

My practical approach to the field research was to interview graduates of the SLCP after they had completed their strategic training and when they were in their post-course command appointments. This allowed me to get base line data in terms of responses to the semi-structured questions relating to their personal engagement in reform activities. Where possible, I cross-checked their interview responses with their

actual behaviours through non-participant observations in their operational environments. I also had the opportunity to interview several non-police individuals about their experiences of post-constitutional policing service. I had intended to interview selected focus groups about their experiences of post-constitutional policing, but owing to Covid restrictions, access to groups of people together was not possible. Consequently, the professional interviews I conducted illustrate personal accounts by reform-oriented senior police officers of the conditions in which they conducted reform activity.

The combination of interpretive and inductive elements to my research allowed me to develop a situated picture of contemporary conditions for police reform implementation in Kenya. It provided a unique perspective and contribution to academic knowledge, following Denscombe's assertion of,

*'the need for a notion of paradigm that can be sufficiently flexible, permeable, and multi-layered to reflect the reality of social research in the 21st century'* (Denscombe, 2008, p.270).

At this point, it is useful to expand on the reasons for choosing SLCP graduates as the interview cohort. The most likely officers to engage in reform initiatives at a sub-county and county command level, were those who had been assessed and then selected for the strategic leadership training, which commenced in 2015. This was because the officers had volunteered themselves to undertake the selection process for the training and could be assumed to be motivated to implement the constitutional reforms, albeit with differing degrees of energy and competence.

In previous years, selection for training courses for officers at superintendent rank and above was often based on patronage, with training courses that would earn qualification for early promotion, or those that involved foreign travel being the most attractive (Ransley, 2009). In 2014, to professionalise the training, the first Inspector General agreed that strategic training should be reserved for those officers who had the potential to reach the highest ranks or the most important positions in the NPS and that prior to participating in the training, they should be assessed as to their likely capacity to successfully undertake the programme.

At the time of formally commencing my research programme (October 2017), three cohorts comprising 72 senior officers had been assessed and selected for the SLCP, and two of the three cohorts had graduated and been posted to new commands. I anticipated that over the course of my research, at least a further three cohorts would have been generated, one per year, making a potential pool of interview subjects of around 150.<sup>56</sup> My plan was to generate baseline information from the participant officers as they commenced their strategic training (age, tribe, education, rank, current disposition etc), and from them, select a random sample of approximately 40 graduates of the courses for semi-structured interview.

Having left Kenya at the end of my professional posting in April 2017, I was only able to maintain contact with a few of the officers with whom I had worked. As explained later in Chapters 6 and 7, not being in the country, nor accessible via a local telephone number, hampered my effort to maintain contacts. Emails were not responded to, and phone calls from the UK were often rejected. Interviewee PT, who I did manage

---

<sup>56</sup> The intrusion of Coronavirus caused training in 2020 to be curtailed and to be suspended in 2021. The total number of officers trained up to that point was therefore 126.

to maintain contact with, explained that this was not an unusual situation. He said that culturally, when individuals were no longer physically present, it was not customary to keep in contact with them, what anthropologists have referred to as a hierarchy of priorities or obligations relating to proximity (Haynes and Hickel, 2016). Subsequently, I found that when I returned to Kenya for both my field visits in 2019 and 2021, I was quickly able to restore contact with many of the cohort individuals who, acknowledging that I was back in the country and contactable via a local phone number, were happy to re-engage with me and support my research.

### *Intended Timeframe*

My formal academic course programme began in October 2017 (Michaelmas), but I had been applying recognised research methods during the final months of my professional engagement in Kenya (March – April 2017), which had enabled me to plan for subsequent field research activities. I anticipated that by the time I returned to Kenya for field research in October 2019, there would have been four SLCP cohorts graduated (up to 100 officers), from which I could randomly select participants for interview and subsequent follow up observation. However, the realities of tracking down and actually communicating with potential interviewees proved to be quite challenging.

Simple geography and the limited options for transportation to different parts of the country were two of the main challenges to accessing potential interviewees. Other reasons for limited access related to complying with UK government travel advice against visiting significant parts of the country because of terrorist threats (East and Northeast Kenya) or because of inter-tribal conflict (North and Northwest Kenya). I

also had to accept that not every graduate was disposed to engage with my research, and so time was expended in pursuing individuals who subsequently did not participate. In the 2019 field research, I was able to interview 15 graduates either physically face to face, or via social media video link, and conduct non-participant observations on five graduates based in headquarters in Nairobi.

I planned a second field research visit for a three-month period, to commence the last week of March 2020, when I could attend the graduation of the 2019 cohort and also engage with the 2020 cohort. However, this coincided with the international travel restrictions caused by the Coronavirus pandemic. It was not until October 2021 that I was able to reinstate my second visit to Kenya, though I still had to comply with a two-week housebound quarantine and to then navigate the vagaries of the gradual reducing of curfew restrictions and the restarting of transport and accommodation facilities in the country. These conditions curtailed my freedom of movement and consequent physical access to potential interviewees. Additionally, the third Inspector General, Hilary Mutyumbai, rescinded his original permission for me to conduct research by visiting officers in their workplaces. Citing operational and political reasons, he stated it would be inappropriate to have '*a recognisable and visible white man poking around our operational posts*'.<sup>57</sup> My counterarguments to him relating to my previous work as IG's advisor, and the government permissions for my research that had been granted were not sufficiently persuasive. Although I did not feel as vulnerable as Brankamp did when conducting his research into policing at the Kakuna refugee camp in Turkana, Kenya, in 2017<sup>58</sup>, I feared that the IG might stop

---

<sup>57</sup> Personal field notes, October 2021.

<sup>58</sup> Brankamp, H, DPhil thesis, 'Policing the Camp' p 97, Submission Oxford June 2019. At one stage Brankamp fears that the police are suspicious that he is spying, and he burns paper interview records and hides his research hard drives in order to protect the identity of his interviewees.

my research altogether if I persisted. I therefore agreed that I would not conduct the visits and observations part of my research. On reflection, I realised that this could be a high-level example of the culture of organisational fear that I highlight in the impediments to reform in Chapter 6. Despite my previous formal role as advisor, the government authority I had for my research, and his previously given authority for me to access police officers and premises, the IG perceived that he could attract criticism from his government masters if they disapproved of my presence, and therefore denied my access as a precaution against such a situation.

In respect of the intended focus group interviews, I had previously arranged with the coordinator of the UK's police development support programme, sponsored by DfID, to meet with regional groups of field workers attached to the programme, which was known as *Jamii Thebiti*.<sup>59</sup> However, because of the pandemic, this was not possible as the field workers had not worked together for nearly two years, and they were reluctant to physically reassemble for my purposes. Consequently, I relied on the aggregated views of field work gleaned from the programme managers, and from a very small sample of individual accounts.

By the time of my second field research visit, 126 senior officers had been through or were currently part of the SLCP.<sup>60</sup> As indicated in figure (a) below, all SLCP participants were invited by email to participate in the research. Of the 126 participants, 40 agreed to be interviewed. Of the remaining 86, three officers declined to participate in the research, and the remaining 83 did not respond to the first invitation, nor to a follow up email request for participation sent out by the NPS

---

<sup>59</sup> Swahili, meaning community security or safety.

<sup>60</sup> Training statistics supplied by the director of Reform Training SLCP.

senior training director on my behalf. Of the 40 who agreed to participate in the research, 33 were actually interviewed. One officer subsequently declined because he had retired, and the remaining six never responded to follow-up telephone calls.

Total SLCP graduates	Invited for research participation	Positive response to request	Negative / no response to request	Interviews subsequently declined	Interviews conducted
126	126	40	86	7	33

Figure 1: Summary of responses to invitation

## Addressing Potential Research Preconceptions

The methodology chosen to conduct my research was not complex, but it did rely substantially on interpretations of the content of interviews. Potential bias on my part was because of my position as the advisor to the IG, my involvement in the assessment centre and the subsequent SLCP training, and as a key and very visible part of the second IG's transformation strategy. This could have generated a prejudiced position either to dismiss efforts at reform as being futile on the one hand, or to have been over optimistic and exaggerated of achievements on the other. On the interviewees part, bias could be manifested because I represented a vicarious authority figure and, given a culture within the police of wanting to be both non-confrontational and compliant with senior officers' views or directions, they might have been inclined to tell me what they thought I wanted to hear rather than their true opinion.

To counter my potential for preconception, I had spent a significant amount of time in consultation with Law Faculty staff responsible for the Curec 2 university ethics

process. They had advised on the sort of circumstances that I should be alert to in conducting my interviews in order to protect the identity of my interviewees, thereby instilling some trust that they could be frank in their conversations with me. The Law Faculty staff also advised how to remain objective when conducting interviews or non-participant observation in recording of facts and suspending judgements. One habit I regularly employed in the interviews was to tell the interviewee how I had metaphorically changed hats from being an advisor to becoming a researcher, and how I would need to regularly remind myself that the interviews were not to offer professional advice. I also reiterated that any discussions about their contributions would only be between me and my supervisors.

In respect of the interviewees' potential for bias, I usually had the opportunity to supplement the written research information I had provided with a conversation about their expectations and potential concerns. I reminded them of the confidentiality standards that had been adopted on the SLCP course, where opinions could be aired without fear of them leaving the training room, to which I would adhere. I also encouraged them to apply the same principles in our subsequent conversation. Given some of the sensitive disclosures that were made in the interviews, I was reasonably satisfied that this potential for bias had been neutralised.

## Coding and Data Analysis

Most of the interviews with the volunteer participants lasted around one hour and I followed the semi-structured interview framework to engage with each interviewee, using bespoke supplementary questions for clarification or amplification of

information they were providing.<sup>61</sup> Coding software Nvivo was used to manage the information extracted from the interviews and, having outlined a series of questions relating to their personal and organisational responses to the reform demands in the semi-structured outline, I chose to use the same question sequence as a guide to initial coding of the interviewee's responses. Subsequently, in a distillation exercise using Braun and Clarke's Reflexive Thematic Analysis, I reduced the themes to a manageable number, from which I could then analyse the data into broad headings (Braun and Clarke, 2021).

In this section I explain the reasoning behind the initial choice of coding themes for analysis of the empirical interview work and I conclude with the results of a distillation of the responses. Initially there were 10 coding themes:

1. Current activity
2. Positive examples of reform activity
3. Stagnation of reform initiatives
4. What is not working in respect of reform initiatives
5. Evidence of resistance to reform initiatives
6. Corruption
7. Political influence
8. Take aways from the SLCP course
9. The interviewee as IG
10. Realities of future advancement in the Service

---

<sup>61</sup> See Appendix iv.

The themes are mainly based on responses to the interviews with selected participants of strategic police training conducted between 2015 and 2020 mentioned above. They are guided by the expectations of reform outlined in the 2010 Constitution and its subsequent legislation. Following on from the SSI format, I distilled the themes and, following analysis, crafted them into two main components, Impediments and Enablers, which subsequently generated the content of Chapter 6, impediments to reform, and Chapter 7, enablers of reform.

### *Coding Themes Analysis*

The coding themes started with a general question relating to the participant's current activity. Effectively, what has happened in their professional circumstances since they attended the strategic leadership course? The beginning of the interview was intended as a soft entry to the process of exploration that put the participant at ease and also encouraged them to reveal any incidents or experiences, positive or negative, that might reflect an association with police reform. It was also constructed so that any experience relating to their progression from a career point of view, might prompt follow-up questions. As a consequence, issues revealed in the first theme might be reiterated and coded in other themes too.

The second theme asked what was going well in terms of reform. The interview question was broad to allow the interviewee to either choose a response that captured their immediate thinking or to seek clarification as to the context, or for the respondent to choose the area of reform and the level (strategic, operational, tactical) that they wished to comment on. This could be personally related, illustrative of the local working condition, or the police environment more generally.

The third theme asked in terms of reform, what had stagnated, by which I meant, what started off as being reform activity within the police but that had either slowed down, stopped, or had been abandoned, and the reasons why they thought that was the case. Here, the SSI had options to ask follow-up questions for explanation of clarity.

The fourth theme asked what was not working in relation to reform. This included what things should have been happening that were not, and why they thought that was. Within the SSI framework, I used occasional prompts to ensure that strategic, operational and tactical issues were discussed, as well as matters outside of the control of the police, like political or social dynamics.

The fifth theme was evidence of resistance. Sometimes this linked with theme four, but this theme sought to tease out illustrations of either active or passive resistance. This might emanate from structural, attitudinal, behavioural, cultural, or organisational influences in terms of achieving or not achieving some of the aspirations that were laid out in the Constitution and the law.

The sixth theme was corruption. The theme explored evidence of corruption that was either corrupt processes that remain or were put in place as a consequence of reform interpretation, or corrupt individuals who influenced the reform intentions for their own purposes, and who were, therefore, part of the reason why reforms were not making progress. So, themes four, five and six, had similar intentions, but in respect of five and six, the intention was to explore where and why the resistance was occurring (five) and where and how the corrupting influences are affecting reform (six).

Theme seven also relates to theme four, five and six, but in seven, the focus was on exploring political influence. That is political locally, including local authority and local representatives, and political nationally at government and parliamentary level.

Theme eight, related to their takeaways from the SLCP course. It explored what awareness and competence the interviewees felt they had as a result of completing that course. I particularly sought their views in relation to their understanding, abilities, behaviour, attitude, and motivation that had subsequently contributed to the constitutional intentions of reform that they might not have fully comprehended or acknowledged before the programme.

Theme nine relates to a question that puts them in the place of the Inspector General, the person in charge of the National Police Service. It asked them to articulate their priorities as the leader to progress reforms, and the reasons for them. The purpose of this question was to allow the respondent some distance from their own area of responsibility to observe what they imagine the person in charge should be doing or making happen on a national scale, and their reasoning for it.

Theme ten explored their future career paths. I included this theme as a way of giving the interviewee a personal context as to how they saw the consequences of the reform agenda and their role within it. It was anticipated that many graduates will expect promotion, and most will understand that driving reform should accompany their advancement in rank. But this area was potentially quite sensitive because of the prevailing presence of both a resistant and a corrupt body within the existing senior ranks that still had significant influence within the organisation.

From the perspective of the advisor position I held within the National Police Service from 2014 – 2017, and more recently reiterated in the interviews in chapters 6 and 7, several issues arose. There was evidence that those officers who did not want to clash with the old-world culture of resistance, corruption, or abuse controlled by the still quite influential remnants of the former structure of the police, sought postings to what I refer to as benign or escape positions. Positions in training, planning, or in some headquarters departments were popular for these individuals, as too were attachments to external organisations like the African Union or United Nation missions to provide support to other African countries, like those in Somalia or South Sudan. As indicated in chapter 7, a critical mass of senior officers that are confident enough to openly and rigorously challenge the old culture within the police, has yet to be fully established. The absence of reform-minded officers from influential posts was an impediment to reform progress, but there is nevertheless clear evidence that exposure to strategic training and mentoring contributed to the confidence and competence of senior officers to implement reforms.

## Conclusion

In this chapter I illustrate and account for the choices I made relating to conducting an inductive, qualitative approach to the gathering of data in the research design. I drew on my experience as a professional senior police officer, on previous academic reading relating to implementing change in organisations, and on the constitutional and legal directions to the police to structure the framework of my semi-structured interview tool. I outlined the assumptions I made about the appetite for major reform being minimal unless there was clear statement of benefit, good quality communication, and ownership and commitment by top leaders. I drew on the requirements of the

constitution as the framework for my enquiry, acknowledging that interviews and non-participant observations with graduates of the SLCP would afford the most useful information about impediments and enablers of reform from the experiences of trained officers.

My research strategy explained where I found the most relevant documentary data and how I selected participants to take part in interviews. The timeframe allowed me to build in post-professional engagement field-research plans to acquire data from interviews with graduates of the SLCP, which I had determined would be the most fertile area for gathering data about contributions to police reform. I outlined the numbers in the cohort that I anticipated interviewing and their subsequent availability and preparedness to engage in the research. The results of their interviews were coded using the Nvivo software and I identified 10 themes using Braun and Clarke's (2021) Reflective Thematic Analysis to further distil the information.

My research was constrained by some limitations. In the 2019 visit, these included difficulties in gaining access to interviewees in remote parts of the country or where FCO travel advice recommended to avoid. While interviews could be conducted via social media, it was difficult to conduct the non-participant observations. The Covid pandemic placed unique restrictions on my field research in 2020 and 2021 and I was unable to return to Kenya until October 2021. This timing brought me within nine months of Kenya's 2022 presidential election and in part, I attributed the proximity of that event to the decision by the IG to curtail my non-participant observation plans to visit officers in the field and at their workplaces.

My methodology was nevertheless sound and sufficiently flexible so that the interviews I conducted with SLCP graduates still revealed unique insights into their thinking about reform in the context of their post-training placements. By using supplementary questions from the main SSI framework, I was able to create a conducive atmosphere in the interview where the participants could illustrate the steps they were able to take to overcome some organisational resistance or apathy, or to make progress on reform implementation.

## Chapter 5: Implementing Reform

Between May 2003 and May 2009, a series of reviews and subsequent reports confirmed the need for, and latterly the intended nature of, police reform in Kenya. Through a review of the intentions in these key documents and their analysis, in this chapter I show, that while the recommendations for the police were absorbed into the architecture of the 2010 Constitution and its legislation, there was a weakness in not recognising that the subsequent interpretation and implementation of reform measures needed more than just directives.

I examine a sequence of formal documentation that underpinned, and then shaped, efforts for reform of the police in Kenya between the start of President Kibaki's term in 2002, and the conclusion of the second Inspector General's term in 2019. This includes the Kenya Police strategic plan 2003-7 (draft 2) document, the official findings of the two committees of inquiry into the post-election violence (PEV), and the police reform task force that were inaugurated in 2008 and 2009 respectively. I also assess

the observations from the report of the UN special rapporteur on human rights on the involvement of police in extra judicial killings in the PEV and in its aftermath. I analyse the relevant parts of the Constitution of 2010 and its subsequent legislation, and I explore the internal directions to the police contained in the NPS strategy 2013/14–2017/18, which interprets the constitutional and legislative requirements into a vehicle for implementation by the National Police. In particular, I examine two important elements of the reform strategy. The first relates to the development of a strategic training programme for selected senior officers. The second examines the objectives and functions of the police relating to professional standards and engagement with communities, and how those elements are operationalised into the day-to-day workings of the NPS. It provides an explanation of how a more accountable policing service, through the promulgation of a community oriented policing approach and a focus on people’s needs, was strongly generated and advocated by the second IG.

## The Post Election Violence (PEV): Formal Investigation Findings

The PEV, which was by any measure a national crisis, provided a contemporary and relatable platform from which the committees of inquiry could explore its causes, history, and the conduct of the government and its agencies, including the police. The reform findings were robust in their criticism of the failures of government agencies. While the police were heavily criticised for their brutality and unprofessional behaviour, the political establishment was criticised too, particularly for allowing for the incremental manipulation of the police for political advantage from the time of independence. The recommendations made substantial contributions to the

constitutional and legislative changes, which warrant more than scant scrutiny. For that reason, the findings in the documents are reviewed here rather than in the broader literature review. This allows for examination of their influence on the constitution and its implementing legislation, and on the subsequent documented strategic and operational responses by the government and the police.

The two inquiries and the police reform task force had the events of 2007/8 on which to focus their respective collections of evidence and reporting of findings and recommendations. Specific elements of needed reform that are highlighted by the inquiries, translate into clear directives to the police in the 2010 constitution and the 2011 legislation. However, words and documents alone do not invoke reform. While they provide a set of standards and an outline or blueprint on which to develop a plan for reform, it is the conditions under which they are applied that will determine the extent and effectiveness of the reform measures. This is not exclusive to Kenya.

As Steinberg (2015) found in the effort to introduce a crime prevention and community policing model to policing in post-apartheid South Africa, and Jauregui (2016) describes in her seminal work on states of insecurity in India, there were significant measures to address beyond just tactical changes to policing. Social and cultural changes in communities' expectations of policing and their behaviour towards police need nurturing at different levels, both social and political. The conditions for the police also have to face change, often involving uncomfortable internal shifts in their historical habits, behaviour, and priorities, more towards rendering accountable service than the impunity of applying force (Chan, 1996).

To explore the police side of this provider / recipient policing equation, I highlight the police-related findings and recommendations of these three inquiry bodies that provided much of the content for the architecture of the new Constitution's legislation. I also examine how the specific criticisms of the police were subsequently absorbed into the law, providing a framework of directives on which the impact of the NPS operationalising strategy could be critiqued.

The NPS strategy, which is a public document, is the high-level internal directive to the police, establishing priorities for policing and focussing activities with timelines and intended outcomes. I assess its contribution to reform efforts within the police, particularly through the Strategic Leadership and Command Programme (SLCP) which is amplified later, and the subsequent impact on reform actions and outcomes of that training as expressed through the interviews and statements from its graduates that are elaborated in Chapters 6 and 7.

### *The Challenge*

Implementing major change in any organisation has challenges (Johnson and Scholes, 1995). When considered starkly, there is little incentive for the police in Kenya to change. Kenyan society, despite the dramatic and often poignant accounts of witnesses of the PEV violence, had tolerated brutality, corruption, and violence from the police and in society ever since independence (Hope, 2014). Election violence, particularly since the introduction of multi-party politics in the early 1990s, had been common, and police collusion obvious (Branch, 2011). This also illuminates the tolerance towards broader corruption and discriminatory behaviour that has prevailed both politically and socially in the country and continues today, which as

Ransley (2009) stated below, has a significant influence on the extent to which the police will reform.

Given this, the proposed reforms were beyond the lived experience of most Kenyans. The accounts in Chapter 2 of the personalising of power by presidents and the preferences proffered to members of their specific tribes, presents ample evidence of a less than equitable system for the average citizen (see Waki, 2008 below). British High Commissioner Edward Clay's comment to President Kibaki that his government, 'having "eaten like gluttons", vomit on the shoes of the donor community',<sup>62</sup> illustrates the winner-take-all and self-serving nature of those in power, and an absence of prioritising what is best for the country (Mueller, 2008). Reform will take time and will inevitably be tentative, prone to suspicion, and fragile.

Achievement of such change in the police will require their mindsets to be altered. More, and better thought needs to be applied to identifying the needs of policing in communities. While much of the demand in the country will be common, policing responses will need to be adapted for local priorities, conditions, and dynamics. Locally accountable policing requires greater delegation of authority to the point of service delivery and in turn, this requires better management and leadership with less petty discipline and better professional direction. Local accountability also requires a change in attitude of trust by senior officers towards junior ranks, who will otherwise remain, as Jauregui refers to them, 'expendable servants' (2016, p.83). Attention is also needed to the wellbeing of the police officers themselves so that their attitude and behaviour is professional and confidently focused on providing a service to the public rather than pursuing a protective, self-serving agenda. After all, it is difficult to

---

<sup>62</sup> <http://news.bbc.co.uk/1/hi/world/africa/3895403.stm>. Accessed 28 November 2022.

imagine a junior police officer who is living permanently with his or her family in a tent or a mud shack, with very little in the way of amenities or support, having great enthusiasm for delivering a sophisticated, quality police service, when his or her own conditions are so poor.

The Constitution contains a Bill of Rights which confers clear entitlements to citizens.<sup>63</sup> Such rights, not previously prescribed, require changes of attitude and behaviour at all levels of society, but particularly the police, to be effective. The police, as part of society, are obliged to explore how different aspects of the freedoms for people contained in the Bill of Rights would affect how they operated, including being prepared for habitual police behaviours and practices to be challenged, both legally and socially. If the political establishment and the wider society fails to embrace the constitutional spirit, then the anticipated changes to police behaviour and accountability would be amorphous, diminishing the willingness and commitment of the police and parts of society, towards the reforms that the documents intended.

## Reform Efforts pre-2007

As described in Chapter 2, President Kibaki's appointment in 2002 began in an atmosphere of great jubilation. After the political and social austerity of the Moi years, Kibaki's manifesto promises of curbing corruption in government departments and dealing with rampant serious crime, galvanised the enthusiasm and support of Kenyans across the country, who grasped opportunities to take action, giving grassroots backing to Kibaki's perceived benevolent leadership.<sup>64</sup>

---

<sup>63</sup> Article 21. (1) 'It is a fundamental duty of the State and every State organ to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights'.

<sup>64</sup> 'One of the most popular news stories of the time was of citizens arresting traffic police officers who had asked for bribes in the midst of the government's well publicized anti-corruption campaign'. BBC news online, Accessed 22<sup>nd</sup> April 2022, [Kenya's Mwai Kibaki: The hope and disappointment - BBC News.](#)

The strategic plan of the Kenya Police Force of 2003, published at the outset of the Mwai Kibaki presidency, was preceded by earlier unsuccessful attempts to introduce reform through community-based policing initiatives. In March 2002, in response to mounting public pressure, President Moi mandated the creation of a National Steering Committee on Community Policing.<sup>65</sup> It is an important point to note as it reflects the influence that the international community was also able to employ on the Moi government after the 1990 Paris conference, in which the postponement of support funding was proposed until recipient countries, of which Kenya was one, could demonstrate efforts towards more democratic conditions. The 2003 plan, with significant contribution from the police themselves, was self-critical of their historical, unprofessional behaviour, their susceptibility to corruption and political interference, and of the poor perception of the police institution as a whole held by the public. The 2003 plan helped to set the scene for intended police reform, which not only reflected the wider anti-corruption and public service accountability policies on which Kibaki was elected, but which also generated a snapshot of the true state of the police, which could never have been fully expressed during the fear engendering Moi years.

As discussed in Chapter 2, however, despite an initial strong start to his presidency,<sup>66</sup> President Kibaki reneged on the pre-election power-sharing deal he had made with Raila Odinga's support, and failed to take sufficient action on the specific matters of corruption and crime. His failure to win a referendum on the constitutional reform proposals in 2005, and not acting on the anti-corruption inquiry and report written by

---

<sup>65</sup> 'Implementing community-based policing in Kenya' Saferworld Report (February 2008, p.7)

<sup>66</sup> At a stroke, 1.3 million children were given access to free primary education in January 2003 (Musungu, 2015).

John Githongo, confirmed Kibaki's weakness and lack of capacity to deliver reform (Branch, 2011; Wrong, 2009).

In the December 2007 election he ran against his 2002 running mate, Raila Odinga, and after a very close race (where subsequent independent enquiries into the election processes found malpractice from both the Kibaki and Odinga camps), Kibaki claimed victory (Klopp and Kamungi, 2007). On 30th December, Kibaki was hastily sworn in as president, sparking disturbances around the country from Odinga's Orange Democratic Movement (ODM) followers amid claims that the Electoral Commission of Kenya (ECK) had rigged the presidential elections in favour of Kibaki. This generated a violent reaction which bled into the early months of 2008, and is now commonly referred to as the post-election violence (PEV). The national and international responses to the PEV set the context for the police reform efforts I explore.

### National Turbulence: the 2007/8 Post Election Violence

There had been election violence previously in Kenya, but the 2007/8 PEV was different in nature, scale, and geographic spread. This time, the displacement of the population was widespread and caused by attacks on homes and villages in ethnically mixed areas (Adeagbo and Iyi, 2011; Branch, 2011).

The international community recognised that the stability of Kenya, as well as some of its landlocked neighbours who relied on Kenya's maritime ports, was under threat. Senior diplomats from the USA and the EU sought to reconcile the dispute between Kibaki and Odinga, and senior members of the African Union (AU) also intervened to try and ameliorate the situation (Kanyinga and Long, 2012). Former UN secretary

general Kofi Annan<sup>67</sup> undertook the leadership of the AU delegation that sought to broker a peace deal between Kibaki and Odinga. In January 2008, Kofi Annan launched the Kenya National Dialogue and Reconciliation (KNDR). Recognising that neither party could govern the country without the other, legislation, witnessed by Annan, was enacted in February 2008 creating amongst other procedures, a role of prime minister.<sup>68</sup> President Mwai Kibaki and now Prime minister Raila Odinga reached agreement on an agenda for talks, and from 23<sup>rd</sup> May 2008, the agenda's content was fleshed out, including constitutional, legal, and institutional reforms, which covered the reform of the police, in what was to become known as Agenda IV.<sup>69</sup>

As part of the effort to reconcile some of the fears that violent disturbances in the country would continue, two Commissions of inquiry were established with the agreement of Kibaki and Odinga. The first was the Independent Review Committee (IREC), led by Johann Kriegler, a former Justice of the Constitutional Court of South Africa, which examined the electoral system in Kenya. The second was the Commission of Inquiry on Post-Election Violence (CIPEV). The CIPEV, established in February 2008, was led by Judge Philip Waki, a former Justice of the Court of Appeal in Kenya, and its main function was to investigate the causes of the PEV.

The two commissions were non-judicial bodies mandated to investigate and report on different aspects of the problematic issues in the crises. Importantly, both

---

<sup>67</sup> Annan was proposed by Ghanaian president and chairman of the AU, John Kufuor. Annan was seen as a credible interlocutor and was appointed with the agreement of the disputing Kenyan political leaders.

<sup>68</sup> National Accord and Reconciliation Act No. 4 of 2008.

<sup>69</sup> In a background note to the meeting of the Kenya National Dialogue and Reconciliation group in December 2011, it was noted that, 'The only critical appointment pending is that of the Inspector General of the Police. The police has been slow to reform; lack of consensus on modalities of merging the various units, how leadership will be shared and uncertainty about their role in the devolved government continue to hinder expedient reforms' (2011, p.1).

commissions conducted public evidence gathering events around the country to establish views, both from officials and from the public. The recommendations contained in the CIPEV report included the setting up of a police reform group, and this body, called the National Task Force on Police Reforms (NTFPF), was subsequently established under the leadership of former Kenyan Judge Philip Ransley in May 2009, and it reported in October 2009. All three reports and their recommendations provided the scaffolding for the architects of the new national constitution, gazetted in 2010, and the foundations for the 2011 legislative acts that created respectively, the National Police Service (NPS), the National Police Service Commission (NPSC), and the Independent Policing Oversight Authority (IPOA). Each of these documents is examined below to assess their potential contribution to the police reform process.

## Key Documentation

### *The 2003 – 2007 Police Strategic Plan*<sup>70</sup>

The draft strategic plan of the Kenya Police,<sup>71</sup> in revealing the deleterious nature of policing, prophetically predicted future difficulties in police abilities to manage crime if they remained encumbered by corruption, poor practices, inappropriate political influence, and underequipping and training.<sup>72</sup> It outlined some key reform measures that would be required to bring the police up to an acceptable professional standard,

---

<sup>70</sup> Draft 2 is believed to be the final draft that was submitted to the Office of the President in 2003.

<sup>71</sup> It is not known if the draft strategic plan was ever ratified and published, but the 'draft 2' is referred to by other authors in different publications, e.g. Hills, (2007); Ruteere (2011).

<sup>72</sup> 'The public complains about police inaction and giving excuses for doing nothing in the face of crime and victimization. They also complain of police brutality, torture, assault, rape, trigger happiness, illegitimate arrest, harassment, incivility, disregard for human rights, corruption and extortion, among other things' (Draft 2 KPF Strategic Plan 2003 -2007, p.10).

and says much for the confidence the police enjoyed to be able to make such declarations in the new Kibaki era.

The strategic plan is important because of its 2003 analysis of the lack of competence within the police and its explanation of reform needs. The violence following the 2007 elections revealed the absence of significant action to reform the police during Kibaki's first term and was to be a critical factor in the police failing to protect citizens from harm and to maintain order during the subsequent political and inter-ethnic disturbances around the country (Waki, 2008). Kibaki's appointment of Brigadier General Ali, a military man, as the new head of the Kenya police in 2004, had been made to provide some stiffening of discipline within the police. However, the appointment was not without its critics who questioned the wisdom of appointing a military leader to a police organisation that had aspired to develop democratic credibility. The view was reinforced by the accounts of Ali's running of the police, including his denial to Alston (see below) that there had been any wrongdoing by the police in the PEV.<sup>73</sup> As Ruteere comments:

*'Overall, the years 2004-2007 represent a phase of lost opportunities to fundamentally reshape the Kenyan police. The police remained bureaucratically opposed to reforms and the political leadership demonstrated little interest in comprehensive change' (2011, p.14).*

The view was confirmed in conversations and interviews with SLCP graduates (see Chapter 6), who indicated that some of the passive resistance to reform they

<sup>73</sup> Report of Kenya Human Rights Commission: Report of UN Special rapporteur, [Statement by UN Special Rapporteur on extrajudicial, arbitrary or summary executions - Mission to Kenya 16-25 Feb 2009 - Kenya | ReliefWeb](#). Accessed October 24 2022.

discussed in their 2019 and 2021 interviews had its origins in Kibaki's first-term failure to progress improvements in policing. Reform had been tried before without much success, so what was the point of trying again?

#### *IREC Findings: The Kriegler Report*

Kriegler's mandate was to examine all aspects of the 2007 election process, identify areas for improvement, and make recommendations. More broadly, the commission was to consider the effectiveness of the legal framework, the capabilities of the Election Commission of Kenya (ECK), and the general level of electoral awareness and education within the country. While the functions of the police relating to elections were not specifically identified for criticism in the commission's recommendations, the implied failure of the police to contain or deter what the commission described as, 'marauding gangs and bully-boys to "zone" regions and electoral areas and intimidate opponents' (IREC Report, summarised version 2, 2009 p.7), was clearly an area of responsibility that the police should have ensured it had the capability to manage properly.

#### *CIPEV Findings: The Waki Report*

More relevant to the police were the findings of CIPEV known as the Waki Report. The CIPEV, led by Judge Philip Waki, started its work in May 2008. Its main function was to investigate the causes of the PEV and examine the actions or omissions of State security agencies during the course of the violence, and provide recommendations of a legal, political or administrative nature.

One of its fundamental findings was the weakness in the normal checks and balances expected of democracies, which was attributed to the deliberate personalising of power by successive presidents. The Commission noted that some 32 amendments had been made to the constitution to strengthen personal presidential power since independence, such that the State could no longer be seen as neutral but rather as the preserve of those in power. As the report states:

*'As such, Government institutions and officials lack in integrity and autonomy. One result of this in the 2007 election was the perception by sections of the public that Government institutions, and officials, including the judiciary, were not independent of the presidency, were partisan and lacked integrity'* (Waki Report, summarised version 2, 2009, p.48).

The effect of Mwai Kibaki reneging on a 2002 memorandum of understanding (MoU) for a power-sharing deal with Odinga, was a critical contributor to exacerbating ethnic tensions. Failure to respect the deal - that on success in the election, Kibaki would be president and Odinga prime minister with a commensurate sharing of power between both - cemented the view in the minds of many Kenyans that Kibaki wanted to retain power within the Kikuyu tribe's 'Mount Kenya Mafia'. This description alluded to the original power base established by the first president, Jomo Kenyatta on gaining independence from Great Britain, which excluded other tribes from opportunity or power. The consequence was that pre-existing splits on political grounds were now aggravated by divides based more strongly than ever on ethnic and tribal affiliations. Waki's comments were blunt:

*'Kibaki's regime failed to unite the country, and allowed feelings of marginalization to foster into what became the post- election violence'* (Waki Report, summarised version 2, 2009, p.50).

