



AUDIT OF THE STATUS OF POLICE REFORMS IN KENYA

A joint report by the Kenya National Commission on Human Rights & Centre for Human Rights
and Peace (The University of Nairobi)

[2015]

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ABBREVIATIONS

AP	Administration Police Service
ATPU	Anti-Terrorist Police Unit
CID	Directorate of Criminal Investigations
CIPEV	Commission of Inquiry into Post Election Violence
CRECO	Constitution and Reform Education Consortium
DIG	Deputy Inspector General of Police
FIDA –Kenya	International Federation of Female Lawyers – Kenya Chapter
IAU	Internal Affairs Unit
ICJ – Kenya	International Commission of Jurists – Kenya Chapter
ICTJ	International Center for Transitional Justice
IGP	Inspector General of Police
IMLU	Independent Medical Legal Unit
IPOA	Independent Policing Oversight Authority
KHRC	Kenya Human Rights Commission
KNCHR	Kenya National Commission on Human Rights
KP	Kenya Police Service
LRF	Legal Resources Foundation
NPS	National Police Service
NPSC	National Police Service Commission
OCS	Officer Commanding Police Station
OCPD	Officer Commanding Police Division
PRIC	Police Reforms Implementation Committee
RPP	Rights Promotion and Protection
SSR	Security Sector Reforms
UK	United Kingdom

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FOREWORD

The Kenya National Commission on Human Rights is a Constitutional body established under article 59 of the Constitution and operationalized vide KNCHR Act No. 14 of 2011. Section 8 of this constitutive Act provides for the functions of the Commission and the key among this is the ability to investigate or carry out research in respect of human rights and make the relevant recommendations to improve the functioning of state organs. This audit has been carried out in line with the above function. This exercise has been carried out in partnership with the University of Nairobi, Centre for Peace and Human Rights.

Since establishment in 2002, The Commission has actively engaged with the Security Sector Reforms in Kenya.. This engagement has seen the Commission carry out investigations into some of the violations that have allegedly been committed by the members of the security forces leading to the publication of the various reports that include *the Cry of Blood, the Mountain of Terror, on the Brink of the Precipice* among others. The Commission has also participated in various initiatives that are aimed at bringing the desired transformation within the Security Sector and these have included being members of the National Task Force on Police Reforms of 2009 as well as the Police Reforms Implementation Committee of 2010. This audit particularly focuses on the extent to which the recommendations of these two latest initiatives have borne fruit and assisted in the transformation of policing from regime policing to democratic policing that respects the ideals of human rights and rule of law.

Security Sector Reforms remains a transformative journey that requires the collaboration of both the state and non – state actors. The state as the primary duty – bearer in the promotion and protection of human rights must put all the necessary requirements for delivering in this transformation. While the state has taken the necessary steps in putting up the various legislative and institutional reforms as envisaged, there is still the question as to the extent to which these have delivered on transformation and reforms within the Security Sector. This report examines the progress in the implementation of both the Ransley and PRIC reports and makes recommendations to key actors.

The KNCHR remains committed to the police reforms agenda and commits to work with all the stakeholders in ensuring that policing within this Country is carried out within the context of

promotion and protection of human rights. We are hopeful that Police reforms will remain top on the agenda of the Kenyan Government.

Kagwiria Mbogori,

(Chairperson, Kenya National Commission on Human Rights)

EXECUTIVE SUMMARY

Background

The Government of Kenya first initiated a police reforms agenda in 2002 following appointment of a Task Force made up of state and non-state actors. Its report was not released to the public leading to loss of momentum. In 2007 - 2008 during and after post-election violence the momentum to reform the police was rekindled. The Waki Commission was given a special mandate to investigate the state of security agencies and how they handled post-election violence. The recommendations of the Commission became the basis for the process of police reforms in the country. In implementing the recommendations of the Commission, the National Accord recognized police reforms as one of the items under this Reforms Package. There was need for a comprehensive reform of the Kenya Police Force and Administration Police in terms of constitutional, legal, policy and institutional aspects. Consequently a National Task Force on Police Reforms chaired by Hon. Justice (Rtd) Philip Ransley was appointed in 2009 to develop a roadmap for police reforms.

The National Police Service is provided for in articles 238, 239, 243, 244, and 247 of the Constitution and operationalized with the enactment of the National Police Service Act 2011. One of the provisions of the Act was the merger of the Kenya Police Force and Administration Police to form the National Police Service and the creation of the Office of the Inspector General with two deputies.

Methodology

In undertaking the Audit of police reforms, primary and secondary data was obtained. Police officers in all ranks from the Kenya Police and Administration Police were interviewed to give their views on various aspects of reforms. Seventeen counties were sampled from where the audit was done: Nairobi, Meru, Embu, Nyeri, Isiolo, Marsabit, Samburu, Kwale, Taita Taveta, Kitui, Nakuru, West Pokot, Uasin Gishu, Bungoma, Busia, Kisumu, and Kisii.

Focused Group Discussion as well as Key Informant Interviews were carried out with different state and non – state actors working on Security Sector Reforms in different parts of the Country.

Further, several documents were reviewed which provided an insight on the various reforms within the Sector as well as the various initiatives that have been carried out by other actors.

Findings of the Audit

Institutional, Legislative and Policy Reforms

The audit found that a considerable amount of legislation was enacted including: National Police Service Act 2011, National Police Service Commission Act 2011 and the Independent Policing Oversight Authority Act 2011. The Pending Bills are: Draft Private Security Industry Regulation Bill 2010, Draft Coroners Bill 2010 and Review of Public Order Management Act CAP 56. The key administrative reforms undertaken are: the IGP and the two deputy IGPs signed Performance Contracts, Draft National Police Service Standing Orders, sensitization of police officers on the new laws, relocation of the NPS offices to Jogoo House and Review of the Riot Training Manual. In terms of Policy/Guidelines, a total of 31 have either been gazetted or drafts developed while others are pending. Several institutions have been established and are at various levels towards full operationalization. Although the reform process looks impressive on paper, in practice there remains a lot of ground to be covered. For instance, operationalization of the merger between the Administration Police and the Kenya Police is yet to materialize, for instance in the following aspects the units remain distinct, police patrols, manning of roadblocks, traffic management, operational bases, uniform color, vehicle color, mission statements, recruitment procedures, promotion etc. The Kenya Police and Administration Police continue to operate as independent units, and even the appointment of County Commanders has not served to cohere the services as each service continues to use its old command. The resistance to the merger in particular is stronger on the ground as each service claims to be superior to the other.

Police Accountability and Oversight

In order to ensure oversight and accountability, the Internal Affairs Unit (IAU) and the Independent Policing Oversight Authority (IPOA) were established to investigate complaints by the police and public against the police. The audit found that the IAU has been established, several accomplishments made but it is not fully operational as it has not yet rolled out to counties, officers not yet fully recruited and no strategic(operational?) plan. The IPOA is

operational. However, the audit established that the IPOA has too few staff to be effective. IPOA only has an office in Nairobi which undermines its reach to the public in counties. Hence it is recommended that IPOA be facilitated to recruit adequate staff.

Professionalism, Terms and Conditions of Service

The audit established that a new training curriculum had been developed which extended the training period from 9 to 15 months in basic training and an additional 6 months for cadet training for university graduate recruits. However, the training period has again been revised back to 9 months though the curriculum remains the revised one. The curriculum is standardized for both KPS and APS. There is ongoing collaboration with universities to provide tailor made courses to middle level police officers to obtain degrees. There is no progress towards establishment of the National Police Service Academy. An interim Police Service Examination Board has been established, Police Code of Conduct has been developed but not yet launched. In addition police recruitment continues to proceed in the usual style, with limited transparency, biased criteria e.g. the disqualification of candidates on the basis of physical attributes such as brown or missing teeth and the over-emphasis of physical as opposed to technical attributes. The vetting process has gone on with complaints and compliments. The audit established that it has wide support especially among the junior officers but frowned upon by most senior officers.

Administrative, Operational Preparedness and Logistics

In terms of housing, the audit established that 1534 housing units were completed, 31 office blocks constructed, 2140 housing units leased and 520 projects on housing are ongoing. In total 10983 officers are now housed. In terms of vehicles, Police Service Fleet Management Guidelines are now operationalized. Many vehicles are now leased, repaired and fueled due to enhanced budgetary allocations. There are noticeable improvements in maritime police, tools and equipment, police air wing, ICT and infrastructure. A Group Insurance Cover with Pioneer Insurance Company is now operational and officers benefitting. However, all these investments are yet to translate into quality policing as the public still remains alienated from police and organized crime is on the increase.

Community Policing and Partnerships

Community policing is the philosophy that promotes partnerships between the police and the community in policing. *Nyumba Kumi* (translated ten households) is the strategy for anchoring community policing at household level. The audit established that the functions of community policing committees are too broad. They range from education, security, agriculture, forestry, health, water etc. This is contrary to what the committees were established for. The audit established that there are numerous challenges between community policing and *Nyumba Kumi*. In some counties there are rival committees, merged committees or engaged in supremacy battles, and in others both are absent. In some counties some committees are aligned to the KPS, APS or County Commissioner thereby creating a confused environment. In some counties they undertake the role of the police to arrest and detain, in others the police do not recognize them. Therefore there is need for streamlining the operations of the community policing committees and *Nyumba Kumi* and in particular the relationship between them. The confusion this has created has denied the public the benefits of a properly functioning committee.

CHAPTER ONE

1.0 BACKGROUND TO POLICE REFORMS

Police are a state institution operating under national authority and within the national sovereignty. They are the most visible representative of the state and by extension, the attitudes that are exhibited by the Police in any jurisdiction is the same attitude that the state is assumed to possess. A country that is confronted by high levels of corruption, alcohol abuse, physical violence, nepotism and other forms of human rights violations is expected to have a police system that mirrors all these values in their service delivery and in interaction with members of the public. This presents a challenge to Policing as the state has the primary responsibility of protecting and promoting human rights.

