

A decade of police reforms and the future of policing in Kenya

Foreword¹

It has been a great pleasure as well as a privilege to work with the Office of the Inspector General, and the two Deputy Inspector Generals, Director of Criminal Investigations as well as other members of the National Police Service in looking at a decade of police reforms and the future of policing in Kenya.

This work is undertaken at a time when the police are undergoing interesting changes. The National Police Service Act 2011 created a new structure for providing police services in Kenya. It brought together the two police forces, the Kenya Police Service and Administration Police Service, into one national body – the National Police Service.

The decision to create a national police service followed several years of attempts to reform the police forces through various initiatives. In 2009, the Government of Kenya launched a consultation under the auspices of the National Task Force on Police Reforms to seek views on how to reform the police. The consultation produced over 200 recommendations including proposals to restructure the police forces and establish new policing institutions.

In 2011, following discussion with key stakeholders, the Government published a three-year police reform programme to transform the police into an effective, efficient, and trusted security agency for Kenya. The promulgation of the Constitution in 2010 introduced fundamental changes to both the structure and command of the police. The National Police Service bill was then introduced and enacted to implement the Constitution and reforms.

In addition to creating a National Police Service, the Act introduced new policing principles as set out in the Constitution of Kenya to replace the previous principles under the Police Act and Administration Police Act. The new principles are: the highest standards of professionalism, transparency,

accountability and discipline amongst police officers. It also institutionalised community policing as an approach that recognises the voluntary participation of communities in maintaining peace.

In 2012, Usalama Reforms Forum and Saferworld launched their own Police Reforms Monitoring Project to assess the implementations of reforms under the new arrangement for police services. Every six months the project tracked and examined the extent to which the Government and various police institutions considered and implemented recommendations from *the National Task Force on Police Reforms* report².

The result has been the most extensive examination of policing and police reform programming since 2004. This has not been easy, especially in trying to evaluate all the reform issues under new and evolving governance arrangements for policing. Governance is about the structures, systems, processes, controls, and behaviours by which an organisation makes decisions and manages its activities. Police service governance has evolved significantly since 2008.

We are grateful to the retired Inspector General of the National Police Service, Mr David Kimaiyo, who supported the assignment; the Deputy Inspector Generals: Ms Grace Kaindi, Mr Samuel Arachi, and former Kenya Police Commissioner Mr. Mathew Iteere, who supported us to do an extensive analysis of the police stations, as well as county commanders and all other police officers who so kindly hosted and supported our team in the field over the last three years.

This report provides a position statement as of the end of December 2014. It is not meant to diminish the excellent efforts made by the government and police institutions to improve policing. Rather, the purpose is to take stock of the current situation with regards to policing and community safety and identify specific areas of police reform where further progress is required. We recognise reform is a long-term process and that there will be a lot of activities in this area. We will keep engaging with reform processes in our future work programme.

Linda Omany, Usalama Reforms Forum

¹ This document was prepared under the implementation of the 'Institutionalizing Comprehensive Police Reforms: Towards Equitable, Responsive and Accountable Policing in Kenya' project, which is supported by the Government of Netherlands and managed by Saferworld. The opinions, proposals or statements contained in the present document do not necessarily represent the opinions of the Government of Netherlands or Saferworld.

² Government of Kenya, 2009 "Report of the National Task Force on Police Reforms, Government publishers

Executive Summary

Recent police reform has involved one of the biggest and most complex public sector restructures – similar to devolution. The creation of a National Police Service is one of the most significant steps in reforming policing in Kenya since 1963. Much progress has been made, yet many problems and challenges remain unaddressed.

This report is preceded by five monitoring reports on the implementation of police reforms published during the last three years, namely: *Preparedness of the police to combat insecurity and crime*; *Communities and their police stations*; *Election security preparedness*; *Criminal intelligence and policing in Kenya*; and *Towards safe communities and overcoming security challenges*.³

The report has five chapters:

Chapter 1: Policing context. The social conditions within which the police operate have transformed significantly, with issues such as globalisation, new patterns of rural/urban migration, the internet/social media, and ‘radicalisation’ affecting how police maintain order and security in diverse and contrasting contexts.