The police, as one of the most visible government agencies, were ripe for specific criticism. They were vulnerable to censure in the report, not least because their official incorporation under direct presidential control after independence exposed them to the abuses associated with the incremental personalisation of presidential power.<sup>74</sup> As Waki describes in his report findings,

*'...the police, the security forces and the provincial administration take responsibility for various omissions and commissions in regard to the violence arising from,*

- Failure to act on intelligence regarding the possibility of violence following the elections;*
- Failure to respond appropriately and adequately to the violence and its effects, thereby aggravating the suffering of the victims;*
- In the case of the security agents and the police, resorting to an unjustified use of force and causing death and injury unnecessarily; and*

---

<sup>74</sup> 'The fact that both the police and military are perceived historically to have been recruited along ethnic lines to protect the particular government of the day has increased the likelihood of their breaking down along ethnic lines in a crisis and being either unable or unwilling to maintain law and order impartially' (Waki Report, summarised version 2, 2009, p.52)

- *Failure to act with discipline and impartiality and at times descending into acts of serious crime against civilians'* (Waki Report, summarised version 2, 2009, p.54).

The ruling party's confidence that Kibaki would win a second term in 2007 permeated the government agencies. Even if the police had had the skills to develop contingency plans from specific intelligence in anticipation of electorally-oriented violence, there would have been no real imperative to put more resource and energy into it than would normally be the case. After all, politically influenced violence had become a regular feature around election time since the reintroduction of multi-party politics in the 1990s, and was traditionally handled by force, either by the police or by politically sponsored gangs.

What had not been anticipated or prepared for in 2007, was the shift from politically framed election violence with minor ethnic/tribal influence, to ethnically framed violence. Long standing grievances around land-loss and the displacement of tribal communities resurfaced, much of which had origins in colonial times, and provoked brutal reactions from communities in different parts of the country. Communities of different tribes who had lived together harmoniously for decades, through ethnic agitation, were suddenly pitched against one another with often tragic results (Anderson, 2002).

Waki's Commission calculated that a total of 1,133 people died as a consequence of the post-election violence, and 3,561 people were injured.<sup>75</sup> Significantly, gunshots accounted for 962 casualties, of which 405 died. This represented 35.7% of the total

---

<sup>75</sup> Waki Report, summarised version 2, 2009, p.53.

deaths, making gunshot the single most frequent cause of deaths during post-election violence. Given that legitimate possession of firearms was held almost exclusively by the police and security forces, Waki's criticisms of excessive use of force and of gunshot deaths by the police were verified through these statistics and the accounts of witnesses the Commission interviewed around the country. Sexual violence by police personnel was prevalent during the PEV too. All three arms of the police were accused, but in particular, the General Service Unit (GSU) and the Administration police (AP) were identified as perpetrators of gang rape and genital mutilation (Waki Report, 2009).

Abuse of authority, impunity, ill-discipline, and partiality by the police identified by Waki gave major substance to the reform measures that were subsequently proposed in Ransley's Police Reform Task Force report (See below). However, while the Waki Commission was given evidence that the police were very slow to respond, and in some cases simply refused to enforce the law, it also recorded examples of good work by the police. Many police stations became temporary shelters and places of safety for people who had been displaced from their homes or villages, and there are examples where the police sought to provide medical aid for the injured. However, these seemed to be personal initiatives by individual commanders and overall, did not reflect an institutional standard throughout the country (Waki, 2008).

*UN Special Rapporteur Report on Police Killings: The Alston Report*

At this stage, it is appropriate to mention the criticisms of the police in the report of the UN's special rapporteur on human rights. At the invitation of the government of

Kenya, the rapporteur, Philip Alston, conducted a review of the human rights standards applied by the government forces during the PEV. In particular, he reviewed the allegations of killings by the police, and killings more generally in the context of the PEV. After several months of desktop review of the PEV documentation, in late February 2009, he and his team visited Kenya for nine days, and interviewed police leaders and operational officers, officials, and some 100 independent witnesses. Despite the plethora of documentation from various sources, including Waki's October 2008 final report that had identified systematic brutality and abuse of power by the police and security forces, Alston was scathing in his criticisms of the government and police leadership's dismissal of the evidence contained in the reports that related to police violence and killings. Alston's findings indicated that even when, metaphorically speaking, the ink on many of the PEV documents was still drying, key leadership figures in Kenya were in denial of police systematic killings and the level of police violence and impunity that had been recorded. As Alston highlighted in a pre-report statement:

*'Undoubtedly the greatest obstacle to my efforts to obtain detailed information from all sources and perspectives has been the failure by the police in particular to provide me with virtually any of the information I have assiduously sought'.*

Even more damning was his comment on the attitudes of the police commissioner and senior officials. In the face of multiple sources of credible information and evidence relating to police responsibility for killings, he stated:

*'Perhaps the most surprising outcome of my visit was the extent to which I received overwhelming testimony of the existence of systematic, widespread, and carefully planned extrajudicial executions undertaken on a regular basis by the Kenyan police. The Police Commissioner in particular, along with various other senior officials, assured me that no such killings take place. But he and his colleagues appear to be the only people in the entire country who believe this claim.'*<sup>76</sup>

As a concession to critics, President Kibaki dismissed the Kenya Police Commissioner in 2009 following growing public pressure. The dismissal also followed shortly after the publishing of the report by President Moi's original National Steering Committee on Community Policing, indicating policy-wise at least, that the Kibaki presidency was listening to the calls for police reform.

#### *The Task Force on Police Reform: The Ransley Report*

Waki had recommended a police reform group be formed. A supervised progress review by the African Union Panel of eminent African Personalities<sup>77</sup> of the coalition government's broad institutional reform agenda conducted in January 2009, found it to be slow and inadequate, particularly in respect of the police. Consequently, in May 2009, former judge Philip Ransley was appointed by the president to lead a reform task force. The Terms of Reference (ToR) of the National Task Force on Police Reform

---

<sup>76</sup> <https://reliefweb.int/report/kenya/statement-un-special-rapporteur-extrajudicial-arbitrary-or-summary-executions-mission> . Accessed October 24 2022.

<sup>77</sup>

[https://peaceoperationsreview.org/wpcontent/uploads/2015/06/2010\\_au\\_panel\\_eminent\\_african\\_box.pdf](https://peaceoperationsreview.org/wpcontent/uploads/2015/06/2010_au_panel_eminent_african_box.pdf) . Accessed October 24 2022.

were extensive and are reproduced in full in Appendix i; however, two extracts are given below as illustrations of ideas initially expressed in the ToRs, which were later carried through into the 2010 constitution and its implementing legislation:

*(b) Examine existing competences, skills, knowledge and attitudes of the Police at all levels and make recommendations aimed at enhancing shared core values, policing excellence and benchmarking against international best practices; (my emphasis)*

*(c) Review the human resource management and development policies with a view to examining current standards and practices in recruitment, deployment, training, career progression, exit, post-exit management and recommend implementation of changes that enhance morale, meritocracy and professionalism' (my emphasis).*

Ransley's recommendations were far-reaching. Unsurprisingly, given the outcomes of public forums conducted by the Waki Commission and Alston, Ransley had found that,

*'Members of the public place part of the blame for the deterioration in the security situation and the apparent increase in crime on the shoulders of the police'.<sup>78</sup>*

---

<sup>78</sup> Ransley Report, 2009, p.3.

Public confidence in the police had dropped very low, as had morale within the police. The public's concerns were around a general failure of the police to attend to their calls, their brutality and widespread corruption, and also their attitude of impunity.

Criticisms were also levelled at the police from within its own ranks. Police interviewees identified key causes of low morale as including poor leadership and management (for example, abuse of Force Standing Orders (FSOs) in respect of the administration of postings and transfers, as well as harsh and inconsistent discipline applied to lower ranks of the police) and neglect of welfare, such as inadequate housing and remuneration, poor training and equipment, and little insurance protection for the families of officers killed or wounded on duty.

Ransley's report avoided criticising the government directly, but his collation of public and police views left no doubt that structurally, financially, and operationally, the police were not fit for purpose. Of particular relevance for this thesis is the lack of commitment to policing he identified:

*'v) The majority of the public feel that the Government is not fully committed to supporting the work of the police adequately, by, for example, providing sufficient budgetary allocations. Effective policing, which is a prerequisite for security and development in Kenya, has not been accorded the priority that it deserves over a considerable period' (National Task Force on Police Reform, 2009, p.10).*

And a deeper concern relating to the integrity of the country as a whole:

*'vi) It was also recognized that the levels of integrity and accountability in the Kenyan society often left a lot to be desired. Respect for the rule of law is often observed more in its breach than in compliance. This issue of values, integrity and civic responsibilities of Kenyans as whole falls outside the Terms of Reference of the Task Force, but it is a subject that requires serious and urgent attention of the government and Kenyans in general' (ibid.).*

These were deep-seated and complex factors which any reform programme would need to address. The Kenyan response to Ransley's findings went beyond the police; the architects of the 2010 Constitution sought to build on his findings in their drafting by prescribing detailed directions to the police, including in the subsequent legislation, how the police were to engage with and be accountable to, the public. As is shown later, the police responded by developing strategic plans which gave directions relating to their behaviour and competence. The strategic leadership and command training (SLCP) which is discussed later, emerged from these plans.

#### *The Constitution of 2010*

Given the failure to produce a new constitution through a national referendum in 2005, Kibaki's government could be forgiven for approaching a new constitution in 2010 with caution.<sup>79</sup> However, it was with the influence of Kofi Annan and the AU

---

<sup>79</sup>. The proposed 2005 constitution had originally incorporated a reduction of the presidential powers in favour of a degree of delegation of authority to the provinces. Kibaki's 2005 adjustments to the Constitution of Kenya Review Commission's draft effectively maintained powers centrally with the presidency, which ultimately caused its referendum failure <https://www.jurist.org/news/2005/08/debate-over-kenya-constitution-draft/>. Accessed 26 October 2022.

Panel of African Eminent Personalities,<sup>80</sup> that a legislative agreement to a coalition solution was found which allowed for a national dialogue to progress towards constitutional reform.<sup>81</sup>

The new constitution was drafted at a point when world attention was still engaged, and in the aftermath of two commissions of inquiry and a task force report on police reform. It boldly repositioned the police to a purpose and model of delivery broadly aligned with international standards, which would address many of the criticisms aired through the commissions of inquiry and the task force report. In this section, I draw out key elements of the constitution relating to the police.<sup>82</sup>

The creation of a National Police Service (NPS) was the starting point for police reform in the Constitution of 2010 (Article 243). It brought together the Kenya police and the Administration police under the leadership of an Inspector General (IG) but maintained their individual identities as services with different roles.<sup>83</sup> The Constitution set out the following objectives and functions of the NPS:

*a) strive for the highest standards of professionalism and discipline among its members;*

*(b) prevent corruption and promote and practice transparency and accountability;*

---

<sup>80</sup> The AU Panel of Eminent African Personalities was chaired by former UN Secretary-General, Kofi Annan. The other members of the Panel were Benjamin Mkapa, former President of Tanzania, and Mrs. Graça Machel of Mozambique.

<sup>81</sup> National Accord and Reconciliation Act, 2008.

<sup>82</sup> Directions on policing are, of course, made in the context of broader constitutional reforms, including a bill of rights and the delegation of political authority and responsibility to elected county officials, and I refer to these where appropriate.

<sup>83</sup> Interestingly, while Ransley explored the option of total amalgamation of the police into one national service, he explained in a 2014 conversation with me, that there was political and professional pressure to retain the two separate police organisations. This was because, he suggested, the existing provincial administration structure, to whom the Administration Police were closely affiliated, would lose control of an important capability in the exercise of local power.

*(c) comply with constitutional standards of human rights and fundamental freedoms;*

*(d) train staff to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity; and*

*(e) foster and promote relationships with the broader society.*

(Article 244)

These subsections distil the findings of Kriegler, Waki, and Ransley on what the public and the police themselves identified as desirable in a democratic police organisation. The conversion of these objectives and functions into behaviours and standards for the police in the operational environment, however, is addressed later in this chapter.

The position of Inspector General (IG) was a presidential appointment with approval of parliament for a fixed term of four years (Article 245). In a clear reference to the criticisms contained in the Waki report relating to the police being inappropriately influenced by the personalising of power by successive presidents, section 2(b) of Article 245 states that the IG 'shall exercise independent command of the National Police Service and perform any other functions prescribed by national legislation'.

This independence of command is reinforced in the relationship between the IG and the government official responsible for policing, where it states:

*The Cabinet secretary responsible for police services may lawfully give a direction to the Inspector-General with respect to any matter of policy for the National Police Service, but no*

person may give a direction to the Inspector-General with respect to

*(a) the investigation of any particular offence or offences;*

*(b) the enforcement of the law against any particular person*

*or*

*persons; or*

*(c) the employment, assignment, promotion, suspension or*

*dismissal of any member of the National Police Service.*

(Article 245: sec. 4, my emphasis)

This 'no person' condition is a significant change: it addresses the previous criticism of the police being susceptible to high level political or 'big men' influence and the wider personalising of power generated through the constitutional amendments that Waki had reported.

The Constitution was not flawless in this regard, however. Here is an example of how police reform processes can be comprised by corruption elsewhere in the justice system. The Constitution does give the Director of Public Prosecutions (DPP) the unequivocal right to direct the IG of the NPS on criminal investigation matters. This has the potential to weaken the IG's freedom to act independently (Article 157[4]).

Constitutional powers to direct the head of the police are usually conferred for sound democratic and legal balance reasons. The DPP could raise a matter to the IG that the police should take action in the public interest on matters to which they had

not previously given priority. In the case of ceasing prosecution, the case could be made to the IG by the DPP that prosecution would not be in the public interest or that evidence is insufficient to prosecute in any particular case. However, given the findings of the Waki report in respect of corruption within the different streams of government agencies, including the judiciary, this power to direct the IG could be subject to abuse, as the hypothetical scenario below illustrates.

Hypothetically, the DPP (a presidential appointee), could, in pursuit of political advantage, direct the IG to investigate political opponents of the regime for criminal reasons, with the intention of discrediting or otherwise creating reasons to weaken the opponents' political position, and the IG would have to comply. Similarly, the DPP could discontinue the prosecution of an associate's case despite the sufficiency of evidence and public interest being met, and with the exception of the permission of the court, no objection could be raised (Article 157: sec. 6[c]). As with all powers conferred on the respective public offices created by constitution or legislation, the integrity of the office holders and the robustness of the justice system are the ultimate arbiter of due process.

The Constitution was a positive and commendable start and needed to articulate elements like the Bill of Rights and the two-tier power structure to clearly declare Kenya's strengthening democratic intentions. However, the Constitution is not sufficient in and of itself because the disposition of society in the country, as Ransley indicated, seemed to be wedded to a continuing condition of tolerance for disenfranchisement of the many and favour for the few. Waki's and Alston's reports stated that corruption within the justice system as a whole, and failure of the court

and prosecution system specifically, had been a source of excuse offered for violence and extra-judicial killing by the police.

Given the independent assessments by contributors to the PEV inquiries, and other evidence gathered by the inquiry commissions, there is still no guarantee that the 2010 constitution and its legislation will fully eradicate the corrupt practices in parts of the government apparatus that have plagued Kenya since independence (Hope, 2014). If that is the case, there will be a consequent effect on the ability of police to progress reform efforts.<sup>84</sup>

#### *Police Reform Implementation Committee (PRIC)*

The vehicle for implementing Ransley's 200 reform recommendations was the Police Reform Implementation Committee (PRIC), which was appointed by the Kibaki government and gazetted on January 12, 2010. It was mandated to coordinate and steer implementation of the recommendations on police reforms. The chair was Kenya Airways managing director, Titus Naikuni, who reported to the Internal Security minister of the Ministry of Interior and Coordination of National Government.

Incorporating the heads of the police forces and key civil society representatives, PRIC had representation from all relevant ministries and was supported by a small secretariat consisting of a coordinator, two international police advisors, and a typist. PRIC was gazetted to pave the way for the reform measures that would feature in the

---

<sup>84</sup> A case was being pursued against the DPP in 2021 by the then Director of Criminal Investigation (DCI) for failing to pursue a prosecution. According to the DCI, the evidence in a case of murder was overwhelming and it was suspected that it was not being progressed because officials within the office of the DPP had taken bribes to drop the case. To date, the outcome is not known. (Personal informal conversation with the DCI, October 2021)

constitution that would be subject to referendum in August 2010 and the subsequent legislation that would commence in August 2011. It had three working groups:

- Institutional, Legal, and Policy Reforms
- Police Professionalism and Empowerment Reforms and
- Enhance Operational Preparedness and Logistical Capacity

Significant at its meetings, however, was the absence, except for a few occasions, of the heads of the Kenya Police and the Administration police, who sent representatives instead. While the police leadership seldom, if ever, refused point blank to comply with PRIC deliberations, by sending representatives to the meetings, they effectively installed a firewall that permitted the Commissioner (Kenya Police) or the Commandant (Administration Police) to receive a particular proposal or decision only via a committee minute, and then, using the vehicle of internal consultation, decide to either accept it, or delay, obfuscate, or just let the communication wither on the vine.

The PRIC, however, was the main architect of the police component of the constitution and the police, IPOA, and NPSC legislation. Their purpose was to operationalise the implementation of Ransley's recommendations including the independent oversight envisaged in the functions of IPOA and NPSC. The real challenge for the committee was how it would address the history, attitudes, behaviours and practices of the police that were, as the brief history above indicates, tainted by deeply rooted conditions. What could it do to disrupt the culture of impunity in the police with regards to corruption and brutality, and how could it address the weakness in its leadership at different levels that acted out of fear and self-protection rather than courage and for the public good? As I show below, with

the responsibility to design the legislation appropriate to meet the Constitutional demands, it was useful for PRIC to have international advisors with inspectorate oversight experience to shape the content of the legislation such that it clearly directed the police towards the intended constitutional outcomes.

### *The Reform Implementation Legislation*

There were three key pieces of legislation designed to implement the constitutional reform measures that are relevant for the police: the National Police Service (NPS) Act, the National Police Service Commission (NPSC) Act, and the Independent Policing Oversight Authority (IPOA) Act. I examine each in turn to piece together the sections that communicate the significant reform intentions.

#### 1. National Police Service Act, 2011

This Act radically restructured the Kenyan police services to streamline them and remove legacy inconsistencies and duplications. It also gave direction as to the style of policing that was to be adopted (Community Policing) and how the delegated political responsibility devolved to counties would also play a part in determining local policing priorities (County Policing Authorities). The heads of the Kenya police and the Administration police were designated as deputy inspector generals (DIG) and subordinate to the IG, as too was the Director of Criminal Investigations, though the rank is not specifically designated in the legislation.<sup>85</sup> While sound in principle, the challenge of superimposing a new level of leadership over the pre-existing and

---

<sup>85</sup> Art. 245 (3) Constitution 2010. The head of the DCI is known as the Director General, and he/she is acknowledged to be of equal status to the DIGs.

politically well-established Kenya and Administration police services, was not without resistance and practical difficulties.

Resistance came from those who still could not see a need for reform or for the need of the national policing structure, and who sought, both inside and outside the police, to maintain the status quo. Practical difficulties arose from the absence of some administrative instruments. For instance, while the IG was the overall head of the NPS, the funding for the two services and the Directorate of Criminal Investigation (DCI) was held by their respective heads.<sup>86</sup> The consequence was that in order to initiate any reform scheme, the IG had to persuade his two DIG subordinates and the DCI of its merits in order for them to release funds that they controlled.<sup>87</sup>

#### *Functions of the Police*

While the direction to create a national police service made up of the Kenya Police and the Administration police was clear, the legislative flesh on the constitutional bones generated some duplication and some omission in describing the respective functions of the services. The KPS, the APS and the DCI have common elements in each of their stated functions. All three are required to maintain law and order, apprehend offenders, and contribute to collection of criminal intelligence. However, in the legislation, the Administration police had no specific direction to detect and prevent crime, despite them having exclusive responsibility in the functions to

---

<sup>86</sup> An example of this was the refusal by the DIG KP to name the Loresho facility as the 'National Police Service Staff College' because she claimed, she was paying for the paint and the building. The sign outside the facility was only changed after the DIG had been replaced in 2015.

<sup>87</sup> On the appointment of President Ruto in 2022, in his inauguration speech, he directed that the NPS funding should be controlled by the IG. <https://www.capitalfm.co.ke/news/2022/09/president-ruto-to-sign-executive-order-giving-police-financial-autonomy/> . Accessed 14 January 2023.

manage cattle theft and the security of borders.<sup>88</sup> Practically, this meant that recording of crimes and action on arrests by Administration police relied on the transfer of their administration to the Kenya police, which was not always conducted smoothly nor with the standard of evidence that the Kenya police reasonably anticipated. The consequence was under reporting of crime and often, the failure of cases at the point of prosecution.

Conversely, while having no mandate in their functions to prevent or detect cattle theft specifically, the Kenya police had a cattle anti-stock theft unit that often duplicated the work of the Administration police. Some clarity was brought to the duplications when in September 2018, with presidential approval, the IG Joseph Boinnet accomplished a major shift in the balance of personnel by transferring over 24,000 officers from the Administration police to the Kenya police at the same time as regularising the functions of each Service.<sup>89</sup>

#### *County Policing Authorities*

County Policing Authorities (CPAs) were mandated by section 41 of the NPS Act. They were to be chaired by the elected county governor and had powers to determine policing priorities within the county as part of the constitution's shift to local accountability, reflecting the devolved powers to counties under the two-tier system of government.

---

<sup>88</sup> Cattle theft across the international borders with Uganda and Ethiopia has traditional origins relating to rite of passage for young men seeking doweries for marriage purposes. In recent decades, however, theft of cattle has become more associated with organised crime, has become more violent, and has seen the introduction of automatic weapons as part of the stealing equation.

<sup>89</sup> New Reorganized National Police Service Command Structure, Kenya (2018) - Kenyayote . Accessed 20 October 2022.

Almost immediately, despite writing to the DIG's asking for their plans for implementation of this section of the Act, efforts were made by the first IG to remove the requirement for county policing authorities. By petitioning for legislative change, he claimed that by law, his role was the only policing authority needed in the country. While his attempt at complete removal failed, the law was amended three times between 2011 and 2015, each time removing elements of responsibility from the county's mandate with a consequent dilution of local power to influence local policing.

#### *Mandate to Implement Community Policing*

The NPS Act requires the police to liaise with communities through community policing initiatives. As part of the constitutional requirement to '*foster and promote relationships with the broader society*' (Art. 244[e] of the 2010 Constitution), Section 96 of the NPS Act specifies the actions the police will take, including:

- (a) *establishing and maintaining partnership between the community and the Service.*
- (b) *promoting communication between the Service and the community.*
- (c) *promoting co-operation between the Service and the community in fulfilling the needs of the community regarding policing.*
- (d) *improving the rendering of police services to the community at national, county and local levels.*

- (e) *improving transparency in the Service and accountability of the Service to the community*
- (f) *promoting policing problem identification and policing problem-solving by the Service and the community*

By being so specific, the Act sought to unequivocally direct the police towards meaningful engagement and accountability within local communities. By giving CPA's the responsibility for implementing structures for community policing, including training, Section 97 of the Act reinforced the devolved authority and public accountability element of the legislation. As will be seen later in the chapter, while the first IG incorporated the general concept of community policing in the draft of his 2013–17 NPS strategy, it was the second IG who designed a specific vehicle to address the requirements of section 96 with a stated focus on people centred policing.

## 2. National Police Service Commission

The constitution created the National Police Service Commission (NPSC),<sup>90</sup> with key human resource (HR) and discipline responsibilities that were independent of the police service. Nine commissioners were appointed by the president, including a person qualified to be a high court judge, two retired police officers, three persons of integrity who have served the public with distinction, the IG and the two DIGs. The National Police Service Commission (NPSC) Act, 2011 directed that the commission would:

---

<sup>90</sup> Article 246, Constitution 2010.

*recruit and appoint persons to hold or act in offices in the service, confirm appointments, and determine promotions and transfers within the National Police Service (NPSC Act, 2011, Section 3).*

The Commission was also charged to exercise disciplinary control over persons holding or acting in offices within the Service. The importance of the independence of this body was crucial for the success of the reform agenda. Previously, the two forces, Kenya Police and Administration Police, had controlled their own recruiting, promotions, and transfers, and dealt with discipline internally, with general guidance provided by the Public Service Commission that set standards for all government agencies. Metaphorically speaking, without outside scrutiny, the police had been 'marking their own homework' with deleterious effect. These major elements of HR management were now to be conducted independently by the NPS Commission, and solely for the police, thereby removing the option for the police to use personnel matters inappropriately.

The resistance from the police was palpable. Despite the IG and the DIGs being part of the commission's makeup, there were clashes in the early stages of the NPSC's establishment where the police deliberately ignored the legislation and continued to conduct their own processes. As the chair of the NPSC outlines under the heading of 'Challenges' in his 2014 annual report:

*'The issue of perceived legal contradictions between the functions of the Commission and the Inspector-General has slowed down our operations. Some of the Commission's functions e.g., recruitment of police officers being performed by the Service. This was a result of*

*funds for this crucial exercise not being allocated to the Commission'*

(NPSC Annual Report 2014, p.19).

A fresh and vital role for the NPSC was that of vetting of officers as to their suitability to remain in the police. This publicly reported exercise was designed to be part of the professionalising of the Service, and to allay public concerns about the quality and calibre of police officers.

With the aid of development partners and a significant amount of public consultation, the Commission developed a vetting tool, which was validated in November 2013. Having established the legal framework and vetting regulations, in 2013 and 2014 the Commission vetted 198 police officers in the ranks of Senior Deputy Commissioner of Police grade 1 & 2, Deputy Commissioner of Police, Senior Assistant Commissioner, and Assistant Commissioner of police. They also conducted vetting sensitization of 1,772 police officers in the ranks of Senior Assistant Commissioner of Police, Assistant Commissioner of Police, Senior Superintendent of Police and Superintendent of Police across the country.<sup>91</sup> Officers who did not wish to be part of the vetting exercise were allowed to retire from the Police. Those found to have failed the vetting standard were dismissed from the Service, though a number were reinstated on appeal.

While the concept of vetting was publicly applauded in the media, the speed and efficacy of the NPSC's efforts were criticised internationally: the International Center for Truth and Justice (ICTJ), a well-respected justice-oriented NGO, pointed out that

---

<sup>91</sup> NPSC Annual Report 2013/14, p.13. In consultation with the Service, the Commission also restructured the ranks to give clarity to responsibilities in each rank and pay grade. The new ranks above senior superintendent were Senior Assistant Inspector General, Assistant Inspector General, and Commissioner.

the NPSC vetting process was consistent with a 2% failure of vetting rate, which they claimed was remarkably low. They state in their 2017 report that:

*'It has taken the NPSC two and a half years to vet just 1,566 police officers, which means it is only capable of vetting approximately 627 police officers per year. At this rate, allowing for review and other appeal processes, it would take 122 years for all 77,000 police officers to be vetted'.<sup>92</sup>*

The ICTJ acknowledged that the NPSC was aware of this, but they were critical of its failure to find a workable alternative. In the meantime, the challenge to rid the police of incompetence or corruption remained huge. As Hope (2018) observes:

*'Police corruption crime in Kenya is primarily conducted through organized networks that are aided, abetted, and spearheaded by senior officers who share significantly from the take in these corruption crime activities... It is, undoubtedly, a rotten barrel (or orchards) problem' (Hope, 2018, p.97).*

In an informal conversation after he had left his post as IG, Joseph Boinnet shared with me that one of his regrets during his time in the Service was not being able to address the scale of corruption satisfactorily.

### 3. The Independent Policing Oversight Authority

---

<sup>92</sup> <https://www.ictj.org/sites/default/files/ICTJ-Briefing-Kenya-PoliceVetting-2017.pdf>. Accessed 26 October 2019.

The establishment of Independent Policing Oversight Authority (IPOA) was the second major body of the police body created to strengthen the shift towards more accountable policing. The Authority's 2011 legislative mandate holds the Police accountable to the public in the performance of their functions and gives effect to the provision of Article 244 of the Constitution in respect of professionalism, discipline, transparency and accountability. It also ensures independent oversight of the way the Service handled complaints.

As described above, the architects of this legislation sought to use its narrative to articulate the purpose of the Act and the provision of its powers. Not only did the legislation need to react to complaints about policing from the public, and also from the police, but it also needed to ensure proactively that standards of service were improved and maintained.

In its 13 designated functions under section 6 of the IPOA Act, the concept of receiving and investigating complaints, under sub sections (a) and (b) respectively, was generally understood. But two of the functions were initially controversial and generated some friction with the police. The first, to monitor and investigate policing operations affecting members of the public under subsection (c), was an alien concept to the police. The police had had no previous experience of such outside intrusion by a civilian non-police body into operational matters, which they considered to be their exclusive territory. The monitoring and investigative duty for IPOA was clear, but resistance from the police towards them was exacerbated because of a lack of an investigative capacity in IPOA in their early days. This made it difficult to challenge police operational activities with any degree of credibility. The second controversial

aspect of IPOA powers was to conduct inspections of police premises, including checking on the standards of detention facilities under the control of the Service. Again, the police resisted this intrusion into what they considered their exclusive business.<sup>93</sup>

Tensions over both these functions became visible in April 2014, when the Authority sought to inspect the policing arrangement of what was commonly known as *Operation Usalama Watch*. This was a government initiative, led by the police, in response to terrorist attacks in the country and which was focussed on the Eastleigh area of Nairobi and on Mombasa, both places with a strong presence of Kenyan citizens with Somali heritage. IPOA's report on the operation was critical of the police and other security agencies. They complained that as an official body with lawful authority, they had been denied access to the operational parts of the event. Subsequently, it also reported on the prejudicial focus by the police on ethnic Somali residents and on the poor arrangements for detention of arrested people.<sup>94</sup> However, whereas the operation had attracted much harsher condemnations of the government's abuse of law and authority from organisations like Amnesty International and the Kenya National Commission on Human Rights,<sup>95</sup> IPOA's report fell short of a wider criticism of the whole operation as a proposed solution to the terrorism, which it had a right to question under its mandate. This indicated that,

---

<sup>93</sup> Personal notes, April 2014: unrecorded conversation with IG.

<sup>94</sup> The use of the undesignated sports stadium at Kasarani, Nairobi for the detention of hundreds of people, and the holding of detainees beyond the 24 hours permitted in law, attracted criticism in the report, as too did the allegations of theft and bribery against the police when they conducted related house searches.

<sup>95</sup> <https://www.amnesty.org/en/latest/news/2015/11/op-ed-kenya-cannot-be-allowed-to-gloss-over-serious-human-rights-failures/> 26 October 2019.  
<https://www.knchr.org/Portals/0/CivilAndPoliticalReports/Report%20of%20KNCHR%20investigations%20on%20Operation%20Usalama%20Watch.pdf?ver=2018-06-06-194906-830> Accessed 26 October 2019.

while as the overseers of policing standards they were confident to criticise normal policing functions, they were less assured to robustly criticise the police when their activity was part of a wider government anti-terrorist initiative.

#### *The PRIC Solution to Ambivalence and Obfuscation*

Conscious of a level of ambivalence towards reforms within the police, by careful crafting of the details and directions incorporated into these pieces of legislation, PRIC sought to make sure that the legislation for all three bodies was an effective vehicle to influence the attitudes and behaviours of the police. They sought to achieve this by incorporating narrative into the legislation that had the intention of dismantling the opportunities for impunity, strengthening the police professional competences, and making the police be more accountable to local communities by directing them to undertake community policing initiatives. How the police responded formally is addressed in the next section of the chapter.

### **The NPS Strategy 2013/14 – 2017/18**

Like most bureaucratic organisations, the new National Police Service sought to translate its legal mandate into an organisational strategic plan. For the most part, the 2013 – 2017 draft plan that was being developed by the first IG, David Kimaiyo, reflected the language and intentions of the legislation.

On my arrival in the IG's office as a professional advisor in March 2014, I was asked to review the plan prior to its publication. I found that despite the IG having enquired of the heads of the services how they intended to implement different aspects of constitution and legislation, the plan was mute on operational directions, or the 'how'

and 'why' of the way the police should behave or perform under the new dispensation. Given the strict hierarchical nature of the police, and their propensity to wait to be directed rather than to take initiative, I expected the plan to contain much clearer interpretation of the law requirements and firm instruction to the police for their actions.

Having reported my findings and recommendations to the IG, a period of silence ensued. The 2013 - 2017 Strategic plan remained in draft form and then stalled completely on the premature resignation of the IG in December 2014. (I address the consequences of this situation and the fresh direction adopted by Kimaiyo's successor later in the chapter). In addition to my work in the development of the IG's HQ architecture, there were two areas of the strategy that I responsibility for progressing: the development of a programme for strategic development of senior officers and supporting the policy development towards authentic and accountable engagement of the police with the public. These two elements are given a more granular examination here to demonstrate the mechanisms through which their connections to the constitutional and legislative intentions are realised. The effects in an operational sense and in the wider social context are subsequently amplified in the interview evidence in Chapters 6 and 7.

## Strategic Training

As part of the development of the NPS strategic plan, a training needs analysis (TNA) for the police was commissioned in 2013, with support from the UK government. Staff from the UK College of Policing conducted the analysis in collaboration with the

Kenya Police Service. The TNA was to provide clear, unequivocal evidence of the state of police training and to make recommendations for future training investment. Their report,<sup>96</sup> submitted in November 2013, identified a gap in the domestic provision of strategic training, which had not been conducted since 2004. One of its key recommendations, therefore, was to create a sustainable, police specific, strategic training programme.

As part of its response to the TNA recommendations, the UK formally confirmed its preparedness to sponsor the subsequent police professional practice element of strategic training. It undertook to provide trainers and support for curriculum development through the UK College of Policing. The UK's offer of a former UK police chief for advice on broader strategic developments of the NPS was also accepted by the IG, and I was appointed to the post in March 2014.

#### *Strategic Training Committee*

The IG set up a committee to develop the training, to be called the Strategic Leadership and Command Programme (SLCP). It comprised the heads of each of the NPS's training establishment together with the director of reforms, and I was to act as its advisor.

Some background work for the intended programme had already been undertaken. Following his involvement in the TNA, the commandant of the Kenya Police Staff College at Loresho (a suburb to the North of Nairobi), Patrick Obimo, had negotiated a collaboration with Kenyatta University to provide a diploma and a master's degree

---

<sup>96</sup> College of Policing, 'Strategic Command Course - Kenya - TNA. October 2013'.

component to the programme.<sup>97</sup> The longer-term goal was to eventually have the staff college accredited as a university through the Education Ministry as evidence of the enhancement of senior officer training, commensurate with the demands of modern democratic policing. This ambition, which had a number of standards to meet over a period of several years, and for which the establishment of the strategic course was a key component, would provide the foundation elements to meet the Constitution's reform intention of high-quality training.

