

AIR WAR COLLEGE

AIR UNIVERSITY

**CORRUPTION IN THE KENYA POLICE FORCE AND IMPACTS
ON KENYAN SECURITY: INVESTIGATING THE NEED FOR
POLICE REFORMS**

By

Peter Githinji, Col, KAF
A Research Report Submitted to the Faculty

In Partial Fulfillment of the Graduation Requirements

Advisor: Dr Singh Naunihal

21 March 2017

DISCLAIMER

The views expressed in this academic research paper are those of the author and do not reflect the official policy or position of the US government, the Department of Defense, or Air University. In accordance with Air Force Instruction 51-303, it is not copyrighted, but is the property of the United States government.



Biography

Col Peter N Githinji assigned to the Air War College, Air University, Maxwell AFB, AL. He was commissioned in the Kenya Air Force (KAF) in 1992 as a fighter pilot and later transitioned to transport. He has a flying experience of more than 4,500 hours mainly from Hawk, F5, DHC8 and Fokker 70 aircrafts. Col Peter has served at different command positions within the KAF, and his last appointment was Commander, VIP Wing of the KAF. He is a graduate of Kenya Defense Staff College, and also holds a Diploma in International Relations from the University of Nairobi.



Abstract

This paper asserts that the rampant corruption in the National Police Service threatens the Security in Kenya. The impact of endemic corruption in Police Service leads to elevated levels of crime, terrorism, and police brutality. Since independence, the government of Kenya has long been using the police culture, philosophy, and organization structure in the Police Service based on the British colonial security system. Such security system has dominated the Kenya police service with oppression, police brutality, and disrespect for human rights. To address the rising security concerns, Kenya has made efforts in reforming the National Police Service (NPS), but there exists several barriers. The Kenya's vision 2030 identifies security and safety as the two key pillars for economic growth. Based on the police reforms in the US, Kenya police reforms should underscore the principles of professionalism, integrity, accountability, and respect for human rights. Addressing Kenyan security require police reforms that focuses on strong political will, reorganization and modernization of police service, capacity building, and create a police service oriented to meet the security needs of Kenyans.

Introduction

Since independence, Kenya is the most preferred country for investment and economic developments over other countries within the Eastern African region. However, the rampant corruption within the Kenyan legal and justice system have largely stagnated social, political, and economic developments of the country. The culture of impunity, especially within the Kenyan police force has largely accounted for the escalating levels of insecurity characterized by crime, terrorism, and police brutality. The purpose of this paper is to reveal impact of corruption in the Kenya Police Force, on the Kenyan security. According to the findings and experiences from successful police reforms in the United States, this paper suggests reforms for Kenya Police Service to enhance security.

The first chapter of this paper provides an overview of corruption and its devastating effects within the public sector towards the socio-economic development in the country. Endemic corruptions in Kenyan public sectors reduce the efficacy of public spending, reduce budget revenues, dissipate political legitimacy, elevate the budget deficit, and hinder long-term socio-economic and democratic developments.

The second chapter explores the prevailing factors for corruption in Kenya Police Force, and the implications towards the rising insecurity concerns in the country. The East African bribery Index Report (2011) ranked the National Police Service as the leading corrupt public institution in Kenya and the East African Community. High scale of corruptions within the police force leads to rising insecurity within the country. It escalates the levels of crime, terrorism, and police brutality.

The last chapter evaluates the police reforms in Kenya and the United States of America. Based on evidence-based success of policies and the experiences applied in the US police reforms, the chapter recommends several US policies as critical lessons that can help Kenya in reducing corruption in Kenya Police Force. It is argued that politically honest leaders, accountability, structural reorganization, and modernization of police service precondition the proper implementations of those police reforms in Kenya.



Thesis

Security is one of the most important factors in the development strategies on social and development aspects in Kenya. Following the promulgation of a new Constitution passed in 2010, Kenyans had a legitimate anticipation that the country's robust security framework articulated under the law guaranteed them of their safety and security. However, the recent sharp increase in the number of insecurity incidences and violence seems to have taken root in the country since independence. Over the past 50 years of independence, Kenya has experienced massive cases of violation of basic human rights associated with police enforcement of law and order. The Kenya Police Force has long been accused of operating within a political culture characterized by impunity, excessive use of force, brutality, disregard for human rights and corruption. According to the East African bribery Index Report (2011), the National Police Service (NPS) was ranked as the leading corrupt institution in EAC out of 115 institutions listed. It is with no unreasonable doubt that endemic corruption in the Kenyan Police Force has greatly contributed to the widespread insecurity concerns witnessed in different parts of the country. This paper uses a qualitative approach to support that the endemic corruption within the Kenya Police Force contribute to rising levels in crime, terrorism, and police brutality. The critical analysis of police reforms in US reveals the lessons Kenya can learn to improve on its police reforms.