The Kenya Police Force had been confronted with a series of the challenges described above based on the fact that the Country was coming from a dynamic and demanding environment, from a regime that was considered as highly undemocratic that had been characterized with a series of ills and human rights violations that included massacres, political assassinations, torture, cruel, inhuman and degrading treatments affected the delivery of services to the citizens. This then translates to human rights violations.

The Government of Kenya in 2002 initiated a Police Reforms Agenda through a task force made up of state and non – state actors. They included the Nairobi City Council, the Kenya Police Force, the Administration Police, the Kenya Human Rights Commission, and FIDA – Kenya among other organizations. The report of the task force was not released to the public. This led to the loss of momentum of the first genuine attempt in reforming the Police Force. In light of the reforms, Kenyans had shown great enthusiasm in reforming the Police Force, as shown in the popular citizen’s arrest of traffic police officers who demanded and took bribes from operators of public service vehicles.

The momentum for reforming the police again arose in 2007/2008 during and after post –

election violence. The police were accused of major human rights violations through various acts of commission or omission. Most of the accusations were captured in the Report of the Commission of Inquiry into Post – Election Violence (CIPEV) also popularly known as the Waki Commission. The Waki Commission was given a special mandate to investigate the State Security Agencies and their involvement and handling of post – election violence. As clearly articulated in their terms of reference the Commission was to *“investigate the actions or omissions of state security agencies during the course of the violence and make recommendations as is necessary”*.

The broad interpretation of the above mandate by the Waki Commission led it to draw from a series of sources from: international organizations, Kenyan Civil Society Organizations, independent witnesses and representatives of various agencies. The Commission further, summoned key witnesses that included the Chief of General Staff of the Kenya Armed Forces, the Commissioner of the Kenya Police Force, the Commandant of the Administration Police, the Director- General of the National Security Intelligence Service among others. Through this approach that the Waki Commission produced a comprehensive report that provided a framework to guide the entire process of Police Reforms in the Country.

In drawing the key recommendations, the Commission considered key pieces of work identified by the Government as priority for action in the medium and long term. The most prominent of these were items under Agenda Four on Constitutional and Institutional Reforms. Specifically these were:

- Constitutional review to establish an Independent Police Commission (within 12 months).
- Review and definition of the role of the Administration Police (within 6 months).
- Review laws and issues related to security and policing (including creation of the Independent Complaints Commission, Citizen Oversight of Police Services, enhanced information disclosures, human resource management and capacity building) to make them consistent with modern democratic norms (within 6 months).
- Recruit and train more police officers to raise the police- to population’s ratio to UN

standard (by 2012)¹.

Important to note was the time frame given for the various reform packages meant for enhanced accountability and oversight mechanisms for the Police. The Waki Commission consequently provided a series of recommendations in reforming the police force. It also recommended that the following principles should guide the reform process:

- The Police should be representative.
- The Police should be impartial.
- Policing should be decentralized.
- Policing should be based on respect of human rights.
- The Police should be legally and politically accountable.
- There should be integration of the Kenya Police Service and the Administration Police.

One of the recommendations specific to Police was need for a comprehensive reform of the Kenya Police Service and Administration Police. This recommendation addresses Constitutional, legal and institutional reforms.

The Government appointed the National Task Force on Police Reforms in 2009 chaired by Philip Ransley. It was gazetted through Notice No. 4790, Kenya Gazette. It had twelve Terms of Reference to address. The Task Force submitted its report to the President in October 2009 with over 200 recommendations to be considered. The key ones included:

- Establishment of an Independent Policing Oversight Authority to enhance public confidence.
- Moving from the overly centralized structure to devolving powers and responsibilities to lower levels at the Provincial, District and Station levels.
- Development of a Code of Conduct to tighten controls and supervision mechanisms.

1. Statement of principles on long term issues and solutions developed through the Kenya National Dialogue and Reconciliation mediated by H.E Kofi Annan, Chair of the Panel of Eminent African Personalities on 28th February 2008.

- Coordinate the Kenya Police and the Administration Police through the National Policing Council.
- Improve the conditions of service for the officers and enhance provision of welfare benefits and greater security to police officers and their families.
- Change the name from Kenya Police Force and Administration Police Force to Kenya Police Service and the Administration Police Service to help in changing the mindset of both the police and the public.
- Finalization of the National Security Policy and the National Policing Policy which would have Community Policing as one of its central pillars.
- The establishment of the Statutory Police Reforms Implementation Committee.

These key recommendations all revolved around enhancing accountability, culture and image, professionalism, terms and conditions of service, organizational re-structuring, logistical capacity and operational preparedness, community policing, partnerships and enhancing national security.

The Ransley report was adopted by Cabinet in 2009, this adoption paved way for the appointment of Police Reforms Implementation Committee (PRIC). The Government mandated PRIC to coordinate, implement, oversee and monitor implementation of reforms in the Police. The Committee grouped recommendations by the Task Force into four key reform Pillars. Namely:

1. Institutional, Legislative and Policy Reforms.
2. Police Accountability Reforms
3. Police professionalism reforms
4. Administrative Operational Preparedness and Logistical Capacity Reforms.

The reforms were consequently adopted with the Promulgation of the Constitution of Kenya 2010. The Constitution provided for the creation of the National Police Service and the National Police Service Commission (NPSC) which in essence were to guide the reform of the Police.

The National Police Service Commission is anchored under Chapter 14 of the Constitution and operationalized with enactment of the National Police Service Commission Act 2011. It has the

sole responsibility and authority over recruitment, staffing, and posting operation of all police officers, protect the rights and liberties of the men and women serving in the National Police Service, and by extension, guarantee the rights and liberties of the people of Kenya when seeking police service under the realm of accountability and oversight.

The National Police Service is provided for under Articles 238,239,243,247,244 of the Constitution and operationalized with the enactment of the National Police Service Act 2011. The key reforms agenda under the Service includes the creation of the National Police Service which brings together the Administration Police and the Kenya Police with their clear functions, powers and obligations, the creation of an independent Office of the Inspector General who has operational command over the Service, the recruitment enlistment and training of police officers, obligations and rights of police officer among others. The Act provides a clear path for the departure from force to service, an aspiration that several Kenyans have had over the years based on their experiences under the hands of police officers.

IPOA was established through an Act of Parliament to provide for civilian oversight over the work of the police in Kenya. The establishment of the IPOA came at a time when the public confidence in the police had sunk so low which in essence affected their service delivery to the members of the public.

The background to the Police Reforms in the Country and the various initiatives undertaken provides the basis of this Audit in line with the various recommendations.

1.1 Terms of Reference for the Audit

1. Undertake a desk review of relevant literature and reports on the security sector in Kenya.
2. Audit the various security sector legislations and policies to date and provide a critical analysis of their effectiveness in transforming the police. Specifically analyze the uptake and effectiveness of initiatives such as '*Nyumba Kumi*' and community policing.
3. Analyse the extent to which civilian oversight as stipulated in IPOA Act and NPSC Act have succeeded in informing practice and policy within the police service in so far as accountability and transparency is concerned.

4. Assess the extent to which the Kenya Police Force and Administration Police have merged into a single National Police Service.
5. Conduct an in depth analysis of the various administrative actions undertaken so far aimed at reforming the police: these include promotions, recruitment, and vetting processes their effectiveness and compliance with human rights principles (impartiality, non-discrimination, accountability, transparency and integrity), and the extent to which these reforms have influenced public perception.
6. Review the progress made by agencies such as KNCHR and Police Reforms Working Group (IMLU, ICJ, KHRC, FIDA, ICTJ, RPP, LRF, Kituo and CRECO) in mainstreaming human rights practices in the police service.
7. Prepare an audit detailing the findings and recommendations for follow up actions.

1.2 Methodology

The joint audit report was based on field work conducted in sixteen counties in different parts of the country in August 2015. Joint research teams from KNCHR and Centre for Human Rights and Peace, University of Nairobi (CHRP) visited police stations, police offices, other police work stations and chiefs offices in Nairobi, Nyeri, Meru, Laikipia, Isiolo, Marsabit, Samburu, Kitui, Taita Taveta, Kwale, Nakuru, West Pokot, Bungoma, Busia, Kisumu, Kisii, Uasin Gishu and Trans Nzoia. Those interviewed were police officers (Kenya Police Service, Administration Police Service and CID). They were interviewed on their views and experience with the merger including how the Community policing and Nyumba Kumi are implemented in their respective counties and stations.

Chiefs and members of Community Policing Committees at the sub-location levels were interviewed on the formation of the committees, collaboration with the police and members of the Nyumba Kumi initiative. Members of the public were interviewed to obtain their views on the experiences of working with the community policing committees. In undertaking this audit the identity of the respondents was kept confidential. At National level discussions were held with members of the reform team at NPS. Observations were made in the course of data collection on aspects of police work that have merged or reflect merger. A short questionnaire

was administered to 346 (male 272, female 74) police officers drawn from the KPS and AP. They were from the rank of Constable to Senior Superintendent. They had served for between 1-15 years, therefore, had enough knowledge and experience to competently comment on police reforms.

CHAPTER TWO

2.0 FINDINGS OF THE AUDIT

2.1 Institutional, Legislative and Policy Reforms

Police Reforms is the transformation or change of the Kenya Police Force and the Administration Police Force into a professional and accountable Police Service, meeting the needs of the public. The goal is to enhance efficiency and effectiveness in service delivery that members of public can trust. The section below provides a status of the legislative, policy and institutional reforms.

2.1.1 Legislation

The following legislations have been enacted:

1. National Police Service Act 2011
2. National Police Service Commission Act, 2011
3. Independent Policing Oversight Authority Act, 2011

2.1.2 Pending Bills

1. Draft Private Security Industry Regulation Bill, 2010 (pending with CIC)
2. Draft Coroners Bill, 2010 (pending with CIC)
3. Review of CAP 56 of Public Order Management Act.

2.1.3 Administrative Actions

1. The IGP and the two Deputy IGPs have signed performance contracts
2. Draft National Police Service Standing Orders (pending at the IGs Office)
3. Sensitization of officers on the newly enacted laws.