#### *Approach to Course Development*

As far as strategic training was concerned, article 244 of the Constitution was being taken seriously by the police, particularly in ensuring that the trainees would meet objective standards and qualifications. In addition to the Kenyatta University courses, as part of enhancing the professional standard of police leadership, each student had to attain a level 7, British Chartered Management Institute (CMI), strategic leadership qualification too.<sup>98</sup> This provided a visible and measurable framework for the assessment of post SLCP performance towards reforms by the trainees, a condition that is explored later in Chapters 6 and 7.

The IG's acceptance of the UK's intended three-year contribution to strategic police training was never in doubt, but there was less confidence of the acceptance that prospective candidates should be assessed for their potential before being deemed fit to undertake the course (Technically, an assessment centre is a separate human resource function that, under the new dispensation, should have been conducted by

---

<sup>97</sup> Kenya permits candidates who have achieved a C+ qualifying grade at high school to undertake a degree course. However, because a number of candidates did not have that high school grade, a diploma scheme was introduced.

<sup>98</sup> <https://www.gov.uk/guidance/level-7-qualifications> . Accessed 29 October 2019.

the NPSC). However, the IG took responsibility to get momentum behind the assessment initiative, not least because, pragmatically speaking, he recognised that the UK government's funding was conditional on the assessment of potential candidates being part of the training 'package' they were providing.<sup>99</sup>

The SLCP committee's recommendations, subsequently approved by the IG, created a programme that had three dimensions, known colloquially as '3D'. The first was a 12-week element on international policing best practice provided by the UK College of Policing. The second, a yearlong diploma or master's degree course (actually, with research and writing of dissertation, two years overall, but all teaching completed in one academic year), taught and administered by Kenyatta University and funded by the Government of Kenya (GoK). The third component was a national perspective on policing where the knowledge and skills learned in the first two components would be oriented towards implementation in a Kenyan context. The first course commenced in January 2015 with 24 participants, with 24–26 students on subsequent annual courses.

### *Assessment Centre*

The assessment centre component was controversial because, hitherto, there had been no objective assessment of candidates for training. As the interviews discussed in chapter 6 illustrate, even at the point of initial recruitment into the Services, candidate positions were often secured through influences or bribes, rather than on merit or compliance with selection standards.

---

<sup>99</sup> The assessment centre requirement I had suggested was a late addition, which conveniently demonstrated a quality element in the value for money criteria that UK domestic scrutiny of the spend would require.

However, in the new structure, despite the tensions in the internal political atmosphere, the assessment centre was being spoken about positively by some, but not always for beneficial reasons. While some senior officers felt insulted and undermined that they had been bypassed because applicants for the strategic training were to apply directly to the IG's office, others pointed out that in the absence of their recommendation for a candidate, they could not be blamed or embarrassed if the candidate failed the assessment. As some of the interviewees in Chapter 6 point out, in the prevailing organisational culture, it was important to avoid blame or direct responsibility in order to protect one's position. This was a behaviour that was sustained even as officers became more and more senior. It consequently effected the level of professionalism in the leadership qualities brought to evolving policing challenges, conditions that both Waki and Ransley had criticised.

The assessment centre was designed to meet the standards of competency for all public servants published by the Ministry of State for Public Services in 2011. The Ministry had identified deficits in the approach to selecting workers for placement, pointing out that:

*'Over time, the Service has laid more emphasis on qualifications while paying little attention to competency ... In addition, recruitment has tended to give more emphasis on oral interviews at the expense of written/practical tests ... There is need to indicate expected competencies during recruitment, selection and placement of workers.'*<sup>100</sup>

---

<sup>100</sup> Govt. of Kenya, Public Service Competency Framework, 2011: 1.

In order for an assessment centre to be successful, it had to have assessors of the calibre and quality to look at performance and evidence of the candidate and make an expert judgement. Potential assessors were recruited from the education and business sectors as well as serving and retired senior police officers. The IG's committee for developing the assessment centre ratified the content of the assessment, the training of assessors, and the administration support needed. Having designed the centre, which was loosely based on the UK Home Office national three-day extended interview to select potential chief officers for the police, I agreed to the IG's request to design and run the assessor training and to conduct the assessment centre.

A one-day programme of assessment was designed for the Centre, using the competencies for Professional Management and Administrative Staff (PMAS) positions identified in the Ministry of Public Services 2011 framework to ensure that standards were consistent and recognisable in the government service arena. To test the competencies, the candidates would be assessed on their ability as a senior manager to:

- respond to a written communication from the public,
- write a development proposal for an aspect of public service,
- participate in a leaderless group discussion to resolve an issue of public

interest,

- present an individual argument for or against a statement relating to a contemporary issue.

To avoid bias, candidates were only identified by numbers throughout the exercises and each candidate was assessed by up to six different assessors during the day. Following each day's assessment, the assessors gathered as a group and their individual assessment marks for each candidate were ratified then aggregated. Candidates who met the standard were put on a list that was submitted to the IG for him to determine who would progress to the course. Initially, no further communication beyond notification to unsuccessful candidates was undertaken by the IG's office, which is addressed in the recommendations of the independent assessment centre evaluation expanded below.

#### *Evaluation of Assessment Centre*

Following the assessment for the 2016 SLCP cohort, the assessment centre process was reviewed by the IG's committee, and advice was sought from the UK College of Policing about making further improvements. This resulted in the head of the UK Assessment Centre Unit deploying to Nairobi and conducting a live evaluation during the NPS SLCP assessment centre to select the cohort for the 2017 course.<sup>101</sup>

The UK Unit head's evaluation report was predominantly positive, with most recommendations proposing minor improvements or continuing of current behaviour. One area of criticism relevant to the wider concern about development of staff, however, was of the failure to give formal feedback and objective guidance for improvement to unsuccessful candidates. This was highlighted in my report to the IG as part of the investment in human capital element of his draft strategic plan.

---

<sup>101</sup> Report by Helen Slimmon, UK College of Policing AC unit, November 2016.

The advantages of assessment against competency standards have been understood in the human capital world for some time. They are commonly used in democratic police services because they assess individuals against job standards and competence, thereby limiting the potential for bias or undue influence. The principle of assessment against competency was used to select graduates from the first SLCP to be trained as trainers to work on subsequent SLCP courses and the assessment centre process for SLCP selection continued after I had left my post.

Strategically, as part of the drive to be more transparent and accountable, the assessment centre exercise was an organisational step forward towards that goal for the police. Anecdotally, some candidates, both successful and unsuccessful, shared with me how the experience had been positive because the competencies and standards being tested had been explained, there was nothing hidden in the process, and they felt confident that they had been professionally and appropriately tested.

## Engagement with the Public: The People Centred Policing Approach

The second major element of my work was to help develop the police-public engagement strategy. While various efforts had been made to introduce community-oriented policing (COP) in the early part of Mwai Kibaki's presidency (a donor initiative which was conducted by the SaferWorld NGO), for the first time, it had been made a requirement in legislation.<sup>102</sup> As I explain in Chapter 7, Joseph Boinnet was appointed as the second IG in March 2015, some four months after Kimaiyo's resignation. Even

---

<sup>102</sup> Section 96(1) NPA Act 2011.

though the DIG of the Administration police was made acting IG for the duration, no further work on the original strategic plan had taken place in nearly four months as none of the senior staff wanted to anticipate the changes Boinnet would make.

As anticipated, Boinnet required the draft to be revised to better reflect the intentions that he had identified to operationalise the legislation. To give notice of his approach to the accountability and professionalising elements of the constitution and legislation, Boinnet organised a workshop on 15th May 2015 at the Naivasha Country Club to explain his strategy to the senior cadre of the NPS. The title of the event was 'Police Transformation – Aligning Mindsets'. As a radical statement to the NPS of its IG's commitment to the reform process, this workshop is discussed in chapter 7; for now, it is sufficient to note that it constituted a simple but high-impact message about his reform priorities, and that, given the historic tendency to defer to the 'big man', this was a vital practical step to initiating reform.

What Boinnet presented to senior officers at the workshop, was formally shared throughout the NPS two weeks later, when, on 31<sup>st</sup> May, using the internal communications 'signal' facility, Boinnet sent a two-page priority signal to every police post in the country. It was a distillation of the priorities that he emphasised in the strategic plan, and identified the following four key areas for attention:

1. Organisation culture
2. Transformative leadership through people management
3. Inter institutional partnerships
4. Addressing the infrastructure capacity gaps.

The signal then described how the transformation would be achieved, illustrating:

*The overarching aim is to ensure that every officer owns the change. My mission is to achieve a "People Centered Police service " (PCP) based on: -*

- 1. Collaborative leadership at all levels within the National police service*
- 2. Partnership within the national police service and with other national security agencies, the judiciary, ODPP, and most importantly with the Kenyan people.*
- 3. Communication, horizontally and vertically.*
- 4. Command system that complement and not compete.*
- 5. The need to change the negative perception that the Citizens have of the police and to build requisite trust.<sup>103</sup>*

Boinnet's focus on People Centred Policing not only signalled the areas for priority for attention he expected of the Service, but it also headlined the areas of activity he expected to be emphasised by all levels of the leadership of the NPS. This contemporary initiative sought to devolve responsibility right down to the station level, which in the signal he alluded to being the most important representation of the police in communities. His choice of words in the signal was not accidental.

In point 1, he sought to foster closer relations between the two main branches of KPS and APS at the macro level, and at the micro level he intended that the existing

---

<sup>103</sup> Extract from Internal NPS signal from IG to all posts on 31<sup>st</sup> May 2015, shown at Appendix ii.

stiff hierarchical command structure should be loosened so that the provision of the policing service locally was not constrained by out of date and obstructive relations between the different ranks.

In point 2, he focused on the literal interpretation of partnership, to incorporate the sharing of risk and reward. It was a first attempt together with the detail in point 1, to try and break the adversarial rather than collaborative stance with which the people within the organisation regarded their relationships, both internally and externally.

Point 3 is both a directive to encourage broader communication generally - not retaining information for exercise of power purposes nor falsely claiming all police-oriented information is classified - and as a vehicle of extension to points 1 and 2.

Point 4 relates to the sometimes-false principle that the more senior an officer is, the more intelligence and wisdom he/she has. Boinnet was an insatiable reader of professional and academic articles, and he was no doubt influenced by contemporary thinking on policing, particularly relating to senior officers delegating authority to more junior ranks while retaining ultimate responsibility, a mindset that was not common in the cautious approach to responsibility many officers held.<sup>104</sup>

Point 5 acknowledges the poor reputation of the police. Unlike Commissioner Ali in 2009, Boinnet was prepared to accept the premise of poor reputation, recognising by the use of the phrase, 'build trust' that change would not be instantaneous. The police would have to sustainably demonstrate their commitment to public service if the public was to change its opinion.

---

<sup>104</sup> Boinnet's interest in the 'Gold, Silver, Bronze' component of the strategic training programme, which emphasises the circumstances where the concept of role not rank should prevail, is indicative of this.

As I will expand in Chapter 7, throughout his leadership of the NPS, Boinnet reinforced descriptively what people centred policing meant in respect of police standards and behaviour. While realistically, there was no expectation that all officers would read the strategic plan, now designated '2013-2014 to 2017-2018', the 'signal' gave the police a simple but effective message about their obligation to provide service and accountability.

Through his personal briefings and discussions with hundreds of police officers at a time around the country, and by his establishing a cadre of senior and junior police officer 'champions' to promulgate and reinforce the service orientation message, he drove the comprehensive rollout of a community-oriented policing strategy. This established People Centred Policing as the national policing philosophy, providing a focus for operational and institutional strengthening of the police service in general, with a consequent beneficial influence on the quality of policing experienced in communities.

## Conclusion

As with all documents of authority that give direction or make recommendations, there is often a gap between the intentions of the wisdom they contain and the realities of the application of such wisdom. I have shown in this chapter that the intentions towards accountability to the public and the professionalising of the police contained in the examined documents, are sound and unequivocal. A clear line can be traced: starting with the 2003-2007 Kenya police strategic plan, an acknowledgement from within the Force that the police was lacking both in

professional competence and in public reputation was found. That plan recommended reform measures, and signalled the potential for future problems if reforms did not occur.

The political failure to address broader reform issues and provide substance and support to the 2003 police plan effectively negated the proposals from the police. The consequence was that in 2007, in the wake of the PEV, the police were found to be unprofessional, culpable, and wanting in their response and involvement in the political violence that followed the elections. Heavy criticism of the police specifically, and of the administration more generally, is starkly illustrated in the reports of Kriegler and Waki. It fell to Ransley to articulate specifically the reform measures that the police required to serve the nation professionally.

In 2010, the constitutional architects drew heavily on the recommendations from the three reports, specifying the role of the police in the context of a broader bill of rights and in the central and local considerations for policing that featured in the two tiers of government, where elected county governors were to have authorities for elements of policing that previously were exclusively held by the centre.

The implementing legislation for the police reinforced the devolved intentions with the creation of county policing authorities. Though they were resisted by the IG and elements of the government, the establishment of county policing authorities nevertheless emphasised the community-oriented nature of the future professional approach to the delivery of local policing services. The legislation also directed that community policing initiatives would be the system of local policing service delivery.

Oversight and accountability were for the first time assigned to outside legislative bodies, both for the scrutiny of the management of police operations and standards to the public (IPOA), and to the internal administration of human resources of the police (NPSC). The conversion of the legislation into strategic direction for the NPS was achieved through the development of an NPS strategic plan, which took several years of gestation before being published by the second IG in 2015.

The need for strategic training, an important part of the NPS strategy, had been identified through a TNA in collaboration with the UK College of Policing. Its establishment was approved by the IG and the offer of UK government support for its design and first three years of operation was accepted. Controversially, in an effort to thwart attempts to secure places on the programme through means other than merit, the route for prospective candidates to the training programme bypassed the usual line management observations. It also had the 'gate keeping' exercise of an assessment centre to ensure that prospective candidates not only had the service profile, rank, and education to be considered for the training, but also were able to demonstrate they had the intellectual skills, energy, and awareness to manage the demands it would place on them.

While community policing was referred to in the original draft of the NPS strategic plan, it was the second IG who shaped the policing intention through his People Centred Policing Service operational plan, which was a distillation of all the constitutional and legislative requirements needed to reform the police to provide an accountable and professional service to communities. Over the next two chapters, I

examine the realities of implementing the reform recommendations and directions, from the perspectives of senior police officers.

## Chapter 6: Impediments to Reform

This chapter is the first of two that examine the empirical data gleaned from field research interviews with police officers in Kenya and their approaches to police reform. It explores the responses from semi structured interviews conducted with senior officers of the National Police Service of Kenya. It examines the emerging themes that they describe as impediments to police reform in Kenya, and I relate them to relevant literature where appropriate. The main themes that emerged from the responses are corruption, resistance, stagnation and structural. I have therefore structured the chapter around those emerging themes. Each main theme has a number of sub-themes to facilitate comprehension and in the case of the corruption theme, a short literature review is included to place the interview responses in context. The chapter concludes with a summary of the findings relating to impediments to reform. Overall, the chapter highlights a range of actual and potential impediments to reform in the police and uses the responses from the interviewees to articulate specific experiences to provide evidence of such.

### Context

On independence, the 1963 Constitution for Kenya had confirmed the protection of fundamental rights and freedoms of the individual.<sup>105</sup> However, as Anderson (2014) has noted, it was predictable that the conferred rights and freedoms were conditional because of the understandable effect of the recent history of the Mau Mau war and the state of emergency that had existed from 1952 to 1959. As Goldsworthy (1982)

---

<sup>105</sup> Incorporated into Schedule 2 of the British parliament's, Kenya Independence Order in Council, 1963,.

and Branch and Cheesman (2006) indicate, there is strong evidence that the individual rights and freedoms the constitution sought to protect were those of both the Kenyan and British elite, and not necessarily every citizen of the country. In respect of right to life for instance, a person would not have been killed unlawfully if the death had occurred as a consequence of defence of property, in a riot, or in the commission of a criminal offence,<sup>106</sup> all actions that featured prominently during the state of emergency and which were perceived still as threats to Kenya's white minority population (Branch, 2009). In the independence constitution, there was no directive to the state or its organs to act other than as an authority. The constitution of 2010, on the other hand, differs significantly. In introducing a bill of rights to ensure that every person should enjoy rights and freedoms to the greatest extent,<sup>107</sup> the constitution directs that,

*It is a fundamental duty of the State and every State organ to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights.*<sup>108</sup>

The political compromise that was the 2010 constitution described the aspirations for a more open and accountable government, and a police service that would be effective in fighting crime and corruption as well as serving broader society. That said, as Gastrow (2011) observes, there is strong suggestion that more effective and accountable police would not necessarily be attractive to the elites of the country, and consistent with Gastrow's view, Osse (2014) specifies that in relation to Kenya:

---

<sup>106</sup> Constitution of Kenya 1963, Cap 2, S. 14 & 15.

<sup>107</sup> Constitution of Kenya, 2010, cap 4, art. 20(2).

<sup>108</sup> Constitution of Kenya, 2010, cap 4, art. 21(1).

*'Reports of political involvement in drug trafficking and ivory poaching, and corruption cases involving senior Government officials and businessmen closely related to the political elite, underscore the fact that it may not be beneficial for the country's elite to have truly professional police that handle crime effectively, since they themselves might be targeted by police investigations'* (2014, p.12).

The bill of rights emphasis in the 2010 constitution is an important contextual shift in respect of shaping the expectations of society on what a post 2010 police service might deliver, and also in determining the outlook of the police in terms of their priorities and focus. The 2010 Constitution sought to negate the rule of impunity that had permeated the police since independence, and to impose a standard of oversight and accountability that had not previously existed. Consequently, the responses from interviewees in this chapter relating to impediments to reform, reflect in many cases how difficult is the challenge of shifting the focus of the police towards these new standards. For the most part, the impediments in policing relate to what Brodeur (2007) describes as 'Low' police service, which in Kenya is accounted for at county and sub-county level. In some cases, the effort at reform is tempered by what Owen (2017) describes as 'disassembling', which relates to how efforts at reform by individuals, even senior officers, are invariably in tension with pre-existing and often deleterious organisational customs and habits.

After the constitution laid out the new national structure for the police, and after the publication of the National Police Service Act of 2011, the recruitment process for

the IG began. David Kimaiyo was appointed as the first IG in December 2012, and his initial challenges were both organisational and structural. Funding for the two main services and the DCI remained under the control of the two DIGs in charge of the two main arms of the Service and the Director of Criminal Investigations. This meant that any reform initiatives the IG wanted to take that incurred cost, had to be negotiated with the two DIGs, or he had to seek special funding from the minister.<sup>109</sup> Despite the establishment of a ministerially led Police Reform Implementation Committee (PRIC) in 2009, there was not much observable behavioural or attitudinal change in the day-to-day activities of the police.

---

<sup>109</sup> An example of this was when the IG determined that the Kenya Police Staff College would be the centre for NPS leadership training. The DIG refused to change the name of the college because she ie. the KPS, still carried all of its costs and it was therefore 'theirs'.

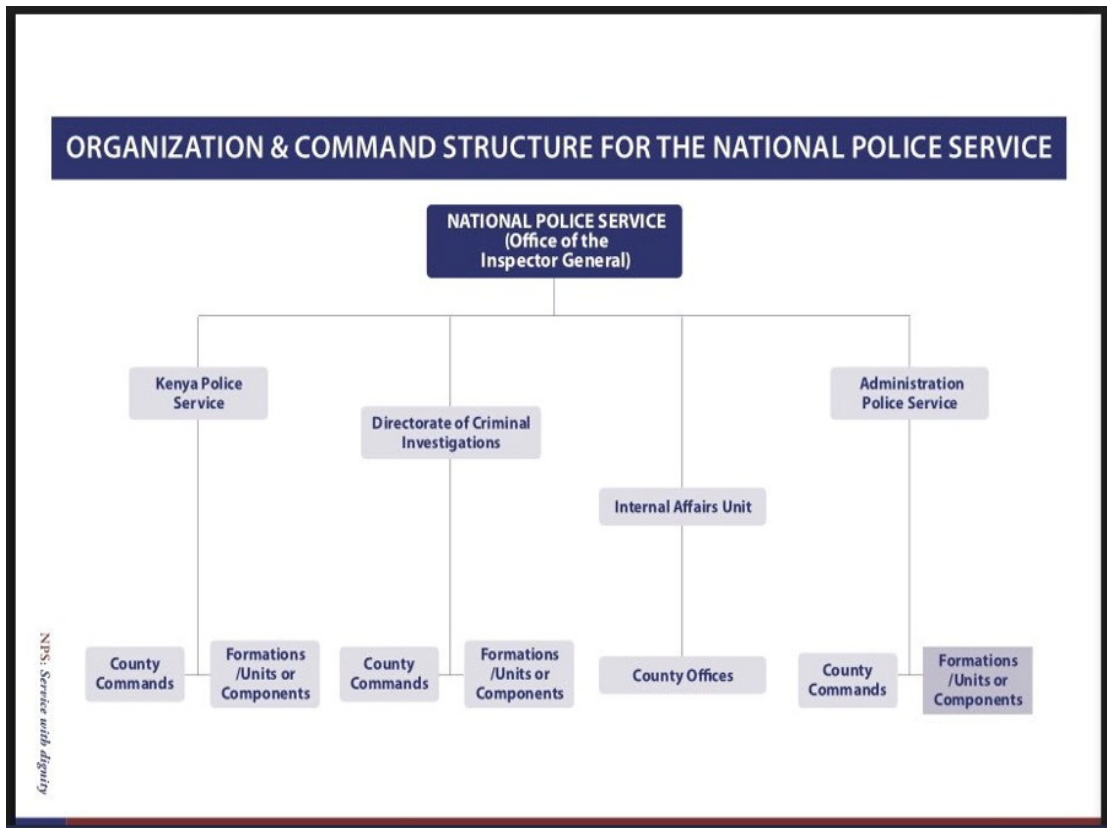


Figure 2: The NPS Organisation Chart

The 2009 report of the Task Force on Police Reforms had identified serious shortfalls, including the prevalence of corruption in the police, both externally, towards the public, and internally involving police as victims too.<sup>110</sup> The corruption ranged from petty bribery up to extra judicial killing. As Osse observed:

*'It is not just that police violate the rights of others and fail to provide security, internal abuses and violations are equally abundant. Police officers are being harassed, intimidated and*

<sup>110</sup> Named after its chair, retired judge, the Honorable Philip Ransley.

*denied their rights by other police officers, including their superiors' (2014, p.2).*

Over time, in casual and often accidental exchanges, as well as in formal duties with all ranks, I realised that for many police officers, their internal police experience was quite unsatisfactory. The culture I experienced or heard about was of strict hierarchy of command coupled with weak leadership, with customary habits of blaming others for ills, and obfuscation of responsibility that generated a condition of poor communication and confidence. This was compounded by the liberal exercise of petty discipline, unquestioning deference to authority figures, tolerance of corrupt practices, and genuine fear of reprisals for even minor issues. This had generated a negative view of managers and leaders for many police officers, both junior and senior, militating against them meaningfully challenging the status quo that passed for policing in Kenya, and to implement reforms.

The authority of a new constitution and strong legislation, the establishment of two oversight bodies, and the activities of the PRIC, had not seemed to affect the day-to-day behaviours of the police. Neither did the relatively recent memory of their established culpability in the 2007/8 election violence. Despite the compelling and very public evidence of bad policing elicited by the enquiry bodies, most of the senior officers I engaged with were content to undertake peripheral and minor adjustments to their procedures and activities, but to avoid any meaningful commitment to the essence of professionalism and accountability so clearly specified in the constitution.

In the methodology chapter, I explained the tensions that arose between my intended research approach and that which eventually emerged, which reflected some of what

is revealed in this chapter relating to impediments. However, information from the development activities of my mandate and my physical presence in the police environment as a very visible white person with a senior police background, allowed me to appropriately place myself in the data (Glaser and Strauss, 1999; Ghodsee, 2016). From here I was able to generate the conditions that led to the interviews that feature in this chapter relating to impediments to reform, and the following chapter that explores enablers of reform. For the purposes of this chapter, and drawing on the observations made by Chan (2007) that,

*'to understand the relationship between planned reform and resultant practice, it is vital to examine the complexity of culture, its genesis and institutionalization, its variations within and between organizations, its relationship with the external environment and its capacity to change over time (p.324),*

I approached the original thesis question relating to the ability of the police to implement a reform agenda by asking the second of the three identified sub-questions - what do the police of Kenya identify as impediments to reform?

In the SSI question relating to impediments to reform, I used qualifying nouns like 'corruption', 'resistance', 'stagnation' and 'structural' to help the respondents place their comments, observations, or criticisms in a context they felt comfortable with. Reminding them of the strategic leadership purposes of the SLCP, I also asked the respondents what they would be driving or amplifying if they were in the IG's position, that might not be happening currently in respect of reform.

I used Braun and Clarke's Reflexive Thematic Analysis (Braun and Clarke, 2021) to generate some 630 coding nodes,<sup>111</sup> which allowed information clusters of the impediments to reform to be revealed. The nouns, Corruption, Resistance, Stagnation and Structural, with relevant subheadings, emerged as appropriate theme headings. An additional theme of 'Misunderstanding', though small in terms of size of observation, emerged as a separate heading to explain information that the respondent felt had not been made clear or that had been misunderstood by the police generally, or a section of the police, or an individual.

The responses outlined below are grouped under those thematic headings and comment is made in the narrative of each.

## Corruption

Given my experiences as an advisor, where I had seen incidents at first hand, I was not surprised that corruption featured significantly in the interviewee response. However, it was interesting to see how many different behaviours and effects the interviewees attributed to corruption within both the police and in society more generally. Here I describe a small literature sample that provides reference to both behaviour and effect relating to corruption. An early definition by the political scientist Nye, describes corruption plainly as,

*'behavior that deviates from the formal duties of a public role (elective or appointive) because of private-regarding (personal, close family, private clique) wealth or status gains'* (Nye, 1967, p.416 as quoted by Andvig and Fjeldstad 2008).

---

<sup>111</sup> Nvivo vers 12 and (1) were used to develop the nodes for coding.

The word 'corruption' is found routinely in police reform literature. Hills (2012) and Bayley and Perito (2011) define as corrupt actions that an individual or a group take, using their formal positions to generate favour, advantage or disadvantage, whether financial or otherwise, beyond that which is required for the lawful discharge of their duties. Andvig and Fjeldstad (2008) argue that Nye's definition is too vague for police, and they specify three types of behaviours, 'commercially corrupt', 'embezzlement' and 'extortions' to describe the actions of corrupt police who misuse their office for personal or third-party gain. They also include relation-based corruption in their explanation of 'commercially corrupt', where acts are committed in favour of a family, ethnic affiliation, or other relationship. However, their definitions are predicated on the assumption of financial or other 'service' gain, ie. sexual favours. Their description does not seem to fully incorporate acts that are undertaken for non-financial or non-service gain, but which can nevertheless be described as corrupt.

An example of this in the Kenyan police context would be where the use of transfer or redeployment of an individual as a remedy to remove them if they are deemed troublesome or obstructive.<sup>112</sup> Ransley's report highlighted this as one of the internal corruptions complained of by police officers in pointing out:

*'There are serious management problems in the Police Services, arising from, amongst others, poor leadership, patronage, wrong placement {my emphasis}, disconnect between the lower ranks and their seniors, outright corruption, or its abetment, among many ills'* (Ransley, 2009, p. 122/123).

---

<sup>112</sup> Described for instance by 'WE' and 'DT' below.

In this case, the improper exercise of power is not necessarily for financial or service gain, but rather to exercise authority inappropriately to eradicate or displace a perceived problem. Andvig and Fjeldstad's taxonomy would benefit from an addition to express the non-financial or non-service nature of this corrupt use of power.

It is one thing to identify the ingredients of corruption, but another to take effective action to deal with it. Bayley and Perito (2011) observe there is a dearth of information about contextual conditions or programmatic tactics that could remedy police corruption. Describing conditions in Afghanistan, they paint a bleak picture of the effects of corruption that are similar to the complaints received by the election violence Commissions in Kenya. They point out that:

*Pessimism is justified. Not only are there operational problems of insecurity, unreliable personnel, and dysfunctional institutions, but police corruption is supported by social structures and attitudes that are embedded in local ways of life' (Bayley and Perito, 2011, p.12).*

When describing impediments to reform, Kenyan Interviewees expressed similar frustration in their inability to identify or propose workable solutions to corrupt practices as a consequence of institutionalised weakness of leadership and management.

### *Examples of Corrupt Practice in the Police*

Participants gave illustrations of internal corruption as an impediment to reform at both institutional and at a local level. Interviewee 'MG' reflected on the relationship between society and its broad desire to skirt normal processes and willingly to pay bribes to guarantee favourable outcomes. He highlighted two distinct examples of how corruption permeates society and has an effect on policing. First, in the context of recruiting young people into the police, he describes that:

*'They're (the parents) willing to pay to bring the children in, and it actually affects performance, because, if I'm a recruit and I know I paid 300,000 Kenya shillings or \$3,000, to get in, the first thing when I'm posted, I make sure I go to traffic and recover my money. It actually negates the principle of policing where you need to ensure that you're serving the people' ('MG' 20.09.2021).*

'MG' described being approached by a non-police local government official at a recruiting exercise, who told him that money had already been collected and therefore he, 'MG', had to allow the potential recruits through, the inference being that the official had already collected bribes and that 'MG' was guaranteed his own percentage of the collected money. 'MG' also noted that at this regional recruiting venue, he was so inundated with phone calls from parents and other representatives petitioning him with money to allow their candidate through, that he turned his phone off for two days. 'MG's observations are echoed by 'DT', who points out that,

*'it is a societal problem... [and] the police also are part of the society. I think there are matters we need to change with the police and actually emphasise ethics on officers. The [wider] society also need to be more morally engaged' ('DT').*

Second, 'MG' raised concern about political interference. In relation to the vetting exercise conducted by the National Police Service Commission to test the competence and financial probity of senior officers, he points out that,

*'there are people who are vetted out, but they use their political connections to still come back to the organisation. They found their way out and still came back' ('MG').*

Consistent with Brogden and Peroni's findings, several interviewees made the general point that corruption was endemic in their society, and that it should not be a surprise, therefore, that it is manifested in the police ('MG', 'PT' 'TT' 'DT'). Hope (2012) suggests that incentives for corrupt behaviour by public officials have arisen in Kenya because they have,

*'control over the instruments regulating valuable socio-economic benefits' (Hope, 2014, p.497).*

People want those benefits and are prepared to pay for them. In describing the plundering of state resources by the powerful that led to Kenyan society adopting a similar approach, Hope points out that,

*'Individuals, as well as those people in positions of authority and/or influence, tended to shift their loyalties and allegiances*

*to the ruling regime for reasons of both personal survival and economic gain' (Hope, 2014: 495).*

Confirmation that the practice of 'buying' places in recruitment operations was widespread and an accepted process, was independently evidenced by a foreign donor advisor who witnessed personal interventions by Kenyan police officers to get 'their' paid for candidate through the recruit assessment process at several different venues. (interview CM April 2020)

#### *Internal Police Corruption*

The payment of bribes by junior officers to senior officers in positions of authority for favour, was cited by several interviewees as being an almost institutionalised practice. Payments that are made either to avoid transfer to an undesirable position, or to retain a place in a desirable or lucrative posting, are referred to by several interviewees, ('WE', 'DT', 'PT'). Consistent with Andvig and Fjeldstat's 'extortion' distinction, this practice is common, particularly in the larger urban areas of Kenya where living conditions, better schools, and advantageous social opportunities are more desirable and accessible and for which some officers are prepared to pay for. 'WT' describes,

*'...finding yourself as a sub county police commander within Nairobi County, you need to be someone, you need to know someone. You need to grease the hands of someone..... Now ask yourself.....what is motivating this officer to stay loyal to the employer, to the call of duty?' ('WT').*

My personal experience of the ingrained habit of bribery was when, in my advisor role, I was approached by some serving junior officers who sought my opinion as to the suitability of a potential candidate with highly desirable skills to be recruited into the police. The individual was well known to me, and he had well established technical skills that would be an asset to the police. I therefore made an introduction for him with a senior officer responsible for police reforms. After several months I enquired with the candidate as to the progress of his application. He responded that he had not pursued it because he could not afford the one hundred and fifty thousand Kenyan shilling (\$1500) 'consideration' he was expected to pay to the senior officer to progress his application.<sup>113</sup>

Adverse cultural mindsets, habits, and behaviours follow officers throughout their service, even through their promotion journeys. Being 'gazetted' (reaching the rank of superintendent, which is published), creates a metaphoric sigh of relief for many officers, who feel they are far enough away from the risks generated by an often-toxic internal atmosphere. I found that despite the interviewees being quite senior officers who have attended a strategic leadership programme, and with the obvious potential for further advancement, their accounts in interview reveal that they still harbour fears that to step outside of the cultural norms they grew up with would expose them to some adverse reaction from within the organisation.

Short notice transfers to remove someone who is considered troublesome from a particular post is also highlighted as a corrupt practice by some interviewees. NPS Service Standing Orders (SSO's) forbid it, but it is regularly breached in practice. Even though postings and transfers should be reported to and sanctioned by NPSC,

---

<sup>113</sup> Personal field notes.

deployments of up to one year can still be made internally by the police for exigencies of the service, without reference to any other authority ('DT', 'WE', 'PT'). The consequences of this 'under the radar' action is that officers can still be subject to removal with little explanation, which generates fear among more junior officers. This undermines trust in leadership and often penalises the affected officers in terms of professional and family life disruption, as well as the financial penalty that such a movement incurs.

Common corrupt practices also pose a dilemma for honest officers too. If they are in a post where regular distribution of monies or other bad behaviour takes place, how should they respond? If they refuse the money, or resist the behaviour, they are considered a potential threat and their treatment by colleagues could be uncomfortable or even threatening (see case study 'Onassis' below). If they accept the money, or go along with the behaviour, their own integrity and the values of the Service are compromised. Some officers suffer great anxiety as a consequence of finding themselves in this position. They find it difficult to remain in a post where financial corrupt practices are endemic, but are often trapped, as the following case illustrates:

*A non-police member of civil society ('Onassis') described a conversation they had with a police Inspector. The Inspector had arrived at a new station, and, after a short while, he was told by a constable that he should be available on Friday afternoons to receive his share of the week's accumulated money from bribes and other sources. The Inspector, an honest*

*individual, felt extremely uncomfortable about this and absented himself from the station for several Fridays. He was left reminder messages by the constable who intimated that refusal of the money would not be tolerated by 'the bosses' at the station, which prompted even greater anxiety. The Inspector sought guidance from his immediate family and from his church, but other than agreeing that he should refuse the money, none was really helpful. The Inspector did not know who he could trust, and so feared reporting the matter to his superiors. Eventually, from the inspector's perspective, good fortune intervened. The constable was hospitalised with an illness, and the Inspector, on visiting the constable in hospital for welfare purposes, stated that he was gifting the accumulated monies assigned to him to the constable to help pay for his hospital care. In his mind, this allowed for a temporary reprieve of the pressure on the Inspector, and for him to pursue, successfully it turns out, a transfer to a post in training where there was no financial corrupt practice.*

*('Onassis')*

What can be drawn from this illustration is that, collection of bribes or unauthorized collection of monies from members of the public was institutionalised at this command; a junior officer had responsibility for organising the distribution of the monies on behalf of the overall commander; the junior officer felt confident to convey to the new inspector a veiled threat that there might be repercussions if he did not

accept his share of the monies; and the Inspector had the integrity to resist the approach, albeit with a compromise solution, before he could find a more suitable posting.