Corruption and its Impacts in Kenya Public Sectors

The widespread and routine corruption practices have ruined the integrity of government institutions and private sectors as well. Corruption has reduced the Kenya's competitiveness within the East African region. The frequent demands for bribes among the public officials have increased the costs of operating business for foreign investors. In particular, one-third of all firms experience extortion regularly as either gifts or bribes in order to operate such as obtaining business licenses, construction permits, and utility connections. The widespread tax evasions have deterred long-term economic growth in Kenya due to rampant fraud and bribery in public procurements. While the law criminalizes corruption practices, bribery, and abuse of office by public officials, the corrupt public institutions for law enforcement including the judiciary and police service undermines adequate implementation of Kenya's anti-corruption framework.¹

Furthermore, corruption in immigration and customs department has long been associated with increased insecurity across the country. Lack of accountability and unprofessionalism in the customs administration fuels illegal business such as smuggling and human trafficking. The porosity along Kenya-Somalia border has been characterized with corruption among immigrants and police officers; thus, allowing passage of Al Shabaab terrorists to access and carry out terrorist attacks within the country. Moreover, corruption has threatened the Kenya's natural resources, resulting in extensive poaching, deforestation, and degradation of environment. Land-grabbing and property-seizures have been prevalent within the country due to pervasive corruption and impunity. On the other hand, the civil society the media has always been deprived of the freedom of press and expression. More often than not, the civil society such as the journalists report regular police brutality including extortion and fabrication of charges.²

Corruption in Kenya Police Force

Prevailing Factors for Corruption in Kenya Police Force

The Kenya Police Force (KPF) is known for its relentless corruption practices for several decades to the present. In fact, the Kenya National Police Service top the list of institutions with the highest rates of corruption in Kenya, where bribery is reported as routine way of living among the police officers. According to the numerous studies, cultural, psychological, and system-related factors have been identified as the key factors that create opportunities for police corruption across the world. In Kenya, the police force has been characterized with endemic culture of corruption among enforcement officers.³

The police culture maintains its support to protect officers regardless of the criminal actions they commit. For example, several cases when police officers are implicated with deliberate extrajudicial killings, are rarely punished in civil cases. In most cases, the suspected officers are transferred to another working station, where they continue working without scrutiny as evidence is lost. In addition, the organization structure of the KPF does encourage some officers to commit acts of corruption. As an integral to the police culture, there exists a tendency to cover up knowledge of a police officer's wrongdoing between close ranks. The intimate ties that bind the police officers have had a profound impact on dispensation of justice due to the protection of evidence by fellow officers. Subsequently, lack of institutional accountability in the KPF has always limited the capacity of Kenyan judicial system to offer justice. For example, crime suspects or their families frequently offer huge sums of money to bribe police officers hence, influencing them to compromise investigation. Majority of the suspects are released prior being charged before the court of law. In addition, some cases involve convicted offenders being unduly released from prisons back to the community where they continue with their deviant acts.

Besides, it has also weakened the role of media and civil society in exposing evidence of corruption and criminal offences among the police officers for prosecution. Lack of accountability and the nature of cover-up efforts in various police departments, eventually intensifies internal corruption among corrupt officers where a series of offences committed by individual officers goes unreported.⁴

Over the past decades, the KPF has always been associated with poor academic qualifications among the recruits, which further challenges the knowledge of officers on integrity and service to the community. The recruitment process, training, vetting, and promotion of police officers across the country, has always been linked to corruption among senior police officers through nepotism, tribalism, and bribery acts, especially for those that do not meet the academic qualifications. Moreover, the period for recruitment and training of KPF has always been characterized with violent and cruelty instincts from their trainers. Subsequently, the entire process of training and recruitment results in police officers with education deficiencies in integrity, respect for citizens' rights, public relations, and self-control.⁵ On the other hand, the prevailing poor working conditions, and terms of service of the KPF remain terrible, which demoralizes the officers from ensuring adequate safety and security concerns to the citizens. The poor salaries and allowances given to the police does not cater for their personal and family basic needs; thus, encouraging the officers to engage in corrupt acts. As a result, this reveals on the corruption greed, aggression, brutality, abuse, and lack of integrity associated with the majority of police officers in Kenya when dealing with the suspects.⁶

Impacts of endemic corruption in Kenya Police Force on Kenyan Security

Police Brutality

The ever growing police corruption within the KPF has been one of the major obstacles to the government in the efforts to counter the rising levels of insecurity in the country. More often than not, the rampant corruption in the KPF has become the only approach through which citizens can access police and expedite services.⁷ Nevertheless, lack of accountability and transparency in the Police Service to prosecute police officers reveals the ever-present policy impunity against the citizens. Kenya Police have always been linked with abuse of power with impunity when tackling crime or executing their duties. For example, the fight against terrorism in Kenya has always been viewed as discriminatory to the Muslim community. As a result, police searches, and operations against suspected Al-Shabaab terrorists in Muslim-dominated regions of the Kenyan Coast, and North Eastern provinces has long been manifested with high rates of extrajudicial killings, brutality, and false imprisonments against innocent youths.⁸

Crime

The inherent flaw of police culture reflects on the police corruption that wrecks the moral authority of law enforcement; thus, undermining the public trust and confidence in the law. Furthermore, the eroded confidence creates barrier between the members of the public and law enforcement officers, which results in reduced cooperation efforts to combat crime. In particular, majority of the arrested crime suspects have gone scot-free from police cells where they continue with their criminal acts in the streets, including robberies, killings, damage and enduring pain among Kenyans. The Kenyans continue to hold a significant negative attitude and opinions to the police due to several incidences where police officers have been linked to working closely with

criminals. As a result, Kenyans have turned into a culture of mob justice where they stone or lynch the crime suspects due to failure of the police and courts to guarantee justice.⁹