4. Relocation of the NPS offices from Kenya Police Headquarters
5. Review of Riot Training Manual

2.1.4 Policy Reforms

The status of policies related to policing:

S/NO	POLICY/GUIDELINE	STATUS	RESPONSIBILITY
1.	1. County Policing Authority Guidelines. 2 Appointment and Removal of members of the Authority. 3 Conduct of Business of the Authority	Gazetted	CoG/Ministry of Interior.
2.	Bond and Bail Policy	Gazetted	NCAJ
3.	National Police Service Commission (Discipline) Regulations, 2014	Gazetted	NPSC
4.	National Police Service Commission (Human Resource Management) (General) Regulations, 2014	Gazetted	NPSC
5.	National Police Service Commission (Transfer And Deployment) Regulations, 2014	Gazetted	NPSC
6.	The National Police Service (Recruitment And Appointments) Regulations, 2014	Gazetted	NPSC
7.	The Draft National Police Service Commission (Promotions) Regulations, 2014	Gazetted	NPSC
8.	Fleet Management Policy	Draft Developed	NPS
9.	IAU Policy	Draft developed	NPS
10.	ICT Policy	Draft developed	NPS

11.	Gender Policy	Draft developed	NPS
12.	Service Standing Order	Draft Developed	NPS
13.	Communication Strategy	Developed	NPS
14.	Nyumba Kumi guidelines	Gazetted	
15.	Kenya Police Service -Corruption Prevention Policy Regulations	Draft developed	KPS
16.	Disposal of Unclaimed Firearms and Ammunitions Regulations	Draft with CIC	NPS
17.	The National Police Service (Surrender Of Public Property) Regulations, 2014	Draft with CIC	NPS
18.	The National Police Service (Use Of Private Property By Police Officers) Regulations, 2014	Draft with CIC	NPS
19.	The National Police Service (Use Of Power By Police Officers) Regulations, 2014	Draft with CIC	NPS
20.	The National Police Service (Use Of Force) Regulations, 2014	Draft with CIC	C.S
21.	The National Police Service (Conditions As To The Use Of Firearms) Regulations, 2014	Draft with CIC	C.S
22.	The National Police Service (Promotion Of Human Rights) Guidelines, 2014	Draft with CIC	C.S
23.	The National Police Service (Private Use Of Police Officers) Regulations, 2014	Draft with CIC	NPS
24.	The National Police Service (Membership Of International Associations) Rules, 2014	Draft with CIC	NPS
25.	The National Police Service (Handling Of Information) Regulations, 2014	Draft with CIC	NPS
26.	The National Police Service (Erection Of Barriers) Guidelines, 2014	Draft with CIC	NPS
27.	The National Police Service (Community	Draft with	NPS

	Policing) Guidelines, 2013	CIC	
29.	NPS Anti-Corruption Strategy	In process	NPS
30.	NPS Strategic Plan 2013-2018	Developed	NPS
31.	National Policing Policy	Pending	NPS
32.	Policy on Chaplaincy	Pending	NPS
33.	Training Policy	Pending	NPSC
34.	Policy on Post-exit management and welfare of police officers	Pending	NPSC
35.	Housing Policy for the NPS	Pending	NPSC
36.	County Policing Authority Guidelines	Developed	C.S

2.1.5 Institutional Reforms

Institutional reforms were aimed at establishing empowered and sustainable institutional structures. The status of these reforms is captured in the table below:

S/NO	INSTITUTION	STATUS
1.	National Police Service Commission	Established
2.	Appointment of the Chairperson and the Commissioners of the NPSC	Appointed/In Office
3.	Establishment of the Office of the IG and the two DIGs	Established
4.	Appointment of the Inspector General of Police and the two Deputies	Appointed
5.	Establishment of the Independent Policing Oversight Authority	Established
6.	Appointment of the IPOA Board.	Appointed
7.	Creation of new ranks	Created
8	Appointment of officers in the new ranks.	Appointments made

9.	Internal Affairs Unit	Established
10.	Recruitment of Investigators into the IAU.	Partially done
11.	Corruption Prevention Committees	Established
12.	County Corruption Prevention Committees	Operationalised
13.	Sensitisation of officers on Corruption Prevention	Done jointly with EACC
14.	Special Traffic Working Group document on traffic management	Developed jointly with the office of the CJ
15.	Children's Police Protection Unit	Formed in 15 stations, in collaboration with Swedish Embassy
16.	County Security Committees Established.	Done
17.	Rollout of IAU to Counties	Not done

The above analysis shows that the National Police Service has made some commendable progress on Institutional, Legislative and Policy reform agenda items. However, there are many challenges and more work remains to be done across board. Besides the policy developments there is little improvement in the quality of policing which is what the public is more concerned about. This remains a major area of concern to several Kenyans.

2.2 Operationalizing the Merger: A Case of Failed Implementation

According to Section 7(1) of The National Police Service Act, 2011 all officers or employees who were members of the Kenya Police Force, Administration Police Force and CID including their functions were to automatically merge into The National Police Service. The overall commander of the National Police Service (NPS) is the Inspector General of Police (IGP), who is also in charge of both the Kenya Police Service (KPS) and the Administration Police Service (APS). The KPS and APS report to their respective commandants who hold the rank of Deputy Inspector General of Police (DIG).

At the County level, the National Police Service Commission (NPSC) has appointed a County Coordinator/Commandant, who coordinates the county operations for both the AP and KP

services. Out of the 47 counties, there are 19 County Coordinators from the AP service and 28 County Coordinators from the KP service. We also have an AP Commandant and a Kenya Police Commandant in charge of their respective units.

The audit sought to gauge the perception of the police officers (from AP and KP) towards the merger. The findings indicated that 45% stated that they belonged to the KPS, 51.3% associated themselves with the AP while only 1.3% said they belonged to the NPS. When asked to identify the officer from whom they take commands at County level, 54.2% said they took commands from the AP commandant, 17% from the OCPD, 25% from the County Police Commandant, while the 3.8 % took commands from the County Commissioner. These findings reveal that under the merged command structure, the officers are not aware of who their County Commandant is. In the daily performance of their work, 26.6% of the officers interviewed said they undertake their responsibilities independently, while 73.4% said they undertake responsibilities jointly. In terms of processing of complaints against the police, only 39.9% were utilising the Internal Affairs Unit (IAU), while the rest of the officers were still using their respective AP and KP complaint mechanisms. Overall, 56.5% of the officers said the merger was workable. However, the teething problems underlying the merger were ably captured by one senior officer, who quipped: *“How can we have different commandants for the two services at the top with different functions and still talk of a merger of functions?”*

The audit further broke down the findings into the key functions of the National Police Service. The results are as follows:

2.2.1 Police patrols

The audit found out that there was a reasonable level of cohesion when it came to joint patrols executed by both the Kenya Police and Administrative Police services. However, the numbers of officers participating in joint the patrols was not standardized. Most patrols, however, are carried out by the Kenya Police. It emerged that joint patrols were not automatic and they depended on the working relationship between the local commanders of both the Administration Police and

the Kenya Police. In such cases, personal traits determined the status of the merger.

2.2.2 Road blocks

In all the counties, the traffic road checks were controlled by the Kenya Police Officers. The explanation for this was that the Administration Police Officers had no training in traffic law. For example, a drive from Nairobi to Archers post revealed thirteen road blocks at Sagana, Kiangwachi, Karatina, Chaka Market, Naromoru Market, Bantu Lodge, Timau, Archers Post, Sero Olipi, Laisamis, Logo and Karare. All of them were manned by the Kenya Police Officers. On the Nairobi – Bungoma as well as Kisii – Nairobi highway, the picture was rather mixed: key roadblocks had both regular and AP officers, while minor traffic checks were conducted mainly by the traffic police officers. It is, therefore, safe to observe that traffic road blocks had some level of integration.

2.2.3 Operation bases

Police Operation Bases are established in particular places that require special attention. In the case of Isiolo, Samburu and Marsabit counties, Operation Bases are deployed along cattle rustling areas / routes to counter the rustlers. The audit found out that these bases are only manned by the Administration Police Service, who are found in Chief's offices deep into remote areas, where they find opportunity to work at grass roots. This contrasts sharply with the Kenya Police, who are largely based in urban centres. This difference in deployment appears to undermine efforts towards the merger between the two services.

2.2.4 Public complaints against the police

The public routinely make complaints against the Kenya Police or Administration Police Officers. Whenever such complaints are made, the respective police service is obliged to take remedial action. The Kenya Police Service handles complaints against its officers at the station level through the Orderly Room Proceedings. The OCPD appoints an officer to investigate the matter, which may either be resolved at the station level or forwarded to the Headquarters for further processing. If the complaint is reported directly to the Kenya Police Headquarters, it is handled by the Internal Affairs Unit (IAU).

In the case of the Administration Police Service, a complaint against an officer by a member of the public is investigated by the service and the concerned officer requested to respond to the complaint. The complainant is given opportunity to either remain confidential or come out. If the complaint against the officer warrants court action, administrative action or acquittal, appropriate a decision is made.

To this end, the audit established that there was no credible merging of public complaints mechanism at the county level, although the IAU has been established at the national level to handle such issues in a harmonised manner.

2.2.5 Recruitment procedures

The audit established that Kenya Police and Administration Police Services hold parallel recruitment exercises. In their recruitment, there is no uniformity and even the recruiting officers (though at the same venue of recruitment) emphasize different aspects on prospective recruits. In the recruitment drive, the two services have different quotas in each county.

2.2.6 Training of officers

The two police services train their officers in different colleges. The Kenya Police Service trains its officers at Kiganjo Police Training College, the General Service Unit (GSU) trains at the Embakasi College, senior NPS staff are trained at the Loresho Senior Officers College while the Administration Police Service trains its junior officers at Embakasi College and its senior officers at Emali Senior Officers College. The training curriculum in the Kenya Police Service and Administration Police Service are radically different: The KP officers are trained to investigate, detect and prevent crime while the APs are given paramilitary training. Given the differences in training, the KPs can easily do the work of the AP service, but the APs cannot do the work of the KP. This further complicates the process of merging the two services.

