

Institutionalising police reforms in Kenya: lessons from 2012-2015

Esther Njuguna, James Ndung'u and Kathryn Achilles

Introduction

Kenya's 2010 constitution fundamentally shifted the legal basis for national policing. The constitution provides for an ambitious set of reform processes aimed at addressing a long-term perception of the police in Kenya as abusive, corrupt, and ineffective. The reforms are intended to transform the police into a modern, accountable, and responsible service provider.

In 2012, Saferworld and Usalama Forum began a three-year programme of work to support the implementation of the police reform agenda and, through this, contribute to the improvement of professionalism within the police service, increase accountability and promote better service delivery for the Kenyan public.¹ Saferworld and Usalama had five objectives for the programme:

1. To support the creation of a legal and policy framework for policing, incorporating international best practices and meeting the requirements of the constitution.
2. To support the establishment of empowered, sustainable institutional structures providing better policing services to the Kenyan public.
3. To contribute to the enhancement of professionalism, integrity, and accountability within the police.
4. To assist in strengthening the operational preparedness, logistical capacity and capability of the police.
5. To strengthen the capacity of the Usalama Reforms Forum.²

This work took two forms: technical assistance to government institutions to implement the envisaged

reforms and building the capacity of civil society and the public to create demand for improved service delivery by the police. The project finished in January 2015.

This briefing is based on analysis generated during the implementation of the project and a final evaluation conducted between January and February 2015. It sets out a number of key lessons learned and best practices identified during implementation. It also builds on a number of other Saferworld and Usalama publications on police reform.³

The briefing pays particular attention to collaboration during the project between programme partners, communities, and the National Police Service (NPS). Taking a community security approach, the project sought to develop new partnerships between police and the public at the national and local level, involving 13 police stations across the country, and to strengthen community–police engagement and consultation in police legal and policy reform processes.⁴ Using these collaborative relationships, the project sought to build an evidence base to inform national reform processes, trialling a range of tools including crime data analysis and calling for bottom-up resource planning and decision-making. It also sought to strengthen internal accountability mechanisms – for example, the Internal Affairs Unit (IAU) – and promote a culture of transparency to complement independent accountability mechanisms. Finally, the programme was designed to respond to some of the broader socio-economic issues within communities that drove criminality and created a broader environment of insecurity, recognising the active role communities and individuals have to play in working with the police to make themselves safer. The lessons presented here relate primarily to these objectives and ways of working.

¹ Institutionalising Comprehensive Police Reforms In Kenya: Towards Equitable Responsive and Accountable Policing started in February 2012 and ended in January 2015. It was funded by the Government of the Netherlands.

² Usalama is a Kenya-based Security Sector Reforms lobby group with membership from international, national and community level organisations that promotes the inclusion of citizen-centred priorities in ongoing reforms – in the security sector generally and the police sub-sector specifically – through evidence-based policy research and advocacy.

³ Usalama and Saferworld (upcoming) Policing for safe communities: A decade of police reforms; Usalama (2013) Communities and their police stations: a study report of 21 police stations; Usalama (2014) Report on Crime Management, Serious and Organized Crime, Intelligence and Implications for Community Safety.

⁴ A people-centred approach, which aims to improve the relationships between and behaviours of communities, authorities and institutions by providing opportunities for actors to identify their security concerns, plan and implement collective responses to tackle issues causing insecurity.

Police reform in Kenya: the context

Saferworld and Usalama Forum's support to police reform was implemented within a rapidly shifting context. For much of Kenya's history, its police force has been criticised for abusive, corrupt, and ineffective practices, often linked to political interference and manipulation. Repeated efforts to support reform processes had stalled. In late 2007 and 2008, the police were implicated in a wide range of human rights abuses during the violence that broke out after disputed election results. The national peace accord that ended the violence and formalised a political power-sharing arrangement emphasised the need for police reform under a broader call for revisions to the country's governance structure. This was followed by a more detailed investigation into the police in 2009 by a National Task Force on Police Reforms (the Ransley report). The Ransley report set out more than 200 recommendations to improve police performance.⁵

The 2010 constitution contained provisions for sweeping reform of the police in line with the Ransley report, and the government established the Police Reform Implementation Committee (PRIC) to coordinate the process. Changes included merging Kenya's two police forces – the Kenya Police and the Administration Police – under one Inspector General of Police (IGP), improving the independence of the service from political interference (e.g. through changes to recruitment) and strengthening accountability – for example, through the creation of the Independent Police Oversight Authority (IPOA). Changes were formalised in a number of pieces of legislation, including the National Police Service Act 2011, the National Police Service Commission Act 2011 and the Independent Policing Oversight Authority Act 2011.⁶

Implementation of reforms occurred against a shifting security and political backdrop. The 2010 constitution also provided for a system of devolved governance, dividing the country into 47 counties. This system has been implemented since the 2010 constitution, and while security and the police remain coordinated at the national level, some security-related functions – particularly with regards to community coordination –

have been devolved into the counties, creating a more complex environment for policing. The national government voted into power in 2013 has also been accused of lacking the political will or commitment to see through the police reform process, and of rolling back parts of that process.