On the other hand, the high-levels of negative attitudes to the National Police Service increase the gap of police-citizens relationship due to the deeply entrenched corruptions among the officers. Kenyans perceive the police as inefficient to guarantee safety and security from organized criminal gangs that operate in different parts of the country such as Mungiki, Taliban, among others. Consequently, this creates a security vacuum within the country that has fueled the rise subaltern culture of security protection around criminal gangs. Over time, this has led to poor police reliability to investigate, prevent, and apprehend criminals that loot, steal, and destroy many companies and businesses in Kenya. In addition to elevated crime rates, the huge amount of money police officers extort from businessmen has threatened the survival of many companies and business due to the rising costs of operating business and budget deficits.¹⁰

Endemic corruption within the KPF has been the development of a number of criminal gangs and militia groups in Kenya. There is documented evidence showing a number of cases of collusion between police officers and criminals that eventually allow the spread of insecurity across the country. The interview carried out by the Kenya National Commission on Human Rights (KNCHR) for both State and non-State actors revealed that some of the rogue police officers work closely with criminals. As a result, this allows these criminal groups to carry out their extra-legal nature of the operations that intensify insecurity across the country.¹¹

Terrorism

Today, Kenya continues to face increased insecurity threats from Al Shabaab militia and ISIS affiliated extremists from Somalia. A number of Al Shabaab attacks on innocent Kenyan citizens, have shown a positive correlation between the rising insecurity in Kenya and the

endemic corruption among the KPF, and other security agents. For example, the investigation into the Mandera massacre involving 36 quarry workers revealed that not only did the terrorist roam freely in the area, but were also helped to cross the Kenya-Somalia border by the police and immigration officers. The border has long been used as a channel for smugglers of charcoal, sugar, and other goods including human and drug trafficking. The porosity in the border has largely contributed to a growing concern of insecurity following a rising number of terrorist attacks, especially in Northern Kenya regions.¹²

A report by an intelligent officer stated that corrupt border police and security officers have been using the Kenya-Somalia border as permeable spots to facilitate illegal border passage of foreigners from Somalia into Kenya. Therefore, this has created a safe operating environment for real and potential Al Shabaab threats of terrorism within the Kenyan territories. Terrorism has had a negative impact on socio-economic developments in Kenya where series of attacks target key sectors such as education, transport, tourism, industries. For example, the Garissa University College attack claimed the lives of over 147 students leading to increased fears of other probable attacks targeting other key education institutions.¹³

Furthermore, the porous Kenyan-Somalia border has paralyzed the peace and security of the communities living in the Northern Kenya, especially in Mandera County that is closely situated to the border. Sources indicate that terrorists pave their way through the corrupt police officers deployed in the border. Subsequently, this has led to a series of heinous shootings and attacks on Kenyan citizens in Mandera such as the quarry massacre that killed 36 workers, and 28 passengers, respectively. The alarming security concerns in Mandera County has made Kenyans and investors to avoid the area, as they fear the loss of their lives and investments from Al Shabaab terrorists.¹⁴

In addition to corruption, the Kenyan Police Force has had negative perceptions towards the government due to socio-economic and political marginalization of the Muslim communities. More often than not, Muslim communities are perceived as foreigners where police operations are characterized by harassment, brutality, disrespect for human rights, and impunity have been the order of the day. The common framing that labels Muslims as violent extremists create ethnic and religious tension, which encourage massive number of Muslim youths in Northern Kenya and Coastal regions to continue being radicalized.¹⁵ The existing distrust and negative attitudes to the police coupled by brotherhood among the Muslims not only deter police investigations of terror suspects, but also encourage an increased rate of radicalization among Kenyan youths. As a result, this reveals the impending security concerns in the country as the terror group would plan and execute more attacks while operating within the Kenyan territories. For example, an investigation into the Mandera quarry attack revealed that the terrorists roomed freely in the area with the community. Besides, it was revealed that the police and immigration officers had assisted the attackers to cross the Kenya-Somalia border and plan for the attacks.¹⁶

Kenya Police Force Reforms: Assessment

Police Reforms in Kenya

Security and safety are two critical pillars for economic growth emphasized in the Kenya's vision 2030. Since independence, Kenya's security structure, philosophy, and systems have been inherited and maintained by various successful governments from the former British colonial system of government. Kenya Police Force has long been dominated enduring corruption, oppression, police brutality, abuse of powers, and disregard for rule of law.¹⁷

Recently, the Kenyan government has shown its commitment in implementing various key reforms such as in the National Police Service (NPS). The several demands on structural and

welfare reforms in the NPS began after the promulgation of Kenyan constitution in 2010. This led to the National Police Service Act of 2011. The Act focused on revamping the Police Service to address corruption within its ranks, improve police integrity. It also hoped to address the culture of impunity that has long been associated with brutality in order restore public trust and enhance democratic governance.¹⁸

Following the legislation, the Kenya Police and Administration Police were merged into one hierarchy of command. Moreover, the Article 41 of the NPS Act 2011 stipulated the extent through which police officer could use force and the limitations. Through the National Police Service Commission (NPSC) Act, an Independent Policing Oversight Authority (IPOA) was created to manage and monitor police activities including the recruitments, qualification standards, and appointments. IPOA also receive complaints from the public and other government entities so as to investigate and prosecute cases of police misconduct and violations of the rule of law.¹⁹

The Way Forward: What Lessons Can Kenya Learn from Police Reforms in the United States?