At Loresho Senior Officers Training College, however, the strategic leadership course draws officers from both the Kenya Police and Administration Police services. This sets the officers on the path of the envisaged merger. This joint training reflects the direction the merger should take even though the training preceded the merger. It is a good example of how the merger should be

executed. There is need to cascade this joint training initiative to both services at all levels. This could address the missing link, which is the actual integration of the units on the ground.

2.2.7 Promotions

Each service has its own promotion criteria through which all applications are processed. In the Kenya Police Service, certain written examinations have to be done. The examinations are on:

- Penal Code
- Criminal Procedure Code
- Evidence Act
- Local Act
- Force Standing Orders
- Practical Police Work

An officer must pass three of these to attain the rank of corporal. In order to be a Senior Superintendent of Police, one has to pass the following courses in addition to the above six:

- Administrative Law
- Store accounting
- Financial accounting
- Operational orders and planning

In the Administration Police Service, more structured promotions are done through a board. The promotions boards are located at Sub county, county and national levels. At each lower level, the supervisors identify their junior officers, depending on vacancies available. The criteria used in identifying those to be promoted includes discipline, period of service and passing of examinations. The lower Promotion Boards recommend to the National Promotion Board for approval. Even members of the public can recommend an officer for promotion. There are also cases where officers are promoted based on their performance in sports. The audit also established that AP officers are sometimes promoted based on the recommendation of a Senior Officer or an Administration Officer using exemplary Service as a yard stick. However, exemplary service cannot be clearly defined, hence, in most cases, such promotions tend to be arbitrary.

The audit found out that the promotions in the Kenya Police Service appear to be more structured than those undertaken by the Administration Police Service. In effect, therefore, the two parallel systems do not augur well for the merger. The challenge emerging from this is the fact that the National Police Service Commission, the institution with the mandate to carry out the promotions and develop the terms of service has not fully engaged

2.2.8 Conducting investigations

The Kenya Police have the sole responsibility to undertake investigations. Because of their training and orientation as a para-military outfit, the Administration Police are not involved in investigations. In cases where Administration Police arrive at a scene of crime, they guard it until the Kenya Police show up to commence professional investigations. During oral interviews with the police officers (drawn from both the KP and AP), the audit e indicated that only KPs conduct investigations. However, in the survey, 21.5% of the officers said they currently undertake joint investigations.

2.2.9 Police uniform

The Administration Police, the Kenya Police and the General Service Unit have different uniforms, while the Criminal Investigation Department largely are in civilian attire. At this level, there is no evidence of a single uniform kit across board.

2.2.10 Vehicles

The Administration Police, the Kenya Police and the General Service Unit own vehicles with different colours, unique onto each service. The differentiated color of their vehicles is another visible indicator of the lack of merger between the services.

2.2.11 Service flag

The National Police Service, the Administration Police Service and the Kenya Police Service have different flags. At the Office of the Inspector General of Police, three different flags are displayed. This reflects three distinct Police Services, each with its clear identity. To the public, this is not a picture of merged services.

2.2.12 Portraits of the IG and Deputy IGs

In all the Police offices and stations visited across the country, different scenarios emerged. The AP offices displayed the portrait of their national Commander, Deputy IGP. Similar scenarios were evident in Kenya Police Stations, which displayed the portrait of their Commander, the Deputy IGP. In most KP stations, the portrait of the IGP was also seen on the wall. But in most AP offices, the picture of the IGP was missing. This might indicate underlying misgivings about the merger.

2.2.13 Physical Location of Police Offices

The offices of the Kenya Police Service and Administration Police Service are physically located in different places in each county. The officers also live in separate locations/lines. This does not reflect the spirit of the merger. For example, in Nairobi, the Headquarters of the NPS is at Jogoo House, that of the Administration Police is at Nyayo House, that of the Kenya Police is at Vigilance House and the CID headquarters is at Mazingira House about 10 kilometers from the City Centre. This dearth of an integrated headquarters bringing the services under one roof, is reflected at the county level and below.

2.2.14 Police sign boards

In most police stations audited, there existed explicit sign posts reading either *Kenya Police Service (Bungoma Police Station)*, or *Administration Police Post, Isinya*. In all the counties visited, only one Police station had the appropriate sign post which read: *The National Police Service, Buuri Police Division, Timau Police Station*. It appears as if the local level is yet to internalise the changed times.

2.6.15 Challenges to the Merger

- There is a strong view within the NPS that what exists is simply some form of cooperation but not a merger. The overall commander in the National Police Service (NPS) is the Inspector General of Police (IGP), who is also in charge of both the KPS and APS. The KPS and APS report to their respective commandants who hold the rank of Deputy Inspector General of Police (DIG). A fully operational merger would imply one

police service: but the audit revealed that there exist three virtually distinct commands -- the Administration Police Service, the Kenya Police Service and the Directorate of Criminal Investigations (CID) --which makes a mockery to the merger.

- It appears there is no clear policy on how to implement the merger and this has created misinterpretations on the part of the officers.
- Police officers feel that it is impossible to merge the distinct services since they are fundamentally indoctrinated in different orientations at Kiganjo Police Training College (KPS) and at the Administration Police Training College, Embakasi.
- There is evident supremacy contest between the Kenya Police Service and the Administration Police Service, which inevitably makes the possibilities of merger difficult
- The appointment of County Police Coordinator and Deputy County Police Coordinator from one Service, as was witnessed in some Counties, has also created bad working relations between the two services, thus, undermining the spirit of the merger.
- The role of County Police Coordinators is not quite clear. The audit established that the county commanders mainly report directly to their respective DIGs without feeling any obligation to report to the County Police Coordinator.
- The position of the CID in the National Police Service Act as a semi-autonomous arm of the National Police Service, while still being part of the Kenya Police Service, has created an identity challenge, though the two still enjoy fruitful working relations.
- Police officers on the ground feel that their top commanders at the National and County levels remain the key defining obstacles to the merger, since they fear for their positions.
- Though the County Commissioners ordinarily chair the County Security Committee, police officers feel that these administrators have sometimes created confusion in the way security officers discharge their functions.

2.3 Recommendations

Based on the foregoing findings, the audit has made the following recommendations:

- There is need to integrate and harmonise the training curricula of all police services in order to produce National Police Service officers who are neither affiliated to the AP,

GSU nor KP. This might call for a constitutional review of section 243 to dissolve the two services,

- The role of the County Coordinators, County Commanders and OCPDs should be harmonized or merged into one office,
- Under the current arrangement, there is need to further clarify the roles of each service in matters where they are in conflict such as border patrol, guarding of vital installations and escort of cash in transit,
- If the merger is to be realized, there is need to conduct sensitisation at the local level to ensure that officers clearly understand their roles.

CHAPTER THREE

3.0 POLICE ACCOUNTABILITY AND OVERSIGHT

3.1 Overview

The objective of initiating police oversight and accountability mechanisms was to create a framework to hold the National Police Service accountable in order to enhancing public confidence and trust in the service. The Task Force had recommended that: the Internal Affairs Unit (IAU) be established within the National Police Service to investigate complaints against police officers by members of the service and the public; An Independent Policing Oversight Authority (IPOA) be established to investigate complaints against the police and to hold them accountable for their performance, actions and conduct; and the Police Services develop an internal and external communication strategy to create a culture of effective sharing of information and a structured forum for discussion of matters related to police performance.

3.2 Internal Affairs Unit

For purposes of internal Accountability within the NPS, an Internal Affairs Unit (IAU) has been established under Article 87 of the National Police Act 2011, which provides the clear roles and responsibility of the Unit with the statutory obligations of working with the Independent Policing Oversight Authority. The audit established the following in relation to the inception of the IAU:

1. The Directorate of the IAU has been established as per Section 87 of the NPS Act 2011
2. A Communication strategy has been developed for effective and efficient use in communicating to stakeholders in a more coordinated, consistent and credible way.

It was also established that the following steps had been undertaken towards operationalizing the Unit:

- A bench marking visit to the United Kingdom (UK) by officers from Kenya Police Service and Administration Police Service,
- Internal advertising, short listing, interviewing and selection of 90 police investigators

was done,

- The Director of Internal Affairs Unit has been appointed,
- Office space has been allocated to the IAU at the NPS Headquarters (Jogoo House),
- A Draft Strategic Plan for the IAU has been developed,
- Draft Policy Guidelines for the IAU have been developed,
- The vetting of IAU investigators by National Police Service Commission is in progress,
- The draft training curriculum for IAU Investigators has been developed,
- Standard operating system and procedures for the Unit have been developed,
- The 5yrs business plan and log frame for the Unit has been developed.

The audit established that, in spite of the above laudable steps, the following issues were still pending:

S/NO	ISSUE	STATUS
1.	Procurement of Communication Equipment	Pending
2.	Roll out of the IAU to the counties.	Pending
3.	Recruitment of Intelligence Officers and Analysts	Pending
4.	Implementation of IAU strategic plan.	Pending

The Internal Affairs Unit has taken too long to be operationalized and this has placed a huge responsibility on IPOA, which currently handles a large number of cases that would have otherwise been handled with the Unit.

3.3 Independent Policing Oversight Authority (IPOA)

The Independent Policing Oversight Authority (IPOA) was established through an Act of Parliament published in November 2011 through IPOA Act no. 35 of 2011, to provide for civilian oversight over the work of the police in Kenya with the inaugural Board being sworn into office in June 2012. The authority operates a Complaints Management System that investigates alleged misconduct or neglect of duty by the police as well as police practices and policies. In carrying out its mandate, the authority has a complaints management department

which reviews and makes recommendations for subsequent investigation or makes referral to the IAU.

Effective accountability requires the availability of effective complaints and redress procedures to the members of the public who have been victimized by police through acts of commission (violations) or omissions (negligence). This was the essence of the creation of the Independent Policing Oversight Authority -- to provide external civilian-driven accountability -- and the Internal Affairs Unit for purposes of internal accountability.