What is not clear in this illustration, but which can be reasonably assumed, is the Inspector did not feel confident enough to report the situation formally, preferring to remain 'under the radar' and satisfy himself that he personally was not compromised.

#### *Police / Public Corruption*

Outward-facing corruption is the source of much public criticism. Most obvious is the taking of monies at vehicle check points or roadblocks, a finding featured in Ransley's report. 'PT' explains that,

*'[In the context of paying bribes] The community members are not in the wrong most of the time. But in case of traffic offences, they are stopped on the road, this officer demands, and they give out the money. There's no connection between the money and defects on the vehicle and the wrongs on the part of the driver. But this has been a culture which has developed over time. So, people know, come to a roadblock, you have to pay money. For what reason, they cannot tell'*  
(*'PT'*).

Another strand of financial corruption is charging for police services that should be free. I experienced this personally when I sought police help for a burglary at the donor premises I was based at. Over the phone, the investigating officers asked me

for money (100 shillings, approximately \$1) for fuel and photocopying of reports before they even attended. But visible financial corruption is by no means the most serious. Branch (2011), Gastrow (2011), and Osse (2014) describe the widespread involvement of police in organised crime, extra judicial killings and various forms of extortion. Ransley's Task Force and Waki's commission also received first-hand accounts of this form of criminality in their evidence gathering visits to regions.

### *Institutional Contributors to Corruption*

While organisational culture and failures in leadership contribute to a mindset that can facilitate corruption in the police of Kenya, there is a conspicuous absence of mechanisms to counter or challenge it. 'DT' described the failure to develop and implement policy that could give guidance to managers, as an institutional weakness, noting,

*'even the anti-corruption strategy, it's still in draft form. It has not actually been rolled out; it has not been gazetted'* ('DT').<sup>114</sup>

## Resistance

SLCP graduates experienced extensive resistance to reform from their peers and from their immediate seniors, who were consistently referred to in interviews as the 'untrained' senior officers. In interviews, the use of 'untrained' seemed to be a polite shorthand to describe active or passive resistance, or sheer ignorance in their peer or senior colleagues. I explored this theme from responses in the SSI question that

---

<sup>114</sup> In an interview with former IG Joseph Boinnet (winter 2019) he admitted to me that the one thing he felt he should have put more energy into during his tenure was tackling corruption (Boinnet 20.11.2019).

asked what was not working in the reform agenda, and I linked it to what participants had found most useful on their SLCP.

Among the many subjects covered, many interviewees found the elements of 'planning' and 'strategic planning' were very positive gains from the SLCP course. Within these elements were problem solving tools like SARA (Scan, Analyse, Respond, Assess), which for most of the SLCP participants, was a new approach to how they prepared for policing their areas of responsibility. The logic of introducing this and other knowledge was compelling. However, some were conflicted and often resisted by their peers or seniors when they tried to implement such an approach on their return to their county or sub-county commands. Interviewee 'CY' stated:

*'And sometimes it's a challenge because you're working under a boss who sometimes will have a feeling of inferiority, if you try to explain to him what strategic planning means, how things are supposed to be done, how things are supposed to be flowing, he will take it as if you are undermining him or her'* ('CY' 02.12.2021).

Interviewee 'CE' said:

*'Because the person you're dealing with up there, maybe the regional boss, has not gotten the knowledge and the skill that you have. So, it becomes a bit tricky. That as much as we want to introduce something, you're not going [to be] on the same page, because you have a certain level of training which he doesn't have'* ('CE').

The graduates claimed that the main resistance from the so-called untrained officers was in the application of new ideas to support reform. They highlighted initiatives that related to public and community engagement or in developing accountability measures, despite these being specific directives in the Constitution.<sup>115</sup>

Describing a more pronounced example of resistance, 'CTE' pointed out that:

*'Those who are promoted are those people who have never been trained at Loresho [the SLCP college]. So, when they are at the top, and you tell them about strategic planning, you tell them about emotional intelligence, you tell them about the problems, like when you were doing operations.....when we tell them about the gold, the silver and the bronze<sup>116</sup> they don't understand. Instead, they tell you, "keep your education away"' ('CTE').*

The graduates suggested several reasons for this form of resistance. The first was that many of the officers who had been appointed to senior positions without attending any strategic training, felt threatened by the competence, capability and education of their SLCP peer or junior colleagues. 'PT' suggests that, relating to the untrained officers,

*'...when you want to reform issues, and it's troubling, then they're happy to float, they cannot fit in with that and the past protection they enjoyed. So, they fear that if you go like that, and streamline things like that, then you're likely to say in*

---

<sup>115</sup> Constitution of Kenya, Art. 244 (b) & (e) respectively

<sup>116</sup> A well-established UK based Police command structure, emphasising role rather than rank.

*future, “we can get more qualified people to handle that particular aspect.” So, they ensure that things do not move as directed. So that's the system’ (‘PT’)*

Compounding this, a residual habit within the Kenya Police, (though apparently not so prevalent in the Administration Police) was that an officer could not speak directly to a superior officer more than two ranks above him or her without formal application or arrangement. Consequently, officers, even those who had undertaken the SLCP, could not easily discuss professional issues or welfare matters with key individuals above them who invoked this hierarchical strictness. Interviewees reported that requests for such communication or engagement were often met with dismissive comments from the higher-ranking officers that either questioned the junior officer’s abilities, or otherwise proffered blunt instruction for them to just follow procedures (‘ST’; ‘CTE’). Seeking guidance or promoting innovative measures were stifled or discouraged by this inflexible organisational culture. The condition was particularly pronounced in relation to community engagement sessions intended to understand public concerns about security and policing (‘ST’; ‘GD’; ‘CTE’).

#### *Organisational Culture of Fear*

A culture of fear that seems to have permeated the organisation for decades, is attributed to the distancing and dismissive approach to engagement between junior and senior officers (KP Strategic plan 2003-2007; Ransley, 2009). Initiative was often dampened because of the informal, internal understanding that an officer seeking ‘too much’ clarity in complex matters or becoming too accountable or active towards

crime or community interests, could be seen as troublesome. 'GD', a very senior ranked graduate of the SLCP, explained that,

*'... you find in some areas, you start something, you reached a stage where you need support, but nobody is supporting you. So, if you're really not very committed into it, and you think that you should be assisted, then you will give up' ('GD').*

Fear of consequences is a thread that runs through many of the interviews, either as background context, as indicated by 'GD' above, or more specifically, as two particular interviews illustrate. In the first, an interview with 'WT', he was explaining how transfers of personnel were still being used as a form of punishment. The interview was over a social media video platform. His voice became much quieter, which I initially thought was because of a technical issue. However, the exchange went as follows.

*DB: 'I'm having trouble hearing you. Can you speak up a little?*

*I know you're telling me something that's sensitive, but just speak up a little bit more so that I can hear you'*

*'WE': 'Yeah, because some of these walls have ears'*

*DB: 'I understand'*

Significantly, the wall he indicated, to his right on my video screen, was that which separated him from his boss, who was also a graduate of the SLCP. This suggests that the fear of consequences exists, even among fellow SLCP graduates, and trust that one another share a perspective on reform, was not necessarily guaranteed.

In the other interview with 'LE' also over a social media platform, we were discussing how the integration between the transferred APS officers and the KPS officers was going. The conversation went as follows:

*LE: '..that is going OK. But the bigger problem is somewhere else'.*

*DB: 'Okay, so where is this somewhere else that is the bigger problem?'*

*'LE': 'Eeh, No. I don't want to talk about that one',*

*DB: 'Okay. All right. Well, .... perhaps I can come and visit you at [Location] and we can have a conversation more confidentially there?'*

*'LE': 'Yeah'.*

Despite holding a senior rank and being the commander of the county, 'LE' did not feel confident to express sensitive concerns over social media. Unfortunately, I could not follow up and explore 'LE's' concerns because of the previously explained restrictions imposed on my movements in Kenya by the IG. However, it is not unreasonable to conclude that 'LE's' concern fits into the pattern of culture engendered fear I have already outlined. Even holding quite senior ranks, the interviewees have an ingrained apprehension that their unguarded observations could lead to negative sanctions or consequences. This was experienced first-hand by another interviewee, 'PH', who described the situation with another SLCP graduate.

*'There's one particular county commander who started implementing some of the things he learned in Loresho... and reach out ... and talk to the community, wherever they are, it's easier for the community to start gaining interest. But the [his] commander said no, his superiors said no, that is not your responsibility, you should not be going to the communities. So, he was really, really frustrated. And he almost quit' ('PH' 05.11.2019).*

Interviewee 'PT' described how he was summarily transferred from an active command to a benign headquarters position at short notice.<sup>117</sup> After finishing the SLCP, he had been posted to be in command at an important economic hub. He had engaged in some quite innovative crime prevention measures relating to smuggling of goods, but after only six months, he was moved. His own assessment was that his anti-crime actions had generated a threat to organised criminals. Fearing their criminal enterprise could be compromised, 'PT' believes that the criminals reached out to corrupt police officers to initiate his removal from the post. He acknowledged that he was grateful that his 'punishment' had not been more severe.

#### *Historical Resistance to Change*

While the new constitution clearly directed that there should be more engagement and a more accountable relationship between the police and the public, how this would be implemented was initially unclear. Many senior officers who now had the potential or actual responsibility for reform, had been serving at the time of the

<sup>117</sup> Told to me in a casual conversation with PT outside of the formal interview process but authorised by him for me to use in research.

collapsed effort to reform the police under the regime of President Kibaki in 2004 (Branch, 2011). Then, under the leadership of former military officer, General Ali, the Kenya Police produced a draft strategy in which the corruption and shortcomings of police leadership were clearly acknowledged.<sup>118</sup>

The 2003 strategy is a sound document with acknowledgement of shortcomings and clear direction for their remedies. It proposed positive improvements to curb corruption and to promote confidence in the police with the public. But because President Kibaki's anti-corruption measures stalled for political reasons, police reform stalled too, and no real change occurred. The internal inertia towards the reform activity intended in the 2010 Constitution, also had part of its origins in that earlier strategic plan because, as Hills points out,

*'it is difficult to believe that engagement in democratic institutional reform was fully accepted by either the institution or its members. The police had little to gain from the plans, which would shift policing's focus from regime support to providing a service to all Kenyans for which they would be institutionally and individually accountable to external assessors'* (Hills, 2008: 253).

### *Internal Resentment*

---

<sup>118</sup> 'Section 3.4: Draft 2, Kenya Police Service Strategic Plan 2003 – 2007'; "The public complains about police inaction they also complain of police brutality, torture, assault, rape, trigger happiness, illegitimate arrest, harassment, incivility, disregard for human rights, corruption and extortion, among other things".

Many of the interviewees described the absence of any real reform effort being conducted in the posts they had occupied before attending the SLCP. They described resentment from some mainly KPS senior officers because of the unconventional path the candidates took to the SLCP. The course was also new and untested – the first course only started in January 2015. The SLCP, which was meritocratic and exam-based, also offered either a master's degree or a diploma qualification, which in itself could attract both financial and career progression benefits. Consequently, those officers who chose not to expose their professional competence to the test of the assessment centre or the SLCP itself, felt both intimidated and at the same time, envious ('PT', 'GD'). In the old culture, promotions were often influenced by political affiliations or by other influential office holders, and among those whose acceptance or progression in the police had been facilitated in this way. There was therefore a fear that the competency-based conditions could threaten the former patronage approach to promotion ('PT'; 'TP').

#### *Protection of Interests*

The old culture also resisted reform changes that threatened the personal gain interests of middle and senior officers. 'PT' explained that:

*'What we have is an internal resistance from the officers because they are people in position [of rank & power]. So, they are saying, the way things are being changed, they're making their positions safe. So, they keep their ways until their time comes up ('PT').*

Interests include the corrupt examples outlined above, as well as what 'PT' describes as 'their ways'. 'Their ways' can be taken to mean the preserving of the status quo in terms of position, status, and privilege. It can also mean the absence of taking responsibility and not getting too involved in leadership decisions that might expose an individual to criticism or at least scrutiny (Interviewee 'CM', former advisor to Internal Affairs Unit).

It could be argued that 'their ways' within the police context is also a microcosm of what Michaela Wrong describes in the title of her book as, 'It's Our Turn to Eat' (Wrong, 2009). The book describes the anti-corruption activities of John Githongo's enquiry under President Kibaki's Governance, Justice and Law and Order Sector Reform Programme (GJOSRP) and the subsequent threats Githongo endured when his enquiry report implicated many members of Kibaki's government in corruption. 'Eating' in Kenyan parlance describes the ability of those in power to gain corruptly from their position.<sup>119</sup> While financial benefits are the most common, 'eating' in the police context can include other benefits including privilege and access. However, in whatever form it takes, as the interviewees indicate, the emphasis is that such advantage is usually drawn from the corrupt use of public office.

---

<sup>119</sup> As described in Wrong (2009, p.325)

## Phenomenological Language

Obfuscatory language is that which is used in conversation or statements where an individual seeks to make a point or convey information, but in a non-explicit way. I found that this type of language was used by many of the interviewees. Over several years of working with Kenyans, and particularly with members of the NPS, I had become consciously used to people often using words or expressions that did not directly describe what it was they actually meant. It was rare to engage in a professional conversation where an individual was genuinely forthright and explicit (though see case of Onassis above).

For example, in the case of PT above, his use of the expression, 'their ways' seems to be an obfuscation, instead of saying more explicitly, their corruption or their poor leadership. The language used by CE seemed to dilute the impact of his criticism too. Though clearly frustrated with the attitude of his bosses, the expression he used was that they were 'not being on the same page' or that the conversations he had with them were 'a bit tricky'.

Broadly, I found it was quite common for some interviewees to use incomplete sentences or silences when expressing criticism, or for claims to be left deficient of specific language that could make their responses clearer. Sometimes, when I posed a follow up question to gain clarity to an answer, it was met with nervous laughter from the interviewee, then a pause, and then a response relating to a different matter altogether (e.g. 'CY'; 'LE').

I reflected for some time on why this was. Certainly, the formality of an interview, even one structured to be more conversational than strict, was a factor. But in the substance behind the language, particularly complaints or criticisms, the interviewees were actually describing the components of issues that demanded the depth and understanding of one professional to another.

However, it was the interview with 'WE' that I felt clarified my understanding. When I asked him to speak up so that I could hear, and he responded that 'walls have ears', he was indicating that his criticisms being overheard, even by a fellow graduate of the SLCP, could still compromise him, but it was acceptable and safe for me to hear them.

The issue was therefore about trust. I recognised that during my time as an advisor, I had developed quite close professional relationships with a number of groups and individuals. Over time, I realised I had earned their trust, both as an authority in police practice and reform, and also as someone who was unconditionally committed to their success.

When it came to my research interviews therefore, I concluded that to one degree or another, the interview responses reflected a level of trust, in which my professional persona had been positively weighed. The interviewees knew that I knew what they were referring to, without them having to spell it out. They could be confident therefore, that their obfuscatory language would still convey their intended meaning to me, but it was sufficiently vague so that should it be heard or read by others, they, the interviewees, would not be compromised.

## *Perspectives from the Phenomenological Literature*

The phenomenon of exploring people's real-world experiences in their own context has a rich history in qualitative research (Husserl, 2001; Heidegger, 1996). Gill (2020) explains,

*'everyone exists in a culturally and historically conditioned environment from which they cannot step outside. Existence is always set against a background that contextualises experience'* (Gill, 2020, p.76).

Relevant to the world of my interviewees, Bevan (2014), describes Husserl's (2001) phenomenological concept of 'lifeworld', *i.e.* the conscious world in which people exist and the context within which that existence occurs. He points out that in seeking the real-world experience of respondents, in his case, the medical research environment,

*'a phenomenological researcher is interested in describing a person's experience in the way he or she experiences it, and not from some theoretical standpoint* (Bevan, 2014: 136).

In the field of medicine, practitioners Neubauer *et al.* (2019) describe how an understanding of phenomenology aids research into the real-world experience of patients' conditions. Blackstone's (2012) guidance on practical interview preparation, and Rubin and Rubin's (2012) responsive interviewing model, helped me to recognise that personal background and knowledge of the interviewees and the professional

environments in which they worked, was an important interview component, both from the responses elicited and also how I would 'hear' the interviewees answers.

The interviewees often used language that seemed to be either protective or deflective. Protective, in the sense that they habitually use language in their professional context that does not attract controversy or recrimination, as in the examples from 'PT' and 'CE' above. Deflective, in the sense that it seemed they would seek to avoid my questions discovering some perceived inadequacies they might have felt in their own responses to reform actions, or a revelation that they might be conducting themselves in a manner inconsistent with reform behaviour ('BY'; 'LC').

Consequently, when the interview was being conducted, I took into account the likely influence of the previously described fear culture, and how the interviewees would probably filter their responses when we were talking. I determined that for my research purposes, the 'lifeworld' language the interviewees would be using in answering my questions would be pitched to achieve two things simultaneously. Importantly, the language was going to be adequate enough for me to understand both the nub and nuance of their observation, opinion, or criticism. But at the same time, it would be sufficiently protective for them to be secure in the knowledge that their responses would not cause them to suffer any perceived organisational criticism or backlash should those responses become known.

## Structural

'Structural' relates metaphorically to the building blocks of the organisation's architecture. Under this heading there are a number of subjects that relate to

particular parts of structural impediments to reform. These include stagnation, *i.e.* where some organisational element has stalled or has not been progressed; general training, relating to the absence of an overall strategy, and the specific arrangements for the integration of KP and AP officers, Welfare, including housing and working accommodation, as well as the failure to implement constitutional or legislative directives. The section highlights areas where some initiatives or organisational practices have stagnated. However, for clarity, I have placed them under the 'Structural' heading to indicate that there is a specific organisational leadership responsibility associated with their intended effect on reform, that according to the interviewees is deficient.

### *Stagnation*

A number of interviewees described conditions that they felt had started well, but then for some reason had stopped or stagnated. At the macro level, most interviewees acknowledged that IG Joseph Boinnet's People Centred Policing Service initiative was a well-focused and apposite strategy that could be understood by the police and the public. It was guidance that the police could adopt with confidence. However, despite acknowledging the energy that the IG had put into it, some felt the initiative waned when he left at the end of his appointment. 'GD' stated,

*'Now there is really no continuity of what Mr Boinnet started. I'm sure I've never heard of the new inspector general talking about people centred policing. Probably that is a new concept for him. because he probably didn't buy the idea.... I've not*

*seen him come up with his own. So, it's like that idea stagnated' ('GD').*

When referring to the community policing strategy that was referenced in the legislation,<sup>120</sup> 'TP' observed that:

*'[the community policing policy] has been shelved for quite some time ... I think the issue of community engagement in security matters is a very critical area and this comes out very well through community policing. But in our country, community policing has not come out very strong' ('TP').*

### *Training*

Criticisms of training featured significantly in interview responses and fell into four distinct categories. "Failures of Integration training for APS officers transferred to KPS; breakdown of an overall training strategy beyond the recruit school; failure to properly integrate SLCP as a relevant component of succession planning, and no integrated continuous professional development strategy to maintain competence. These categories are unpacked and amplified below.

A major criticism of the organisation was in the way it handled the reshaping of police responsibilities in 2018, when some 24,000 police officers were transferred from the APS to the KPS to rebalance the police numbers commensurate with population demands. Fundamentally, with the country's growing population and expanding urban infrastructure,<sup>121</sup> more police officers were needed to conduct

---

<sup>120</sup> S.97 NPS Act, 2011.

<sup>121</sup> Government of Kenya, Vision 2030, Social Pillar, (Population, Urbanisation and Housing).

general policing duties (the primary responsibility of the KPS), and fewer officers were needed for the primary responsibilities of border security, rapid response, and protection of critical infrastructure (the role of the APS). Units from both services that duplicated effort, like those responsible for cattle rustling, were amalgamated. However, while the initiative was commendable, and reflected the vision of the IG, Joseph Boinnet, it was poorly organised and implemented in the Services.

The most pressing issue was that for the most part, APS officers were not trained in urban patrol policing, nor did they have formal investigation skills. They do not deal with road collisions, nor do they report or investigate complaints, including crimes, from the public. There was a clear need to train the transferred officers, but no sustainable plan was put in place.

Criticisms from interviewees ranged from failure to prepare counties with trained staff, or to use pre-existing regional or county training centres to manage the influx of APS officers, ('PE', 'TT', 'BY', 'MG'), to failing to equip local leadership with briefing and training tools when it was clear that there was little formal training capacity to accommodate such large numbers ('TP', 'MG', 'ST'). The inability to brief or train transferred APS officers has both obvious and less discernible repercussions. Obvious effects included that, with the absence of legal or procedural knowledge, the professional presence of APS officers in general policing duties had limited impact. Some interviewees commented that although APS officers were now based in KPS operational premises, they continued to operate in their previous fashion ('PE', 'CY').

While there are illustrations of some excellent personal leadership interventions to remedy the organisational shortcomings that feature in the following chapter, many

local commanders did not see it as part of their responsibility to acclimatise or otherwise brief or train the transferred officers ('VR', 'CTE'). One KP commander even admitted that he did not know how many of the former APS officers he had under his command ('BY').

The less discernible effects include welfare concerns and posting disruptions. One interviewee claimed that some APS officers were asking to be returned to their former service because they could not handle the stress of the different policing deployments and demands they were expected to undertake ('PH'). 'TP' sought to make encouraging comments, but he had to acknowledge the steps that were being taken to address the training shortfall were inadequate, when he stated.

*'Now, because of various reasons, this [training] has not taken place, It is just delayed. It is delayed, but in fact it is starting tomorrow, the first bunch is deploying to Kiganjo, but it's a small number, 1,300 out of 24,000' ('TP').*

A number of interviewees lamented the erosion of post-recruit training availability over previous decades, outside of promotion or specialist courses ('VR', 'BY'). They gave illustrations of the connection between lack of training, particularly on new legislation and procedures, and the consequent rendering of poor service in communities. The comment by 'TT' best summarises the situation, as well as locating it an historical context:

*'Right now, we have officers who [are] almost going on retirement, and they have never stepped in a class apart from the initial training in Kiganjo, [KPS recruit training school] and I think that is where our problem is coming in, because people are just doing things the way they used to do in the 1980s. And we have changed, the community has changed, the society has changed' ('TT').*

There is a natural correlation with the erosion of training availability and the complaint that there is little attention given to continuous professional development (CPD). 'VR' expanded on the dilemma that he saw in respect of declining professional competence within the Services:

*'I think as much as you may have a few people who are focused on reforms and know what they're supposed to do, much of that has not cascaded down to the officers who are supposed to implement, and we can have these very good ideas on the shelves and in our files. But if we do not pass them across to our officers, they will never be implemented. So, to me, training is critical. We need to train our officers on police professionalism. We need to train officers on, police, public partnership, our community policing' ('VR').*

An APS Interviewee, 'WBE' raised concerns that pre-existing training within the APS had been eclipsed by the heavy burden of the integration training that had taken

place. He also acknowledged that a weakness in their approach to training was that there was no monitoring or evaluation of training at the point of service delivery.

#### Strategic Leadership Command Programme (SLCP)

Given the comments above about CPD, it is perhaps not surprising that there was little criticism of the content of the SLCP. The international component provided by the UK National Police College was highlighted as being exemplary, providing fresh knowledge to the graduates together with the confidence to use or implement the new learning they had acquired. However, some graduates felt the course should be longer in order to have more time and opportunity to practice new skills and knowledge, ('VR', 'MC') and that it should benchmark with other similar organisations ('BY', 'PCE'). Several interviewees also recommended that a follow-on mentoring programme should accompany the completion of the SLCP so that the transition from theory to practice could be supported and monitored. One interviewee stated that the input from NPS senior officers guest speakers was weak and did not add much value to his learning ('TT').

All interviewees who commented on the SLCP said that it should be made available to more junior officers, ranging from chief inspector to superintendent. A number of interviewees expressed concern that the course had not been accommodated formally into the suite of government courses that were traditionally undertaken for promotion, which would offer credibility for future advancement in the service.

## Welfare

Broad welfare matters have been neglected in the police for decades (Ransley, 2009). Housing for officers had not been progressed and some interviewees indicated that, in making a case for accelerating the provision of police accommodation in protected areas, officers were at risk if they were attempted to be accommodated in normal public housing,<sup>122</sup> ('LE'; 'PH').<sup>123</sup>

Insurance for injury and life benefits for the families of officers killed on duty had not been tackled seriously until 2014, when the then cabinet secretary, Joseph Ole Lenku, signed a deal with an insurance provider to provide basic cover. While this was welcomed, anecdotal information suggests that not all medical facilities were prepared to accept the government procured insurance, leaving officers often having to pay for treatment for injuries sustained on duty from their own financial resources.<sup>124</sup> As will be shown in the following chapter, improvements have been made in respect of health and life insurance. In January 2021 the enhanced life insurance coverage for officers, including those injured on duty, was extended into the mainstream government contract with the National Hospital Insurance Fund (NHIF). The NHIF will also offer the officers improved work injury benefits, detail of which will be amplified in the following chapter.<sup>125</sup>

### *Treatment of Subordinates*

---

<sup>122</sup> In many conversations with senior and junior officers, the idea of having officers living amongst the population was rejected out of hand as there was an assumption that, like officers in the RUC, they were assumed to be vulnerable to attack.

<sup>123</sup> Conversation with AIG in IG's office responsible for police accommodation planning on housing policy for non-gazetted officers, 2015.

<sup>124</sup> Personal Kenya conversations 2014/15

<sup>125</sup> <https://www.the-star.co.ke/news/2020-12-23-nhif-to-offer-enhanced-life-insurance-work-injury-benefits-to-131000-police-and-prison-officers/> . Accessed 14 October 2021.

Consistent with the findings in the Ransley report, poor management and leadership of junior officers not only affects general police effectiveness, but according to several interviewees, the conditions bleed into the realm of welfare too ('PH', 'MG'). Complaints by interviewees have already registered concerns about rigidity of the organisation's hierarchy and the propensity to resort to petty discipline at short notice. Here, they are more specific in their complaints and criticism, highlighting for instance, the failure by managers to recognise good work and performance, either through commendation or promotion. As PH describes,

*'there are officers who actually do so much, but it's also not recognised. So, I think we also need to reward officers when something good is done. Let it be highlighted that an officer has done a good job and they should be rewarded for that just as a motivational factor'* ('PH').

In another instance, the cancellation of the results of a national promotion board because of a change of top leadership was offered as example of management ambivalence towards their staff.<sup>126</sup>

In the experience of 'MG', the inconsistencies in allowances and considerations for police officers in hardship areas, when compared to other government workers, prompt a feeling of inferiority in many officers. Additionally, as found by Ransley, allowances that were authorised, in particular for officer transfer expenses (amounting to millions of shillings), had not been paid (Ransley, 2009). According to 'PH' and others, the weaknesses in leadership featured earlier in relation to

---

<sup>126</sup> Interview with 'WBE', October 2021.

performance, also contribute to welfare problems that can be damaging to the mental health of the police generally, and for junior officers specifically.

The concept of community policing (CP) had been introduced into Kenya in 2003 and the NGO, SaferWorld, had worked with the local organisation, Peacenet, to help implement CP around the country (Leting, 2017). However, in 2014, at the same time the police and the Interior ministry were developing their community policing strategy to meet the requirements of Sections 96-98, NPS Act 2011, the President's Office instigated a task force, The National Committee on Implementation of Citizen Participation In Security In Kenya, aimed at improving local security through a scheme known colloquially as '*Nyumba Kumi*' (Kiswahili for 'ten households').

The original intention was for *Nyumba Kumi* to be a way of accounting for residents in local households, based on the premise that knowing neighbours contributes to security. Its establishment followed the terrorist attack on the Westgate shopping mall in Nairobi in September 2013. However, depending on the locality within the country, *Nyumba Kumi* rapidly morphed into a mixture of vigilantism, pseudo community policing, and private security, often according to the interests of local 'big men', both formal and informal (Gjelsvik, 2020). The police were left with a community policing strategy awaiting government ratification, while the *Nyumba Kumi* task force generated its directives and, bypassing the NPS entirely, promulgated them via the cabinet secretary throughout the counties, using the official infrastructure of the government's local chiefs. The result was at best confusion and at worst the undermining of the legitimate rule of law by the NPS. As Diphorn, *et al.* (2019) remark,

*'the Kenyan state has focused on the creation and implementation of community policing efforts, yet these have either not been implemented ... or they have co-opted existing local structures that eventually end up operating differently than intended. To complicate matters further, community policing has also been convoluted by the state's own instigation of a community policing type-programme - Nyumba Kumi. Combined, this has produced a complex constellation of local security provision in the urban peripheries'* (Diphorn, et al., 2019: 37).

Hastily convened high level meetings sought to ameliorate the tensions generated by the *Nyumba Kumi* action, which at the time had no authority in parliamentary law to override the police responsibility.<sup>127</sup> It did have presidential sanction however, which, as we have seen in an earlier chapter, has significant political influence. As 'TP' indicated, the community policing strategy awaits gazetting.<sup>128</sup> The absence of the strategy does not absolve the police from their responsibility to undertake community policing initiatives, but it does prevent them from understanding exactly how it is intended that they should officially undertake their responsibilities under section 96 NPS Act 2011. The arrangements for *Nyumba Kumi* still exist in its many guises alongside that of the official police, with varying degrees of effectiveness (Maguta et al., 2021).

### *County Policing Authorities*

---

<sup>127</sup> Brand advisor notes 2015.

<sup>128</sup> 'Gazetting' is the formal and official publishing of government policy in the Kenya Gazette.

A more serious condition relating to community accountability relates to the county policing authorities (CPAs). These bodies are required to be set up under Section 41 NPS Act 2011 and their roles outlined in Section 97, but to date, consecutive IGs have not progressed their establishment and only those inaugurated by counties themselves are operating.

The CPA is normally to be chaired by the county governor, who, distinct from the government appointed County Commissioners, is an independently elected political office. However, this important part of the constitution's devolution strategy has not attracted active support from consecutive IGs, nor central government. The central concern, as expressed to me informally, was that policing is a national undertaking relating to and including national security, and the existence of 47 county policing authorities with different physical areas and often contrary political agendas, would not reflect the central security interests of the government or the police for the country.

In May 2014, the then cabinet secretary for the interior, Joseph Ole Lenko, announced that the implementation of county police authorities would be delayed because of legal reasons. The first IG had attempted to amend the law to change their designation to county policing committees, arguing that in law, and to avoid confusion, there should and could be only one authority for the police, and that was the Inspector General.<sup>129</sup> That attempt at amendment of 'authorities' was lost.

However, the cabinet secretary published guidelines in September 2014 in which the subordination of the CPAs to the IG was clarified, and direction given that the

---

<sup>129</sup> Brand, advisory conversation with the IG's legal advisor 2014.

CPAs had no executive operational powers to direct policing.<sup>130</sup> It was speculated by 'DT' that the central government thought that county governments were not yet mature enough to take on the weighty responsibility of policing. However, amendments to law in 2014 and 2015 that removed responsibilities from the CPAs relating to county policing policy and the promotion of CP initiatives, suggested that the government's intention was to erode some of the original designated powers for the CPAs.<sup>131</sup>

It is worth noting too that in the original 2011 NPS Act, Section 41(9)(a) stated that the CPA should,

*develop proposals on priorities, objectives and targets for police performance in the county.* (My emphasis).

However, in later officially published versions of the Act after 2015, the requirement for objectives and targets is omitted, with no apparent legal amendment.<sup>132</sup> While this condition could be considered a natural outcome of the 2014 guidelines for CPAs not to have executive direction, its omission as a legal amendment is unusual and its effect implies further erosion of CPA functions. From the IG's perspective a more practical reason for not implementing the CPA requirements was that their costs would be borne by the Service (S.44), and strains on the NPS budgets did not make this feasible. High level tensions between community policing and the *Nyumba Kumi* policy, and the reluctance to introduce CPAs as they were originally intended, are

---

<sup>130</sup> The National Police Service (Conduct of Business of the County Policing Authority) Guidelines, 2014.S.3(1)

<sup>131</sup> S.41(9)(h) NPS Act, 2011 'facilitate public participation on county policing policy' was deleted in its first amendment in September 2014. Subsequently, S.41(9)(c) 'promote community policing initiatives in the county', was removed in the 2015 amendment.

<sup>132</sup> Kenya Gazette [http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2011A%20of%202011#KE/LEG/EN/AR/N/NO.%2011A%20OF%202011/sec\\_41\\_t4](http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2011A%20of%202011#KE/LEG/EN/AR/N/NO.%2011A%20OF%202011/sec_41_t4) . Accessed 7 November 2019.

impediments to reform from the perspective of the interviewees who commented. While out of the direct control of operational police commanders, they claim these are impediments that impact negatively on their ability to introduce the public engagement parts of the reform agenda with confidence.

## Conclusion

Impediments to reform effort in the police are many and varied. While no single element is dominant, corruption, weak and ambivalent leadership and management, lack of training, and welfare do stand out as major contributors in the interviews.

Corruption in its widest interpretation permeates the police organisation and most public institutions in Kenya. It weaves through almost all the impediments to reform described in this chapter. Consequently, discussion of other impediments should be read with the assumption that corruption will have some influence in the illustrations provided by interviewees, even though they might not specifically identify it as such.

In whatever way corruption is described in the police organisation, it has a deleterious effect both internally and externally. Internally, corrupt practice creates a climate of fear, a jaundiced view of management and leadership, and it generates an unstable professional environment. Honest officers face prejudicial treatment and harsh consequences for not conforming with the corrupt culture. Externally, policing is undermined by the visible demanding of monies at for example, road checks. Involvement in organised crime, extortion and killings are illustrative of a culture of impunity in parts of the police.

However, there is insidious damage to policing where the professional competence and actions of honest officers threaten criminal or political interests. Police officers learn quickly that taking bold and courageous policing actions can often create discomfort for criminals or corrupt police, which can have serious repercussions on the instigators of such actions. Therefore, the norm for many officers is often to not 'rock the boat' or challenge inappropriate behaviour in favour of maintaining a benign, unimaginative and self-serving policing profile. Though failing in its primary purpose of serving the public, this posture is a 'safe' option for many officers. Communities however do not benefit from this low-key approach to policing, exemplifying the popular wisdom that 'all that is need for the triumph of evil is for good men to do nothing'. Bold officers know that a consequence of practicing quality policing is that they can be exposed, and if they cause aggravation or inconvenience as a result, they face the risk of potential transfer to a benign post if they are lucky, a dangerous post if not, or some other unpleasant consequence *in extremis*.