Police reforms in the US are principally centered on mechanisms that aim at making the police more reflective especially towards the public. The major police reforms in the US enhance procedural justice, racial diversification, new mechanisms of accountability, and community policing in the efforts to reduce police abuse of power, increase citizens' satisfaction, cooperation, and intensify the role of officers in crime control efforts.²⁰ A study by Bayley (2008) shows that effective police reforms in the United States not only consists of structural reorganization of the service, but also modernization of the service through new equipment and technology to improve capacity building. It also involves a strong leadership that creates a police service oriented towards meeting the needs of citizens and institutions.²¹ It is noted that that police reforms in the US are guided by the principles of integrity, accountability, impartiality, professionalism, and respect for human rights.²²

The current Kenya Police Force has long been accused of unprofessionalism characterized with poor working conditions, endemic corruption, brutality, disrespect to the rule of law, and violation of human rights. Based on the case study of police reforms in the United States, the following are some of the lessons that the Kenyan government can apply to shape its police reforms, including procedural justice, accountability, community policing, capacity building, and structural reorganization of police service.

Procedural Justice

In the context of police force, procedural justice involves the idea of fairness in the legal procedures and processes relating to police conduct in the law enforcement. The Kenya police are a critical component in the larger criminal justice system (CJS) comprising of courts for

judicial processes, as well as the correctional facilities such as the prisons. The role of the police in the CJS is to investigate crime, arrest, and present the suspects to the court with supporting evidence for prosecution. To the present, procedural justice has been a major challenge within the Kenya police, which reflects inefficiency in the entire CJS. This has been compromised by corruption, ignorance to the rule of law, respect to human rights, and defiance to the existing standards and ethical practices that guide and inform the actions of police officers during encounters with citizens such as apprehending suspected criminals.²³ Moreover, the police culture does not acknowledge fair and respectful routine police practices, which has led to many innocent Kenyans becoming victims of police abuse of power since independence including extrajudicial killings, torture, unjustified arrest, and fabrication of false evidence against crime. This explains the high level of negative attitude and perceptions against the police that emanates from the general public. In particular, corruption among the police officers compromise investigations of the accused crime suspects, who are unduly released back to the community where they continue with their deviant acts. The failure of the police and courts to guarantee justice explains why the Kenyan culture of mob justice prefers stoning or burning the crime suspects to death rather than reporting to the police.²⁴

Similar to Kenyans, the Americans' attitudes towards the police are shaped by a number of factors including the dynamics of face-to-face encounters. The US Citizens are sensitive to the kind of procedural justice they receive during encounters with police officers. The American policing encountered an unprecedented amount of public debate following a series of killing incidents among the African-Americans in the past decades. In addition, the widespread incidents of evident police misconduct against the Americans rattled the public confidence in the police; thus, sparking debates on reforms. Therefore, ethical police code of conducts in American

policing were established in the efforts to control excessive use of power while fostering fair and just police practices. Since the 1966 Supreme Court Decision of *Miranda* at Arizona, police practices were designed to minimize procedural injustices when dealing with citizens in an encounter. The decision requires the police officers to apologize to the citizens whom they have stopped and found no incriminating evidence, as well as give information to the citizens so that they understand police actions (*Miranda* rights). The role of *Miranda* rule among policies officers is to enhance citizens' understanding on the role of police actions during encounter. It also represents corrective actions via admissible confessions obtained in violation of appropriate police practices.²⁵

Practices designed to reduce procedural injustice are one important area of reform within the National Police Service (NPS). It is evident that majority of cases involving police misconduct occurs when the police encounter with the citizens during their routine enforcement of the law. The high-level of negative attitudes among Kenyans to the police have been shaped by the public's general opinions, as well as the news media. In particular, there have been several incidences where police officers have been caught on camera in the acts of corruption, brutality, extrajudicial killings, robbery, assault, torture, unjustified arrest, and among others. Consequently, such instances of police mistreatments become viral in the news media and social networks where people share the experiences of friends, relatives, family members, and neighbors that further increase the gaps between the police-citizen relations.²⁶ It is, therefore, critical that the NPS embrace practices that foster procedural justice among the police officers to restore Kenyans' confidence to the police. The influence of the citizens' willingness to cooperate with officers depends on their evaluation of the contact, as well as their overall opinion of the police. There is need to establish police procedures that favor fair and respectful police practices

in the efforts to enhance professionalism and integrity among officers. The NPS should develop police practices that require officers to explain to the citizens the reason for their actions such as stopping, search, and arrest. They should also require the officers to apologize to the citizens after no evidence of unlawful acts are found against them. Citizens' satisfaction and confidence towards the police improves when they maintain professional conduct to the citizens including politeness, respect, explaining their actions, and fair treatment; thus, increasing likelihood of obtaining their compliance.²⁷