The principal functions of the authority include:

- To investigate any complaint related to disciplinary or criminal offences committed by any member of the national police service, whether on its own motion or on receipt of a complaint, and to make recommendations to the relevant authorities for prosecution, compensation, internal disciplinary action or any other appropriate relief.
- To receive and investigate complaints by members of the police service against fellow officers.
- To conduct inspections of police premises, including detention facilities under the control of NPS.
- To monitor, review and audit investigations and actions taken by the Internal Affairs Unit of the police service, and to keep a record of all such complaints regardless of where they are first reported and whatever action taken.

The audit revealed that in 2015, the Authority received complaints from both the public and police officers through 291 walk-ins representing (34%), 17 telephone complaints/reports (2%), 249 online communication (29%) and 310 letters (36%). The audit established the need for the authority to increase its capacity to handle complaints through diverse lodging modes while continuously enhancing its provision of feedback to the complainants within reasonable time frame.

Since its establishment, the authority has so far completed 139 investigations; 1 (July-December) 25(January-June 2014); 54 (July -December 2014); and 59(January-June 2015). The completion

has progressively grown through time. While this is commendable, the number of complaints that are not reported to the Authority is actually high due to the fact that it does not have offices in different parts of the Country to facilitate accessibility. This then hinders Kenyans from enjoying the services of the Authority as had been envisaged. The number of cases awaiting investigations by the authority remains high at 540 or 59% out of the total received, and this remains a major concern not just for the Authority but also for the members of the public who are the recipients of these Services.

The nature of cases being investigated by the Authority vary in nature from deaths to serious injuries, to sexual offences, to harassment, among others. Incidents of deaths arising from police action or inaction have remained high among the complaints received by the authority. The Authority has plans to gradually hand over other categories of complaints to IAU so as to fully concentrate its resources on the most serious categories of deaths and injuries caused by police action or inaction. It is feared that such action may require careful reflection and may only be carried out once the IAU is well established with proper structures that guarantee the accountability.

3.4 Challenges facing IPOA

The audit established that, their efforts to discharge their respective mandates, IPOA and IAU face a number of challenges, which include the following:

- The authority has not succeeded in addressing internal injustices within the police service. For instance, there are still arbitrary transfers, tribalism, nepotism and harassment of junior officers by their seniors.
- There is a perception that IPOA started on a wrong footing. It could, probably, have first gone to the public to sensitize them on their mandate before rolling out its work.
- There are capacity constraints within the authority in terms of the number of officers such that officers have to handle numerous complaints that come from the different parts of the country.
- The Authority has not devolved its services to different parts of the country and largely operates from its head office in Nairobi. This means that accessibility to the Authority by the larger public remains a challenge.

- Instilling accountability in the police service has continued to be a challenge since officers see accountability mechanisms as part of a witch hunt, which is at finding fault with their work. This presents a great challenge to the realisation of professionalism and accountability in the NPS.
- There have been delays in obtaining responses from other agencies, and this in turn, delays IPOA's responses, resulting in loss of confidence by the public.
- The police feel that while the key mandate of IPOA was oversight and advisory, the authority has gone outside its core responsibility by conducting investigations. This is in spite of the fact that it is the NPS that has properly trained investigators.
- There seems to be an overlap, conflict and competition between NPSC and IPOA.
- There is a perception in the NPS that IPOA overlooks procedures and rushes to condemn and criminalize the police without proper investigations. It overlooks certain intricate contexts within which alleged offences were committed.
- IPOA appears to have instilled too much fear in police officers, hence, affecting service delivery. Since the police officers are afraid of repercussions from IPOA, they have been reduced to passive reporters of crime. The police are reluctant to act in the interest of the public because they are afraid of IPOA's action.
- Police feel IPOA is reluctant to carry out inspections on police stations to establish capacity gaps and quality of facilities.
- There is a widespread perception in the NPS that IPOA has pre-judged the police and that the authority treats the officers as hardcore criminals, which has affected cooperation between the two agencies.

CHAPTER FOUR

4.0 PROFESSIONALISM, TERMS AND CONDITIONS OF SERVICE

4.1 Overview

Police Officers generally have a wide discretion in using their powers: when and how much force to use, when to arrest, whom to search and when to use firearms. This discretion at the individual level, and operational independence at the institutional, level are fundamental preconditions for fair and effective policing. In order to balance these powers and to prevent further abuses (for example using these powers to serve selfish or partisan interests rather than the public interest), it is essential for the police to be accountable to the law, the state and the citizens. The Kenya Police has over the years been accused of being unaccountable and lacking professionalism, which has affected service delivery and their interaction with the members of the public.

The efforts by Kenya to tackle a wide array of security threats have been marred by serious complaints relating to lack of accountability. There are allegations labelled against Kenya's security forces ranging from extrajudicial killings, arbitrary detentions, and torture. Despite evidence of these abuses, the government is widely seen as being slow to carry out investigations on suspected officers.

Kenyan security forces are reported to have conducted several abusive counterterrorism operations in Nairobi, at the coast, and in North Eastern region over the recent past following terror attacks and inter communal clashes. The operations largely targeted ethnic Somali and Muslim communities. During the Usalama Watch operation in Nairobi and Mombasa in April, security officers from multiple agencies raided homes, buildings, and shops, carting away money, cell phones, and other goods. They harassed and detained thousands -- including journalists, refugees, Kenyan citizens, and international aid worker -- without charge and in appalling conditions for periods well beyond the 24-hour legal limit.

Various units within the security forces have been implicated in these acts, but the most notorious is the Anti-Terrorism Police Unit (ATPU). In some cases, members of the General Service Unit (GSU), military intelligence, and National Intelligence Service are also blamed for such violations.

All the above examples point to a police service that had lacked accountability and was largely unprofessional, leading to human rights violations and massive suffering of citizens. This is what motivated the need for the development of effective accountability mechanisms to guarantee accountability on the part of the armed services. During the survey, the following responses, classified under various themes, were received:

4.2 Training Curriculum

The audit found out that a new training curriculum has been developed for the training of KP recruits: it extends the period of training from 9 to 15 months of basic training and introduces an additional 6 months cadet training for University graduate recruits. However, the new training period is being reviewed back to 9 months but retains all the new training modules. An in-service training manual is under development. The new training modules cover human rights, gender, public relations, ICT, Community Policing and service delivery. The curriculum is standardized to serve both Services. Under the new curriculum, fourteen thousand (14,000) recruits have already been trained. Although the curriculum was to be evaluated after the first year of implementation, this process has not been done.

4.3 Senior Command and Middle Level Management training

Officers from both services have so far been trained in the Commanders' Course locally and externally. Currently, the Kenya Police Senior Staff Training College at Loresho, has been earmarked to train senior officers in Strategic Leadership and Command Course. Training of 24 senior officers in the National Police Service is ongoing. With regard to senior staff training, the following are yet to be accomplished:

- Training Needs Assessment for Instructors, including skills audit and suitability,
- Training of Instructors to implement the new curriculum,
- Institutionalization of a continuous instructor's improvement programme in the college

- Establishment of a Quality Assurance Unit for enforcement of standards, and
- Development of Scheme of Service for Instructors in Police Training Colleges.

4.4 Collaboration with Universities

Both Police Services have partnered with local public universities (Kenyatta University and the University of Nairobi), to provide courses tailor-made for middle level Police officers. The partnership also provides police officers with an opportunity to undertake undergraduate and post-graduate degree courses relevant to police work.

4.5 National Police Service Academy

So far, no progress has been made towards the establishment of the Academy and the expansion of the existing colleges. Much the same can be said of (former) Provincial Training Centres for training of police officers at middle and senior level.

4.6 Certification of Police Training

The Police Services have finalized the process of accreditation of Police Training Colleges to award diplomas and post-graduate diplomas in Policing. Towards this end, the new curriculum has introduced diploma and post-graduate diploma in policing.

4.7 National Police Service Examination Board

An interim examination board has been established to oversee quality assurance and standardization of examinations for both Police Services.

4.8 Police Recruitment

In order to enhance accountability, transparency and fairness in police recruitment, the recruitment guidelines have been developed and gazetted. The recruitment process serves an important avenue for instilling professionalism and accountability within the National Police Service as had been clearly indicated by the various Task Forces. The recruitment process within the Service has largely remained rudimentary with a focus on physical attributes as opposed to a focus on intellectual competencies. While the National Police Service Commission has published

the regulations on recruitment for the National Police Service, the last recruitment exercise did not take into consideration these policies and was largely business as usual. This is a great hindrance to achieving accountability and professionalism within the National Police Service.

4.9 Police Code of Conduct

In order to establish standards of professional behavior, and to foster an environment of mutual trust and respect with the general public, a Code of Conduct for the National Police Service has been developed and is awaiting official launch.

4.10 Human Resource Management

4.10.1 Transfers

Regulations on Transfers and Deployment within the National Police Service have been developed and gazetted. Similarly, the Police Services have adopted the system that enables payment of transfer allowances through the pay roll.

4.10.2 Promotions

Regulations on Promotions within the National Police Service have been developed and gazetted.

4.10.3 Retirement and post exit management of police officers

Retirement and Post-Exit Management of police officers has been mainstreamed in the National Police Service Act 2011 through a Security Amendment Bill. However, a Policy on post-exit management and welfare of police officers is yet to be developed.

4.10.4 Police salaries and allowances

Although a 42% increment in salaries was effected, the allowances are yet to be implemented.

4.10.5 Vetting of police officers.

The process is ongoing. Officers in the rank of Superintendent and above have been vetted. The vetting of officers in the ranks of Chief Inspector and below are yet to be conducted.

4.11 Vetting Process

Of the police officers interviewed, 76.4% indicated that the vetting of the officers had no positive results on the service. Though the public supported the vetting exercise, there is little to show in terms of quality service by the police. In other words, the vetting process has not helped in ensuring professionalism and accountability in the police service. It started on a wrong footing. Although it is a noble initiative, the implementation process is flawed. The main focus of the vetting has been on cases of suspected corruption by police officers, instead of integrating other vital issues such as merit, professional qualifications and professional performance of the officers. Officers have also taken umbrage to the way the exercise is conducted in the full glare of cameras, which eventually vilifies and embarrasses the police officers.