Chapter 2: Police reforms. There has been a significant transformation in policing: increasing the number of police officers in both services, bringing in new technology into policing, and new developments in local policing through community policing (including the *nyumba kumi*⁴ initiative) initiatives. However, a major problem with the reform process is that none of the strategies employed so far have aimed at critically transforming or altering the fundamental principles of policing in Kenya.

Chapter 3: Progress, challenges and problems. Police reform has involved the biggest and most complex public sector restructure – similar to devolution. Large public resources have been devoted to modernising the service and much progress has been made, such as the creation of the National Police Service, the National Police Service Commission, and other oversight bodies including the Internal Affairs Unit and the Independent Policing Oversight Authority. The foundation of reforms has been accomplished but challenges and problems remain.

Chapter 4: The future of policing. Police reform is yet to deliver the kind of policing people want. However, given the problems and challenges, the future of policing should focus on the role of the police to improve the safety and security of communities. Many bad practices prevent the service from delivering this kind of policing. The future of policing is

therefore dependent on how we can deal with bad practices and carefully develop a good policing culture.

Chapter 5: Moving forward. The primary function of policing is to help create a safe society to enable people to go about their business without fear of crime or insecurity. While crime prevention and crime detection are part of the police’s work, keeping peace is equally important and is what many communities want the police to do more of and better. This can only be achieved through a better policing culture, better police stations, better engagement between the police and community, and better partnerships between the police and other stakeholders such as the business community.

Our analysis is based on evidence from monitoring reports and sources that include:

- Consultations with community groups across the country.
- Meetings and interviews with members of the police service, senior officers, police officers working in operational areas, and other government agencies.
- Review of documentation including police publications, laws, regulations, strategic plans, annual crime reports, and other relevant documentation.
- Thematic focus groups on policing, crime, and law enforcement.
- Workshops and meetings with key stakeholders, including non-governmental organisations (NGOs) and civil society, community interest groups, business and community leaders, county government representatives, and the media.
- Field visits to Voi, Mtwapa, Kisii, Kisumu, Nairobi, Mombasa, Eldoret, Nyeri, Kirinyaga Bungoma, Machakos, Narok, West Pokot, Siaya, Garissa, Baragoi, and Isiolo.
- Questionnaires about community engagement, police service delivery, crime trends management, crime reporting, victim support, crime investigation, crime recording, criminal intelligence and analysis, small arms and light weapons management, community vetting perceptions, and community police station visits.

More detailed information on our methodology is provided in our monitoring reports.

³ Reports available in an edited collection at www.usalamaforum.org.

⁴ The Nyumba Kumi (10 houses) Initiative is a government initiative aimed at strengthening community policing in which members of a neighbourhood are encouraged to know at least 10 of their neighbours so as to improve on security.

Chapter 1: Policing context

“Today policing takes place in an economic, social and political environment that is totally different from ten years ago when reforms began.”

The National Police Service faces a bright future in which it will see more reforms. In this final analysis report we set out proposals on how it can continue on the same path of reforms to deliver better policing for communities around the country. Over the last ten years, our society has changed dramatically. Through our monitoring project we have witnessed the problems and challenges facing the police as they go about their business. We have also seen the progress and positive changes taking place in policing.

Today policing in Kenya takes place in an economic, social, and political context that has radically changed since 2004, when reforms began. The Government now spends Ksh. 67 billion on policing compared to Ksh. 27 billion in 2004. The Service is much bigger than ever before, the number of police officers has grown from 44,000 to 89,000, the number of police stations has grown from 340 to 547, and the subject of policing dominates public debate.

The social conditions within which the police operate have transformed significantly. Globalisation; new patterns of rural/urban migration; the advent of the mobile phone; the internet and social media; a growing youth population; fragmentation of traditional communities; and increasing levels of poverty and inequality, ‘radicalisation’, and terror attacks have all had an impact on the police’s work to maintain order and security in complex contexts.

Nevertheless, policing in Kenya continues to take place in diverse and contrasting contexts. There are pastoral communities living along an international border. The border remains porous with no adequate policing. Communities there experience violence and extreme crime. The prevalence of illegal firearms in the hands of militia groups coupled with a culture of cattle rustling remain predominant, while a culture of militarised policing still exists.