Accountability

To address police accountability, American policing made significant external and internal mechanisms to monitor various behavior of officers' misconduct. Civil suits for incidences of police abuse were enhanced in an award by the court where money is paid to the victims. Criminal prosecution against abusive officers charged for allegedly using excessive force became an effective check on police misconduct within police departments.²⁸ Departmental oversight mechanisms were also established through the creation of civilian review boards. Consequently, this fostered structural reorganization of the larger organizational policies, with practices that increased internal accountability within various police departments. The long-centralized agencies became regionalized to streamline military hierarchies according to their specific roles of prevention and investigation units, particularly in the wake of transnational crime in Latin America. Transnational crime control mechanisms were improved towards a greater oversight of police activities from general ombudsmen to internal affairs agencies. The approach led to sub-regional governments that became more positioned to respond to the local security concerns. The sense of security became paramount due to greater oversight of police activities while enforcing law and order within a designated area. Consequently, this led to

increased accountability by police officers to their actions through cooperative penetration of community policing and neighborhood patrols to fill in the vacuums of organized crime networks involving the impenetrable circles of corrupt police officers.²⁹ For example, the escalating Mexico's war against drugs in 2005 led to the militarization of policing due to the mistrust between local and state police force that was deemed inappropriate to control the drug cartels. In 2006, military dominated operations carried out a 'Joint Operation Michoacan' where about 6,500 soldiers and police set up roadblocks and checkpoints, occupied major areas involved with drugs' business, and executed search and arrests against individuals linked to drug trafficking. The successes in the 2007 operations led to the arrest of a federal officer who was accused of getting involved in organized crime of the drug cartels by killing fellow officers that refused to cooperate as well as instill fear in the police.³⁰

In the Kenyan scenario, there have been efforts to restructure police organizations after evidence implicated the Administration Police to have been involved during the 2007/08 Post-Election Violence (PEV). Subsequently, the Kenya Police and Administration Police were merged for a unified hierarchy of command with the creation of Inspector General Position. An Independent Policing Oversight Authority (IPOA) was also established to oversee the police officers' activities, investigate, and prosecute offensive officers in accordance with the rule of law.³¹ Despite this progress, lack of impartiality within NPS when investigating fellow police officers have greatly hindered external oversight body from investigating and prosecuting numerous complaints of misconduct reported against police officers across the country. As a result, police officers' found to have committed severe cases of misconduct are rarely punished in civil courts, but continue to work without scrutiny.³²

Based on the US police reforms, there is need for the Kenyan government to strengthen the capacity of internal and external oversight mechanisms through its existing investigative bodies including IPOA, community groups, media, and civil society. Effective police oversight bodies help to monitor and review complaints against officers' misconduct hence allowing for the larger organizational policies and practices that increase internal accountability within police departments. Functioning police oversight authorities such as IPOA serves as a symbolic value for the public through which successful routine and consistent criminal prosecution of several cases officers accused of brutality against the citizens. It sends a message to the public that indicates that the police are under external oversight; thus, heightening public confidence in the entire police force.³³

The Kenyan government must also focus on building the capacity of the police officers through appropriate modern infrastructure such as equipment, information, technology, and expertise. The equipment would not only serve as crime control mechanisms within the country, but also improve on accountability among individual police officers. For example, the American police force has also made critical changes that are designed to foster police accountability in addition to the civilian review boards.³⁴ First, several police departments have equipped and installed digital cameras in police patrol cars to monitor police-citizen encounters and improve the scrutiny against the police behaviors. The position of the US Department of Justice and Commission on Accreditation for Law Enforcement Agencies (DOJ & CALEA) requires all the police departments throughout the nation to implement early warning systems to identify officers' at risk of misconduct. The systems comprise of computerized records of every police officers' history of citizens' complaints including civil suits, use of firearms, and any other questionable codes of conduct. The early warning systems and video-taped police patrols have

aided in curbing police abuse in each city of the US; thus, enhancing police accountability by identifying an officer's behavior of misconduct and taking prompt interventions.³⁵ Like DOJ & CALEA in the US, the Ministry of Internal Security in Kenya should make efforts to increase liability and accountability among individual police officers regarding all the actions they take during encounters with the citizens. For example, all the police officers should be instructed to document all the law enforcement actions they take including the reason for arrest, any evidence found against criminal suspects, and among others. In the US, officers are required to justify their actions in writing such as the reason for stopping each of the motorists, whether an arrest or search was made, and whether illegal possession of goods or other evidence was found. This practice allows police agencies in many states and cities to collect and analyze such information to monitor and prevent officers' from cases of racial profiling.³⁶

In the efforts to foster police reforms within the NPS, there is need for a strong political leadership that strictly adheres to all the provisions of the new constitution. The NPS has failed to comply with the law due to frequent interference from politicians. Since independence, the executive actors have long used the NPS used as a tool of oppression and repression to secure their positions in the government and remain in power. As a result, there has been lack of political will to establish necessary structures to address the inefficiency, lethargy, and mistrust created between the police force and the citizens due to enduring impunity in the NPS.

Therefore, strong political will is critical to spearhead and catalyze efforts towards increased accountability to cultivate respect for human rights, restore the lost public confidence, and maintain the nation's security. Through an effective functioning Kenya Judicial System, the government can impose stiff laws against individual officers reported with serious cases of unprofessionalism such as corruption, brutality, and violation of human rights in order for legal

actions to be taken.³⁷ In the US, new penal codes in the police force strengthened the investigation, prosecution, and sentencing of corrupt police officers such as the establishment of Violent Crime Control and Law Enforcement Act 1994. The act led to a greater accountability in police departments by shifting the focus from individual police officers to police organizations over police behavior and use of force to the citizens.³⁸ Like in the US, improved capacity of police oversight bodies, laws and severe punishments against abusive police officers in Kenya would serve as institutional and individual commitments towards meaningful and accountable police operations.