The length of time it takes to get feedback after vetting has raised concerns and anxiety with morale taking a toll among officers. Similarly, the vetting process has not resulted in proper staff rationalization and deployment according to qualification and professional training.

The audit showed that there exists some level of transparency in recruitment and promotions currently as opposed to the past, though some cases of corruption are alive in the service. The change from force to service has also seen fewer cases of victimization and intimidation of juniors by seniors. There are clear guidelines on how disciplinary measures should be carried out internally.

It emerged that there is no scheme of service to govern the operations of the police service. The National Police Service Commission (NPSC) has not come up with terms of service that take into account the different specializations within the service. There are no clear guidelines on the promotion criteria, especially in the AP service. There is also a huge discrepancy between ranks that should be reflected and addressed in the salaries and remuneration terms that the commission should come up with. In most cases, when it comes to the new changes being undertaken, there is no clear channel of communication on how they should be implemented.

4.12 Chaplaincy Services

A mechanism to support police officers to cope with the day to day stress associated with their work has been lacking in the service. The Chaplaincy Service has not been fully institutionalized in the Police Service. For example, only a few counties have qualified counselors already deployed. The following steps need to be taken to fully operationalise the Chaplaincy:

- A Policy is needed to develop a common Chaplaincy Service within the National Police Service,
- There is need for a mechanism to cascade the Chaplaincy Services to Counties.

CHAPTER FIVE

5.0 ADMINISTRATIVE, OPERATIONAL PREPAREDNESS AND LOGISTICAL CAPACITY REFORMS.

In order to improve the administrative, operational preparedness and logistical capacity of the police, certain reforms were to be undertaken. The reforms were meant to provide an efficient and effective service that keeps pace with modern policing techniques and standards recognized as international best practices. The following is the status of the reforms:

5.1 Housing for the Kenya Police Service

As a general rule, officers of junior ranks in the Police Services are required to reside in police lines for ease of mobilization. Officers in higher ranks are free to rent accommodation outside the Stations. So far, the following have been accomplished:

- 1,534 housing units completed

- 31 office blocks built.
- 2,140 housing units leased.
- 15 office blocks leased
- 520 projects on housing units are ongoing.
- 16 projects on administration block are ongoing.
- 10,983 officers are housed.

However, 28,255 officers are still have not been provided with institutional housing and thus forced to make their personal arrangements for the same. This presents challenges to delivery of their task as some stay in very poor housing units within the police stations/lines as the regulations demands that the officers have to stay within the lines/stations. This poor housing conditions greatly affects their morale.

5.2 Vehicles

Lack of motor vehicles for policing work had traditionally hampered the effectiveness and operational preparedness of the police services. In instances where vehicles were available, there was insufficient fuel, lack of appropriate maintenance and many of them had broken down. There was also lack of a clear criterion to determine the numbers and types of vehicles appropriate for different policing needs and environments. In order to address these shortcomings and improve their logistical preparedness, the following is the status of the reforms undertaken:

1. Identification of vehicles needed for the Police Service by level of urgency.
2. 989 motor vehicles have been provided to the National Police Service between 2009-2015,
3. 1250 Motor vehicles have been leased for National Police Service between 2009-2016
4. Each leased vehicle has been allocated a minimum amount of fuel per month,
5. Motor Vehicle undertake maintenance and service,
6. 60 motor vehicles were rehabilitated between 2009-2014,
7. 200 motorcycles have been purchased between 2009-2015,
8. A system for quality and suitability assessment of vehicle consignment at source before procurement has been operationalized,
9. Implementation of Safaricom IC3 Project is ongoing

10. The shortage (gap) stands at 3,200 of assorted motor vehicles.

While we laud the progress made in the provision of motor vehicles which has greatly increased response time to scenes of crime and improved patrols within different parts of the country, there is still concern on the old vehicles which have to be constantly repaired and their fuel provided directly by the Government. The direct allocation towards these is barely enough to run them and thus regions that do not have leased vehicles still complaint of poor response time among other issues.

5.3 Tooling and Equipment

An assessment of critical tools needed by the Police Services was undertaken. The assessment categorized the needs in terms of short, medium and long term requirements. A detailed assessment report indicating the type of tools and their respective cost estimates for Kenya Police Service was documented for implementation. However, budgetary limitations have hampered the acquisition of the critical tools and equipment. Similarly, the police are yet to acquire adequate equipment for specialized functions including armored fire proof vehicles and appropriate equipment for public order management such as water cannon.

5.4 Maritime Equipment

The Maritime Police Unit was found to be grossly under capacitated due to inadequate staffing, lack of equipment such as appropriate speedboats and low budgetary allocation. The audit established that:

- 4 speed boats were donated by the USA government
- 3 speed boats have been bought by the Kenya Police service
- 2 Speed boats have been bought by the Administration Police Service
- A ship surveillance radar for the Kenya Police Service is in the procurement process
- A maritime school has been established in Lamu,
- Some maritime police officers have undergone training in Russia, China, Israel and Seychelles.

5.5 Kenya Police Air Wing

The use of aircraft to ease policing in the country has been largely ignored. The Police Air Wing lacks appropriate and well-maintained aircraft for operational purposes. The Air Wing is severely incapacitated, operates old and malfunctioning aircraft which are expensive to maintain, and lacks appropriately trained personnel to service the aircraft. The audit established that there was no evidence on the process of creating a consolidated Air Wing shared by the Police Services, the Kenya Wildlife Service and other Public Service Organizations. There was also no evidence of the development of better terms and conditions of service for Pilots and Engineers in the Police Air Wing.

5.6 ICT Equipment and Infrastructure

It was found out that the police lacked appropriate communication equipment, basic ICT knowledge and skills, equipment and infrastructure, an effective electronic network and communication system (National Computer System) which connects police Stations, Local Access Network (LAN) connecting headquarters offices and allows preservation of crucial information and data. The Task Force further observed that the use of closed circuit television (CCTV) cameras by police in detection of crime was inadequate.

In this connection, a revamping of the Police ICT Systems and Infrastructure was recommended. There was also need for legislation to make electronic, audio-visual and computer data evidence admissible in court. It was further observed that there was need to strengthen use of ICT in the Directorate of Criminal Investigation specifically the DNA data base and Forensic investigations. In this regard, the audit established that:

- An ICT Technical Committee was formed to develop a strategy for the roll out of ICT infrastructure for the National Police Service,
- The Government has secured concessionary loan of USD 100m for command, communication, surveillance and control system,
- Implementation of Safaricom IC3 Project (CCTV Network) has been launched in Nairobi and Mombasa.

5.7 Construction of Model Police Stations

The idea was to come up with Model Police Stations as centres of excellence. Consequently, a

pilot survey for model police station was carried out at Central Police Station and Ngong Police Stations in Nairobi, Tot Police Station in Rift Valley, Isebania in Nyanza, Bamba and Kaloleni Police Stations in the Coast region. This was aimed at establishing their suitability in provision of quality services. A report on how to upgrade them was given to County Police Officers and its implementation is in progress.

5.8 Group Insurance Cover

In 2014, the NPS procured a Group Insurance Cover with Pioneer Insurance to cover critical illness, death, terrorism and suicide. The employee (police officer) does not contribute to this scheme. If an officer dies at work, he is paid twenty times (20) his/her basic salary, in addition to Kshs.150, 000 is paid before burial. If a child dies, an officer is paid Kshs. 100,000 before burial. In case of critical illness where an officer requires foreign treatment, the insurance pays Kshs. One million. In addition, the officer is also covered by NHIF. This is great step towards boosting the morale of our uniformed officers as officers that sustained injuries or lost their lives in the line of duty before the inception of this cover did not receive any kind of compensation. We laud the NPSC/NPS for this undertaking.

5.9 Resources

5.9.1 Overview

The budgetary allocation for the Security docket within the Country has increased gradually since the year 2002. The increase in budgetary allocations signals the Government's commitment to securing the country. This increased budgetary allocation has too resulted into the increase of other parameters within the Police that includes the vehicles, housing, and guns among others. However, the same has not necessarily translated to better service delivery.

5.9.2 Budgetary allocation

- Each DIG has their own vote and allocation depends on the roles of both units.
- There is improved budgetary allocation for both services although the KPS feel that the APS are favored in terms of budgetary allocation.

- Most KPS members felt that they have more duties than the APS yet the budget allocation doesn't seem to reflect that.
- There are more vehicles for patrol, fuel, bullet proof vests (although too heavy) now hence the Police service is expected to be more efficient.
- The police now recruit more numbers.
- The joint venture with Safaricom on CCTVs, command centre using the latest generation of communication gadgets signals increased funding.

5.10 Challenges

The superiority tussle between members of the two services and the feeling of one favored over the other has functioned to undermine security. In spite of the enhanced funding from government, there has not been commensurate improvement in quality of policing, security nor confidence from the public.

5.11 Recommendations

The National Police Service Act establishes a working relationship between the IPOA and the Unit. This relationship should not be ad – hoc as it currently seems to be but should have clear structures for the benefit of the members of the public.

The IAU should be properly constituted and have its services decentralized to the unit of service provision which is the Police Station. It would only be through that the numerous numbers of complaints coming from both the police and the members of the public would be effectively handled.

The expectations from the members of the public continue to be overwhelmingly high on IPOA. It would be important that the Authority devises ways of meeting these high expectations so that the recipients of these accountability mechanisms reap the desired fruits.

The Police officers needs to be educated on the importance of accountability so that they stop seeing accountability from the point of witch – hunt. It will only be through this that

accountability would be instilled and inbuilt in the work of police officers.

While the members of the public have high expectations from the accountability mechanisms, some of the decisions that have been made by these mechanisms have never gone well with certain sections of the society. A case in point is the decision that was made by the IPOA to charge a police officer who had been involved in several extra – judicial killings and the members of the public went into riots along Thika Road to protest the decision. Members of the public should be educated on the importance of these accountability mechanisms and the need to provide support to their work.