Organisational corrosion is seeded at the earliest stages of a police officer's career if, as in many cases, their recruitment into the police is driven not by merit but by bribery or coercion. Externally, corrupt police who collect bribes in return for providing services, or who artificially create 'fines' for questionable behaviours by the public, are the most visible part of police corruption. Those who use their police powers for private gain, including remedying disputes, up to and including killing, in favour of the highest payer or for political influence, are more sinister and dangerous. From whichever quarter it is experienced, corruption destructively undermines the

country's society, its public institutions, the economy, the political stability, and the principles of democracy outlined in the Constitution.<sup>133</sup>

In respect of resistance, there are two strands that affect the impediments of reform. One relates to a culture of weak and ambivalent leadership, and the other with a lack of appreciation that the 2010 constitution intended radical change for the police. However, both strands are affected by the culture of fear that seems to permeate the organisation and most of its activities. Some senior officers, particularly those who have been in place for a while, find the new demands of accountability to be onerous. They are also intimidated by the education of the SLCP graduates. Ignoring the requirements of the Constitution, and particularly the evidence of the enquiries that contributed to it, they find it easier to dismiss their SLCP graduates' new ideas, sometimes with threats, than to risk the exposure of incompetence that a culture of accountability might present.

On the plus side, massive transfer of staff and resources in 2018 is indicative of sound strategic vision to balance the numbers of police needed in the growing urban centre of Kenya. On the minus side, however, it was a major failure not to gauge and plan for the enormity and consequences of such an event. The concept of training and continuous professional development was eclipsed by the major issue of transfer training. But it was nevertheless illustrated as an example of chronic organisational stagnation along with the neglect of the working conditions, medical and housing support, and general welfare of officers. This had, and continues to have, direct impact on the knowledge and confidence possessed by officers and, consequently, on the quality of service they can provide to the public. Failures to progress legislative

---

<sup>133</sup> <https://www.transparency.org/en/about> . Accessed 18 November 2019.

requirements relating to devolved responsibilities and strategies for local policing, together with the confusion created by the *Nyumba Kumi* initiative, create leadership and command dilemmas for officers who want to progress the reforms but who find are handicapped by the absence of directional clarity.

In the next chapter, I illustrate the positives in the reform agenda and draw on empirical evidence from interviews of enablers that show what is working well in terms of reform.

## Chapter 7: Enablers of Police Reform

As with all efforts to change or reform organisations, there are multiple dynamics affecting the success of potential enablers. In the case of the police in Kenya, there are political, social, and historical influences relating to the country's colonial origins which create both impediments and enablers for reform.

My research now explores the empirical evidence on the application of reform enablers. In particular, it illuminates the strategic direction of the NPS top leadership. It analyses the evidence of the professional development of selected individuals from senior police leadership ranks who undertook extensive strategic training and mentoring under the programme called Strategic Leadership and Command Programme (SLCP). I argue that this training and mentoring initiative gave both license and confidence to the graduate officers to influence the way that they, and those under their respective commands, behave and provide service to the public in alignment with the constitutional demands. The findings from this analysis go a significant way to answering the research question relating to whether the police can reform themselves.

The chapter focuses on the enablers for reform by acknowledging that they are varied, and they range in shape, responsibility, and achievability. The foundation of the enablers is the strength of the narrative in the Constitution and legislation, in giving clear explanation to the populace and authoritative direction to government agencies of their intentions. Enablers of reform for the police include those directions, regulations, and facilities that will make the constitutional intentions

happen in the way the organisation undertakes its policing activities. Enablers are also the appropriate changes of mindsets and attitudes that, underpinned by political and social will, steer the police towards a more accountable and democratic form of policing in Kenya. They include the establishment of and the reaction to external oversight bodies in the shape of the NPS Commission and IPOA, whose creation is intended to provide policy guidance to the police and protection for the people in the business of policing. The strategic plan, commenced by IG Kimaiyo and developed by IG Boinnet, is also an enabler that is intended to operationalise the constitutional and legislative directives. Within that plan and featuring significantly in this chapter as it relates to the developing of senior officers, is the establishment of strategic training aimed at raising of skills and confidence and of a mindset conducive to reform, in its senior police officer participants. It is from this strategic training that the interview cohort was selected and as illustrated in interview responses in the latter part of the chapter, the shape of reform enablers particularly in relation to engagement with the public, is revealed.

The chapter outlines and analyses in particular the activities of the first two Inspector Generals and how they reorientated the new National Police Service (NPS) towards greater accountability and quality of service, exploring the challenges and tensions they faced to meet the constitutional demands for the police. A major part of the chapter analyses the evidence gleaned from interviews with graduates of the Strategic Leadership and Command Programme (SLCP) in which they describe the application of potential enablers for reform in their post training deployments. While these officers are not what Toch (2008) describes as '*rank and file*,' their actions do reflect the principle of encouraging '*participatory involvement as a vehicle for*

*organisational reform.*' (Toch 2008: 61). The chapter also engages with the police reform literature introduced in Chapter 3 that contextualises factors that are generally common to reform efforts in post-colonial Africa, and also those that are unique to the conditions in Kenya. The chapter concludes by arguing that analysis of the data confirms that in fertile conditions and with investment in the quality and competence of the police body, application of the illustrated reform enablers can shift the police away from its historical coercive and regime affiliated reputation and towards a more service oriented, community accountable body.

For the police, the enablers of reform in the Kenyan constitutional architecture can be separated into three sections or tiers. The first tier is the constitution of 2010 itself with its narrative acknowledging the backcloth of historical abuse of power and frustrations that resulted in the post-election violence. Second is the legislation that for the police provides implementing structure, direction, and authority, including prescribing how policing will be conducted by requiring community policing initiatives to be undertaken. In parallel, legislation that also established the two oversight bodies, The National Police Service Commission (NPSC) and the Independent Policing Oversight Authority (IPOA), brought about the independent monitoring of accountability and service standards that the constitution demanded. The third tier is that of the organisational restructuring plan and actions that operationalised the constitutional and legislative directions to the police.<sup>134</sup>

---

<sup>134</sup> The Police Reform Implementation Committee (PRIC), set up after the Ransley report was submitted, was given responsibility for the architecture of the police related content of the constitution and its legislation. Fortuitously, the former British police officer seconded to the committee's secretariat had held a senior position in Her Majesty's Inspectorate of Constabulary (HMIC) and was able to contribute significant accountability narrative to the documents.

## The Constitutional Architecture

The design of the constitution was heavily influenced by the outcomes of the Kriegler and Waki Commission's reports. They had examined respectively, the election processes and the causes of the 2007/8 post-election violence (PEV). In addition, and particularly relevant to the police, was the Ransley report that examined specifically the role and behaviour of the police in the PEV.

The constitution created the National Police Service (NPS) and determined it should be headed by a new position of Inspector General. The NPS was made up of the pre-existing Kenya Police and Administration Police, which were renamed as services rather than forces, and whose leaders, as Deputy Inspector Generals, were subordinated to the newly created Inspector General of the NPS, rather than to different government ministries as before. Additionally, the Directorate of Criminal Investigation, previously a part of Kenya Police Force, was identified to be a separate body, under the command of a director who would also be subordinate to the Inspector General and accountable to him for standards of crime investigation nationwide. In a legislative sense, the 2010 Constitution has firmly set the path for reform for the police (as well as other public sector services) in Kenya. The police, heavily criticised by the PEV inquiries that shaped the requirements of the constitution, had to significantly raise their professional standards and performance. The legislation created clear direction for this, particularly in respect of public accountability. The NPS had to demonstrate that it is a sustainable and accountable institution able to meet the constitutional standards through legislative compliance and also to withstand the scrutiny of citizens and donors alike. It also falls to the police through example to contribute to addressing development impediments if the

political, social, and justice environments in which the police operate lags behind or remains unreformed.

The National Police Service Act 2011 provided implementing structure and direction to the police, including how the police were to provide their services (Community Policing was specifically described in the suite of suitable policing interventions), and to whom they would be accountable. Engagement with local policing forums and county policing authorities was particularly specified. This latter requirement was an important condition in the legislation and was indicative that its architects wanted to ensure contribution to, and accountability of, police to local as well as national needs and priorities. It was also consistent with the broader political shift in the constitution towards a more devolved form of governance, manifested significantly by the introduction of elected county governors to whom the police would account for their response to local priorities through legally established county policing authorities.

#### *Selection of Inspector General*

It is also important to note the steps outlined for selecting key positions in the police. Kenya's new constitutional legislation had provided for an independent, non-partisan panel to assess suitable candidates for the post of Inspector General and the heads of the police services, a firm gesture towards the assessment of professional competence over political patronage in its successful candidate. However, legislative change introduced in 2014 by the then incumbent president's party, diluted this original requirement after only three years. Parliament had nevertheless experienced the scrutiny of competence process for the first IG and, despite the absence of a choice of candidates, they applied a similar objective criterion to the selection of

subsequent IGs. The Constitution acknowledged, in theory at least, that political will and the apparatus of parliament could still provide the facility to shape the way that the president might commit the police more towards public service, rather than the interests of the ruling party, in the future.

#### *Implementation of Police Strategic Plan*

The constitution and the legislation provided standards for the effect of organisational restructuring and gave implementation guidance on the future direction to the police. In turn, the police developed a strategic plan for their organisational response and development of the constitutional requirements. The empirical data gained through interviews with graduates of strategic training, which is explored later in this chapter, focuses on one particular element of the plan, that of the effect of strategic training and mentoring of selected senior police officers. It shows how their subsequent application of reform enablers provided for greater oversight and accountability of policing to the public in the areas they commanded.

Effectively, the intention of the constitution and its bill of rights was to shift the emphasis of policing from one that was coercive and often politically influenced, to one that was much more accountable to the law and to the public. The decision by the IG to create strategic training and mentoring for suitably qualified senior officers to understand and implement the constitutional reforms was consequently deliberate. The training needs analysis conducted jointly by the UK National College of Policing and the Kenya Police in November 2013,<sup>135</sup> had identified that strategic training was weak and that consequently, the strong leadership that was identified as being an

---

<sup>135</sup> See appendices.

important part of implementing the constitutional reform demands, would need to be bolstered through a fresh and tailored standard of training and mentoring.

The subsequent training and mentoring content to address this gap was drawn from sound policing practice in both international and domestic environments. It was designed to ensure the best opportunities were taken to bring the NPS mindsets, attitudes, and practices up to a recognised standard, and to make the police and policing more democratically accountable.

### *Oversight Bodies*

The creation of oversight bodies had the potential opportunity to improve the lot of not just the public, but the police too. Not only were these bodies, the NPSC and the IPOA receiving complaints from the public, but they were also recording complaints from the police themselves in respect of their working conditions, their welfare, and their exposure to poor leadership (Osse, 2014). The independent nature of the oversight bodies allowed them to explore problems within the police organisation that the officers themselves, because of historical hierarchical tensions and resistance, were unable to do. The oversight authorities had early challenges. Initially, there were delays in appointments to the NPSC, and then death threats to the recently appointed commissioners, and as explained in chapter 6, a clear breakdown in understanding of the roles of the NPSC and the IG. This did not inspire confidence in the public, not least because these conflicts were enthusiastically reported in the media, indicating a state of failure in terms of reforms before the respective elements had even started their work in earnest. As Osse adroitly describes:

*'Against this background, the deteriorating relations between the IG and the Chairman of the Commission make frequent headlines. The IG continues to appoint, transfer and discipline staff, despite this now being the mandate of the Commission of which he is a member, and despite various Court Orders that he has no mandate to do so unilaterally. Moreover, the Cabinet Secretary has publicly supported the IG in these transfers, even since the Court Order, revealing a lack of commitment to (or understanding of) the objectives of the police reform project'* (Osse, 2014, p.7).

The IPOA, as a new body, also had its teething problems. Initially chaired by a well-known human rights lawyer, Macharia Njeru, and with commissioners who had previously clashed with the Police over human rights abuses, the Authority struggled to establish its identity as truly independent, and it faced regular criticisms in the press of having old agendas and axes to grind against the police (Hope, 2019).

In the period since their creation, both IPOA and the NPSC have become more established and recognised publicly. In collaboration with the NPS, the NPSC has now developed a suite of policies relating to recruitment, promotion, transfers, and training against which they can assess the effectiveness of the NPS and its compliance with NPSC directives. IPOA has gradually increased the number of complaints against the police it receives and assigns for investigation, which is a positive endorsement of public confidence in its activities. It has also increased the number of inspections of police facilities it conducts, which in many cases is welcomed by police officers who

often work in poorly maintained or dilapidated offices and buildings. IPOA also provides independent assessments of public opinion on the quality of policing around the country and significantly, in its survey on public attitudes published in 2019, it notes an increase of public confidence in the police from 34.3% in 2013 to 43.3% in 2019, a positive trend drawn from data collected independently by its staff in the field.<sup>136</sup>

## Influence of the Inspector Generals

One of the most significant influences on the nascent National Police Service (NPS), with specific potential to enhance the capacity of the police to reform, was the appointment of an Inspector General to lead it. The position was brought in above the traditional and separate heads of the Kenya Police and the Administration police, ostensibly to bring the integration of the national policing effort closer.

The first Inspector General, David Kimaiyo, had the unenviable task of imposing a layer of authority above that of the inherited leadership of the two antecedent services. While the legislation had generated a directorate of criminal investigation, taking away the investigative arm of the detective force previously under the command of the Kenya Police Commissioner, the structure, equipment, personnel and procedures of the two separate forces, Kenya Police and Administration Police, remained the same. The NPS also now had an independent constitutional body, the NPS Commission (NPSC) established to oversee its recruiting, training, promotion, and

---

<sup>136</sup> IPOA Performance Report July – December 2019:  
<http://www.ipoa.go.ke/wp-content/uploads/2020/07/IPOA-Performance-Report-July-Dec-2019.pdf> .  
Accessed 22 February 2023.

posting policies, which often had different ideas to those of the IG regarding postings and promotions (Osse, 2014).

Initial progress for the establishment of the IG's authority was slow. However, Kimaiyo did establish a headquarters and inaugurated a planning team for the NPS strategy. Most significantly in respect of reforms, he also started the painful process of amalgamating the standing orders of two very different police services into one set of NPS standing orders that would direct the procedures and protocols for the police of the whole country. He also agreed to accept support from the British Government, which included my appointment as strategic advisor, and to adopt the recommendations of the 2013 TNA to create specific strategic training for selected senior officers, that led to the creation of the SLCP.

David Kimaiyo resigned his post early in December 2014 after he was criticised for inadequate police response to a number of terrorist attacks in the east of the country in which a large number of civilians and police were killed and wounded. His successor, Joseph Boinnet, a Kalenjin and former National Intelligence Service (NIS) officer, was the nominee of President Kenyatta. Boinnet was offered to parliament for scrutiny in early 2015 under the revised legislation that had abolished the requirement in the original NPS Act 2011 for an independent panel to assess and shortlist qualified candidates. This meant that parliamentary scrutiny would only examine the president's sole candidate. With a majority in parliament, it was unlikely the president's party would reject his nominee, so an important piece of independent and objective assessment for a candidate for a high and significant public office built into the constitution had been erased.

Appointed in March 2015, Boinnet was a highly intelligent officer who had demonstrated his strategic awareness and priorities in policing challenges during the public scrutiny of his parliamentary selection process. The following section of the chapter reveals the process he undertook to communicate the new reform agenda in policing to the body of the NPS.

## People Centred Policing – A Reform Journey, Rather Than Event

The People Centred Policing (PCP) strategy was developed by Joseph Boinnet as his response to the constitutional demands to improve policing. It usefully offers a lens through which to examine the success of reform in general terms. This part of the chapter looks at the effect of the PCP strategy. It examines the impact of the unique approach Boinnet took to ensure that police officers at the local level and at the point of service delivery, understood the strategy and the expectations he had of them as significant enablers of reform themselves.

Inspector General Boinnet was well prepared for the role and had developed a deep understanding of the requirements of the constitution and the reforms needed within the police. Boinnet's example illustrates the impact that personal influence and belief can have when the key leader of an organisation like the police chooses to concentrate his leadership effort on a reform agenda. The example neatly introduces the third of my research sub-questions - what are the enablers for the implementation of reform?

Boinnet first revealed his strategy at a meeting of senior officers in May 2015, at which I was present. As previously mentioned, it was held at one of the country clubs

in Naivasha, a town north of Nairobi that had seen significant violence in the 2007/8 PEV. Boinnet explained to the senior officers present that the Constitution required different standards of the police than they had been used to, and that therefore the police behaviour and priorities towards the public would need to significantly improve. He asked how the police had been trained previously and what their purpose was. These were not rhetorical questions and he expected answers from those present. He eventually elicited from the participants that for the most part, after independence, the inherited role of the police was to protect the regime and suppress the 'natives' (his words).

He challenged the assembled group to identify the so-called 'native' in the 21st century. He illustrated Kenyans' higher levels of education, their 20 years plus of democratic freedoms, their connection through smartphones and other technology to global information and opinion, and their expectation of a more prosperous life, and then asked, 'can we still police this 'native' in the same way as before?' The general response was clearly, 'no'. This was a powerful pre-cursor to the concept of active reform he intended to undertake and put the attendant group on notice that business as usual was not a status to maintain.

In my debrief of the presentation with him, the IG agreed that he should get his message out around the country to officers at the point of service delivery. Controversially, with an understanding of the passive resistance to reform that was prevalent in the higher echelons of both services, he agreed to supplement the usual electronic signal communication with a more personal approach. Fearing that the PCP message would otherwise be diluted or ignored if he relied solely on the signal to

direct senior officers to read it and then effectively communicate his intentions to their subordinates, a system known as 'cascading', Boinnet decided to supplement the signal by personal briefings. Not only did he want the 'what' that was being communicated in terms of the importance of reform requirements to be understood, but also 'how' it was to be best communicated. This was to be a significant contributor as to whether the actions he required would be treated as impediments or enablers of reform by the police in general.

Subsequently, a series of meetings with local officers around the country was planned for later in 2015 and for 2016. Attending these meetings with the IG, which often generated an audience of five or six hundred officers at a time, I was invited to give a short presentation on the context of reforms in the global environment. By linking Kenya's reform intentions to a wider global context, my contribution was intended to help align the IG's concept with world class policing standards that in its strategic plan, the NPS claimed it aspired to.

Kenya is very much an oral society, and orators are very popular. They usually represent a political or a religious interest and have an eloquent and traditional way of addressing crowds of people, often by speaking rhetorically at them rather than with them. Boinnet broke from that tradition. Among hundreds of police officers at these planned gatherings around the country, he walked, microphone in hand, and in a Socratic manner, asked simple questions of officers about their knowledge of the constitution, the purpose of policing, what an officer thought should be a priority for policing, or why they had become a police officer. And he listened carefully to the answers. While some officers did not respond to questions, others took the

opportunity to challenge the Inspector General on longstanding grievances relating to welfare, working conditions, housing, status, police stations and the general protection of the police against a growing hostile policing environment, which included terrorism. Boinnet engaged with all these questions, and when he was unable to give an immediate answer, he said so.

After each of these sessions, which often would go on for three or four hours, it was clear that the presence of the Inspector General and his preparedness to engage for such a long period of time and not just lecture, was unique and came as a refreshing and welcome change to those present. Though time consuming, Boinnet recognised that to implement the envisaged reforms, his leadership style had to adopt a completely new way of communicating and influencing his officers at the point of service delivery of policing.

#### *Inspector General's Champions Team*

A team of officers was established to support the IG. Called 'champions', this group of about 30 volunteer officers from a variety of ranks and all three parts of the NPS and coordinated through the NPS Directorate of Reforms, was trained to take the IG's interpretation of the Constitution and his message of PCP out around the country.<sup>137</sup> Initially, they were designed to follow up on the IG's large engagements with groups of local officers, and through exercises and briefings, help local commanders at county and sub-county level to interpret the IG's vision into a local context. Subsequently, the teams were deployed to precede the IG's visits, effectively to set up the listening

---

<sup>137</sup> In the month before I completed my advisory assignment, March 2017, I evaluated the recruiting process for a further 120 officers who had volunteered to become champions. The assessment process was designed and run by graduates of the SLCP. It demonstrated enthusiasm for the applicants' involvement, the successful use of objective selection criteria, and that the essence of competence based selection had been fully absorbed by the design and assessment teams.

for when the IG actually attended, so that the message would be promulgated quicker than having to wait for him to arrive in any particular location.

A simple calculation showed that to cover the 47 counties and address large numbers of police officers in each, would require 47 days of the IG's time, or nearly 20% of his available yearly work time, which was unrealistic. Given the time commitment identified, efforts were made for him to promulgate his message more efficiently. In January 2016, the IG agreed to holding a two-day briefing event at the CID training school for all senior officers of the rank of Senior Superintendent and above, which included all county commanders, to ensure that all officers had heard the same reform message. The importance of this event could not be overstated. In addition to the IG and the heads of the services, the chair of the NPS Commission and other key members of the oversight infrastructure were present. Keynote speakers included the cabinet secretary for the interior. On the final day, President Kenyatta attended and briefed the assembled officers on the importance of the police reforms for the future security and prosperity of the country. This indicated that confidence in police reform was being visibly shown at the highest level, thereby satisfying, at least in part, Marenin's concern that:

*'Unless these social contexts change, through international pressures and assistance programs and sustainable domestic political and economic reforms, the efforts of progressive police leaders are not likely to move policing in Africa toward more democratic forms' (2009, p.349).*

Officers were left in no doubt of the need to adopt reform measures, and more than one speaker pointed out that none of those present could deny they had not heard the reform message.

Throughout 2016, efforts were made to maintain the momentum of IG's visits to the counties, but over time, other demands, including terror attacks, caused planned events to be cancelled. By September 2016 the general discussions at senior police meetings had shifted away from reform and started to become more election oriented, even though the presidential elections for 2017 were nearly a year away. Efforts had been made to be more efficient with the IG's presence in counties. Where possible, adjacent counties were brought together in an attempt to consolidate groups of officers into one large session. Real world demands, however, took their toll. Having been appointed in March 2015 and having not started to promulgate his philosophy and strategy until June of that year, the IG had to face the realities that in the latter part of 2016, tradition dictated that the presidential election of the following year, 2017, would start to interfere with his strategic rollout. This meant that a gradual inertia crept into the operational foresight of reforms for the police organisation. Previous history of election disturbance and political violence seduced the police into focusing solely on preparations for the next year's elections, and not on maintaining the overall reform momentum.

As noted in Chapter 5, in previous election years in Kenya there had been significant tensions and violence, most recently the PEV of 2007/8 (Branch, 2011). Almost everyone in the country, officials and ordinary citizens alike, were wary and sensitive to the potential for more violence and disruption. In many cases, people

who worked in urban towns and cities would return to their rural origins to be with their own clan or tribes for security and safety purposes (Lamb, 1969; Mueller, 2008; Press, 2012). The consequence and effect of this movement and concerns about a new regime, was that many parts of the government and the official machinery use the impending election as a reason not to do any progressive or reform work.

However, in the post-2017 election environment, Boinnet achieved the greatest shift in the organisational structure of the National Police Service that had ever taken place. In September 2018, at a stroke, nearly 24,000 police officers from the Administration Police were transferred to the Kenya Police. This was to provide a more relevant police presence in the metropolitan and urban areas, which had seen significant growth in the preceding decades. The realignment of the police establishments also enabled a clear distinction to be drawn between the role of the Kenya Police, which was to provide more recognisable metropolitan-style 21st century policing including patrolling, investigation, road traffic regulation and other general duties, and the Administration Police, which was to have responsibility for protection of government buildings and personnel, the national critical infrastructure, anti-stock theft, and international borders.

The downside of the momentous shift in personnel — the absence of training provision referred to in the previous chapter — should not eclipse its importance and significance as a reform enabler, nor the influence that Boinnet had in securing presidential authority to achieve it, which also publicly signalled the president's approval for the initiative as a reform measure, acknowledging Hills' (2007) observations on the significance of the relationship between police commissioners

and presidents. The initiative itself finally aligned the numbers of the police in the two organisations to specifically address the challenges their mandates required. The Kenya police was increased in size to meet the demands of policing a more urban centric population while the Administration Police, though smaller in number, would now not duplicate Kenya Police activities. It would focus upon the key elements of its protection and security mandate, the intention being that there should be no further duplication of effort nor confusion of roles between the two major elements of the NPS.

The training required to equip the former Administration officers with general duties skills continued to be an Achilles heel in the organizational planning of the NPS. This was because there is no consistent standard of training being delivered at a national level. However, as illustrated in the interviews with SLCP graduates below, some commanders have contributed to the enabling of reforms by taking substantial personal actions to address the training need themselves.

The police and the country faced presidential elections in August 2022. Because the incumbent, Uhuru Kenyatta, had served to the constitutional limit, a new president was elected. However, the reform stagnation that had occurred previously in 2017, was visited upon the country again. The appetite for further reform energy is now held in abeyance until the priorities of the new President and the new IG are known and developed.

## The View from the Police Interviewees

A critical part of the reform story for the police is in the personal accounts of interviewees. These illuminate both their ground-level understanding of implementing reform approaches, and also their strategic comprehension of the context of those experiences. These experiences have not been explored before in a systematic way. The training and exposure to the strategic context of policing in Kenya placed these senior officers in a uniquely informed and skilled position to practically understand and take on the major challenges contained in the demands of the constitution.

In this section, potential enablers for reform are identified from the responses to that section of the SSI given by SLCP graduates. The questions in this part of the SSI asked what the interviewee thought was working well in terms of reform in the NPS, and what initiatives the interviewees were responsible for starting or promoting that aligned with reform direction. In the interviews, having encouraged interviewees to share how they thought their views on enabling reform might overcome some customary and deleterious habits in the police, I found that many of their illustrations indicate an overall willingness to challenge the *status quo*, to provide a better policing service.

As I described in detail in Chapter 4, the aggregation of the responses was then clustered under the following headings: Community orientation and engagement; the professional 'grasp' of reform initiatives, and knowledge and skills gained from the SLCP. The clusters contain subheadings and I analyse each cluster for their functionality as reform enablers separately where appropriate.

## *Community Orientation and Engagement*

The infrastructure for reform is well laid out in the 2010 Constitution. Through a Bill of Rights, it facilitates the public to have access to government agencies including the police, and for those agencies to be accountable to the law and to Kenya's communities through a range of directives contained in the legislation. Among other directives, the legislation instructs that the police should, *'liaise with communities through community policing initiatives'*, which follows the element contained in the constitution that *'The National Police Service shall foster and promote relationships with the broader society'* (Constitution of Kenya 2010, Art. 244 [e]) This means the police should actively engage with communities, form partnerships, respond to priorities identified by communities relating to safety and security, and to be transparent and accountable in their actions and activities in communities. To achieve this, the legislation also directs the police to set up local community policing forums.

The majority of interviewees were very positive in their understanding of the value of community engagement and orientation, and almost all made positive comments on the necessity for community engagement to achieve successful policing. For instance, 'WE' said:

*'It would be useless for me to have that knowledge ... without sharing [it] with other members of the public. We needed to improve our image as a Service, and you can only improve that image if you know what is expected of you. So, once you get to know what you are supposed to do ... you get satisfaction when*

*a member of the public you are serving appreciates what you are doing'.*

Most interviewees commented on how important community engagement was in their return to duty after the training course. The appreciation of the relationship between police and communities, sharpened during their time on the SLCP, had helped them understand the benefits to the police of community engagement, and more importantly, the benefits to communities of being able to recognise and acknowledge the reason for the existence of police.

In the context of professional grasp, the following is an illustration of how the pursuit of better community relations, combined with the deployment of a sound crime reduction strategy, can demonstrate the value of persistence by the sub-county commander. Such persistence helped him to engage meaningfully with the community and to build trust with them to achieve a professional crime reduction end. It provides an example of where one individual's effort can have a positive effect on the confidence and the preparedness in the community to collaborate with the police for a common purpose, in this case, to arrest a prolific criminal.

Interviewee 'ST' was a great advocate of community-oriented policing (COP). He was conscious however, that previous efforts to introduce COP had failed because it had never attracted support from his seniors. On arrival at his post-SLCP sub-county command, he found there had been almost no previous engagement by the police with local administrators, chiefs, or civil society. In fact, local chiefs were hostile towards the police and shunned any engagement. 'ST' immediately started training his station commanders on how to implement the COP approach in line with the

constitution's requirements. For a number of months 'ST' regularly attended the chiefs' meetings that they held with community members, despite not being invited.

Over time, his presence became accepted, and the community members started to ask him what he was doing about crime and criminal gangs plaguing the town and its rural surrounds. He started describing COP to the community members, outlining the partnership features and the responsibilities of both the community and the police towards safety and security.

There was a prolific criminal in the area who styled himself as the leader of a sect and who was suspected of being responsible for murders, assaults, and robberies. He was feared by the community but whenever the police sought to arrest him, he was tipped off by local people and made his escape, often over Kenya's western international border. After a number of weeks, when the effort to catch him had waned, he would return and continue his criminal activities. 'ST' decided that the arrest of this individual would become his priority and that he would use the COP philosophy within the community to encourage cooperation with the police. He spent time at public meetings pointing out both the effect of the criminal's activities on the local security and economy and how these criminal actions engendered fear in the community. Because of 'ST's persistence, (by this time the public meetings, the *barazas*, were being held adjacent to the police station with 'ST' providing simple refreshment), it was the local chiefs and other representatives who persuaded the locals to cooperate with the police to catch the criminal. Following a tip off, the criminal was arrested hiding in his mother's house after his return from his latest international escape.

The criminal was charged with numerous offences including 20 murders, and the event was featured in Kenya's 'Daily Nation' national newspaper.<sup>138</sup> Because of the operation's success and the subsequent media coverage, the County Police Commander was prompted to make a first time visit to 'ST's sub-County. After explaining the role of CP, 'ST' recognised that the county commander's doubts about community engagement had dissipated to a degree, and he took the opportunity to suggest that CP should be on the agenda of the county police commanders' meetings with his sub-county commanders. This resulted in the county commander inviting 'ST' to address all the other sub-county commanders on how to go about community engagement. 'ST' felt that this was a real step forward, though when he suggested running courses for station commanders throughout the county on the model he had developed, the county commander dismissed that idea as being too radical.

In this example, 'ST' had demonstrated his preparedness to push the envelope in respect of COP, both for addressing a real local need and also to influence his more senior officer to adopt the principle more widely. In the Kenya context, I argue that this type of initiative, and the others that feature later in the chapter, combines both Mannings's higher reform test (explored in Chapter 3) relating to redressing the imbalance of equity and justice that the criminal's activities were engendering through impunity, as well as illustrating the contribution that Technical Modification can make when a commander uses his/her influence to generate entry points for engagement through opening up opportunities for dialogue in the community (Manning, 2010). It also provides a counter-narrative to Brogden and Nihar's (2005)

---

<sup>138</sup> See Appendix iii.

observation that *'there are few success stories of community policing import or export'* (2005: 16).

In describing the development of relations with the local motorcycle taxi riders known as *Boda Boda*, who are sometimes accused of involvement in criminality, interviewee 'LE' stated that:

*'We usually have meetings with Boda Boda. It is engaging with them and genuinely showing them that you care about them, that you see their psychology, that they love to do this. As a human being, they love being shown compassion or that they are appreciated. So, I've learned that when you appreciate a human being, they [boda boda riders] become friendly. And normally, they give me information, even if they're planning to do something, at least one of them will tell me, "You know what; this is what we're planning", and I'll be in a position to arrest it [stop it] before it happens'.*

In this account, 'LE' demonstrates that community engagement is not a soft option for policing. 'LE' primarily engages with *Boda Boda* riders to acknowledge their presence in the local social and economic conditions and to listen to their grievances. However, it is also recognised that the building of trust between them and the police can lead to information about crimes on which the commander can take some action.

While this example does not so obviously illustrate Manning's test of equity, the actions of 'LE' are nevertheless addressing an imbalance in the treatment of the *Boda Boda* group. Having been recognised and engaged with by 'LE', they are now treated

inclusively in the different strands that make up the local community, rather than being excluded, with the benefits of justice and fair treatment that such a relationship can anticipate.

Different in its circumstances but similar in the approach taken is the case of Interviewee 'GL'. He heads a specialist unit that, historically, has had violent confrontations with criminal groups who cross Kenya's international borders to raid for cattle, a notoriously difficult crime to investigate. He described the initiatives he had developed with his teams to engage with local pastoral communities to identify illegally held weapons. His approach was to engage in *Barazas* (public meetings) in mainly rural areas, to explain the purpose and activities of his teams. He recognised that the heavily armed presence and numbers of his officers can be quite intimidating, so he chose to engage with the *baraza's* alone.. This was to allay concerns about the intentions of the police and to seek cooperation from the community members to counter the incursion by foreign criminals. He claims success in generating information about local crimes, stating,

*'With this information, we will be able to know who owns the guns and go for those criminals instead of generalising the community, so that we don't end up affecting innocent people.'*

This approach contributes to the building of confidence in the communities where they know that their sharing of information prompts more fair treatment from the police.

Interviewee 'WE' illustrated the use of technology to support community engagement. He stated,

*'the impact was tremendous because we managed to bring the members of the public closer to the police. Those crimes that were being committed, we now managed them by coming up with a WhatsApp group that had the members of the public who are mostly business people. And in fact, one of the administrators [a local government officer] was also a member of the group. So, the partnership between the members of the public and the police was marvellous, it was commended, because all the members of the public will report every small thing that happened within their environment that was not there before'.*

This illustration demonstrates the innovative use of technology to facilitate easier communication between the public and the police commander. Its focus was on improving prompt security and safety measures to benefit the local community, and it reflects Steinberg's (2014) observations from South Africa relating to generating an ability in communities to demand police attention and for the police to respond appropriately.

Interviewee 'FT' expressed more cautious optimism. She described the residual suspicion held by members of the administration at a local university, a significant part of her community. Recognising that it will take sustained effort on her part to rebalance the previously held negative view of the police, she pointed out,

*'They still see the police as someone who will come to arrest them and do some investigation rather than someone who's*

*going to help to them for provision of security. There is still that little gap in some areas ... but even here we can categorise some areas that are not a problem'.*

In the context of how the police know that they are trusted more than before, and therefore an evaluative illustration of reform actions, Interviewee 'CY' said,

*'People share intelligence with you. People can find some things which they are not confiding in you before. Now they are free to talk to us. Before, they could fear the police. Now there is no fear. Now we work as partners. I can say there is trust because if you look at the crime trends, it has gone down. It's not like before, [now] there is a downward trend of crime. And I can say the confidence [of the public in the police] is increasing'.*

Interviewee 'PE' summed up the essence of the intended outcomes of community engagement in the legislation when he stated,

*'we have seen that it works well. Because when society understands the police, and they appreciate the presence of the police, they give the police the legitimacy of existence. And when they give us that, it means more trust. It means more confidence in the police. And people centred policing means that it is people actually guiding you on how best you can police them. Not you coming up with circulars and you know,*

*kind of information where you're telling the public how they need to be policed'.*

More tangibly, interviewee 'CTE' gave an example of how an unorthodox approach to community engagement allowed him to understand what crime was occurring in his area and what he needed to do about it. 'CTE' undertook an assessment of crime conditions and how the police responded to them in a unique fashion, as the following illustration indicates.