Community Policing

Since independence, Kenyans have long accused the Kenya Police Force of unprofessionalism due to increased prevalence cases of excessive abuse of power and disregard to the rule of law. Citizens continue to hold negative perceptions against the police, which reveals why NPS has always been incapacitated to detect, prevent, and respond to the ever-growing security concerns in the country due to poor community-public relations.³⁹ In the US scenario, community policing was introduced to integrate citizens into the American security policy through initiatives ranging from joint social work outreach to citizen-police councils for vulnerable groups. During the Clinton administration, the federal government largely fostered community policing by streamlining grants to police departments throughout the nation. For instance, the establishment of the Office of Community Oriented Policing Services within the Department of Justice came as a result of the Violent Crime Control Act of 1994. This allowed for grants of \$8.8 billion over period of 10 years to strengthen and support initiatives of community policing within cities throughout the country.⁴⁰

Adopting community policing initiatives in the Kenyan context can help to support and strengthen cooperation between the communities and the NPS in combating crime. Community policing is a proactive approach that allows officers to engage, interact, cooperate, and work closely with residents in identifying conditions that contribute to crime and then formulate solutions to address security concerns. It involves consistent police-community meetings, foot patrols, and integration of youth's programs; thus, allowing police practices that respond to crime incidences before they occur.⁴¹ To foster community policing initiatives, adequate budget allocations for the NPS is vital to build and strengthen the capacity of officers through programs oriented towards policing services. Furthermore, police training programs should integrate education programs focusing on police ethics, integrity, personal growth, interpersonal, and intrapersonal communications. This allows for better training, infrastructure, equipment, information, and expertise in the efforts to improve the working conditions and terms of service of police officers.⁴²

Some US cities like Savannah, San Diego, and Portland, has community policing much more integrated throughout police departments as a practice and philosophy guiding all police officers. For example, the Chicago Alternative Policing Strategy (CAPS) of 1993 consists of key elements such as increasing officers' awareness and knowledge about key neighborhood issues. Based on the 10-year evaluation research of CAPS, the findings indicate that the police became more responsive towards community concerns; thus, reducing gang and crime-related issues. The residents also expressed greater confidence and trust in the role of police to detect and respond to criminal activities effectively.⁴³ Like in the US, the role of community policing in Kenya underscores the importance of improving citizens' satisfaction with close engagement and interactions to address community security concerns. It also fosters respect, fair, and courteous

treatment from police officers to the citizens hence improving citizens' confidence and trust to officers. Consequently, this increases officers' compliance with law that helps the NPS to restore and maintain professionalism, accountability, integrity and respect for human rights.⁴⁴



Conclusion

Kenya is strategically positioned in East Africa to allow numerous socio-economic developments, which necessitates the need for effective security. Currently, corruption in the security sector has long been rampant hence limiting the socio-economic developments within the country. The endemic corruption in the Kenya Police Force has its roots from inheritance of security systems, structure, and philosophy from British colonial government since independence. For years, the culture of Kenya Police has always been dominated with corruption, police brutality, abuse of powers, and disrespect for human rights.

In the recent past, there has been significant efforts towards reforming the National Police Service (NPS), but several reasons have been identified as the key barriers towards effective police reforms. First, lack of political will has slowed the progress by the government of Kenya in implementing the NPS agenda. Political interference in the police service by politicians has seen most of the time low budget allocations in the NPS; thus, reducing the capacity of police officers to detect, respond, and handle sophisticated crime. The NPS continue to face low morale due to lack of modern infrastructure and capacity building such as technology, communication, patrol vehicles, poor salaries, and proper housing. Subsequently, lack of accountability within the NPS creates opportunities to engage in corruption; thus, leading to the long-standing police impunity, increased crime, and terrorism threats in the country.

Based on the analysis, police corruption has led to increased incidences of police brutality, violation of human rights, and reduced capacity to respond to security concerns to the citizens. The 2007/08 post-election violence in Kenya illustrates a good example where the National Police Service was incapacitated to prevent, manage, and contain the situation. Surprisingly, the KPF engaged in excessive abuse of power, brutality, and rampant violations of

human rights to unarmed civilians. Similarly, the recent attacks of police stations and several other atrocities committed by terrorists on civilians within the country prior any intelligence by police officers further justify the need for effective reforms in Kenya Police Force. Moreover, the current terrorist attacks from Al Shabaab militia have been largely contributed to corrupt police officers at the Kenya-Somalia border. The porosity of the border has long been associated with human and drug trafficking, as well as access for illegal immigrants that compromise the Kenyan security. Police culture and organization structure are major factors that create opportunities for corruption in the Police Service. Therefore, this necessitates the need for police reforms to addressing the rising security in the country.

The current police reforms under the establishment of National Police Service Act 2011 have several barriers towards effective implementation. Based on lesson learned for the US police reforms, Kenya government has a significant mandate to streamline efforts towards implantation of police reserves. Like the US, Kenya police reforms must underscore the need for integrity, accountability, professionalism, and respect for human rights. Therefore, the Kenyan government should demonstrate a strong political will to ensure proper reorganization of National Police Service, review police training programs, and improve the working conditions of police officers; thus, creating a police service oriented to meet the needs of citizens. Furthermore, adequate funding of NPS would ensure modernization, expertise, and capacity building for crime control mechanisms through professionalism, which would help to scale down the level of crime and terrorism in the country.