While there appeared to be political support for the implementation of police reforms at the initial stages, recent amendments to security law and policy have contributed to the watering down of early gains. The Security Laws (Amendment) Act of 2014 re-introduced executive control over the selection of the IGP, expanded the powers of police officers, and limited the rights of arrested people in some circumstances. The Act triggered significant concern about the rolling back of 2010 constitutional reforms. At the same time, Kenya has continued to face serious challenges in addressing crime and insecurity in the country. Proliferation of illicit firearms, armed gangs, violent extremism, burglary, carjacking, assault, drug trafficking and sexual offences have been key public safety concerns. Ineffective and reactionary police responses have had a direct impact in further undermining public confidence and trust in the National Police Service.

Despite this context, police reform has continued to roll out across the country. In addition to the legal reforms enacted in 2011, there has been progress in the development of elements of the policy framework necessary to guide the implementation of these legal changes. The overall aim of this report is to highlight key lessons learned from the experience of Saferworld and Usalama in the implementation of police reforms in Kenya.

Key lessons learned

1. Build constructive and collaborative partnerships

The project emphasised three different types of collaboration. The first was between Saferworld and Usalama Forum and local implementing partners; the second between the project partners and the NPS; and the third, at the local level, focused on communities and authorities, especially police. There was significant investment in building these relationships, which was a key priority in the first year of the project. However, taking the time to build collaboration ensured that there was a shared vision for the programme amongst the varied stakeholders. This resulted in a collaborative and locally focused methodology for the design of activities, which emphasised flexibility and ensured that the programme was able to react to the fluid context.

Collaboration between Saferworld, Usalama, and local implementing partners was built on sharing expertise. It emphasised the importance of differences between organisations and open discussions about the ways in which these differences contributed to achieving common goals.

⁵ Some of the key recommendations included: establishment of Independent Policing Oversight Authority; decentralising police command, developing a code of ethics for the police; formation of a National Policing Council to address rivalry between- and overlapping functions of- the Administration Police and the Kenya Police; improving conditions and terms of service for the police; changing the police from a 'force' to a 'service'; formulation of a National Security Policy and a National Policing Policy with community policing as one of their central pillars and establishment of Police Reform Implementation Committee to coordinate, monitor and supervise the implementation of police reforms.

⁶ By February 2015, 19 pieces of regulations related to policing were in place. See, for example, Saferworld and Usalama's input into 11 of the regulations: [Joint response to the Commission for the Implementation of the Constitution on the National Police Service Proposed Regulations \(2015\)](#)

When the project began, the two partners implemented a dual approach: Saferworld provided technical support on police reforms while Usalama focused on mobilising different actors, including communities, to demand implementation of the police reforms. While this approach was informed by the two-strand project design, significant time was spent building trust and confidence between the two partners to manage the risk of running two parallel projects. In hindsight, had the development of the project proposal fully involved both partners, one common approach would have been established; this is something the partners will put into consideration in future programming. However, as the project implementation progressed, the two partners realised the need for a mutually reinforcing and integrated approach which ensured that the two strands of the project were implemented in a more coherent manner. Frequent meetings were held during which the partners frankly discussed ways in which the project could achieve its goals. Donor briefings were organised and delivered jointly by representatives from both partners.

Local partners – and individual staff members – were chosen in careful, conflict-sensitive processes which were designed to balance skills, expertise, and relationships. The aim was to ensure that, even in divided communities, partners and staff built or reinforced trust with community members and with the police and other officials.

“Despite initial differences, Saferworld and Usalama built a relationship based on sharing expertise rather than working in silos. They also ensured a balance between ‘common ground’, which holds their partnership together, whilst ensuring enough diversity to allow for collaborative advantage.”