On being posted to a new sub-county command, 'CTE' wanted to assess how the community viewed the police, particularly in relation to how effective the police were in dealing with violent gangs who preyed on and often killed people in the local communities. Recruiting some new officers not known to the locals, he went with them in plain clothes and spoke to local people, posing as researchers. He said:

*'I found the Mungiki [a criminal gang] was a menace in the area... Then we were going around asking people village to village, door to door, what they think is happening. Have the police helped them? How can we help them if ... we were policemen. They didn't know we were policemen'.*

Having gathered information from people about the types of crimes, which included murders, assaults, and robberies, as well as the identities of some of the gang members, he and his team followed up by calling the criminals by phone, posing as university students doing simple research. The criminals were happy to share their information and often bragged about their activities. 'CTE' then developed this information and that from his initial house to house enquiries, into intelligence

packages. He set up an arrest strategy and, in his words, '*then we pounced on them... and then after doing that, we took them to court*'.

'CTE' had also been feeding his intelligence into the national police structure and somewhat ironically, after the arrests and court appearances, he received information from the National Intelligence Service identifying 16 gang members for arrest. He stated that it was very satisfying to respond immediately that, '*they were among the 18, we reply to headquarters, and that we've already arrested all of them*'. For several years, the area was calm.

A codicil to the above: After several years of relative peace, 'CTE' noticed an increase in apparent male suicides by hanging in his area, sometimes three or four a week. Recognising this unnatural shift, he elected to attend the post-mortems of each victim. In collaboration with the pathologists, he established that the 'hangings' were a subterfuge and that all the victims had been manually strangled, a previous killing technique associated with Mungiki. Victims had then been suspended by rope to simulate hanging.

He realised that Mungiki had re-infiltrated his area, but by disguising the killings, he also concluded that the gang members were less confident than before that they would not be identified and had chosen not to be so brazen about their killings. 'CTE' decided on a strategy of public denouncement. He named and shamed the gang members suspected of the killings through an aggressive media campaign of exposure and through denouncements at *barazas* (town hall public meetings). While his longer-term intelligence gathering operation against the gang continued, after this campaign of denouncement, the 'suicide' rate dropped to zero within a week,

indicating the tactic was effective and that the gang had suspended their killing spree. To put the courage of 'CTE's action into context, Pratten (2007) describes the conditions in the Annang villages in Nigeria, where identification of gang members by the authorities often resulted in authority members being attacked or killed. It appears that 'CTE's actions are not only bold from a policing perspective, but also courageous from a personal stand too.

Given the Waki report's criticism of the police's historical affiliation to political and favoured relations rather than to public interest, the accounts above indicate greater consistency in acknowledging the importance of accountability to the public. In all these illustrations, the common factor is the willingness of the police to engage with communities as part of a public safety and security interest. My argument for their inclusion in illustrations of enablers of reform is because in each, the action and motivation for engagement by the police commander with people in communities is part of a service mindset that redresses an imbalance of Manning's standard for equity and justice. Recognising that, as stated earlier in the chapter, reform is a journey rather than an event, it is reasonable to argue that identifiable steps towards a higher level of equitable treatment by the authority towards the populace can be acknowledged as substantial ingredients of reform.

In respect of the PEV violence, it is unlikely that any officer would admit that their motivation was to align with political or tribal rather than public interest. Neither is it likely that this research has coincidentally stumbled upon a group of officers to whom the Waki criticisms did not apply. However, it is significant that almost all the illustrations of the importance of public engagement in the interviews, also provide

examples of some base of practical application in the workplace, rather than giving accounts that are solely theoretical. It is reasonable to conclude therefore, that in these trained officers, a significant shift towards the police having greater understanding of the value of engagement in public service, which includes the preparedness to accept accountability and oversight for their actions, and away from the deleterious effect of previous political or ethnic affiliations, has been generated. Given that most sub-county commands have between 150–200 personnel, the influence of the graduates in these posts cannot, therefore, be underestimated.

### The Professional ‘Grasp’ In Reform Initiatives

When coding the interview responses, I noticed a distinction emerging between what might be described as normal progress, *i.e.* following directions or orders to implement a particular reform initiative, and interviewees who personally generated actions with energy or initiative far beyond what might have been expected in the prevailing culture.

In what I describe as professional ‘grasp’, these latter interviewees showed that they really understood how their leadership actions could shift the reform mindset and the focus of the personnel under their command towards a standard of service or a level of competence that could not have been previously envisaged. They demonstrated that they knew how their command responsibilities contributed to the overall reform agenda, and that they were prepared to take action, sometimes controversially, to support the reform journey.

In terms of quality of service, Interviewee 'WTE' described how he sought to raise the quality of the station visit experience for members of the community, even for those who had been arrested, so that people attending the police station could do so with dignity and without fear. He said:

*'I managed to influence the leaders within the County, who came and put up an office space for my officers. I introduced a gender office [specific facility for female victims and suspects] that wasn't there before, I introduced a customer care office that wasn't there. I introduced a care centre for those certain others who have children and who are in conflict with the law. I introduced that centre where those mothers ... can have their children being looked after while they are answering to the charges that they've been arrested for'.*

Welfare for his officers was another area that 'WTE' chose to improve, stating:

*'I put up a canteen facility and we used to have some items that are from the Defco (The Defence Force facility) [which] is from the Defence. We buy it from the Defence, our military ... the prices are subsidised, but not too high. If you go to the normal shops, you find if it's 100 shillings, if you come to the Defco it's about 50 shillings. So, it's a welfare programme that I put up for my officers'.*

An unexpected outcome of 'WTE's initiatives was the status his sub-county achieved.

In relating his actions to what he had learned on the SLCP course, he said:

*'Those are the skills, some of these things I honed when I was at the college. My sub-County is now like a centre of excellence where other sub-counties came to benchmark. Most sub-counties came to benchmark from my sub-county, courtesy of the course that I had at Loresho. In fact, when I was leaving this sub-county, all officers were sad that now all that has been put in place was going to go in the drain. But I told them that I put up systems that will work for eternity because that is what I did. I met a few people who are who are my juniors, who are taking over what I was doing as a sub-county commander. So, if today I walk back to the sub-county, I'll see there are the same services that I put in place'.*

'WTE's actions were completely aligned with the requirements of Art. 244 of the constitution and S. 96 (1) of the NPS Act, in respect of the provision of services at the police stations to support engagement and accountability to the community. Given the poor state of some police stations and buildings, the dearth of decent accommodation for his 'customers' and his attention to the needs of his own officers and their families in providing them with improved standards and services, WTE is an example of a caring and empathetic manager.

In a similar vein, Interviewee 'GD', a very senior police officer with responsibility for strategic training, described how several former SLCP students had promoted

community engagement through establishing local football competitions, which had significantly improved community relations and had reduced criminality by the youth in the towns of Nakuru and Kisee. He said,

*'you can see it's working, because you can see some of the things, crimes that were being recorded in areas are actually coming down. And these are just initiatives that we told them when they came on our course. When you go out there, just find one good idea that you think can work in your area. Implement that and see, before you start thinking big, you see the small idea as to whether it can work and an idea that will not require you to ask for money from headquarters'.*

'GD's guidance for the graduates was for them to recognise the realities of implementing initiatives. He encouraged the graduates not only to use initiative to meet the local challenges, but also to be creative in a way that did not require HQ funding, and by implication HQ authority, to achieve a successful outcome. This effect of working towards reforms but within the constraints of the prevailing police system and culture is repeated in many of the interviewees' accounts.

Interviewee 'TT' explained a common problem of being posted to a new command and finding that there was no habit or infrastructure to promote community engagement. He pointed out that:

*'When I got to the location, it was very hard to get information from members of the public. A crime would take place, they would be aware, and they would never share this information.*

*But engaging with officers who've been there before, we were able to strategise together with them on how to slowly try to penetrate the people. And when we were able to start getting information, we were able to combat a lot of crime that was happening'.*

'FT', a former member of the IG's champion team, described the analysis that was undertaken to try and understand the outlook and fears the communities had about the police. Recognising that the police would need to demonstrate a sustained, consistent behaviour change if they were to engender trust, in outlining her personal strategy, she said.

*'First up [my approach] ... It was able to inspire confidence. It provided real time solutions to problems and was capable of generating more information, more intelligence for police. The more the police describe the actions they [have] taken in alignment with the requirements or the requests of the community, the more the community felt safe, and where appropriate, tensions were reduced'.*

Reference was made in Chapter 6 to the failure to organise training for the major shift of personnel from the Administration Police to the Kenya Police in 2018. Interviewee 'TT', amongst a number of other interviewees, while critical of the organisation's failure to provide an appropriate training strategy, took it upon himself to train his officers. Garnering support from the headmaster of the local primary school, he acquired classroom space for sustained local training. He stated that:

*'My OCS [officer commanding station] was the only person who had a background in training; he served in Kiganjo, [KPS Training College]. So, I myself took the initiative, I took them to class, I was in class like four days in a week and then the fifth day the OCS would come in. And then the last day we had the DCIO [senior detective] to do something on investigation. And from then, you cannot tell the officer who was in the Administration police from the one who was in the Kenya police. They integrated so well, even me myself, by the time I was leaving [sub-county command identified], I could not tell who was originally from the administration police and who was from Kenya police.'*

In this example, 'TT' illustrates two matters that many of his contemporaries also found. First, he recognises that it is he who must take action on the integration training of Administration Police officers, because the organizational level cannot meet the need. Second, in the desire to make a professional difference and to develop the competence of his officers so that they can serve communities more effectively, he shapes his initiative so that it does not require any HQ resources, thus avoiding the consequent permissions and probable resistance that that his actions would inevitably attract from those more senior officers who had not undertaken strategic training.

*Multi-Agency Engagement with Vulnerable Groups*

In some of the illustrations above, there has been implied reference to engagement with official groups like community chiefs or administrators within the interests of a local community. The following example demonstrates the police engaging in true organized partnership with other agencies to address a major crime problem that extends the concept of community engagement to a much higher level. It reveals how an SLCP graduate came to recognise that an initiative would only have limited success if she did not take it up to a strategic level. It describes how she used her strategic training background to design, implement and nurture an innovative initiative to streamline the approach to sexual and gender-based violence in the country.

*POLICARE - Joined up Public Facing Service for Sexual and Gender Based Violence*

'BN' is an energetic and passionate senior officer who has specialized in trying to improve the police response to allegations of domestic, sexual and child abuse for most of her service. She acknowledged that on reflection, much of her effort in the earlier years of her service had limited success because she did not understand the complexity of the route to procedural changes that were necessary to navigate above her personal level.

She was a successful applicant for the 2020 SLCP and it was during her time there that she came to understand how procedures and protocols up to and including legislative changes were achieved. With support from her SLCP trainers, she designed an initiative called 'Policare', a combination of the words, 'police' and 'care', through what she called a one-stop-shop. Its aim was to efficiently and effectively manage cases of sexual and gender-based violence (SGBV), from receipt

of an initial complaint through Prosecution Service supervised investigation, onto medical and psychological support and forensic evidence gathering, to eventual prosecution and judicial disposal.-

The SLCP course helped her understand the strategic implications of what she was proposing. Recognising that the initiative would require collaboration with other agencies of government, including the Health Service, Prosecutors, Courts, and Social Services, as well as political support and legislation, she designed a plan and created an advisory board of influential citizens from local politics and civil society. She persuaded the Deputy Inspector General of Kenya Police to donate a derelict building in Nairobi to be the 'Policare' Centre, and from there on she personally organised renovations and donations to the centre as well as personally engaging the heads of the other agencies mentioned to collaborate with the initiative.

She established a second 'Policare' Centre in Nanyuki, north of Nairobi, which will serve three adjacent counties. She enrolled local businesses into supporting the build as well as attracting significant support and funding from the British Military Training Unit based in Kenya.

At the time of interview 'BN' was awaiting the Attorney General's comments on the draft legislation she had crafted with the help of volunteer legal counsel and local political support before it was to be placed before parliament for consideration. 'BN's initiative is a rich example of how, with vision and the right guidance and training, senior police officers can take on strategic challenges of reform and generate major inroads into meeting the public engagement and accountability criteria that the constitution demands. It is also illustrative of how something that is still a cultural

norm in many parts of the country, that of sexual and gender-based violence particularly towards women and girls, can be practically challenged by engaging the different agencies that are responsible for health, investigation, education, and justice (Hughes, 2018). Strongly influenced by 'BN's initiative, these agencies are now prepared to collaborate and find innovative solutions through platforms like POLICARE to support victims and bring greater effect to existing laws that outlaw for instance, female genital mutilation.

### Knowledge and skills gained from the SLCP

The above case study of 'BN' is illustrative of how well the strategic training was received. None of the interviewees were critical of any part of the international contribution to the training from the UK College of Policing. I acknowledge that this is not a really objective statement because of my personal involvement in the assessment centre, the training design, and some of the delivery. That said, there were some areas that the graduates articulated as being particularly helpful and useful in taking forward the intentions of the new constitution, as shown below. Specifically mentioned as being of practical value from the course were lessons and exercises on strategic planning. planning overall, understanding the value of putting responsibility on roles rather than ranks, personal influencing, and personally engaging in the competence development of their officers locally.<sup>139</sup>

---

<sup>139</sup> An NPS training impact assessment conducted by the commandant of the staff college and the NPS training advisor in October 2017 found that these specific skills were amongst 12 skills identified from the course as being beneficial and recognisable in a survey of the subordinates of members of the first two courses.

'NPS Training Impact Assessment Of The Senior Leadership And Command Course No. 1/2015 and No. 2/2016 March 2018'.

Whereas in the previous chapter, the officers gave examples of occasions where they were told by their seniors to 'leave their education behind' (comments relating to the interviewees' participation on the SLCP), the interviewees referenced here found that, with confident understanding of what the constitution demanded, they could find reform traction by operating locally, without reference to their superiors, and without asking for any further resources. Examples of reform traction were found in more collaborative engagements with communities, technical improvements to communication and information sharing, incorporating effective anti-crime measures, and improving local accommodation and facilities initiatives for the police and the public. Relying solely on their personality and their preparedness to generate intelligence from information that they were able to apply, the SLCP graduates, and their communities were able to achieve success towards a more reformed service in their individual real-world environments.

In the previous chapter, impediments to reform identified criticisms of some other training elements. This was because of the paucity, irregularity, insufficiency, and inconsistency of prevailing approach to training. As an enabler, training that is consistent, well-funded, sufficient, and properly focussed is an investment in the police organisation and is valued for its ability to maintain the professional standards of the police as well as acting as a reform agent.

It must be acknowledged, however, that training alone, however sophisticated and well structured, will not address all the issues relating to an individual officer's preparedness or willingness to implement reforms. For instance, those interviewees not commenting positively on their ability to engage in reform activities, or citing

resistance of superiors or fear of reprisals, could harbour historical, cultural, and other social factors from previous experience as a police officer or just as a citizen of Kenya. These conditions could negatively influence their beliefs, expectations and thus actions towards what they think is achievable. In interview, officers who fall into this category nevertheless wanted to present a positive image of themselves. As I observed in chapter 6, influences of their antecedents or prior experience were based often on what they did not say in the interviews, as well as what they did say. I also gleaned information to support this view from anecdotal stories about earlier challenges at school or when they were in the police recruit training. These stories were gathered from informal conversations with officers in non-interview situations.

However, based on the examples from the above interviews, it can be extrapolated that, over time, the calibre and quality of officers being promoted to senior positions will reflect a more competency-based rather than patronage-based system of advancement. If these officers are supported by relevant and targeted training and mentoring commensurate with the constitutional expectations, then the capacity of the NPS senior officer cadre to more naturally orientate towards a reformed service philosophy will be greatly enhanced.

### Internal Police Accountability – A Note of Optimism?

Most challenging in organisations is the preparedness to publicly discuss failings or shortcomings. However, in becoming more used to providing honest accountability of their actions, the police can also gradually gain the confidence to internally question

how they address shortcomings in the way they provide service, and / or how they conduct their internal business.

This was illustrated particularly clearly by Interviewee 'CTE', who described how, on appointment to a new sub-county command that had a reputation for poor performance, he had sought views from the public and the police as to the reasons for it. His account is included here at length because it demonstrates his willingness to address uncomfortable internal issues with the community as part of a trust building exercise, consolidating points made by other interviewees in formal and informal conversations.

#### *Bold Steps to Air Sullied Laundry*

Through enquiry in his most recent command appointment, 'CTE' assessed that conduct in the basics of patrolling and street police work had deteriorated to a point that officers would hide in public bars or find places to sleep on duty to avoid confronting police work. His initial remedy was to remove radios and mobile phones from the officers and reintroduce basic patrolling patterns where they had to meet their supervisors at specific times and locations and report their activities. While apparently a retrograde step in potential police efficiency, this was actually a tactic to flush out the internal issues speedily. Within a week the officers were pleading for the return of their communication devices. 'CTE' used their concerns to enquire of the officers, why they had become so reluctant to do basic police work. Their responses included fear of being attacked by criminals, not having confident knowledge in procedures and powers because of a lack of training, and in some

cases, health deterioration due to alcoholism brought about by fear, stress, and financial problems.

To address the shortfall in knowledge, 'CTE' introduced basic remedial field training for all patrolling officers. He analysed the patterns of trouble hotspots where officers had previously been attacked by criminals and created action plans to deal with them. These included intelligence-driven arrests of criminals and augmented patrol numbers in vulnerable areas. In respect of the alcohol related health issues, (he stated that initially, 25 - 30% of his total strength were off sick at any one time with stress and/or alcohol related issues) he organised counselling, and in extreme cases hospitalization, for those on his sick-list.

Over a period of six months, he stated that he had reduced the sickness rate by 10%, regained control of hotspots that had become all but no-go areas for police patrols and increased the successful application of relevant laws for arrests and other regulatory procedures. Throughout, he maintained communication with local communities explaining what he was doing and why. He admitted that he did not consider it appropriate to provide fine detail of all the issues, but he did share his analysis and the steps he was taking to remedy shortfalls in the police with community groups. At the time of interview, he was focusing on changing his interventions from a 'first aid' intervention to one of sustainable development for his officers.

While it could be argued that the examples of enablers I have cited in this chapter are what should have been happening anyway, the reality is that they were not happening. 'CTE's account is illustrative of a commander who is more confident in

sharing the realities of his policing demands and experience with his communities as a tool to build understanding and collaboration. It is his reasonable expectation that this contributes to greater trust and confidence in the police from the communities and reflects a rebalancing of Manning's equity standard for what qualifies as reform.

The accounts of senior officers in this and the previous chapter illustrate that many of them have lived in the shadow of an organisation whose reputation for oppression, coercion, brutality and corruption was the norm. Having recognised the potential impediments to reform, these motivated officers demonstrate a willingness to police professionally and equitably. According to their illustrations, they have taken tentative steps towards a more accountable, service-oriented form of policing. Engagement with communities and breaking down barriers to promote trust with the people that they recognise they serve, is a common theme that emerged from their interviews. Doing this 'right thing', effectively reshaping the previously prevailing parameters of policing to align their professional standards towards the constitutional directives, establishes a more desirable form of 'policeness' (Hills, 2014) and demonstrates a potential enabler of sustainable change.

## Summary, final analysis and conclusions

This chapter on enablers was always going to be less certain in its narrative claims than the those of the impediments illustrated in Chapter 6. This is because the chapter is about promises to the future and indications of green shoots of reform, rather than the evidenced and established illustrations of impediments shown previously. That is, however, the nature of reform activities. They are about hope and

intention as well as the experience of trying new things out, the realisation and success of which will only be determined and assessed over time.

That said, there are tangible and practical illustrations of change that can bring about a sense of confidence of impending reform in the short term. In the case of the NPS, visible changes like the provision of more vehicles, the upgrading of police equipment, or even pay rises for the police, can suggest that something different and positive is happening, as was the case in Kenya from 2014 onwards. While these are an important ingredient of potential reform intention - extra vehicles for instance should provide for more effective patrolling, or to allow officers to respond quicker to calls - they are no more than a promissory note to a better future, where some beneficial outcome might be experienced. But, ultimately, it will not be the 'quick fix' of new vehicles or equipment that will deliver the reforms. Rather, it will be the motivation of individuals and groups of police officers towards an improved form of policing that will determine the extent and sustainability of the intended reforms, and there are several variables affecting that.

In this chapter, I have shown where the foundations for reforms lay. They are contained in the strength of the directions in the constitutional and legislative narrative. They are reflected in the purposes of the NPSC and IPOA, the two oversight bodies, in ensuring the quality of policing meets constitutional expectations of accountability and equity. They are outlined in how the NPS, through its strategic plan, has generated directions for the police to convert constitutional intentions into practical actions, particularly in respect of accountability to communities. These elements contribute to the collective description of enablers of reform. However,

alone, they cannot deliver reform. Enablers must include the disposition and motivation of the police, and while the chapter has focussed on those in the control of the police, enablers must inevitably consider the disposition of society too. Variables in the willingness, motivation, courage, and professionalism of the police, and the tacit acquiescence of the citizenry, will determine the extent to which reform will happen.

There is clear evidence from the interviews that senior officers are enrolled into the importance of public engagement to policing. But to what degree? In the latter part of this chapter, I outlined the outcomes of interviews in which the officers illustrate their reform actions on deployment to their new posts after completing the training course. In a significant number of the interviews, examples of engagement with the public with a view to understanding community concerns and providing explanations of police actions, feature prominently. The evidence from the interviews shows that, where exposed to positive engagement, communities are reported to be supportive of reform efforts too. They are willing to give latitude to local commanders as they gradually strive to bring about change in the behaviour and attitudes of police, away from service to the regime and towards a sense of service to communities. But the 'green shoot' illustrations by the senior officers, though clearly linked to the accountability intentions of the constitution, reflect that they are also affected by some conditional variables. These include amongst others, inconsistent leadership, inappropriate influence from 'outsiders', and societal resistance or ambivalence. These variables can affect the energy and motivation behind the police reform efforts, and it is reasonable to ponder that, if the police professional atmospherics change adversely, will the levels of engagement with the public or the drive behind the policing initiatives by these senior officers remain robust, or will they lean in the way

that Owen (2014) describes, and become low key or benign? Only time and monitoring will reveal that. However, there is a feature in the accounts relating to their organisational motivation warranting slightly deeper exploration that reveal ingredients that have the potential to cement the place of reform enablers more sustainably in the habits and culture of the police.

Many of the positive actions the interviewees report are apparently achieved by avoiding engagement with, or having to seek permissions from their more senior officers. This indicates that even though their individual, and as graduates of the strategic training, their collective initiatives are demonstrating the delivery of constitutional intentions, they are happening in the absence of, rather than because of, support, guidance, and encouragement from their more senior officers. Strategically trained senior officers reveal a willingness to push key parts of the reform agenda. They recognise, however, that they are for the most part isolated, and that therefore, they should manage their reform efforts from within their own geographic and metaphoric boundaries.

Strategic training has had a positive impact, and as a result, constitutional reform intentions are being translated into operational policing actions in a number of geographic areas of Kenya. However, its scale in the research period was insufficient to have mass influence on the police. Also, the gap between trained and untrained officers is exacerbated because most of the very senior officers, who in the deferential culture of the police hold the reins of power, fall into the latter category and have expressed various negative views towards the trained officers. Also, while IG Boinnet spent considerable amounts of time engaging with hundreds of police officers on the

implications of the reform agenda, he could not reach everyone, and his message, when not reinforced by his immediate senior subordinates, other 'disciples', or local leaders on the ground, has, inevitably, a limited life span. At the same time, while society remains largely tolerant of behaviours like extra judicial killings of 'bad' men by the police (see Osse, 2014; van Stapele, 2020), or are willing to pay bribes to secure positions in the police or to unlawfully engage police to resolve disputes in favour of a particular interest, social conscience will not be sufficiently outraged to challenge the *status quo*. And while the 'big men' of both formal and informal politics see efficient and effective police as a potential threat to their ways of life, the essential element of reform as described by Bayley (2001), that of the government appropriately wagging the police tail, will remain absent.

However, the police, particularly those who have been exposed to the experience of acquiring and applying skills and mindsets related to constitutional reforms, can influence some of these variables positively. To avoid the potential vulnerability that the variables present, the top leadership of the NPS (many of the graduates of the SLCP now hold the rank of assistant inspector general (AIG) and command geographic regions of Kenya or hold key headquarter directorships) should maintain the thrust of enhanced police professionalism started by Kimaiyo and Boinnet by generating a bureaucratic ethos that entrenches reforms, effectively taking control of their own profession's variables. The original strategic programme was aimed at those officers likely to rise to the most senior positions of the NPS. The assumption was that they would develop and maintain policy in support of the constitution *and* lead the organisation effectively to realise the constitutional intentions. A key enabler, therefore, is to build on the strategic competence of these graduates through such a

bureaucratic structure. By reducing the impact of professional isolation and by developing more regular and collaborative communication with fellow graduates to help promulgate policy guidance, good practice, and professional standards, the reform ethos could be further embedded. It would also build and reinforce the confidence of the developing critical mass of trained leaders.

Such an initiative will make the manipulation of the police service by 'big men' more difficult and will also create a legitimate expectation for elements of society to shed their ambivalence toward respect for law and order. It will take the personal courage of many of the trained officers for such a collective action to be realised, but the alternative — the maintenance of the status quo or worse, a deterioration of conditions — when considered in their context should not really be contemplated.

## Chapter 8: Conclusion

### Introduction

In this chapter, I summarise the findings of my thesis and I relate them to each of the reform factors discussed in preceding chapters, which I have collated into the heading

shown immediately below. I also show an overview of the literature I drew on that was most relevant to police reform in international and post-colonial conditions, and I present an account of why my methodology was appropriate to this research. I identify the parameters of my inquiry and indicate areas where further research could be undertaken to acquire a more granular picture of the opportunities and impediments to reform that remain relevant in Kenya.

## Reform Factors

I have shown that the extent to which the police can reform themselves rests on the effects and influences of a number of factors, which include:

- o The foundation conditions for policing at independence.
- o The three Presidents and the personalizing of power.
- o The calibre and quality of senior police officers.
- o Senior police leaders' responses to the PEV inquiries' findings.
- o The focus and influence of the Police Reform Implementation Committee.
- o The response of the police to the 2010 constitution and its legislation.
- o The consequences of donor support to police reform initiatives
- o The amenability of police organisational culture to the demands of the reform legislation.
- o The political and social environment in Kenya

## Foundation Conditions on Independence

History was always going to play its part in the preparedness of the police to undertake the reform measures required in the 2010 Constitution. As outlined in chapter 2, the country inherited a form of policing that had been shaped by the counter insurgency measures developed to deal with the Mau Mau emergency (Bell, 2013).

On independence, these legacy methods of policing became the predominant *modus operandi*, not least because no alternative was known, nor had any been proposed. Senior police officers, from both the Kenya and the Administration police, even with the short-lived guidance of the former British colonial Commissioner of Police, lacked the experience, knowledge, and seniority to know any other way of operating. In addition, those in positions of power and those who were to inherit it, had no incentive for change. They certainly did not want to jeopardise their positions by radically changing their way of operating, which for the police meant making sure that the turbulence in the country that might follow the freedoms gained by independence, was dealt with swiftly and to the advantage of the new head of state and his governing party (Anderson and Killingray, 1992).

Therefore, the implied agenda for the formal approach to policing in the new independent Kenya was to, (a) ensure that the dominant personalities in power remained there; (b) suppress any challenge to the dominant regime expressed in the country; (c) maintain the essence of a counter insurgency rather than any other civil policing style of operating because it was effective in colonial times. The consequence of the combination of all three of these conditions, ensured that service to

communities would not be a priority for policing in the new Kenya. This is important from an organisational point of view, because successive cohorts joining the police in subsequent years would inherit attitudes and behaviours from within the organisational culture of these early times, thereby reinforcing the style of policing established at the beginning of independence.<sup>140</sup>

### The Three Presidents and Personalising of Power

As outlined in Chapter 2, over the presidential periods of the three incumbents, Kenyatta, Moi, and Kibaki, two levels of accountability for the police were created. One was to the law as developed through Parliament - rule of law - and the other, a rule by law, created at the time by the President, according to his wishes. In the case of President Moi, this extended to what might be expressed as beyond the law, including the setting up of a torture centre in Nairobi and the hiring of criminal gangs to enforce his presidential will, which was the exercise of personal power outside the law. This close control over the police was criticised by the Waki Commission for its contribution to the personalising of power and the disrupting of the checks and balances of normal democratic processes.<sup>141</sup> The consequence for the police was the skewing of their objectivity and their ability to maintain rule of law integrity over a consistently long period of time.

---

<sup>140</sup> Significant early but still relevant literature exists on the dynamics of organisational culture and their influences on members, for example (relating to the police), Skolnick, 1966; Wilson, 1968; Van Maanan, 1973, and (outside of police), Easton and Dennis, 1967; and later, Schein, 1990; Johnson and Scholes, 1994.

<sup>141</sup> Waki had noted that some 32 amendments to the original constitution had been generated, each one further reinforcing the power of the president.

## Calibre and Quality of Police Leadership

In terms of professional competence, there would always be a tension between appointments to senior positions in the police that were sanctioned by the president's patronage, and the standards that were set for senior appointments in the civil service by the Ministry of Public Service.<sup>142</sup> For the most part, this was not an issue under President Kenyatta. However, the police leadership was weakened significantly during the 24 years of Moi's rule.

Moi had incrementally emasculated the Ministry of Public Service, which was responsible for standards of senior personnel for the whole civil service. He bypassed their qualification, assessment, and selection processes in order to appoint his own people to key positions, irrespective of whether they had the competence to take on the roles. The combination of personal alignment to the president - either directly or through his influential acolytes - and the lack of experience or professional competence, meant that some senior police officers were not effective in applying modern policing methods to address 'proper' crime, as opposed to the 'political' crimes that Moi was often exercised over. It was no real surprise, therefore, that on Kibaki's succession as president in 2002, his undertakings to deal with corruption and violent crime were compromised from the outset because he had inherited several decades worth of Moi's choices in senior policing positions. The consequence was that there was little confidence within the police, nor within society, that Kibaki's reform measures intended to support his anti-crime agenda could be achieved.

---

<sup>142</sup> Kenya's system of senior civil servant appointments allows for transfer of senior personnel who have been Gazetted, (*i.e.*, their position had been ratified and published in the government journal), between ministries. So, a senior police officer (superintendent and above) could be transferred to another ministry without challenge.

## Influence of the Police Reform Implementation Committee (PRIC).

The PRIC had been set up to steer Ransley's recommendations into the police organisation in January 2010, and by laying the ground for their translation into subsequent constitutional and legislative requirements. However, the passage of the committee's deliberations was not smooth. It had to tolerate the passive resistance of the heads of the police forces and the consequent progress 'treacle' for decision making that it created.

The Committee was aware that mere instructions to the police would not achieve the changes that reform required. Therefore, as it acquired the responsibility to develop the police-related narrative, both for the constitution and its subsequent police legislation, the Committee - and in particular its international police advisors - sought to ensure that the directions contained in the legislation for the police, IPOA, and NPSC were very specific and unambiguous. Reflecting the essence of the recommendations and applying practical police expertise, the Committee ensured that their directions could not be misinterpreted. This was particularly clearly illustrated for instance in the content of Section 96 of the NPS Act which relates to the police engaging in community policing initiatives. It spelled out not just that community policing would be a key driver of the policing style, but it also outlined *how* community policing initiatives should be undertaken.<sup>143</sup>

In respect of IPOA, it was also essential to be specific when describing the functions and powers in the IPOA Act, particularly relating to oversight of police operational standards. This was because their powers would enable IPOA personnel to confront

---

<sup>143</sup> Interview with 'MS', a donor member of the PRIC.

behaviours and processes in the police, and particularly at police stations, sanctums that had hitherto been the exclusive preserve of the police. With resistance predicted, it was necessary to ensure the legislative powers were both clear and strong. Similarly, in the NPSC Act in respect of the policy control of recruitment, promotions, and postings, the Committee drew on the evidence of the PEV inquiries in which police officers themselves complained about the abuse of HR procedures. These included circumstances that allowed candidates to bribe their way into the police during the recruitment process, or once in the police, to disadvantage or punish officers by abuse of postings and promotions protocols.

Despite the clarity in the legislation for IPOA and NPSC, as predicted, both organisations met obstructions. IPOA met resistance to its legal powers at the event at Kasarani stadium with *Operation Usalama Watch*, while the removal of the control of HR functions from the police did cause friction, as indicated in the account of the recruitment exercise of 2013 by the chair of NPSC in his 2014 report, of which the conditions of both were amplified in chapter 5. Each of these emphasised areas reflected key parts of Ransley's recommendations that were gleaned from the complaints received in evidence in the PEV inquiries' evidence gathering exercises.<sup>144</sup>

## The response of the police to the 2010 Constitution and its legislation

Even with the strength of the new constitution, reform of the police was never likely to be a spectacular, one-off, event. After the PEV, the scrutiny conducted by outside and independent bodies as to the condition of the country, and in particular, the police, provided a rich source of reform ingredients that would inform the

---

<sup>144</sup> Conversations and views from former staff officer to UK HMIC and advisor to PRIC.

architecture of the new constitution. However, in such a complex organisation as the NPS, the progression of reforms was more likely to be made up of small but sustained shifts of actions in discrete parts of the police, rather than dramatic, rapid changes of behaviour in large parts of the organisation. Such shifts could include an improvement in professional standards in respect of response to calls for assistance and their subsequent investigation, or they might reflect a higher attention being paid to community concerns.

Recognition of the importance of professional training and development, and an active shift towards more responsible leadership, with enhancement of the attitude of police management to welfare, could also signal effort towards reform activity. However, the assembly of elements like these, at different times and at different speeds, might be better described as a reform journey. Examples of reform actions of this nature have been illustrated in the structural changes described in Chapter 5 and in the interview responses in Chapter 7.

### The Consequences of Donor Support to Police Reform Initiatives

Donor interventions are often plagued by constraints, misunderstandings, and over ambitious targets, all of which can create a dilemma (Peake and Marenin, 2008). Donor efforts to establish a democratic form of policing, while a noble cause, is often a somewhat bogus solution to problems with policing that had not been fully identified and acknowledged. In the case of Kenya, the international community was clearly shaken by the level and depth of violence that occurred in the PEV and appalled at the weakness and culpability of the police. But the offers of assistance to reform the police all but ignored the history, culture, and customs that existed

previously, and took little to no account of contemporary attitudes of government and society, which seem to have a high level of tolerance for corruption and criminality.

Some donors, particularly former colonial powers, could be forgiven for not wanting to be seen to interfere with the sovereign responsibilities and styles of governance for fear of being accused of seeking a form of recolonization of the country. Consequently, even though they could see where the weaknesses in governance were, such donors would do little other than to privately, or publicly opine their disapproval, as Edward Clay, former British High Commissioner had done to Kibaki in his famous, 'vomiting on the shoes of donors' statement (Branch (2011)).