There are also the arid and semi-arid areas inhabited by pastoral communities. They also experience problems of armed crime and violence. These areas, however, experience a new wave of challenges owing to the changing climatic conditions and diminishing role of a traditional authority in managing community resources.

A combination of limited access to grazing lands; few watering points; and the zoning off of transit corridors and dry season grazing areas by conservancies, the wildlife service, and the forest service have pushed these communities to adopt extremely violent means of survival. The police in these areas are now relied upon to maintain law and order in environments where people have limited chances of survival and pursuit of judicial means to settle their disputes.

Other parts of Kenya, largely rural and poor areas, experience an increased presence of vigilante groups that sometimes operate like parallel justice systems. Though illegal, these groups seek levy charges on occupancy from tenants and people living in areas that the vigilantes consider their jurisdictions and enforce their own set of rules. These rules are not sanctioned by the authorities and often result in pain and suffering among the people.

In these communities, the police are further confronted with cultural practices that often violate human rights and are oppressive to women, the elderly, children and the very poor. Vigilante groups operating in these areas are relied upon to provide the much needed but limited policing services.

The urban and peri-urban areas inhabited by the poor are particularly exposed to extreme crime and violence – whether at home or in the streets and other public places. In most of these places, vigilante groups are trying to take control over places that have marginal police presence. They control sanitation, garbage collection and disposal, water, electricity and have a stronghold on local economic activities. They decide whether you can supply basic commodities or open a shop or rent a house in the areas they control and at a fee. They also charge protection fees and execute aggressive ways of imposing their will on the communities.

Industrial, commercial, and business estates in cities and major urban areas also experience unique policing challenges. In these areas, technology-driven crimes such as counterfeiting, pirating music and cyber-crime are rife. Contact crimes targeted at people on their way to work are commonplace.

Finally, Kenya is home to several nationalities, either as diplomats, tourists, refugees or immigrants. These nationalities live more or less in specific areas, whether in designated refugee camps or in exclusive estates in urban areas and require specialised policing services.

Effective policing is much harder to deliver and sustain in these contexts. It requires careful planning about how best to manage communities’ expectations of policing, given that not all demands could be met.



Police officers inspect and secure the scene around a vehicle after a grenade explosion outside Pangani police station, Nairobi in May 2014.

Chapter 2: Police reforms

“Our major problem with reform process is that none of the strategies employed so far have aimed at critically transforming or altering the fundamental principles of policing.”

It has been ten years since the Government began reform of the police in 2004. Since then, there has been a significant transformation in policing, including increasing the number of police officers in both services, bringing in new technology into policing, and new developments in local policing through community policing and *nyumba kumi* initiatives. We have also seen gender and children reporting desks introduced (desks set aside at the police station with an officer manning the same to help tackle cases and reports on gender issues and children issues professionally) and victim-oriented report offices in many police stations that specifically provide support for cases affecting children and victims of gender-based violence.

When reforms began, many Kenyans regarded the police as ineffective, and levels of trust in them were very low. They wanted trust and confidence in the police to be restored, and cooperation with police officers to be improved, in order to enhance the safety and security of their communities.

The Government’s vision for reforms therefore has been to transform the police services into efficient, effective, professional and accountable security agencies that Kenyans can trust for their safety and security. Nobody doubts the Government’s good intentions and the political will to reform the police. Large resources have been devoted towards a modernisation programme and some progress has been made.

Yet amid reform process, the police have been constantly criticised for failing to deliver against the needs and expectations of communities across the country. Some criticism is justified. The Service has struggled to transform its image and overcome the factors that constrain its improvement and development, including breaking away from bad legacies of its colonial heritage.

A major problem with the reform process is that none of the strategies employed so far have aimed at critically transforming or altering the fundamental principles of policing in Kenya. The Constitutions of Kenya 2010 set out the objects and functions of the police but do not go far enough to enshrine the social purpose of the police in supreme law. This would have established a much-needed consensus on the police Kenyans want.

Even the creation of a National Police Service failed to introduce or set out new policing principles to replace the previous principles of ‘guard, patrol and watch’ based on the colonial model. For most members of the public, police reforms should mean

something totally different. To them reform should transform the main purpose of policing to improve the safety and well-being of people and their communities.