Dr Debra Willoughby, independent consultant

2. Prioritise constructive engagement with the police service

The second type of collaboration in the project was between the project partners and the police. Rather than seeking to advocate from the outside, Saferworld’s approach emphasised direct and sustained engagement with senior police and government officials, including the Office of the IGP, the National Police Service Commission (NPSC), the Police Reform Secretariat and the Ministry of the Interior.

To ensure structured engagement with the NPS, in February 2013 a memorandum of understanding (MoU) was signed with the Office of the Inspector General formalising the relationship between the NPS, Saferworld, and Usalama. This MoU focused on a number of issues on which the three organisations would work together.

One key area was to support the revision of laws and policy frameworks, in part by facilitating civil society and local community input into the process. Through this formal arrangement, Saferworld facilitated and consolidated feedback from civil society organisations (CSOs) on the NPS and NPSC Strategic Plans that was positively received by both the NPS and NPSC. This approach focused on dialogue within the partnerships that had been established between the Office of the Inspector General in particular and the CSOs. This partnership ensured that critical CSO input was received and incorporated in various policy processes without being perceived as confrontational. This represents a slight but important shift in police culture as previously the security agencies were suspicious of CSOs and kept direct engagement to a minimum.

Throughout Saferworld’s engagement with the police, direct criticism on issues that needed to be addressed was balanced with mechanisms to recognise positive actions by the police. For example, Usalama Forum and other key stakeholders supported a competition dubbed *Outstanding Police Service Awards* that was run by IPOA to recognise outstanding officers as nominated by the public.⁷ This was noted by police officers in the project sites as a significant confidence-building measure between the police and the public. The recognition of hardworking and respectable police officers demonstrated the potential of positive reinforcement to reduce the public’s negative perceptions of the police and to create a culture of service within the police force itself.

3. Promote citizen participation

The third type of collaboration was built at the local level and involved supporting the creation of effective relationships between community members, community-based organisations and local civil society and the local police and local government officials. Usalama and Saferworld established Community Safety Forums (CSFs) in 13 project sites across the country.⁸ These CSFs had the support of a Usalama Safety Coordinator who supported them in their activities. Each was made up of at least 30 members drawn from the local community – in particular from among those groups at higher risk of negative interaction with the police, including women’s and youth group representatives – as well as the NPS, hospital representatives, chiefs, and traditional and religious elders. These groups made up four distinct teams within the CSF: the special interest groups, the access to justice team, the accountability team, and the crime observatory team.

⁷ The *Outstanding Police Service Awards* were undertaken by IPOA in conjunction with the Rotary Club of Nairobi, the National Police Service, National Police Service Commission, Kenya National Commission on Human Rights and Usalama Reforms Forum.

⁸ Kakuma, Garissa, Bungoma, Kopsiro, Ugunja, Mtwapa, Kisii, Eastleigh, Baragoi, Kerugoya, Isiolo, Kapenguria, and Voi.

At the local level, the emphasis of the project was on the identification of local problems and their solutions in collective processes. Component parts of the teams addressed different types of issues in the community:

- Accountability teams made up of community members acted as a feedback mechanism looking at police behaviour and conducted police station inspections.
- Crime observatory teams consisting of, among others, NPS officers and chiefs, collected data on crimes, recording them in a database to provide information on crime trends that was used to make operational decisions.
- The access to justice team included religious and traditional elders and chiefs who coordinated actors across multiple justice systems to promote effective and appropriate alternative dispute resolution to reduce the pressure on police stations.

In other words, participation became about more than holding meetings and workshops. Instead, there was active coordination and collaboration between a range of local actors to find common solutions to common problems. For example, in Bungoma, analysis conducted by the crime observatory team identified that the residents of the village of Marrel were victim to a high number of thefts. Having this information meant that the county commander deployed an extra vehicle and police officers to the area, reducing the theft rate. This in turn also reinforced emerging confidence in the police by the community, who provided information which led to the arrest of the alleged thieves.

Additionally, local communities also began to recognise supply gaps faced by the police which limited their effective response to issues and served to further reduce the mistrust and scepticism that marked many community–police interactions at the beginning of the programme.

Case study

A religious elder challenged police representatives during a CSF meeting about arrests regularly taking place on Friday nights. He believed that the police were breaking the law regarding the 24-hour maximum detention period by arresting individuals on Friday nights so that they could conduct investigations over the weekend before they appeared in court. The police representatives denied this, explaining that since Friday was when people were paid, many people got drunk, resulting in assaults and other crimes being committed. He claimed that the police did not want cells to be full over the weekend. While the two CSF members could not agree on the cause of prolonged detentions over the weekend, they still identified a joint solution and agreed to lobby for

court sessions to be held on Saturday mornings in order to deal quickly with minor cases.