Police support such as training and equipping, was consequently offered almost as a form of acceptable consolation. It seemed to be presented as a way of seeking to influence the Kenya government to address deficiencies in policing, and somehow, through the osmosis of a reformed police, address the quality and standards of governance in the country, and the attitudes that society had towards law and order. If this was the case, it was an unrealistic expectation.

### Senior police leaders' responses to the PEV inquiries' findings

Despite the evidence gathered in the wake of the PEV by Waki, Alston, and Ransley, senior police officers were reluctant to accept the criticism of the police expressed in the committees' conclusions. This was rooted to some degree in earlier experiences. Inside the police, reform had been tried in 2003 with a new strategy for the police, but this initiative withered as did the presidential reforms proposed on election by Kibaki.

As previously stated, reform needs more than just words and documents, even when they take the form a constitutional authority. Following analysis of need, it requires a clear plan that converts the legislative directions into professional procedures and actions, driven by strong leadership, and in an environment that is conducive to the changes it envisages. In Kenya, some of these conversion ingredients were present and some were missing. Outside of the police, the risks to the elite of a reformed, efficient police organisation, capable of interfering with corrupt or criminal activities to which they might be associated, meant that reform measures that were too challenging to the status quo were likely to meet levels of political or social resistance. And as the interviewees in 2019 and 2021 indicated, nearly a decade after the new Constitution, enthusiastic officers who wanted to make the reform changes demanded in the legislation, were still having to navigate around the reluctance or resistance of their seniors, who still did not subscribe to the need for reform.

### Police Organisational Culture and the Reform Legislation

President Moi bowed to public and international pressure to introduce multi-party politics in the early 1990s. He also undertook to engage with more public-interest issues, including the setting up of a human rights monitoring group and an exploration committee for developing a community style of policing. However, the organisational damage to the police was already well established. Poor leadership, and implicit encouragement not to pursue crime and corruption associated with the president's allies, meant that the police did not have the professional competence, organisational

capacity, or the inclination to mount a robust operational profile to address serious crime.<sup>145</sup>

Waki's report was damning of the police, but a year after the violence, progress on police reform had hardly started. With encouragement from the international support group led by Kofi Annan, the Kenya coalition government established a National Task Force on Police Reform in May 2009, led by retired judge Philip Ransley. Its report in October of that year made 200 recommendations for reform in policing. In response, the government established a Police Reforms Implementation Committee (PRIC) at ministerial level to take action. The architects of the 2010 constitution drew heavily on Ransley's recommendation in shaping its articles and in determining the framework of the subsequent operationalising legislation.

## Relevant Literature

The expansion of literature on policing over the past decades has spawned a granular level of inquiry into the effects and the effectiveness of police reform. My thesis adds to that by taking a unique inside view of the conditions under which reform measures can actually be applied by senior police officers, and the risks that these officers sometimes face if they seek to implement reforms that can threaten the interests of influential people.

The most relevant literature relates to that which built on the early police reform scholarship of the mainly western and anglophile observations. These Western views on the development of policing were the subsequent basis for the evolutionary growth of the export of western police ideas to other countries. In parallel, the

---

<sup>145</sup> Operational Profile is an umbrella expression that incorporates the crime analysis, intelligence development, and planning of an operation as well as its execution.

historical accounts of the development of colonial authority and the insertion of British policing standards from the post World War 1 period as described by Anderson (2014), Killingray, (1986) and Waddington, (1999), were enhanced by the writings of those who studied the effect of the exporting of western policing into specific countries and the growth of political engagement in the context of policing as an extension of foreign policy (Bayley, 2005, Baker, 2010, Brogden, 2002)

## Methodology and Parameters

To provide a substantial foundation for the inquiry and research that led to my thesis, I chose to use my background in policing both in the UK and internationally, together with my three years' experience as advisor to the IG in Kenya. My close association with many of the senior figures in the NPS who would have responsibility for implementing reform, and the timeliness of the reform activity through the establishment of the new constitution was serendipitous. Speaking to senior police officers in my advisory role about their attitudes towards reforms, helped me understand later that these officers would be a rich source of information. Selecting research interviewees from the strategic training programme senior officer graduates became an obvious choice as I shaped my research focus. This was because their exposure to the international good practice contained in the training and the programme's alignment to the constitutional reform intentions, meant that they were the most likely of the senior officer cohort to undertake reform measures with enthusiasm.

## Summary

Within the police, reform actions and outcomes have differing dynamics and at many levels. Some are slow burn, often taking many years to realise, while others can happen quite quickly. For instance, the welcome government expenditure on police equipment, particularly a major expansion of the vehicle fleet in 2015, together with a pay-rise for the police, had an almost immediate effect both in the amount of patrolling capability that was made available, and on the feeling within the police of being valued. Much slower and arguably more contentious was the re-professionalising of the police, both junior and senior ranks, through training and briefings. These actions would be focussed on raising the quality of competences like investigations and problem solving. They would also explore driving the cultural change within the police away from the regime protection and community suppression of previous years, towards a more service-oriented model of policing that saw greater accountability focussed on local policing provision (Brodeur, 2007).

It bears repeating: policing does not exist in a vacuum, it reflects the parameters and tolerances of the societal and political atmosphere. Its potential for reform is therefore wedded to a significant degree by the environment in which it operates. While some reform activities can be driven by the police with tacit approval from society, major shifts like those envisaged in the 2010 constitution need a high level of social buy-in.

In addressing the research question, I have confirmed that police reform is not an event, but rather a fragmented journey, and it is happening. For the police, it has diversions, holdups, reversals and jams along the route, such that while progress can

be observed in some areas, others seem to be resistant to a smooth flow in the reform activity traffic. Ultimately, where the expectation 'bar' is set will determine the degree to which reform can be claimed to have occurred.

In Kenya, the bar was set very high, and for understandable reasons. While there was an obvious focus on the police and what it represents, associated with the history and background to the PEV and amidst the accounts of police failings was a more ominous disclosure. In the country, an absence of a collective willingness to support more general reform of conditions in public life would probably condemn it to repeat its recent history. The often-valiant reform effort of some police officers like those in the interview cohort, would be swallowed up by society's ambivalence to change, condemning it to perpetuate a form of policing that whilst apparently abhorrent, will nevertheless be tolerated along with the other ills, for which the country seems not to want to seek remedies.

The distribution of initiatives that apply to reform enablers, including a compelling and consistent education campaign to inform the public how they can also contribute to a better working relationship with their local police, can be significantly enhanced. If the base line for competence and confidence is raised in the police through clear, strong leadership and supported by sustainable and targeted training and mentoring, then reform is more probable than just possible.

### Measuring the Effect of Reform Activity

How reform is measured is an important reading on the barometer of police accountability and effectiveness. Scholars and other contemporary observers have advocated for reforms in different aspects of policing for many decades (see Bayley 1995; Brogden, 2002; Baker, 2010). Amongst other interests, the impetus for reform

can be driven by documented accounts of disproportionate attention to sections of society by the police, often race or ethnicity driven, or the behaviour of police in certain thematic crime areas like the so-called war on drugs (Baum, 1996). Infamous events like police assaulting or causing the deaths of citizens often flare these calls for reform into a brilliant focus, accompanied by social protest attracting significant media and political attention (Rushin and Michalski, 2020). Complaints about the quality and calibre of the police and their ability to operate dispassionately and fairly, regularly feature in media reports. Calls for the diversion of funds away from the police and towards care in social, educational and health forms to meet the complex demands of society, have the arguably honourable intention of distancing the police from situations that they are not trained for or are inappropriate to intervene in. However, the reality is that alternatives to the availability and accessibility of the police to intervene in these situations, are rare (though see Ray, 2023, Brookings Brief).<sup>146</sup> The accumulation of data, while identifying a particular reform need, is not sufficient to engender desired reforms either.

Drivers for reform often have complex ingredients. Whether they be the rare and unique occurrence of major political shift and social regeneration intentions in post-apartheid South Africa described by Steinberg (2012), or a more consistent reflection on the continuing influence of colonial practices of regime protection and public oppression in other parts of Africa articulated by Anderson and Killingray (1992), Baker (2010), and Hills (2011), the demands for reform of the police are often a reflection of a broader dissatisfaction of social and authority conditions in society.

That police spend a significant amount of their time and resource responding to and

<sup>146</sup> <https://www.brookings.edu/events/policing-public-safety-and-mental-health-findings-from-the-new-jersey-arrive-together-program/>. Accessed 11 May 2023.

dealing with social, health, educative and welfare related demands, is evidence of this.

For Kenya, the assumption is that the engagement with the public by police will be a primary and beneficial activity. The belief is that it will demonstrate a level of accountability not previously demanded in law and through which, by their actions, the police will promote confidence in communities and show effectiveness in maintaining public safety and security.<sup>147</sup> But society too must respond responsibly. In the interviews, consistent evidence of the importance of engagement with communities, and illustrations of their actions in community engagement as a normal part of their policing function, provides good evidence of a change of attitude by these representatives of the police. It shows an acknowledgement of the importance of public engagement with a view to being more accountable as part of the post PEV way of policing, and this engagement can be measured. Quantitatively through internal records, commanders can account for the time they spend in meeting with communities, and they can also record what they discuss and how they respond, and this can enrich pre-existing measures like crime and demand statistics. Qualitatively, their effect can be measured through satisfaction and public confidence surveys. Consequently, the collective 'story telling' of engagement reflected in the interviews in Chapters 6 and 7, while not necessarily expressing reform 'ends' in themselves, do paint a picture of a waypoint on the reform journey on which other, more specific beneficial changes can be built over time.

Finally, I proposed a test against which police reform could be measured. While the phenomenon of public engagement might be seen as rather an obvious and cursory

---

<sup>147</sup> See copy of IG Boinnet's service wide signal sent in May 2015, in Appendix ii.

measure in a developed country, in Kenya's historical and customary context it was a critical shift. The variety of different illustrations of engagement given by the SLCP graduates in their interviews suggested strong evidence of public engagement being an essential plank to policing rather than an optional addition. Such engagement can provide a platform for further development of reform behaviours and outcomes in the relationship between the police and communities, which will be worthy of longer-term monitoring (Loader, 2020).

Whether the police are susceptible to de-funding or if they remain the agency of first resort for a variety of society's ills, reform of policing mindsets, attitudes, priorities and attention focus will not be a single event and must be both agile and mobile. The mere requirement in law for change will not bring about reform. Nor will superficial effort towards changes of behaviour, levels of service, success in prosecution, or raising of public confidence alone deliver reform (Brogden, 1987; Bayley, 2005; Hills, 2007, 2011, 2012). The discretionary nature of policing means that elements of the police, both organisationally and individually, will always be vulnerable to criticism from some quarters at some time. However, as previously acknowledged, policing does not exist in a vacuum. Ransley's intimation that Kenya's society should hold up a metaphoric mirror to itself when considering reform of the police, should not be dismissed out of hand, as it is probably one of the most neglected of all the drivers that could positively influence the reform of the police (Marenin, 2009).

As Kenya approaches its 60th year as an independent country, its democratic intentions are still maturing (Branch, 2011). As shown in Chapter 2, protecting the

regime is still a common feature in African policing priorities, which conflicts with a democratic style of policing that aims primarily to serve the public (Alemika, 2009). As previous chapters have shown, this condition is still present to a degree in Kenya. However, reform actions, particularly those relating to the implementation of the PCP and the emphasis on values, actions, and behaviours of the police and their respect for ordinary citizens, are achievable, but challenging. This is because the police actions are often entwined with historical relationships, as well as other agendas and interests within the country, some political, some social, and some others even criminal.

It should be acknowledged that while their approaches were different, the first two Inspector Generals of the NPS were responsible for generating both strategy and actions to implement the demands of the 2010 constitution. This, despite the culturally difficult requirements faced by the police in seeking to work more towards satisfying public service and accountability and less to align with political interest. The first IG laid out three main planks of transformation; a single set of standing orders, a single policing strategy for the National Police, and the design and implementation of the SLCP as part of raising the standards of training, 'to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity' that was a specific constitutional requirement (Article 244 [d]). The second IG designed and implemented a transformation strategy that put service to the people as its main thrust and into which he dedicated significant amounts of his leadership influence and time.

Scholars have commented generally on the elements that can enable reform towards democratic and accountable policing to occur. They are, however, particularly vocal as to why reform efforts fail, and failure of senior leadership to commit to reforms features regularly (Bittner, 1970; Bayley, 2001; Brogden *et al.*, 2005; Skogan, 2008; Baker, 2009). Other scholars have observed the challenges and sensitivities that post-colonial Africa's relatively fresh and developing political and economic relationships with its former colonial masters have brought to the concept of reform of policing (Baker, 2009; Hills, 2011; Brown and Raddatz, 2014; Behrends, *et al* 2014; and Beek and Göpfert, 2015). However, Kenya's preparedness to seek association and support from countries with high performance reputation in policing, and to pursue a regime of significant outlay in relevant training and mentoring for senior officers, indicates a willingness to invest in profound rather than superficial changes to build more accountability into policing.

The accounts of the reform effort by the first two Inspector Generals of Kenya's National Police Service, together with the outcomes of analysis of the interviews I conducted with graduates of the SLCP, combine to illustrate that Kenya also has some singular attributes in its police body that have the potential to make it amenable to genuine and lasting reform. Should they choose to continue in this vein, it will enable them to increase their chances of success in providing more accountable policing.

I argue that for a critical mass of influence to be formed, and for the police to be acknowledged as reformed, a mindset change away from coercive and politically influenced activities and more towards a sense of providing police service to communities, is essential. Not only should the police adopt and absorb as good

practice the enablers illustrated by interviewees featured in Chapter 7, but they should also be dynamically mapping out and reviewing the actions, outcomes, and impacts that the different strands of reforms require, in order to deliver a reformed organisation.

The examples cited in Chapter 7 indicate a willingness on the part of the IGs and many of the SLCP graduates to strongly embrace the accountability element of their *métier*. Most graduates seem to acknowledge that on arrival at their post-training commands, there was significant remedial work to undertake, indicating that little or no reform activity had been undertaken in the five years since the enactment of the Constitution. Though personal confidence towards implementing reform will not be shaped by the strategic training and guidance alone, the graduates demonstrate a genuine desire to engage with communities to progress the reform agenda, even if they and their officers might be subject to doubts, criticism or obstruction.

### Further Areas for Research

As with any level of research, there are areas of further work revealed that a researcher with more time, access, and permissions would want to pursue. For me, revisiting the interview cohort would be an obvious area in order to assess the sustainability of the reform measures that they had introduced and the impact they had had on their communities and society. More specifically, the areas of leadership and welfare have strong attractions for further research. This is because of the vital importance that these areas represent regarding the motivation of police to act willingly in advancing the obligations of service outlined in the now 13-year-old constitution. Consequently, a useful start to such research would be to pose the

following questions: in the last decade, has the level of competence and confidence in the police leaders improved? And have the police welfare standards, and access to welfare, been enhanced?

From a personal perspective, within these two areas – leadership and welfare – are specific reasons for this interest. While difficult to access accurate records during my time as an advisor, there were two issues that troubled me deeply. The first was the high rate of police suicides, particularly in young officers, and linked to that the many cases where police officers with alleged mental health difficulties killed their colleagues, usually with police firearms, in an apparent sudden outburst of unexpected violence. Anecdotal information suggests that often, both the suicides and the killings had early warning signals, but no action had been taken to render assistance or provide preventive remedies. These tragic occasions were most often met by a metaphorical shrug of the shoulders by the police organisation's senior leadership and concluded with a localised collection for funeral costs. The pain and anguish expressed by relatives seeking some sort of explanation as to the loss of a son or daughter in emotional public petitioning at the NPS headquarters, is an experience that I would not wish to witness often.

That experience also triggers my interest in the second area of potential further research. The blatant failure of leadership both at an operational level and also strategically, led to occasions where dozens of police officers at a time, some with only months in the service, were killed on duty. Even distant observations indicated that poor planning, absence of risk assessment, or just incompetent management had put these officers into a no-chance situation in confrontations with bandits and other

criminals, with almost guaranteed outcomes of serious injury or death. Such conditions would benefit from further research.

The reform effort should also be examined from an external, recipient perspective. There is evidence to be gleaned from the performance reports of IPOA and the NPSC as well as civil society organisations that warrants exploring the extent to which reforms have affected communities and individuals from an outside of the police perspective. Should the opportunity present itself, my further research will be focussed on these issues.

## Appendix i: National Task Force on Police Reform, Terms of Reference

President Kibaki announced the appointment of a National Task Force on Police Reform and set out its terms of reference in The Kenya Gazette No. 4790 of 8th May, 2009:

### 1.2 Terms of Reference

The Task Force was mandated to:

- (a) Examine the existing policy, institutional, legislative, administrative, and operational structures, systems and strategies and recommend comprehensive reforms taking cognizance of the recommendations contained in Agenda 4; Kriegler, Waki and other Police related Reports so as to enhance police efficiency, effectiveness and institutionalize professionalism and accountability. (Special focus to be given to recommendations on: Police Service Commission; Independent Police Oversight Authority; Policing Policy; and National Security Policy);
- (b) Examine existing competences, skills, knowledge and attitudes of the Police at all levels and make recommendations aimed at enhancing shared core values, policing excellence and benchmarking against international best practices;
- (c) Review the human resource management and development policies with a view to examining current standards and practices in recruitment, deployment, training, career progression, exit, post-exit management and Report of the National Task Force on Police Reforms 4 recommend implementation of changes that enhance morale, meritocracy and professionalism;
- (d) Review the tooling, logistical and technological capacity and recommend changes necessary to sustain modern security management, disaster management, conflicts and early warning/rapid response systems and joint operational preparedness strategy;
- (e) Review the state of preparedness of the Police to combat insecurity and other forms of emerging security challenges occasioned by national and international threats such as terrorism, piracy, organized gangs, drug/human trafficking, industrial espionage, cyber crime, money laundering, and economic crimes;
- (f) Review and recommend strategies to harmonize and fast-track partnership between the community and security agencies in policing;
- (g) Design a continuous monitoring and evaluation mechanism to track police reform gains and consistency of policing needs;
- (h) Recommend appropriate institutional arrangement to oversee the implementation of comprehensive police reforms;

- (i) Prepare a draft Police Reforms Bill to embrace the comprehensive police reform agenda;
- (j) Make any other appropriate recommendations that add value to police reforms; and
- (k) Develop a prioritized implementation matrix clearly categorizing the immediate, medium and long-term police reforms and the attendant budgetary requirements.
- (l) Within two and half months to submit to the President its findings and recommendations.

His Excellency the President extended the mandate of the Task Force up to 30<sup>th</sup> September 2009 and the Task Force presented the Interim report to His Excellency the President on 26<sup>th</sup> August 2009.

## Appendix ii. Inspector General's signal to the National Police Service

31<sup>st</sup> May, 2015.

Appendix ii.

O'

O'

FROM: INSPOG

TO: DEPUTY INSPOG KPS (R) DEPUTY INSPOG APS (R) CRIMINAL NAIROBI (R) DIRECTOR INTERNAL AFFAIRS UNIT (R) REGIONAL COMMANDERS KPS/APS (R) ALL COUNTY COMMANDERS KPS/APS/DCI (R) ALL DIVPOLS/DAPC'S/ DIVCRIMES KENYA (R) ALL STAPOLS/POSTS/PATROL BASES(R) ADMINISTRATION POLICE SERVICE UNIT COMMANDERS (.)

REF: NPS/IG/SEC/1/2/4/2/VOL.I/108

31<sup>ST</sup> MAY, 2015

SUBJECT: STRATEGIC TRANSFORMATION FRAMEWORK (.) THE NATIONAL POLICE SERVICE STRATEGIC PLAN HAS BEEN COMPLETED AND IS AT PRINTING STAGE (.) WE HAVE FOLLOWED UP WITH A SUSTAINED UNDERTAKING OF STRATEGIC TRANSFORMATION OF THE NATIONAL POLICE SERVICE AS A WHOLE GROUNDED ON FOUR PILLARS AS FOLLOWS (.)

1. ORGANIZATION CULTURE (.)
2. TRANSFORMATIVE LEADERSHIP THROUGH PEOPLE MANAGEMENT (.)
3. INTER INSTITUTIONAL PARTNERSHIPS (.)
4. ADDRESSING THE INFRASTRUCTURE CAPACITY GAPS (.)

THE OVERARCHING AIM IS TO ENSURE THAT EVERY OFFICER OWNS THE CHANGE (.) MY MISSION IS TO ACHIEVE A "PEOPLE CENTERED POLICE SERVICE" (PCP) BASED ON:-

1. COLLABORATIVE LEADERSHIP AT ALL LEVELS WITHIN THE NATIONAL POLICE SERVICE (.)
2. PARTNERSHIP WITHIN THE NATIONAL POLICE SERVICE AND WITH OTHER NATIONAL SECURITY AGENCIES, THE JUDICIARY, O.D.P.P AND MOST IMPORTANTLY WITH THE KENYAN PEOPLE (.)
3. COMMUNICATION, HORIZONTALLY AND VERTICALLY (.)
4. COMMAND SYSTEM THAT COMPLEMENT AND NOT COMPETE (.)
5. THE NEED TO CHANGE THE NEGATIVE PERCEPTION THAT THE CITIZENS HAVE OF THE POLICE AND TO BUILD REQUISITE TRUST (.)

I WELCOME ALL TO GET ON THE TRANSFORMATION .BUS AND SUPPORT THE TRANSFORMATION PROCESS(.) THE TRANSFORMATION TEAM HAS BEEN FORMED AND AT THE TWO WORKSHOPS ALREADY HELD, THE TEAM RESOLVED THAT TRANSFORMATION TAKES OFF IMMEDIATELY WITH THE FOLLOWING QUICK WINS WHICH REQUIRE NO MONETARY INPUT:-

1. FRIENDLINESS (.)
2. CLEANLINESS (.)
3. ORDERLINESS (.)
4. RESPECT FOR COMMAND STRUCTURE (.)

CLEANLINESS\*BEING THE MAIN TARGET INVOLVES; CLEARING OF COMPOUNDS, TOILETS, CORRIDORS, WINDOWS AND WINDOW PANES OF RUBBISH, AND DISPOSAL OF ACCIDENT AND OTHER DETAINED VEHICLES IN POLICE FACILITIES IN THE PRESCRIBED MANNER (.) SOME MEMBERS OF THE TRANSFORMATION TEAM WILL BE MAKING IMPROMPTU CHECKS ON THE SAME(.)EACH COMMAND TO SUBMIT REPORTS WITH THE IDENTIFIED QUICK WINS TO THEIR SUPERIOR COMMANDS WITH THE COUNTY COMMANDERS CONFIRMING IMPLEMENTATION TO THIS HEADQUARTERS ON MONTHLY BASIS (.) PLEASE LET US WALK THIS NOBLE JOURNEY TOGETHER (.)



JOSEPH K. BOINNET, nsc(AU)  
INSPECTOR GENERAL  
NATIONAL POLICE SERVICE

## Appendix iii: Media Report on Arrest of Prolific Criminal

Kakamega County 14<sup>th</sup> November 2015.

Appendix iii.

**Kenyans**  
.CO.KE

Engage Employee  
An Effective Diversity and Inclusion Strategy Goes Far  
beyond Just Legal Compliance

OPEN

### How Police Flushed Deadly Gang Leader Out of Mother's House

• By [DERRICK OKUBASU](#) on 14 November 2019 - 2:29 pm



Police, on Wednesday, November 13, finally captured a suspect said to be the leader of a gang behind a spate of killings in Matungu, Kakamega County.

According to a Daily Nation report, the suspect, Kenson Bramwel Odera aka Brian, was believed to be the leader of the 42 brothers sect that was been terrorising area residents.

Confirming the incidence, Matungu Sub-County police boss [ST] disclosed that the sect had killed at least 20 people in the region since the beginning of the year.

He further disclosed that the criminal had covered his tracks in the past and that at one time, fled to Uganda after he discovered that police were getting closer to capturing him.



## Appendix iv: Semi Structured Interview prompt for SLCP participants

Thinking about police reform and where you now work, can you describe what police reform activity is being undertaken?

Thinking about your time on the Strategic Leadership and Command Course, what are the three most relevant aspects of the course content to your current work and why?

What were the least relevant aspects of the course to your work?

What would improve the course to help develop better strategic leaders?

Considering the content of the course and your response to it, how confident are you that you can introduce reforms in your sphere of influence?

Generally, what do you think is working most effectively in the police reform agenda and why?

Generally, what do you think is the least effective parts of the reform agenda and why?

Please describe how your work relates to providing a People Centred Policing Service?

If you were the Inspector General, what aspects of police reform would you prioritise and why?

How would you undertake their implementation?

## Bibliography

Adar, K. G. and Munyae, I. M. (2001) 'Human Rights Abuse in Kenya Under Daniel Arap Moi, 1978 – 2001'. *African Studies Quarterly*, Vol. 5(1), pp.1–17.

Adeagbo, O., and Iyi, J. (2011). 'Post-election crisis in Kenya and internally displaced persons: critical appraisal'. *Journal of Politics and Law*, 4(2), pp.174-79.

Agboga, V. (2020). 'Beyond decentralising the Nigerian Police: how Lagos state circumvented debates on police reforms'. *Journal of Contemporary African Studies*, Vol. 39(1), pp.135–50.

Alemika, E.E.O. (2009) 'Police practice and police research in Africa', *Police Practice and Research*, 10(5–6), pp.483–502. doi:10.1080/15614260903378467.

Alesina, A and Dollar, D (2000). 'Who Gives Foreign Aid to Whom and Why?'. *Journal of Economic Growth*, Vol. 5, pp.33–63.

Anderson, D (1984). 'Depression, Dust Bowl, Demography, and Drought: The Colonial State and Soil Conservation in East Africa during the 1930s'. *African Affairs*, Vol. 83 (332), pp.331 – 43.

Anderson, D (2002) 'Vigilantes, Violence and the Politics of Public Order in Kenya'. *African Affairs* Vol. 101, (405) pp.531–55.

Anderson, D (2011) 'Punishment, Race and 'The Raw Native': Settler Society and Kenya's Flogging Scandals, 1895–1930'. *Journal of Southern African Studies* Vol. 37 (3) pp. 479–97. <https://doi.org/10.1080/03057070.2011.602887>.

Anderson, D M (2012) 'British Abuse and Torture in Kenya's Counterinsurgency, 1952–1960'. *Small Wars & Insurgencies* Vol. 234, pp.700–19. <https://doi.org/10.1080/09592318.2012.709760>.

Anderson, D (2014) 'Remembering Wagalla: State Violence in Northern Kenya, 1962–1991'. *Journal of Eastern African Studies* Vol. 8, (4) pp.658–76. <https://doi.org/10.1080/17531055.2014.946237>.

Anderson, D.M. (2014) 'Exit from empire - Counter-insurgency and decolonization in Kenya, 1952–1963', in Johnson, R and Clack, T (eds) (2015) '*At the End of Military Intervention: Historical, Theoretical and Applied Approaches to Transition, Handover and Withdrawal*' OUP, pp.107-36.

Anderson, D.M. (2014). 'Remembering Wagalla: state violence in northern Kenya, 1962–1991', *Journal of Eastern African Studies*, Vol.8(4), pp.658-76, DOI: 10.1080/17531055.2014.946237

Anderson, D, and Killingray, D (1991). '*Policing and Decolonisation: Politics Nationalism and the police, 1917 – 65*'. Manchester UP.

Anderson, D, and Killingray, D (1992). '*Policing the empire: government, authority and control, 1830-1940*'. Manchester UP.

- Anderson, D, and Rolandson, Ø. H. (2014). 'Violence as politics in eastern Africa, 1940–1990: legacy, agency, contingency'. *Journal of Eastern African Studies*, Vol.8(4).pp.539-57, DOI: 10.1080/17531055.2014.949402
- Anderson, D, and Throup, D. (1985). 'Africans and agricultural production in colonial Kenya: the myth of the war as a watershed'. *Journal of African History*, Vol. 26(4), pp.327–45.
- Andvig, J. C., and Fjeldstad, O. H. (2008). 'Crime, poverty and police corruption in non-rich countries'. Working Paper, NUPI (Norwegian Institute of International Affairs).
- Atz, (1988). 'The British Colonial Police Service: A study of its organization and its operations in six British African colonies, 1937-1966'. Thesis Dissertation, Temple University.
- Baker, B. (2010) 'Sierra Leone police reform: The role of the UK government.' Conference Paper, GRIPS State-Building Workshop 2010. <https://www.proquest.com/working-papers/sierra-leone-police-reform-role-uk-government/docview/1698806754/se-2>
- Baker, B. (2011) 'Justice and Security Architecture in Africa: The Plans, The Bricks, The Purse and The Builder'. *The Journal of Legal Pluralism and Unofficial Law*. Vol. 43 (63) pp.35–47. Doi: 10.1080/07329113.2011.10756656
- Baker, B. and Scheye, E. (2009). 'Access to Justice in a Post-conflict State: Donor-supported Multidimensional Peacekeeping in Southern Sudan'. *International Peacekeeping*, Vol.16(20), pp.171-85.
- Banton M (2005) 'Finding, and Correcting, My Mistakes', *Sociology*, 39(3), pp. 463–79. doi:10.1177/0038038505052488.
- Baum, D (1996) 'Smoke and Mirrors: The war on Drugs and The Politics of Failure.' *US Dept of Justice NCJ Number 167933*. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/smoke-and-mirrors-war-drugs-and-politics-failure>
- Bayley, D H. (1995). 'A Foreign Policy for Democratic Policing'. *Policing and Society*, vol 5, pp.79–93.
- Bayley, D H. (2001) 'Democratizing Police Abroad: What to do and how to do it'. *US Department of Justice*.
- Bayley, D H. (2005) 'Police Reform as Foreign Policy', *Australian & New Zealand Journal of Criminology*, 38(2), pp.206–15.
- Bayley, D. H. (2005a) '*Changing the guard: Developing democratic police abroad*'. Oxford University Press.
- Bayley, D H and Perito, R (2010) '*The Police in War: Fighting Insurgency, Terrorism and Violent Crime*'. Lynne Reiner. <https://doi.org/10.1515/9781626378292>
- Bayley, D H and Perito R (2011) '*Police Corruption: What Past Scandals Teach about Current Challenges*'. Special Report 294. USIP.

- Bayley, D H and Shearing, C (1996) 'The Future of Policing', *Law & Society Review*, vol. 30, no. 3, pp.585-606.
- Bayley, D H and Shearing, C (2001) '*The New Structure of Policing: Description, Conceptualization, and Research Agenda.*' National Institute of Justice.
- Baynham, M. (1990). 'The east African mutinies of 1964'. *Journal of Contemporary African Studies.*, Vol. 9(2), pp. 153–80.
- Beck, A and Chistyakova, Y. (2002). 'Crime And Policing In Post-Soviet Societies: Bridging The Police/Public Divide'. *Policing and Society*, Vol 12(2), pp. 123–27.
- Beek, J. (2016). 'Producing stateness: Police work in Ghana', *African Social Studies Series*, (Vol. 36). Brill.
- Beek, J and Göpfert, M (2015) 'Travelling Police: The Potential for Change in the Wake of Police reform in West Africa.' *Social Anthropology*, Vol. 23 (4), pp. 465–79. European Association of Social Anthropologists. doi:10.1111/1469-8676.12268
- Bell, E (2013) 'Normalising the Exceptional: British Colonial Policing Cultures Come Home'. *Mémoires, Identités, Marginalités Dans Le Monde Occidental Contemporain Cahiers Du MIMMOC*, no. 10. <https://doi.org/10.4000/mimmoc.1286>.
- Behrends, A, Park, S-J, and Rottenburg, R (2014) 'Travelling models: Introducing an analytical concept to globalisation studies.' In '*Travelling models in African conflict management* (pp. 1-40). Brill.
- Bennett, H. C. (2013). '*Fighting the Mau Mau: The British Army and Counter-Insurgency in the Kenya Emergency*'. Cambridge University Press.
- Berman, B. (1992). 'State and Class', in *Unhappy Valley: Conflict In Kenya and Africa*. James Currey.
- Bevan, M T (2014) 'A Method of Phenomenological Interviewing', *Qualitative Health Research*, 24(1), pp. 136–44. doi:10.1177/1049732313519710.
- Bierschenk, T. (2017). 'Who are the Police in Africa?', in Beek, J., Göpfert, M., Owen, O., & Steinberg, J. (eds.) *Police in Africa: The street level view*. Oxford University Press. Pp.103-120.
- Biershenk, T, and De Sandan, J-P O, (2019) 'How to Study Bureaucracies Ethnographically?' *Critique of Anthropology*, Vol. 39(2), pp. 243-57. <https://journals-sagepub-com.ezproxy-prd.bodleian.ox.ac.uk/doi/epub/10.1177/0308275X19842918>
- Bittner, E (1990) '*Aspects of Police Work*'. Northeastern University Press.
- Blackstone, A (2018) '*Principles of Sociological Inquiry: Qualitative and quantitative methods.*' <https://openlibrary-repo.ecampusontario.ca/jspui/handle/123456789/296>.
- Blanchard, E, Deluermoz, Q and Glasman, J (2011) 'La Professionnalisation Policière en Situation Coloniale: Détour Conceptuel et Explorations Historiographiques'. *Crime, History & Societies* Vol. 15 (2) pp.33–53. <https://doi.org/10.4000/chs.1286>.

- Boulton, L., McManus, M., Metcalfe, L., Brian, D., & Dawson, I. (2017). 'Calls for police service: Understanding the demand profile and the UK police response'. *The police journal*, 90(1), pp.70-85.
- Bourdieu, P. (1972). *Outline of a Theory of Practice*, trans. R. Nice (1977).
- Bowling, B (2019) 'The Politics of Global Policing', in Bowling, B, Reiner, R, and Sheptychi, J (Eds) (2019) '*The Politics of the Police*'. 5th edn. (Chapter 9).
- Bradford, B (2017) '*Stop and Search and Police Legitimacy*'. Routledge, Frontiers of Criminal Justice series.
- Brahimi, L (2000) '*Report of the Panel on United Nations Peace Operations*.'
- Brahimi, L. (2006). 'United Nations Peace Operations in the 21st Century: A Few Personal Thoughts<sup>1</sup>'. *Peacekeeping-Peacebuilding*, 13.
- Branch, D. (2011) '*Kenya: Between Hope and Despair, 1963-2011*'. Yale.
- Branch, D. and Cheeseman, N. (2006). 'The Politics of Control in Kenya: Understanding the Bureaucratic-Executive State, 1952-78'. *Review of African Political Economy*, vol. 33(107), pp. 11-31.
- Branch, D. and Cheeseman, N. (2008) 'Democratization, sequencing, and state failure in Africa: Lessons from Kenya', *African Affairs*, 108(430), pp. 1-26. doi:10.1093/afraf/adn065.
- Brankamp, H (2019) '*Policing the camp: Refugees and the Geographies of Humanitarian Enforcement in Kenya*'. DPhil Thesis submitted Oxford 15<sup>th</sup> June 2019.
- Braun, V and Clarke, V (2021) '*Thematic Analysis: A Practical Guide*.' Sage.
- Brodeur, J.-P. (2007) 'High and Low Policing in Post-9/11 Times', *Policing: A Journal of Policy and Practice*, 1(1), pp. 25-37. doi:10.1093/police/pam002.
- Brogden, M (1987) 'The Emergence of the Police - The Colonial Dimension'. *The British Journal of Criminology*, Vol. 27, No. 1, pp.4-14
- Brogden, M. (2005) "Horses for Courses" and "Thin Blue Lines": Community Policing in Transitional Society. *Police Quarterly* Vol. 8 (1), pp. 64-98.
- Brogden M and Nijhar, P (2005) 'Globalizing Community Oriented Policing', in *Community Policing: National and International Models and Approaches*, pp. 1-19.
- Brown, S. (2009) 'Donor responses to the 2008 Kenyan crisis: Finally getting it right?', *Journal of Contemporary African Studies*, 27(3), pp. 389-406. doi:10.1080/02589000903118847.
- Brown, S., & Raddatz, R. (2014). 'Dire consequences or empty threats? Western pressure for peace, justice and democracy in Kenya'. *Journal of Eastern African Studies*, Vol. 8(1), pp. 43-62.
- Bryman A (1998) '*Doing Research on Organisation*' Routledge.
- Bryman A and Burgess R G (1994) '*Analyzing Qualitative Data*'. Routledge.