Funding to these accountability mechanisms has remained largely low. It would be important for the Government to step up its funding to enable these mechanisms to deliver on their respective mandates.

There is need for strengthening of institutional and administrative arrangements within the National Police Service to deliver on their respective mandates as regards for accountability. For example, an officer who misuses his gun or lethal force should first be dealt with at the Police Station by the OCS before the matter gets to IPOA, IAU or other authorities. Failure to carry out such administrative actions should have serious actions being taken on the respective offices and the office holders. It would only be through this that accountability would be strengthened institutionally.

CHAPTER SIX

6.0 COMMUNITY POLICING AND PARTNERSHIPS

6.1 Overview

Most countries in the world, especially the Commonwealth, have adopted the community policing strategy in the 21st Century. Kenya, a member of the Commonwealth, has also effected a paradigm shift in its policing doctrine, by adopting a policing strategy that entrenches community participation. An effective community policing strategy is one that provides a framework that allows and empowers the community members to participate in securing themselves, their property and national interests. Community Policing Initiative was initially launched in Kenya in April 2005².

6.2 What is Community Policing and *Nyumba Kumi* Initiative?

Community policing is a policing philosophy that promotes organizational strategies which support the systematic use of partnerships between communities and government policing agencies. It also involves problem solving techniques that proactively address immediate conditions that give rise to public safety issues such as crime, social disorder and the fear of crime. Community policing, therefore, refers to the multi-agency and multi-faceted approach that includes citizens and the policing agencies to mitigate conditions that give rise to insecurity³. (See also *Saferworld*⁴).

Community Policing implies making the police more cooperative with citizens by concentrating on community building while de-emphasizing law enforcement activities. It encourages police to

² Kenyatta Uhuru. Draft Guidelines for Implementation of Community Policing – Nyumba Kumi: Usalama wa Msingi. Nairobi: Government Printer, 2013.

³ Kenyatta Uhuru. Draft Guidelines for Implementation of Community Policing – Nyumba Kumi: Usalama wa Msingi. Nairobi: Government Printer, 2013.

⁴ Saferworld. Implementing Community-Based Policing in Kenya. Nairobi: Saferworld, 2008.

let the community define the problems that receive their attention, while enabling the police to address the underlying causes of problems. It rejects the model of the police officer as simply a crime fighter or law enforcer in favor of more selective use of arrest; it urges police to be guided by the preferences of the community⁵.

Nyumba Kumi is a Swahili word which translates into “ten households”. However, it has less to do with ten households than with the basic level of security as the very foundation of national security. The cluster of households constituting the basic unit should not be imposed or fixed by external forces but should be determined by shared aspirations within the locality. *Nyumba Kumi* cuts across ethnic, religious, race or gender identities⁶. It is the vehicle for delivering community policing.

The *Nyumba Kumi* initiative is, therefore, a strategy of anchoring Community Policing at the household level. This way it becomes a ‘force –multiplier’ that is responsive to the needs of local communities. The households can be in a residential court, in an estate, a block of houses, a *manyatta*, a street, a market centre, a gated community, a village or a *bulld*. The aim of *Nyumba Kumi* is to bring Kenyans together in clusters defined by physical locations, felt needs and pursuit of certain ideals. Its ultimate aim is to have safe, sustainable and prosperous neighbourhoods.

Nyumba Kumi is not vigilantism. It is not a form of employment for those who participate in it. It is wholly based on voluntary participation. It is neither a political forum nor a parallel security system. It is not a replacement for village elders but does complement their work. It does not replace peace committees but supplements their efforts and neither does it operate by spying on neighbors.

6.3 Structure of the *Nyumba Kumi* initiative

⁵ Stephen D. Mastrofski, Robert E. Worden and Jeffrey B. Snipes. “Law Enforcement In a Time of Community Policing”. *Criminology* 539. 1995. <http://heinonline.org>. Accessed on 28/08/2015 at 12:15 pm.

⁶ Kenyatta Uhuru. Draft Guidelines for Implementation of Community Policing – *Nyumba Kumi: Usalama wa Msingi*. Nairobi: Government Printer, 2013.

Nyumba Kumi is designed to be inclusive and non-discriminative. Each Community Policing (Nyumba Kumi) Committee has a written constitution to guide their interventions. Each cluster should be manageable, consist of 15 members, including 3 members of the public, 1 representative of the faith communities, 1 member of the business community, 1 county government representative, 1 youth, 1 woman representing women groups, the assistant chief, representatives from the government policing agencies and an incorporated specialist. All officials serve for a 2-year term and are eligible for re-election. The initiative is scaled up to the Sub-Location level where the sub-chief is the chair and further up to the Location level under the chief. The next is the Ward Community Policing -Nyumba Kumi committee presided over by the Assistant County Commissioner. At the Sub-County level, the Deputy County Commissioner chairs the committee. Finally, is the County Policing Advisory Committee (CPAC). All community policing committees are expected to meet at least once every month.

At each level, the committee is mandated to establish and respect a code of conduct, elect office bearers who must have undergone vetting and define the roles of each official. The chairperson of each cluster of households represents it to at the sub-locational community policing committee.

6.4 Objectives of Community Policing - *Nyumba Kumi*

The broader aim of *Community Policing* is to eliminate the fear of crime and social disorder through joint problem solving, which ultimately lead to the prevention of crime. The specific objectives of Nyumba Kumi are:

- To establish an active partnership between Government Policing Agencies and the community for purposes of realizing safer communities,
- To enhance democratic policing and openness,
- To jointly solve problems,
- To promote transparency and accountability,
- To Guarantee the enjoyment of fundamental individual rights and freedoms,
- To build sustainable confidence and mutual trust among actors, and
- To prevent crime and violence while reducing public fear of crime.

6.5 Justification for Community Policing/Nyumba Kumi

There are many reasons why security sector reform efforts in Kenya have focused on the police. The occupational environment within which the police operate is usually characterized by perceived intrinsic danger which breeds the unique coercive authority wielded by officers. Kenya police are known for their "assault on the freedom of expression", human rights abuses, ineptitude, incompetence and are heavily politicized⁷. Police officers also routinely adopt a selective approach to law enforcement, focusing on concealment of their mistakes and indiscretions⁸. The traditional approach to policing has failed to control or prevent crime, has failed to make policing a profession, and has fostered an unhealthy separation between the police and the communities they serve⁹.

6.6 The Legal Framework for Community Policing – Nyumba Kumi

Community policing is embedded in the *Constitution of Kenya 2010*. Chapter 1(1) states that "All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution"¹⁰. In Chapter 2 (10) on national values, the constitution protects the participation of the people, while chapter 14 (238) obligate all organs of national security to uphold the following principles: compliance with the law, respect for the rule of law, democracy, human rights and fundamental freedoms, respect for the diverse culture of the communities within Kenya, and proportional equity in the recruitment into such organs. The Constitution in Chapter 14 (244(e) requires the National Police Service to "foster and promote relationships with the broader society."

⁷Noyes, Alexander. "Cleaning House in Kenya's Police Force: Why security sector reform in Kenya". *Democracy Lab*.

⁸ Eugene A. Paoline III, Stephanie M. Myers and Robert E. Worden. "Police culture, individualism, and Community Policing: Evidence from two Police Departments". *Justice Quarterly*. Vol. 17 No. 3, September 2000. <http://www.tandfonline.com/loi/rjgy20>. Accessed on 23/08/2015 at 12:07 pm.

⁹ Moore, Mark Harrison. "Problem-Solving and Community Policing". *Crime and Justice*, Vol. 15, Modern Policing (1992), pp. 99-158. University of Chicago Press. Stable URL: <http://www.istor.org/stable/1147618>. Accessed: 08-09-2015 14:38 UTC

¹⁰National Council for Law Reporting. *Constitution of Kenya, 2010*. Nairobi: Government Printer.

In specific terms, Community Policing is formally established under the *National Police Service Act*¹¹. Section 96 (1) provides for the establishment and maintenance of partnership between the community and the police service; promotes communication between the service and the community; seeks to improve the rendering of police services to the community at national, county and local levels; seeks to improve transparency and accountability in the service to the community and promotes joint efforts at problem identification and problem solving between the service and the community. To facilitate the realisation of the above objectives, the *National Police Service Act* establishes the County Policing Authority and the Area Community Policing Committees to implement community policing in all parts of the country.

The National Police Service Act section 126 (1) (a) (d) and (f) requires the Cabinet Secretary responsible for the police to facilitate the involvement of the public in activities of the National Police Service and to facilitate the functions of the County Policing Authorities. Similarly, the Independent Policing Oversight Authority Act¹² and the National Police Service Commission Act¹³ provide for the transformation of the Police from a force into a service.

6.7 The Focus of *Nyumba Kumi*

The *Nyumba Kumi* initiative is designed to focus on: addressing the security needs of the community clusters through partnership; creating an understanding between communities and government security agencies; enhancing dialogue between communities and government policing agencies; enhancing the participation of communities in policing through capacity building; enhancing the accountability of government security agencies to the communities they serve; training community security response teams; giving special attention to vulnerable groups in the community such as the elderly, People Living With Disabilities (PLWDs), women and children; promoting the sharing of responsibilities between all the players/partners in the security sector; resolving conflict between and within communities to enhance peace and security;

¹¹ National Council for Law Reporting. *National Police Service Act*. Nairobi: Government Printer, 2011.

¹² National Council for Law Reporting. *Independent Policing Oversight Authority Act*. Nairobi: Government Printer, 2011.

¹³ National Council for Law Reporting. *National Police Service Commission Act*. Nairobi: Government Printer, 2011.

promoting a consultative approach to problem-solving and scaling up the participation of all government policing agencies in community policing¹⁴.