They want to see police working in collaboration and partnership with others in the community in a way which is accessible to everyone and promotes measures to prevent crime. They want to see the police carry out their duties in a way that contribute to social cohesion, fairness and respect.



H.E. the president, Uhuru Muigai Kenyatta and the Inspector General of Police at a police pass out ceremony at the Kenya Training College, Kiganjo in 2014. The numbers of police officers have grown from 44,000 to 86,000 since 2004.

Chapter 3: Progress, challenges and problems

“Implementation of police reforms is not yet complete, but progress has continued to be made in reforms areas. There have also been serious challenges and problems.”

An accountable, transparent and efficient policing service is essential to the safety and well-being of all communities in Kenya. Police reform has involved one of the biggest and most complex public sector restructures – similar to devolution. Large public resources have been devoted to the modernisation of the Service and much progress has been made, such as the creation of the National Police Service, the National Police Service Commission, and other oversight bodies including the Internal Affairs Unit and the Independent Policing Oversight Authority.

Whereas the implementation of reforms as set out in the *National Task Force on Police Reforms Report* is not yet complete, progress has continued to be made in critical reform areas. All the institutions required to implement advance reforms are operational and new policies and regulations including appointment, recruitment, promotions, discipline, community policing, police reserve, transfer and deployment in the Service have been developed by these new bodies.

The foundation of reforms has been accomplished but there are challenges and problems with implementation. Kenya’s criminal justice system is impoverished. Crime is still under-reported and, when reported, is often poorly investigated by the police. The country’s court process is still very slow and inadequate and its prisons are dilapidated and

overcrowded. Nearly 50 per cent of detainees in prisons are awaiting trial. The criminal justice system is now a problem rather than the solution to law and order.

On the other hand, the Service is still a reactive force with an approach to public control rather than community service. There is yet to be focus by the police and other stakeholders on the prevention of crime before it happens, as opposed to reacting to it after it has occurred. This is due to a lack of collaboration among various community stakeholders, including the police. There is still no proactive strategy that brings together collective efforts on preventing crime and police rarely engage with communities to provide crime advice. Crime therefore remains very high and under-reported, while the police rarely identify crime trends to support effective analysis and prevention of crime. The under-reporting of crime suggests a fundamental lack of confidence in the police and the broader criminal justice system.

We still lack appropriate support for victims involved in crime and other traumatic events. There are cases where police officers are still insensitive to the plight of victims of crime. While this can often be attributed to their own difficult circumstances – the way they are treated by their superiors, the attitude of society at large towards them, isolation from the community, and because of gender bias, inadequate training, poor supervision and a lack of accountability – this often discourages victims and the public from interacting with members of the Service.

On community engagement, the Service continues to experience poor relationships with, and a lack of trust and confidence with communities they serve. The establishment of a county policing authority and community policing structures, as provided in the National Police Service Act, would have enhanced people's involvement in local policing.

A lack of efficient and effective investigation is another problem in the Service. The Service has not been able to undertake proper and effective investigations at the police station, with officers using poor case management systems, and there has been lack of forensic evidence resulting in wrongful prosecutions and dismissal of cases in courts.

Furthermore, terms of service for police officers have not improved, despite investment in housing, health insurance, group medical cover, tooling and equipment. Across the country police officers are still working long hours in very poor conditions.

Corruption is still a problem, and ethics and integrity management initiatives – including sting operations to catch officers engaged in bribery – have not proven successful. The police are consistently ranked the most corrupt institution in Kenya. The probability of officers asking for bribes is still very high, especially among traffic police officers.

Regarding police organisation, the Service is yet to improve its capacity to implement reforms, a commitment to and internal incentive for change, anti-corruption and complaint management, leadership and management capabilities, planning and budgeting, and monitoring performance among others.



A traffic police officer receives a bribe from a public transport vehicle operator along Kabamet- Nakuru Road. Police corruption remains a major problem particularly in slums and poor urban neighbourhoods.

Chapter 4: The future of policing

“What we want to see is police policing together with the locals to improve the safety and security of our communities.”

In the last two years, debates over the future of the police service have been part of the political battleground. This is because politicians have placed part of the blame for the deterioration in the security situation and the apparent increase in crime on the shoulders of the police. They consider the primary function of the police to be preventing and controlling crime. While the police have not been fully proactive in this, it is important to say that they are not solely responsible for crime and violence prevention. Crime and violence prevention is a collective responsibility of police, the community and other stakeholders working together.