Bibliography

- Alpert, Geoffrey P., and Roger G. Dunham. *Understanding Police Use of Force: Officers, Suspects, and Reciprocity*. Cambridge: Cambridge University Press, 2004.
- Aronson, Samuel. *Crime and Development in Kenya: Emerging Trends and the Transnational Implications of Political, Economic, and Social Instability*. *Inquiries Journal/Student Pulse*, 2 (2010): 1-2. Accessed 25th October, 2016 from <http://www.inquiriesjournal.com/a?id=278>.
- Bayley, D. H. Police reform: Who done it? *Policing and Society: An International Journal of Research and Policy* 18 (2008): 7-17.
- Gan. "Kenya Corruption Report." GAN Business Anti-corruption Portal. July 2015. Accessed 26th October, 2016 from <http://www.business-anti-corruption.com/country-profiles/kenya>.
- Graycar, Adam, and Russell G. Smith. *Handbook of Global Research and Practice in Corruption*. Cheltenham: Edward Elgar Pub, 2011. <<http://public.eblib.com/choice/publicfullrecord.aspx?p=807385>>.
- Holmes, Leslie. *Corruption: A Very Short Introduction*. 2015.
- Ikerd, Trent, and Samuel, Walker. *Making Police Reforms Endure: The Keys for Success*. Washington, D.C.: U.S. Dept. of Justice, Office of Community Oriented Policing Services, 2010.
- Kenya National Commission on Human Rights (KNCHR). *Are We Under Siege? The State Of Security in Kenya: An Occasional Report (2010 – 2014)*. 2014. Accessed 25th October 2016 from <http://www.ke.undp.org/content/dam/kenya/docs/Democratic%20Governance/State%20of%20Security%20in%20Kenya%20Occasional%20Report.pdf>.
- Kenya Police Service. *Background: History of police*. 2016. Accessed 26th October 2016 from <http://www.kenyapolice.go.ke>.
- Kivoi, D., and C. Mbae. "The Achilles' Heel of Police Reforms in Kenya." *Social Sciences* 2, no. 6 (2013): 189-194.
- Lewis, Colleen. *Complaints against Police: The Politics of Reform*. Leichhardt, N.S.W.: Hawkins Press, 1999.
- National Defense University Press. *Islamic Radicalization in Kenya*. July 2015. Accessed on October 25, 2016 from <http://ndupress.ndu.edu/Media/News/News-Article-View/Article/607564/jfq-78-islamic>
- National Police Service. *Kenya Police Service*. 2016. Accessed 26th October 2016 from <http://www.nationalpolice.go.ke/2015-09-21-17-23-32/kenya-police-service.html>
- Ndungu, Irene. "Police Reforms in Kenya crucial to restore public confidence." *Institute for Security Studies* 20 (2011).
- Ndungu, Irene. *On-going police reforms in Kenya should turn the force into a professional, accountable service with the operational capacity to deliver its mandate*. October 20, 2011. Accessed on 25th October from <https://www.issafrica.org/iss-today/police-reforms-in-kenya-crucial-to-restore-public-confidence>.
- New African Magazine. *How corruption makes terror easy in Kenya*. 1st July 2015. Accessed on 25th October from <http://newafricanmagazine.com/how-corruption-makes-terror-easy-in-kenya/>.

- Okabe, R. Police innovation paradigm in the United States and Japan. *Police Practice and Research* Vol. 15, No. 3 (2014) 192–206. DOI: <http://dx.doi.org/10.1080/15614263.2012.754125>.
- Omeje, K. & Githigaro, J. M. *The Challenges of State Policing in Kenya. The Peace and Conflict Review* (2010). Accessed from <http://www.review.upeace.org/index.cfm?ejemplar=24&entrada=129>.
- Uildriks, N. *Mexico's Unrule of Law: Implementing Human Rights in Police and Judicial Reform Under Democratization*. Lanham: Rowman & Littlefield Pub. Group, 2010.
- Ungar, M. *Police Reform and Organized Crime Collaboration in Latin America*. May 31, 2012. World Peace Foundation. Accessed on 25th October from <https://sites.tufts.edu/reinventingpeace/2012/05/31/police-reform-and-organized-crime-collaboration-in-latin-america/>.
- Weitzer, R. & Tuch, S. A. *Race and Policing in America: Conflict and Reform*. Cambridge University Press (2006).
- Weitzer, R. American Policing Under Fire: Misconduct and Reform. *Soc* (2015) 52:475–480. DOI 10.1007/s12115-015-9931-1.
- Williams, Hubert. "Core factors of police corruption across the world." *In Forum on Crime and Society; Vol. 2, no. 1* (2002) 85-99.



Notes

¹ Gan. "Kenya Corruption Report." GAN Business Anti-corruption Portal. July 2015. Accessed 26th October, 2016 from <http://www.business-anti-corruption.com/country-profiles/kenya>.

² Ibid, 6.

³ Kivoi, D., and C. Mbae. "The Achilles' Heel of Police Reforms in Kenya." *Social Sciences* 2, no. 6 (2013): 189-194.