- Brzoska, M (2003) 'Development Donors and the Concept of Security Sector Reform'. Geneva Centre For The Democratic Control of Armed Forces (DCAF).
- Calhoun, F. S. (1989). *The lawmen: United States marshals and their deputies*. Washington.
- Call, C T (2002) 'Competing Donor Approaches to Post-Conflict Police Reform.' *Conflict, Security & Development*, Vol 2(1), pp. 99–120. doi:10.1080/14678800200590599
- Celador, G. C. (2005). 'Police reform: Peacebuilding through 'democratic policing'?'. *International peacekeeping*, vol. 12(3), pp. 364-376.
- Chamberlain, M. E. (2014). *The scramble for Africa*. Routledge.
- Chan, J (1996) 'Changing Police Culture'. *The British Journal of Criminology*, Vol. 36 1, pp. 109-134. Oxford University Press. <https://www.jstor.org/stable/23638057>, accessed: 22-04-2020 09:38 UTC
- Chan, J. (2004) 'Using Pierre Bourdieu's framework for understanding police culture'. *Droit et société*, (1), 327-46.
- Chan, J. (2007) 'Making Sense of Police Reforms', *Theoretical Criminology*, Vol 11(3), pp. 323–345.
- Chappell A T and Lanza-Kaduce L (2004) 'Integrating Sociological Research and Theory with Community-Oriented Policing: Bridging the Gap between Academics and Practice', *Journal of Applied Sociology/Sociological Practice*, Vol 21 6 (12, 2), pp.80–98. doi:10.1177/19367244042100204.
- Cheeseman, N, Kanyinga, K, Lynch, G, Ruteere, M, and Willis, J, (2019) 'Kenya's 2017 elections: winner-takes-all politics as usual?'. *Journal of Eastern African Studies*, Vol 13(2), pp. 215–34. doi:10.1080/17531055.2019.1594072.
- Choy, L T (2014) 'The Strengths and Weaknesses of Research Methodology: Comparison and Complimentary between Qualitative and Quantitative Approaches', *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)*, Vol 19(4 ver III), pp. 99–104.
- Clough, M. S. (1998). 'Mau Mau Memoirs: History, Memory, and Politics'. Lynne Rienner Publishers.
- Costa, G and Nield, R (2005) 'Police Reform in Peru'. *The Australian and New Zealand Journal of Criminology*, Vol. 38(2), pp. 216–29.
- Critchley, T. A. (1978). 'A history of police in England and Wales'.
- Daloz, J-P. I (2003). "Big Men" in Sub-Saharan Africa: How Elites Accumulate Positions and Resources.', *Comparative Sociology*, Vol 2(1). pp. 271-285
- Deflem, M (1994). 'Law Enforcement in British Colonial Africa: A Comparative Analysis of Imperial Policing in Nyasaland, the Gold Coast and Kenya'. *Police Studies: The International Review of Police Development*.

Denscombe, M. (2008). 'Communities of Practice: A Research Paradigm for the Mixed Methods Approach'. *Journal of Mixed Methods Research*, vol. 2(3), pp. 270-83.

De Ruiter, M. et al. (2018) 'Leadership and the Creation of Corporate Social Responsibility: An Introduction to the Special Issue', *Journal of Business Ethics*, Vol 151. pp. 871-74. Doi:10.1007/s10551-018-3883-5.

Diphooorn, T. (2017). 'The 'Bravo Mike Syndrome': private security culture and racial profiling in South Africa. *Policing and Society*, 27(5), 525-540.

Diphooorn, T., van Stapele, N. and Kimari, W. (2019) 'Policing for the Community? The mismatch between reform and everyday policing in Nairobi, Kenya', in Roberts (Ed) (2019) '*Policing the Urban Periphery in Africa*' APCOF pp.24-40.

Di Salvatore, J., & Ruggeri, A. (2017). 'Effectiveness of peacekeeping operations'. In *Oxford Research Encyclopedia of Politics*.

Dragojlovic A and Samuels A (2021) 'Tracing silences: Towards an anthropology of the unspoken and unspeakable', *History and Anthropology*, 32(4). Available at: <https://doi.org/10.1080/02757206.2021.1954634>.

Easton, D., & Dennis, J. (1967). 'The child's acquisition of regime norms: Political efficacy'. *American Political Science Review*, Vol. 61(1), pp. 25-38.

El Achkar, S (2012) 'Police Reform in Venezuela: An Ongoing Experience'. *Policing and Society: An International Journal*, Vol. 22(1), pp. 89-100.

Elisson, G and Pino, N (2012) '*Globalization, Police Reform and Development: Doing it the Western Way?*' Available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2262711](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2262711).

Fraser, A (2009). 'Aid-recipient sovereignty in historical context'. *The politics of aid: African strategies for dealing with donors*.

Freisendorf, C. (2016) 'Police assistance as foreign policy: Explaining donor practices', *Review of International Studies*, 42(2), pp. 377-400.

Fukuyama, F. (2004). '*State-building: Governance and World Order in the 21<sup>st</sup> Century*'. Profile Books Ltd. ISBN 1 86197 781 6.

Gastrow, P. (2011). '*Termites at work: Transnational organized crime and state erosion in Kenya*'. New York: International Peace Institute.

Ghodsee K (2016) '*From Notes to Narrative: Writing Ethnographies That Everyone Can Read*.'

Gill, M. J., Roulet, T. J., & Kerridge, S. P. (2018) 'Mentoring for Mental Health: A Mixed-method Study of the Benefits of Formal Mentoring Programmes in the English Police Force'. *Journal of Vocational Behavior*, Vol. 108, pp 201-13. <https://doi.org/10.1016/j.jvb.2018.08.005>

Gill, M J, (2020) 'Phenomenological approaches to research,' in Mik-Meyer, N and Järvinen, M (Eds), '*Qualitative Analysis: Eight approaches*'. London: Sage, pp. 73-94.

- Gimode, E A (2007) 'The Role of the Police in Kenya's Democratisation Process', in Murunga, G R and Nasong'o, Shadrack W (eds), 'Kenya: The Struggle for Democracy.' Zed Books.
- Githongo, J. (2008) 'Kenya - Riding the Tiger', *Journal of Eastern African Studies*, 2(2), pp. 359-67. doi:10.1080/17531050802058617.
- Gjelsvik, I M (2020) 'Police Reform and Community Policing in Kenya: The Bumpy Road from Policy to Practice', *Journal of Human Security*, 16(2), pp. 19-30. doi:10.12924/johs2020.16020019.
- Glaser, B., and Strauss, A. (1999) *Discovery of Grounded Theory: Strategies for Qualitative Research* (1st ed.). Routledge. <https://doi.org/10.4324/9780203793206>
- Goldsmith, A (2005) 'Police reform and the problem of trust', *Theoretical Criminology*, 9(4), pp.443-70. doi:10.1177/1362480605057727.
- Goldsmith, A., & Sheptycki, J. (Eds.). (2007). 'Crafting Transnational Policing: Police Capacity-Building and Global Policing Reform.' Bloomsbury Publishing.
- Goldstein, H. (1967). 'Administrative Problems in Controlling the Exercise of Police Authority.' *Journal of Criminal Law, Criminology and Police Science* Vol. 58(2), pp. 160-72.
- Goldsworthy, D. (1982). 'Kenyan Politics Since Kenyatta'. *Australian Outlook*, vol 36(1), pp. 27-31.
- Göpfert, M. (2020). 'Policing the frontier: An ethnography of two worlds in Niger'. Cornell University Press.
- Groenewald, H and Peake, G (2004) 'Police Reform through Community-Based Policing Philosophy and Guidelines for Implementation'. New York: Institute of Peace.
- Harroff, L, (2014) 'Constructing "New Kenya": National Unity And Reconciliation In The Wake Of Kenya's 2007/2008 Post-Election Violence'. Master's dissertation. University of Kansas.
- Haynes, N and Hickel, J. (2016). 'Hierarchy, value, and the value of hierarchy'. *Social Analysis*, vol 60(4). pp. 1-20.
- Heidegger, M. (2010). 'Being and time'. Suny Press.
- Hills, A. (2006). Community policing: national and international models and approaches; transnational and comparative criminology. *Policing and Society: An International Journal of Research and Policy*, 16(3), pp.313-18
- Hills, A (2007) 'Police Commissioners, Presidents, and Governance of Security.' *Journal of Modern African Studies*, Vol. 45 (3), pp. 403-23
- Hills, A (2008) 'Policing in Kenya', in Hinton, M and Newburn, T (Eds) 'Policing Developing Democracies'. Routledge, pp. 237-59.
- Hills, A. (2009). 'Henchmen-or why police don't mount coups'. *The RUSI Journal*, vol. 154(4), pp.14-9.

- Hills, A. (2011) 'Policing Africa: Internal security and the limits of liberalization', *International Review of Law, Computers & Technology*, 25(1-2), pp. 69-77. doi:10.1080/13600869.2011.594659.
- Hills, A (2012) 'Lost in Translation: Why Nigeria's Police Don't Implement Democratic Reforms.' *International Affairs*, Vol. 88 (4), pp. 739-55.
- Hills, A (2013) 'Policing, good-enough governance and development: the evidence from Mogadishu'. Doi.10.1080/14678802.2013.811051
- Hills, A. (2014). 'Partnership policing: Is it relevant in Kano, Nigeria?' *Criminology & Criminal Justice*, 14(1), pp.8-24.  
<https://doi-org.oxfordbrookes.idm.oclc.org/10.1177/1748895812454860>
- Hinton, M S (2005) 'A distant reality: Democratic policing in Argentina and Brazil'. *Criminal Justice*, Vol 5(1), pp.75-100.
- Holdaway, S (1983) '*Inside the British police: A force at work*'. Oxford: Basil Blackwell.
- Holm, T T, and Eide, E B (2000) 'Peacebuilding and Police Reform'. In Holm, T. and Eide, E. (eds) *Peacebuilding and Police Reform*, Cass Series.
- Hope, K. R. (2014). 'Kenya's corruption problem: causes and consequences'. *Commonwealth & Comparative Politics*, 52(4), pp.493-512.
- Hope, K R (2019) 'Civilian oversight of the police: The case of Kenya' *The Police Journal*, Vol. 93 (3) pp.202-28.
- Hornsby, C (2012). '*Kenya: A History Since Independence*'. Tauris and Co.
- Hughes, L. (2018). 'Alternative Rites of Passage: Faith, rights, and performance in FGM/C abandonment campaigns in Kenya'. *African Studies*, Vol. 2, pp. 274-92.
- Husserl, E. (2001). *Phenomenology and the foundations of the sciences* (Vol. 1, No. 3). Springer Science & Business Media.
- Ikerd, T and Walker, S (2010) '*Making police reforms endure: the keys for success*'. U.S. Department of Justice Office of Community Oriented Policing Services.
- IPOA (2014) *Monitoring Report on Sanitization Operation Eastleigh Publicly Known as 'Usalama Watch'*. Independent Policing Oversight Authority Oversight Report. Nairobi Kenya. p. 19.
- ISS (2009) 'Kenya's political stalemate', *Strategic Comments*, 15(4), pp.1-2. doi:10.1080/13567880903040841.
- Jackson, R.H. and Rosburg, C.G. (1982). '*Personal Rule in Black Africa: Prince, Autocrat, Prophet, Tyrant*'. University of California press.
- Jauregui, B (2013). 'Beatings, Beacons, and Big Men: Police Disempowerment and Delegitimation in India'. *Law & Social Inquiry*, Vol. 38(1), pp. 643 - 669.
- Jauregui, B (2016) '*Provisional Authority: Police, Order, and Security in India*'.  
<https://doi.org/10.7208/chicago/9780226403847.003.0001>

- Jeffries, C (1952) *'The Colonial Police.'* Max Parrish and Co.
- Jensen, CJ and Graves, M (2013) *'Leading Our Most Important Resource: Police Personnel Issues in the Year 2020.'*  
<https://static.spokanecity.org/documents/bcc/committees/police-leadership-advisory-committee/resources/lefg-police-personnel-issues.pdf>
- Johnson, G and Scholes, K (1994). *'Exploring Corporate Strategy: Text and Cases'*, Prentice Hall: New Delhi.
- Johnson, G and Scholes, K (2005) *'Exploring Corporate Strategy: Texts and Cases'*. McGraw Hill, New York  
[https://d1wqtxts1xzle7.cloudfront.net/48469344/Strategic\\_Business\\_Management-with-cover-page- v2.](https://d1wqtxts1xzle7.cloudfront.net/48469344/Strategic_Business_Management-with-cover-page-v2)
- Kagwanja, P. and Southall, R. (2009) 'Introduction: Kenya – A democracy in retreat?', *Journal of Contemporary African Studies*, 27(3), pp. 259–77.  
 doi:10.1080/02589000903216930.
- Kamungi, P.M. (2009) 'The politics of displacement in multiparty Kenya', *Journal of Contemporary African Studies*, 27(3), pp. 345–64. doi:10.1080/02589000903166713.
- Kanogo, T. (1987). *'Squatters and the Roots of Mau Mau, 1905-63'*.
- Kanyinga, K. and Long, J.D. (2012) 'The Political Economy of Reforms in Kenya: The Post-2007 Election Violence and a New Constitution', *African Studies Review*, 55(1), pp.31–51.
- Kelling, G. L., & Moore, M. H. (1989). *'The evolving strategy of policing'* (No. 4). US Department of Justice, Office of Justice Programs, National Institute of Justice.
- Killingray, D (1986) 'The Maintenance of Law and Order in British Colonial Africa.' *African Affairs*, Vol. 85 (340), pp. 411-37.
- Killingray, D and Anderson, D (1992) 'An orderly retreat? Policing the end of empire,' in Anderson, D M. and Killingray, D, *'Policing and Decolonisation: Nationalism, Politics and the Police, 1917-65'*, Manchester, Manchester University Press.
- Kivoi, D and Mbae, C (2013) 'The Achilles' Heel of Police Reforms in Kenya', *Social Sciences*. Vol. 2 (6). pp. 189-194. doi: 10.11648/j.ss.20130206.13.
- Klopp, J., & Kamungi, P. (2007). 'Violence and elections: will Kenya collapse?'. *World Policy Journal*, vol. 24(4), pp. 11-18.
- Knighton, B (2010). 'Going for Cai at Gatundu', in Knighton, B., Branch, D., Cheeseman, N., Gardner, I. (Eds) *Our Turn To Eat: Politics in Kenya since 1950*.
- Kotter, J P. (2012). *'Leading Change'*, Harvard business press.
- Kotter, J.P., Schlesinger, L.A. (1989) 'Choosing Strategies for Change'. In: Asch, D., Bowman, C. (eds) *Readings in Strategic Management*. Palgrave, London.  
[https://doi.org/10.1007/978-1-349-20317-8\\_21](https://doi.org/10.1007/978-1-349-20317-8_21)

- Kyle, K (1997) 'The Politics of the Independence of Kenya', *Contemporary British History*, Vol. 11 (4), pp. 42–65.
- Lamb, G. B. (1969). 'The Political Crisis in Kenya'. *The World Today*, vol. 25(12), pp.537-44.
- Langan, M (2018) 'Neo-Colonialism and the Poverty of Development in Africa'. *Contemporary African Political Economy*.
- Lawrence, P. (2017) 'The Vagrancy Act (1824) and the persistence of pre-emptive policing in England since 1750'. *British Journal of Criminology*, Vol. 57(3), pp. 513-31.
- Leakey, L. (2013). '*Mau Mau and the Kikuyu*'. Routledge.
- Leeds, E. (2007). 'Serving States and Serving Citizens: Halting Steps toward Police Reform in Brazil and Implications for Donor Intervention'. *Policing and Society*, 17(1), pp. 21-37.
- Leting, M (2017) 'Nyumba Kumi Strategy of Community Policing And Its Impact on Curbing Crime; Empirical Assessment From Kenya', *IOSR Journal of Humanities and Social Science*, 22(1), pp. 32–36. doi:10.9790/0837-2201043236.
- Loader, I (2020) 'Revisiting the Police Mission.' *Insight Paper 2, The Strategic Review of Police in England and Wales*. The Police Foundation.
- Loader, I and Mulcahy, A (2003) 'Losing Faith?: The Desacralization of English Policing since 1945', in '*Policing and the Condition of England: Memory, Politics and Culture*.' Clarendon Studies in Criminology.
- Loader, I and Mulcahy, A (2003) 'On Symbolic Power: Towards a Cultural Sociology of Policing', in '*Policing and the Condition of England: Memory, Politics and Culture*.' Clarendon Studies in Criminology.
- Loader, I and Walker, N (2001) 'Policing as a Public Good: Reconstituting the Connections between Policing and the State'. *Theoretical Criminology* Vol. 5 (1), pp. 9-35.
- Loader, I and Walker, N (2007) 'Locating the Public Interest in Transnational Policing', in Goldsmith, A., & Sheptycki, J. (Eds.) (2007) '*Crafting Transnational Policing: Police Capacity-building and Global Policing Reform*'. Bloomsbury Publishing pp. 111-45.
- Lonsdale, J. (2006). 'Ornamental Constitutionalism in Africa: Kenyatta and the Two Queens'. *The Journal of Imperial and Commonwealth History*, Vol. 34(1), pp. 87-103.
- Maguta, J. K., Wachira, T. W., & Koome, P. (2021). Dynamics of Bottom-up Approach in Peacebuilding and Implications on Peace and Security in Kenya: The case of Nyumba Kumi in Njoro Sub-County, Nakuru County. *Journal of African Interdisciplinary Studies*, 5(8), pp.154-72.
- Mahan, J D and Stein, D S (2014). 'Teaching Adults: Best Practices that Leverage the Emerging Understanding of the Neurobiology of Learning'. *Current Problems in Pediatric and Adolescent Healthcare*, Vol. 44 (6) pp.141-149. Doi 10.1016/j.cppeds.2014.01.003 PMID 24981663.

Manning, P K (2010) *'Democratic Policing in a Changing World'*. Routledge, London. ISBN 978-1-59451-545-3

Marenin, O. (1998). 'The goal of democracy in international police assistance programs'. *Policing: An International Journal of Police Strategies & Management*, 21(1), pp.159-77.

Marenin, O (2009) 'The futures of policing African states,' *Police Practice and Research: An International Journal*, Vol 10 (4), pp. 349-63, DOI: 10.1080/15614260903254999

Marenin, O (2010) 'Understanding Mission Environments: Local Contexts and the Legitimation of Reforms', *Journal of International Peacekeeping*, Volume 14:(Issue 3-4), pp. 223-47. doi: <https://ezproxy-prd.bodleian.ox.ac.uk:4563/10.1163/187541110X504337>.

Marks, M., Shearing, C., & Wood, J. (2009) 'Who should the police be? Finding a new narrative for community policing in South Africa.' *Police Practice and Research: an international journal*, Vol. 10(2), pp.145-55.

Mbondenyi, M K, (2011) *'Entrenching the Right to Participate in Government in Kenya's Constitutional Order: Some Viable Lessons from the African Charter on Human and Peoples' Rights*; <http://ezproxy-prd.bodleian.ox.ac.uk:2084/stable/41149839> (Accessed: 25 February 2018).

McCahill, M (2008) 'Plural Policing and CCTV Surveillance.' In Deflem, M. and Ulmer, J.T. (eds.) *Surveillance and Governance: Crime Control and Beyond. Sociology of Crime, Law and Deviance*, Vol. 10, pp.199-219, Emerald Group Publishing Limited.

Monkkonen, E H (1992) 'History of Urban Police Modern Policing.' *Crime and Justice*, Vol. 15, pp. 547-80.

Muranga, G.R., and Nsong'o, S.W. (2006). 'Bent on Self Destruction: The Kibaki Regime in Kenya'. *Journal of Contemporary African Studies*, Vol. 24(1), pp.1-28.

Mueller, S.D. (2008) 'The Political Economy of Kenya's Crisis', *Journal of Eastern African Studies*, 2(2), pp. 185-210. doi:10.1080/17531050802058302.

Murray, T. (2007). 'Police-Building in Afghanistan: A Case Study of Civil Security Reform'. *International Peacekeeping*, vol 14(1), pp. 108-26, DOI: 10.1080/13533310601114327

Musungu, J. B. (2015). 'Free Primary Education in Kenya: A Critical Analysis'. *International Journal of Humanities Social Sciences and Education*, Vol. 2(7), pp. 65-77.

Mwangangi, M K, Theuri, M M, and Nyachoti (2020) *Assessment of the Role of Nyumba Kumi Initiative on Crime Reduction Within Kiambio Slums, Nairobi County, Kenya*. MSc. Dedan Kimathi University of Technology.

Neild, R and Zeigler, M (2002) *'From Peace to Governance: Police Reform and the International Community'*. US Dept. of Justice: Office of Justice Programs

- Neubauer BE, Witkop CT, and Varpio L (2019) 'How phenomenology can help us learn from the experiences of others.', *Perspect Med Educ. [Preprint]*, (2). doi:10.1007/s40037-019-0509-2.
- Newburn, T (2008) 'Policing Since 1945', in Newburn, T (Ed) *Handbook of Policing*, 2<sup>nd</sup> edition, Routledge.
- Nicoll, Alexander & Delaney, Jessica (2008) 'Violence in Kenya', *The International Institute for Strategic Studies*, 14(1), pp.1-2. doi:10.1080/13567880801962211.
- Nye, J. S. (1967). Corruption and political development: A cost-benefit analysis'. *American political science review*, Vol. 61(2), pp. 417-27.
- 'Ochieng', W.R. (1972). 'Colonial African Chiefs: Were they Primarily Self Seeking Scoundrels?', in Ogot, B, (ed) *Politics and Nationalism in Colonial Kenya*.
- O'halpin, E (1989). '*Head of the civil service: A study of Sir Warren Fisher*'. Routledge
- Owen, O. (2014). 'The Nigeria Police Force: Predicaments and Possibilities'. *Nigeria Research Network (NRN) working paper no.15*, Oxford Department of International Development.
- Owen, O. (2017). 'Risk and motivation in police work in Nigeria', in Beek, J, Göpfert, M, Owen, O, Steinberg, J, (2017) *Police in Africa: The Street Level View*. Hurst.
- Owen, O., Bradford, B., Jauregui, B., & Loader, I. (2016). Policing after colonialism. *The SAGE handbook of global policing*, pp.303-19.
- Osse, Anneke (2014) 'Police Reform in Kenya: A Process of "Meddling through', *Police and Society [Preprint]*, (8). doi:10.1080/10439463.2014.993631.
- Parsons, T. (2007). 'The Lanet Incident, 2-25 January 1964: Military Unrest and National Amnesia in Kenya'. *The International Journal of African Historical Studies*, Vol. 40(1).
- Peacock, R (2021) 'Bayley's six critical elements of democratic policing: evaluating donor-assisted reform in Armenia, Georgia, and Ukraine'. *International Journal of Comparative and Applied Criminal Justice*, Vol. 45(3), pp. 285-97.
- Peake, G and Marenin, O (2008) 'Their Reports Are Not Read, and Their Recommendations Are Resisted: The Challenge for the Global Police Policy Community.' *Police Practice and Research*, Vol. 9, pp. 59-69.
- Pfigu, T, and Van de Waal, K (2014) 'Translations of Community Policing in Different Social Orders in Stellenbosch,' in Behrends, A, Park, S-J, and Rottenburg, R (eds) (2014) '*Travelling Models in African Conflict Management: Translating Technologies of Social Ordering*.' ProQuest E-Book Central.
- Pratten, D. (2007). '*Man-Leopard Murders: History and Society in Colonial Nigeria*'. Edinburgh University Press.
- Press, R. M. (2012). 'Kenya's Political 'Transition' Through the Eyes of Its 'Foot Soldiers' for Democracy and Human Rights (1997-2012)'. *Journal of Contemporary African Studies*, vol. 30(3), pp. 441-60.

- Pulla, V. (2014). 'Grounded Theory Approach in Social Research'. *Space and Culture, India*, Vol. 2 (3), pp.14-23. <https://doi.org/10.20896/saci.v2i3.93>
- Rammussun, J (2014) '*Eastleigh and Beyond*', in. Eastleigh and Beyond, Rift Valley Institute.
- Ransley, Philip (2009) Republic of Kenya: *Report of the NATIONAL TASK FORCE ON POLICE REFORMS*. Government sponsored report into the behaviour and structuring of the police in Kenya.
- Rasmussen, J. (2017) 'Political becoming and non-state emergence in Kenya's security sector: Mungiki as security operator', in Higate, P and Utas, M (eds) '*Private Security in Africa: From the Global Assemblage to the Everyday*'. Zed Books (Africa Now). [https://rucforsk.ruc.dk/ws/portalfiles/portal/64022298/Sider\\_fra\\_FULLTEXT01.pdf](https://rucforsk.ruc.dk/ws/portalfiles/portal/64022298/Sider_fra_FULLTEXT01.pdf).
- Raunch, J and Van der Spuy, E (2006) *Police Reform In Post-Conflict Africa: A Review*.
- Reiner, R (1992) 'Policing a Post Modern Society.' *The Modern Law Review*, Vol. 55 (6), pp. 761-82.
- Ritchie, J, Spencer, and O'Connor, W, (2003) *Qualitative Research Practice*. OUP (Sage Publications).
- Roth, J. A. (2000). '*National Evaluation of the COPS program: Title I of the 1994 Crime Act*'. US Department of Justice, Office of Justice Programs, National Institute of Justice.
- Rottenburg, R (2009) '*Far-Fetched Facts: A Parable of Development Aid*'. MIT Press.
- Rubin, H.J. and Rubin, I.S. (2012) '*Qualitative Interviewing: The Art of Hearing data*'. 3rd ed. Sage.
- Runciman, W G (Ed) (1978) '*Max Weber: Selections in Translation*.' Cambridge University Press.
- Rushin, S and Michalski, R (2020) 'Police Funding.' *Florida Law Review*, Vol. 72 (2), pp. 277-330.
- Ruteere, M. (2011). 'More than political tools: The police and post-election violence in Kenya'. *African Security Review*, 20(4), 11-20.
- Ruteere M and Pommerolle M V (2003) 'Democratizing Security or Decentralizing Repression? The Ambiguities Of Community Policing in Kenya', *African Affairs*, 102, pp. 587-604.
- Schein, E.H. (1990). 'Organizational Culture'. *American Psychologist*, February, pp. 109-19
- Scheye, E. (2009). '*State-provided Service, Contracting Out, and Non-state Networks*'. *Justice and Security as Public and Private Goods*'. Paris: Organization for Economic Co-operation and Development.
- Scott, E. J. (1981). '*Calls for service: Citizen demand and initial police response*'. Washington DC: US Department of Justice, National Institute of Justice.
- Sharp, D (2005) 'Who Needs Theories in Policing? An Introduction to a Special Issue on Policing'. *Howard Journal of Criminal Justice*, Vol. 44(5), pp. 449-59.

- Shilston, T G (2016) 'Six dimensions of police accountability: An Aid to Needs Assessment in International Police Development Missions'. *International Journal of Police Science and Management*, Vol. 18 (1) Doi: 10.1177/1461355716638115.
- Sigler, R T and King, D J (1992) 'Colonial policing and control of movements for independence'. *Policing and Society*, Vol. 3(1), pp. 13-22. DOI: 10.1080/10439463.1992.9964654
- Skogan, W (2008) 'Why Reforms Fail', *Policing and Society: An International Journal*, 18(1), pp. 23–34.
- Skolnick, J. H., & Bayley, D. H. (1986). 'The new blue line: Police innovation in six American cities'. Simon and Schuster.
- Smith, B (1960). 'Police System in the United States'. Harper, 2<sup>nd</sup> edition.
- Steinberg, J (2010) 'Thin Blue: the unwritten rules of policing South Africa'. Johnathon Ball.
- Steinberg, J. (2011). 'Crime prevention goes abroad: Policy transfer and policing in post-apartheid South Africa'. *Theoretical Criminology*, Vol. 15(4), pp. 349-64.
- Steinberg, J (2014) 'Policing, state power, and the transition from apartheid to democracy: A new perspective'. *African Affairs*, Volume 113, Issue 451, April 2014, pp.173–91, <https://doi-org.ezproxy-prd.bodleian.ox.ac.uk/10.1093/afraf/adu004>
- Steinberg, J (2015) 'Crime prevention goes abroad: Policy transfer and policing in post-apartheid South Africa'. *Theoretical Criminology*, Vol. 15(4), pp. 349-64.
- Stenning, P. C., and Shearing, C. D. (2005). 'Reforming police: Opportunities, drivers and challenges'. *Australian & New Zealand Journal of Criminology*, vol.38(2), pp.167-80.
- Struckhoff, D. R., & Scott, R. (2003). *The American Sheriff*. Joliet, IL: Justice Research Institute.
- Sturges, J and Hanrahan, K (2004) 'Comparing telephone and face-to-face qualitative interviewing: a research note', *Qualitative Research*, Vol 4(1), pp. 107–18. SAGE us Publications
- Swedlund, H J (2017) 'The Development Dance: How Donors and Recipients Negotiate the Delivery of Foreign Aid (Ithaca, NY, <https://doi-org.ezproxy-prd.bodleian.ox.ac.uk/10.7591/cornell/9781501712876.003.0001>,
- Tankebe, J (2008). 'Colonialism, legitimation, and policing in Ghana'. *International Journal of Law, Crime and Justice*, Vol. 36, pp. 67–84.
- Taylor, R.W., Fritsch, E.J. and Caeti, T.J., (1998). 'Core challenges facing community policing: The emperor still has no clothes.' *ACJS Today*, Vol 17(1), pp.3-5.
- Throup, D. (1987). 'Economic & Social Origins of Mau Mau: 1945 – 1953', in *Eastern African Studies*.

- Tobias, J J (1972) 'Police and Public in the United Kingdom.' *Journal of Contemporary History*, Vol. 7 (1), pp. 201-19. <https://doi.org/10.1177/002200947200700112>
- Toch, H (2008) 'Police Officers as Change Agents in Police Reform,' in *Policing and Society*, Vol. 18 (1), pp. 60 – 71.
- US Army War College (2016) 'Handbook for Military Support to Rule of Law and Security Sector Reform' *Unified Action Handbook Series, Book Four*.
- Van der Spuy, E. (1989). 'Literature on the Police in South Africa: An Historical Perspective'. *Acta Juridica*.
- Van der Spuy, (2005) 'International Assistance and Local Pressures in the Reform of Policing: the Case of the Eastern Cape'. *South African Review of Sociology*, Vol. 36(2), pp. 191-207.
- Van Maanen, J. (1973). 'Observations on the making of policemen'. *Human organization*, Vol. 32(4), pp. 407-18.
- Van Maanen, J. (1978). 'People processing: Strategies of organizational socialization'. *Organizational dynamics*, Vol. 7(1), pp. 19-36.
- Van Stapele, N. (2016). 'We are not Kenyans': extra-judicial killings, manhood and citizenship in Mathare, a Nairobi ghetto'. *Conflict, Security & Development*, vol. 16(4), pp. 301-25.
- Vermeer, M.J., Woods, D. and Jackson, B.A., (2020). 'Would Law Enforcement Leaders Support Defunding the Police?: Probably-if Communities Ask Police to Solve Fewer Problems'. RAND.
- Waddington, P.A.J (1999). 'Policing Citizens: Police, Power and the State'. Routledge.
- Waddington, P.A.J (1999). 'Swatting police Paramilitarism: A comment on Kraska and Paulsen'. *Policing and Society*, Vol. 9(2), pp. 125-40.
- Wairuri, K. (2020). "'Operation Sanitize Eastleigh": Rethinking Interventions to Counter Violent Extremism'. *Confronting Violent Extremism in Kenya | Debates, Ideas and Challenges*, pp. 135-50.
- Walker, S (2001) 'Police Accountability'. Belmont, CA: Wadsworth, pp.199-214.
- Waller, R (2010). 'Towards a contextualisation of policing in colonial Kenya'. *Journal of East African Studies*, Vol. 4 (3), pp. 525-41.
- Weiss, R P (1986) 'Private Detective Agencies and Labour Discipline in the United States, 1855-1946.' *The Historical Journal*, Vol. 29 (1), pp. 87-107.
- Welsh, B C, and Farrington, D P (2004) 'Evidence-based Crime Prevention: The Effectiveness of CCTV.' *Crime Prevention and Community Safety: An International Journal*, Vol. 6 (2), pp. 21-33
- Whittaker, H. (2015). 'Legacies of Empire: State Violence and Collective Punishment in Kenya's North Eastern Province, c. 1963–Present'. *The Journal of Imperial and Commonwealth History*, Vol. 43(4), pp. 641-57.

Widner, J.A. (1992), 'Kenya's slow progress towards multi-party politics'. *Current History*, Vol. 91(565), pp. 214-18.

Williams, A and Paterson, C (2021) 'Social Development and Police Reform: Some Reflections on the Concept and Purpose of Policing and the Implications for Reform in the UK and USA.' *Policing: A Journal of Policy and Practice*, Vol. 15 (2), pp. 1565-73. <https://doi.org/10.1093/police/paaa087>

Willig, C. (2008). 'Introducing Qualitative Research in Psychology: Adventures in Theory and Method' 2<sup>nd</sup> addition. McGraw Hill.

Wilson, J. Q. (1968). *City politics and public policy*.

World Bank (2009) *Kenya Economic Development, Police Oversight, and Accountability Linkages and Reform Issues*. 44515-KE. World Bank.

Wrong, M (2009) 'It's Our Turn To Eat: The Story of a Kenyan Whistle-Blower', Harper Collins.

Zeigler, M and Nield, R (2002) 'From Peace to Governance: Police Reform and the International Community'. NCJ Number 198925.