6.8 The Audit Findings

Community Policing started in the early 2000s in selected counties. Committees were established from the village level to the Sub-County (police station) level. Results from the survey showed that 89.5% of the police officers interviewed were aware that their station was involved in Community Policing. Again, 78.4% were aware of the existence and operation of a Community Policing Committee. However, where such a committee was not operational, various reasons were advanced ranging from: Community members not being cooperative, to police not being keen on it, to lack of clarity in the roles of the police and the committee.

The Community Policing structure is organized in small clusters running from the village, to sub-location, to location, to sub-county and finally to the police station level. Each cluster nominates its chair and secretary as representatives to the next higher level. Minutes of meetings held in each of the clusters are usually forwarded to the OCPDs for action. At the sub-county level, the OCS joins the Community Policing Committee. Regular meetings are held and their deliberations shared with the OCPD for action. In all the counties visited, including the national level, the committees prescribed were formed. However, their operational efficiency is what was difficult to ascertain since there was no uniformity in their activities.

The initiative has had mixed fortunes, boasting limited success and several challenges. Ideally, it is designed to put the citizen at the centre of their own security. In terms of actual performance on the ground, different counties exhibited different scenarios as shown below:

In Busia County, for instance, the Community Policing Committee was assigned the role of assisting the police with intelligence information, identification and arrest of suspects. The committees largely operate under the direction of the village headmen and assistant chief. In

¹⁴ Kenyatta Uhuru. Draft Guidelines for Implementation of Community Policing – Nyumba Kumi: Usalama wa Msingi. Nairobi: Government Printer, 2013.

Marsabit, the Committee works under the Kenya Police/OCS but they do not have powers of arrest but gather intelligence information. In Isiolo County, Community policing committee is under the Kenya Police while Nyumba Kumi is under the Administration Police. A similar scenario obtained in Nakuru, West Pokot, Kisumu, Busia, Kisii, Trans Nzoia and Embu counties. In some counties, the Nyumba Kumi committee was engaged in a major rivalry with the CP committee. The two committees were reportedly operating as two independent units, a factor which has made crime control difficult. In Laikipa, Meru and Nyeri counties, the AP were controlling Community Policing while their KP counterparts were responsible for the Nyumba Kumi.

It is worth noting that Nyumba Kumi and Community Policing have conflated into one initiative -- Nyumba Kumi -- in Kitui, Kwale, Taita Taveta and Makueni counties.

In Busia County, Community Policing initiative was established in Samia Sub-County in 2011, but ever since, its effectiveness cannot be seen. One of the indirect benefits of community policing is the fact that police cells are no longer sites for torture of suspects. Indeed, the community members now know their rights when arrested by the police.

Community Policing Committee members in Busia believe that the initiative is meant to gather intelligence to assist the police to prevent or solve crime puzzles. But *Nyumba Kumi* initiative is specifically aimed at monitoring strangers in their midst. Both *Nyumba Kumi* and Community Policing have been merged (at least in Busia County).

In most counties, *Nyumba Kumi* initiative were established on orders of the County Commissioner, following which chiefs and their assistants organized meetings that elected 12 officials at village level, who in turn elected their chair and secretary to represent them at sub-location level, where another set of 2 officials were elected to represent the sub-location at location level. This is replicated up to sub-county level. Care was taken to include at least 2 women and People Living With Disabilities (PLWD) at each level. But women shied off later. The initiative has not specified the term limits of the elected officials.

The Nyumba Kumi Initiative is not anchored in law, but rather, it is a presidential directive intended to augment some gaps seen in community policing.

The Bungoma county one of the pilot areas for Nyumba Kumi, with 2,950 clusters in place supported by 300 chiefs and their assistants as well as civil society trainers of trainers. The relative success of Nyumba Kumi in Bungoma owes to its anchoring in county administration, (in the view of the County Commissioner).

Both Nyumba Kumi and Community Policing have somehow reduced commission of crimes in some counties. In some counties like Kisii and Bungoma, the fledgling Community Policing has been augmented at grassroots level by the *Nyumba Kumi* initiative, which has helped to bring villages into the fold.

In some counties, respondents reported the existence of good rapport between the community and police, which has enabled either side to have vital contacts with each other.

Response time to crime has also improved as well as some level of community confidence in the police service.

There has been an increase in information sharing by members of the public which has in turn led to improved security and public safety.

In Bungoma County, the opinion of the APs was that the public was happier to be served by APs than KP since the former are reputed to treat information with confidentiality than the latter.

6.9 Challenges

Lack of interest /sabotage by police

In Bungoma, Kisumu and Busia Counties, the community policing initiative has failed. It was supposed to be led by the KP but it appears as if the police themselves have sabotaged it. The police have not encouraged the public to co-own the community policing initiative.

Self interests

In all the four counties, the election of community policing officials has been overtaken by selfish interest, with some members using it as a platform to settle scores.

Expectation of remuneration

It appears the conceptual framework of the Community Policing initiative has not been understood by the public, with community officials expecting remuneration, special favours and regular facilitation from the government. Community Policing Committee has fizzled out upon realizing that there was no remuneration for their work. Even the much hyped Nyumba Kumi initiative only exists on paper in Kisumu County.

Unclear roles

They also demanded extra powers to patrol the neighborhoods and arrest criminals. There was confusion between Community policing and vigilantes.

Suspicion of the police

The reluctance by some communities, especially Muslims, to share intelligence on criminals has hampered the initiative. Similarly, the unprofessional conduct of some police officers, who collude with criminals to harm whistle blowers, has affected the success of the process. In Busia, the County KP commander revealed that *“The community trusts the County Commissioner with confidential information but treat KP with suspicion”*. The recent crackdown on illegal alcohol has created animosity and suspicion between the committees and the affected community. There are multiple complaints by the police and the communities leveled against each other. An anecdote/case study was given in which a member of the Community Policing Committee was attacked in his business premises, only to find out that among the attackers, was a well-known police officer.

Lack of confidentiality by the police

There is low level of trust and confidentiality in the police due to police disclosure of identities of the identities of those who make reports.

Pre-mature release of suspects

There were cases where the community policing was affected by police who free suspects who in turn attack or threaten the committee members.

Lack of interest by the public

Members of the public fail to attend community policing sensitization meetings.

Delayed establishment of County Policing Authorities

The County Policing Authority has not picked up in all the all counties despite the fact the regulations have already been gazetted. This responsibility rests with the County Governors who should seize this opportunity as it provides the only avenue for the Counties to be involved in matters of security.

Vigilantism

Emergence of illegal groups and gangs with parallel informal community security structures. For instance, in Mombasa County, the Government had to outlaw a vigilante group in Kisauni that had virtually taken over the work of the police and Community Policing Committee.

Lack of uniformity

The implementation of Nyumba Kumi and Community Policing is not uniform and this creates an environment of competition as each claims superiority over the other, thereby rendering their effectiveness low.

6.10 Achievements

- Mainstreaming of Community Policing in the Constitution and National Police Service act 2011.
- Community Policing Policy developed awaiting approval.
- Capacity building and in-service training of police officers in advanced courses in Community Policing.
- A pilot project has been initiated in Kikuyu Police Station to demonstrate best practice in

Community Policing following benchmarking and training visits to Sweden. It was evaluated and found to be a success and is now being replicated to counties.

- Introduced a module in the Police training curriculum to equip all police recruits with basic skills and competencies in Community Policing during their basic and cadet training in Police Training Colleges.
- Both Police Services initiated an outreach Community Policing programme targeting the youth, religious organizations and schools to create awareness on Community Policing and enlist their support and participation.
- Commenced a capacity building and in-service re-training programme for police officers in advanced courses.
- Acquisition of mobile Community Policing offices with support from the Swedish Government.
- Construction and furnishing of Community Policing office in Kimilili Police Station - Bungoma County.
- Construction of Child Protection Unit and gender in Kikuyu Police Stations.

6.11 Pending Issues.

- Launch of the National Policy on Community Policing.
- Development of curriculum materials for training on Community Policing with support from the Swedish Government.
- Construction of Child Protection and Gender office in Bungoma There is need for funds to train officers on Gender and Children issues.
- Harmonization of the principles of community policing, concept of Nyumba Kumi in the Community Policing Policy and the County Policing Authority.

6.12 Recommendations

- In the view of one of the county commissioners, the Community Policing Initiative should have been placed under the County Administration.
- Members of the public should be further sensitized on the role of the police service and community policing to promote effective collaboration between them.

- Community policing and *Nyumba Kumi* committee members need training and official appointment letters, and if possible, appropriate facilitation to discharge their mandate.
- There is need to heighten surveillance and regularize vetting of the police officers to ensure that police do not collude with criminals, who in turn threaten the community policing/*Nyumba Kumi* members.
- The creation of the County Policing Authorities provides a perfect opportunity for the Governors to be involved in matters of Security at the County level. This opportunity needs to be taken up by the Governors in all the 47 Counties.

CONCLUSION

Although the Police Reforms process is a noble idea and considerable work has already been accomplished on paper, it is still faced by numerous challenges of acceptability. The mindset and institutional culture of the police has not changed even though the law, policies and guidelines are new. The old police still remains in place. It is apparently very clear that opposition to reforms at the ground level still abound although at headquarter level there appears to be support. Yet the police need to talk the same language. This disconnect in the service is not healthy. Therefore robust decisions need to be made and implemented including a clear timetable showing when the transition will be finalized and Kenyans given a united National Police Service. The public are yet to be convinced that the police have changed as they continue to operate in old ways. As it is, the reform process may not be beneficial to those who were used to the old ways but it stands to benefit all in the long run, hence the momentum must not be relaxed. Further, the recent attempts to change the various laws governing policing in this Country such as the National Police Service Act, the National Police Service Commission Act and the Independent Policing Oversight Authority Act do not augur well for the path of reforms that we have adopted as a Country as the change of the laws will take us back to regime policing as opposed to the path of democratic policing that these legislations ought to achieve. This is further compounded by statements from various leaders that seem to attack the police in one way or the other which in the long end affects morale, service delivery, efficiency, transparency, accountability among others. The leadership of this Country must support and show their commitment Security Sector Reforms if genuine reforms are to be realized.

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