However, there is strong public perception that police reform is yet to deliver the kind of policing people want – the police policing together with the locals to improve the safety and security of communities. In our monitoring reports we identified many bad practices that prevented the Service from delivering this kind of policing. The question about the future of policing is therefore how we can deal with bad practices and carefully develop a good policing culture.

First, we must transform what our police service believes in as an organisation. These beliefs are reflected in the Service's policies and practices set out in the Service Standing Orders and Regulations concerning all its operations. The starting point in changing the bad practices would be for the Service to develop values that reflects our communities.

These values must be articulated and acted upon throughout the Service.

Second, we must recognise that the police cannot perform their role alone. They require the support of the government agencies with which the police have to collaborate or partner with at all levels. The future of policing will be such that crime prevention, law and order are not matters left to the police alone.

Third, the police must involve communities in the delivery of its services. It is clear that it will not be successful in achieving its mission without the support and involvement of the people it serves. Crime is not solely a police problem, and it should not be considered as such. Crime is a community problem and there must be a sharing of responsibility with the police. The sharing of responsibility should involve the police providing mechanisms for communities to collaborate with them, both in the identification of problems and in finding solutions.

Fourth, the police will need to be more accountable to the communities it serves. This means that they will not only need to be more open and responsive to the problems and needs of communities, but also be answerable to the law. Policing would need to be conducted in accordance with the rule of law and fundamental rights.

Fifth, the police will need to be more professional in all its work. The Service will need to show sensible regards for the ethical and moral expectations of the communities it serve. The police will need to adhere to the values and standards of the public service and maintain the highest standards of integrity.



Police, National Youth Service, human rights activists, civil society organisations, and the public work together to rescue people trapped in a collapsed building in the Makongeni area of Nairobi.

Chapter 5: Moving forward

“The mission of our police service should be to improve the safety and well-being of the people in all communities.”

In moving forward we must note that the primary function of policing is to help create a safe society to

enable people to go about their business without fear of crime or insecurity. Our experience and work with the police during the last five years shows that, while crime prevention and crime detection is part of the police’s work, keeping the peace is equally important and is what many communities want the police do more and better.

More effective local policing is the building block for a strong National Police Service. Local policing is about the police being more professional and accountable to the communities and local people they serve. Our monitoring reports contained a detailed set of recommendations designed to achieve the objectives and priorities of police reforms. We maintain that police reforms are necessary and must continue but with a radical change in strategy.

We are convinced that we are never going to improve policing with big modernising programmes and big public spending focusing on police numbers, tooling and equipment alone. Today, the National Police Service experiences the biggest public spending and investment that is likely to continue for a while. But it lacks a vision for better policing. Given this, we have taken great care to understand communities’ expectations of what could contribute to better policing and what can be done to achieve this without requirement for additional public resources.



Officer Bethowen Gachagwa, commanding officer at Mtwapa Police Station, engaging community members and other government agencies on security in an open day forum.

Better policing culture

We must continue to work with the Service to change its image and culture. We must work with the police to improve their relationship with the public as well as work with them to develop good values and better policing practices. These values and practices must be known to all members of the communities as well as all the police officers. Whilst the implementation of the new Service Standing Orders and Regulations will be critical to improving policing culture, we must also begin to support the Service to work with the media as a strategic partner in transforming its image at all levels. The media is a legitimate mechanism for the

Service to demonstrate change in relation to its image and culture.

Better police stations

Police stations should serve many purposes, but principal among them is the provision of service to the public. The police can only improve the services that they deliver to the public and communities through and from police stations. A good police station depends on community orientation, physical condition, treatment of the public, transparency and accountability, and facilities and equipment available to police officers. We must work with the Service and the government to achieve this. The police station should become the focal point for community engagement and crime prevention.

Better engagement and community policing

Community policing remains the key building block of fair and effective policing and it is vital that visible, locally responsive policing is promoted. We must work with the Service to listen closely to the needs of communities. We must support it to treat members of the community with decency and respect. We must work with the Service and Government to develop a set of national and local minimum standards and practices of the police, which all communities are entitled to receive, and which police stations and area police officers can be held to account.