⁴ Aronson, Samuel. *Crime and Development in Kenya: Emerging Trends and the Transnational Implications of Political, Economic, and Social Instability*. Inquiries Journal/Student Pulse, 2 (2010): 1-2. Accessed 25th October, 2016 from <http://www.inquiriesjournal.com/a?id=278>

⁵ Ibid, 12.

⁶ KNCHR. *Are We Under Siege? The State Of Security in Kenya: An Occasional Report* (2010 – 2014). 2014. Accessed 25th October 2016 from <http://www.ke.undp.org/content/dam/kenya/docs/Democratic>.

⁷ Lewis, Colleen. *Complaints against Police: The Politics of Reform*. Leichhardt, N.S.W.: Hawkins Press, 1999.

⁸ Omeje, K. & Githigaro, J. M. The Challenges of State Policing in Kenya. *The Peace and Conflict Review* (2010). Accessed from <http://www.review.upeace.org/index.cfm?ejemplar=24&entrada=129>

⁹ Ibid, 15.

¹⁰ Gan. "Kenya Corruption Report." GAN Business Anti-corruption Portal. July 2015. Accessed 26th October, 2016 from <http://www.business-anti-corruption.com/country-profiles/kenya>.

¹¹ Ibid, 15.

¹² New African Magazine. *How corruption makes terror easy in Kenya*. 1st July 2015. Accessed on 25th October from <http://newafricanmagazine.com/how-corruption-makes-terror-easy-in-kenya/>

¹³ Ibid, 20.

¹⁴ Ibid.

¹⁵ National Defense University Press. *Islamic Radicalization in Kenya*. July 2015. Accessed on October 25, 2016 from <http://ndupress.ndu.edu/Media/News/News-Article-View/Article/607564/jfq-78-islamic>

¹⁶ Ibid, 14.

¹⁷ Ibid, 12.

¹⁸ Ibid.

¹⁹ Ndungu, Irene. "Police Reforms in Kenya crucial to restore public confidence." *Institute for Security Studies* 20 (2011).

²⁰ Weitzer, R. American Policing Under Fire: Misconduct and Reform. *Soc* (2015) 52:475–480.

²¹ Bayley, D. H. Police reform: Who done it? *Policing and Society: An International Journal of Research and Policy* 18 (2008): 7-17.

²² Ikerd, Trent, and Samuel, Walker. *Making Police Reforms Endure: The Keys for Success*. Washington, D.C.: U.S. Dept. of Justice, Office of Community Oriented Policing Services, 2010.

²³ Omeje, K. & Githigaro, J. M. The Challenges of State Policing in Kenya. *The Peace and Conflict Review* (2010). Accessed from <http://www.review.upeace.org/index.cfm?ejemplar=24&entrada=129>.

²⁴ Ibid.

²⁵ Weitzer, R. American Policing Under Fire: Misconduct and Reform. *Soc* (2015), 475-476.

²⁶ Ibid, 477.

²⁷ Weitzer, R. & Tuch, S. A. *Race and Policing in America: Conflict and Reform*. Cambridge University Press (2006).

²⁸ Ibid, 129.

²⁹ Ungar, M. *Police Reform and Organized Crime Collaboration in Latin America*. May 31, 2012. World Peace Foundation. Accessed from <https://sites.tufts.edu/reinventingpeace/2012/05/31/police-reform-and-organized-crime-collaboration-in-latin-america/>.

³⁰ Uildriks, N. *Mexico's Unrule of Law: Implementing Human Rights in Police and Judicial Reform Under Democratization*. Lanham: Rowman & Littlefield Pub. Group, 2010, 222.

³¹ Ndungu, Irene. "Police Reforms in Kenya crucial to restore public confidence." *Institute for Security Studies* 20 (2011).

³² Ibid.

³³Ndungu, Irene. *On-going police reforms in Kenya should turn the force into a professional, accountable service with the operational capacity to deliver its mandate*. October 20, 2011. Accessed from <https://www.issafrica.org/iss-today/police-reforms-in-kenya-crucial-to-restore-public-confidence>.

³⁴ Ibid.

³⁵Weitzer, R. & Tuch, S. A. *Race and Policing in America: Conflict and Reform*. 131-132.

³⁶ Ibid, 133.

³⁷Kivoi, D., and C. Mbae. "The Achilles' Heel of Police Reforms in Kenya." *Social Sciences 2, no. 6 (2013)*: 189-194.

³⁸Alpert, Geoffrey P., and Roger G. Dunham. *Understanding Police Use of Force: Officers, Suspects, and Reciprocity*. Cambridge: Cambridge University Press, 2004.

³⁹Omeje, K. & Githigaro, J. M. The Challenges of State Policing in Kenya. *The Peace and Conflict Review (2010)*

⁴⁰ Okabe, R. Police innovation paradigm in the United States and Japan. *Police Practice and Research; Vol. 15, No. 3 (2014)*, 192–206.

⁴¹Weitzer, R. & Tuch, S. A. *Race and Policing in America: Conflict and Reform*, 135.

⁴²Ndungu, Irene. *On-going police reforms in Kenya should turn the force into a professional, accountable service with the operational capacity to deliver its mandate*. October 20, 2011.

⁴³Ibid 42, 135.

⁴⁴ Ibid.