Better partnerships in policing

The Service can achieve more by investing in building effective local and national partnerships. We must work with it to build and strengthen relationships with all community stakeholders in order to prevent and detect crime. We must assist it to work closely with other organizations including government agencies, local and religious organisations, schools, colleges, businesses, developers, business and industrial parks, etc.

Better local accountability

Accountability should be the main driver of better policing and continued reforms. The current framework of *nyumba kumi*, community policing committees, county policing authorities, the Internal Affairs Unit, the Independent Policing Oversight Authority, county police commanders, sub-county commanders, police station commanders, and area police officers – designed to enhance policing and accountability – should be strengthened and fully implemented. We must work with the Government and the Service to strengthen these structures to perform their functions at all levels.

Better conditions of service for police officers

We must work with the National Police Service Commission and Government to do more to improve the conditions of service for all police officers. We must work with the Government to provide a new deal for police officers. The planned Government's modernisation programme for the National Police

Service should include proposals for better police pay and conditions including health, housing, insurance, leave, and allowances. Reforms in these areas would improve police morale.

Better police profession and standards

We must work with the National Police Service Commission, the Internal Affairs Unit, the Independent Policing Oversight Authority and the Government to put in place better structures and mechanisms for promoting and sustaining police profession and standards in the country. All previous attempts including giving the Inspector General and National Police Service Commission powers to improve standards in the police have not produced promising results.

We now propose the creation of the **National Institute of Chartered Police Officers** that will have a vital role in developing the police into an evidence-based profession. The Institute should be accountable to the National Police Service Commission and should be the only authoritative voice of policing in relation to standards, procedures, practices and training. Its creation should form the basis of improving police profession in the country.



Members of the Community Safety Forum in Kopsiro Community visit their local police station to meet with their local police officer.

About the authors

This report has been written by Charles Otieno with the help of Linda Omany, Jacob Atiang', Catherine Chegero, Eric Atinga, Alfred Shereta, and Rapudo Hawi.

Alfred Shereta is Project Officer at Usalama Reforms Forum leading on the Access to Justice Project. He specialises in community safety planning and research.

Catherine Chegero has experience and knowledge of issues in communications and media.

Charles Otieno is an independent consultant with in-depth knowledge and proven skills in policy research and analysis. He is the author of several reports on policing in Kenya, including The Politics of Policing and Police Service in Kenya, Criminal Intelligence and Policing in Kenya, Preparedness of the Police to Combat Insecurity and Crime, Election Security in Kenya, and Communities and their Police Stations.

Eric Atinga is a Programme Officer in charge of innovation and adaptation at Usalama Reforms Forum. He has experience managing information systems development and implementation.

Jacob Atiang' is a programme officer working on policy at Usalama Reforms Forum. He is a social scientist with vast experience in areas of public policy, governance, and research and analysis.

Linda Omany is the Planning and Coordination Officer at Usalama Reforms Forum. She is a public relations, communications, research and community policing specialist. She has also specialised in community organising and engagement.

Rapudo Hawi works at Usalama Reforms Forum and is the Kisii Community Safety Coordinator. He specialises in community mobilisation and organisation.

About Saferworld

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with local people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe that everyone should be able to lead peaceful, fulfilling lives, free from insecurity and violent conflict.

We are a not-for-profit organisation with programmes in nearly 20 countries and territories across Africa, the Middle East, Asia and Europe.

In Kenya we have been working with the National Police Service in areas of policy, strategic planning, training, community policing and public awareness raising, all aimed at enhancing professionalism, accountability, and effective service delivery by the National Police Service.

About Usalama Reforms Forum

Usalama is a partnership space that brings together local, national and international organisations working in the area of security sector reform in Kenya.

Saferworld – 28 Charles Square, London N1 6HT, UK
Registered Charity no 1043843
Company limited by guarantee no 3015948
Tel: +44 (0)20 7324 4646 | Fax: +44 (0)20 7324 4647
Email: general@saferworld.org.uk
Web: www.saferworld.org.uk

For more information please contact James Ndung'u, Saferworld Project Manager, Arms Control and Policing:

Email: james@saferworld.org.uk