These three types of collaboration were mutually reinforcing. National processes captured the views of a wide range of actors (see below), while lessons emerging from the pilot sites fed into national processes. For example, in many of the pilot sites, police officers did not always understand processes they were supposed to follow. As a result, Usalama and the NPS developed a police station workflow chart which sets out all police processes and how these link to the justice system.

One member of the police service said that the chart was:

“A real highlight... it was a wake-up call for the crime branch because they learned what they are supposed to do. The chart changed us so much. For example, cases have to go to the magistrates three days before the case. Before the workflow chart, the magistrates had to ask us for the case papers just before court. [Now] the OCS [Officer in Charge of the Station] ensures a proper flow of justice by making sure the papers are taken to them on time and ensuring the crime branch investigates crimes properly in the first place.”

There is a copy of the workflow chart in all of the 13 pilot site police stations.

4. Ensure strong police ownership over operational policies, including at the local level

It was critical that the police owned the vision for police reforms and therefore there was a deliberate effort by Saferworld and Usalama to ensure that the process was led by members of the service, with input from senior, mid-level and junior ranks at the local and national levels. The review of the Force Standing Orders (hereafter referred to as Service Standing Orders – SSOs) is a good example of a widely consultative policy process with diverse multi-stakeholder input. Saferworld, Usalama Forum and the Office of the IGP technical committee began a review of the SSOs that began in March 2013.

Senior, mid-level and junior police officers, external stakeholders as well as communities from the 13 project sites were all engaged to provide input in the review process of the SSOs. It was especially critical that this national process responded to the needs of local police officers across the country so as to build effective links between policy level reform processes and local level improvements. When teams first began engaging with police officers in pilot sites, they found that almost all of the work conducted at station level was still regulated by the outdated Force Standing Orders, which had not changed in light of the reform agenda. This limited the ability of stations and officers to transform their practices in line with the reform process as the standing orders regulated virtually all aspects of their performance. In other

words, the national process needed to advance in order for local performance to be able to do the same.

From the onset of the process, there was a resolve to send out communication to the lowest jurisdiction of command (posts and outposts) where officers were informed of the launch of the process and were asked to forward submissions on how best to go about the process and what they would want to be reviewed. Consultative drafts of the SSOs were therefore based on detailed submissions and discussions from a range of police officers in a number of different county contexts. Additionally, specific units were asked for specific information on operational issues relevant to them, including the Air Wing, the Dog Unit, the Discipline and Training Units.

These police-specific consultations were accompanied by input into the process from civil society and members of the public. This was accompanied by a wide sector approach to incorporate substantial input from relevant stakeholders in security reforms. Key institutions that contributed to the process include but are not limited to: the Office of the Attorney General, Director of Public Prosecutions, Public Service Commission, Kenya Defence Forces, Ministry of Finance – Treasury Department, Law Society of Kenya, Commission for the Implementation of the Constitution, civil society groups and community representatives from the 13 project sites. This ensured that both the practical and legal positions of the services were articulated.

The SSOs now contain important guidelines on key areas of accountability and professionalism among police officers, including on arms and ammunition, arrest and detention, civilian firearms control, community policing implementation; and they reflect input from external and internal stakeholders. Consultations with the diverse stakeholders as well as members of the public were important to ensure that the changed practices are relevant and responsive to people's needs. Public participation in the implementation of planned reforms, guaranteed by the constitution, has enabled communities to understand the reform process, created a sense of ownership of the process by the police, and facilitated constructive engagement between communities and authorities working towards an improved police service.

The emphasis placed on ensuring the widest range of police officers were involved in guiding the process and participating in it meant that the review exercise was better able to cover the full range of operational and legal issues affecting police performance, ensuring that the review developed orders which were appropriate to the contexts in which the police operate, and ensuring that the SSOs were in line with international human rights law and best practice.

5. Support access to resources and data

In Kenya, police management systems are often outdated or so obsolete as to be non-existent, and physical resources ranging from vehicles to paper to record crime reports often in limited supply or simply unavailable. This lack of resources has fundamentally undermined their ability to provide basic policing services and to guarantee the chain of evidence (with implications for the justice system). When these tools are provided, the relationship and trust a community has for its police service can fundamentally change because it improves the quality of service they receive; at the same time, when done using a community security model like the CSF, improved systems promote a better community understanding of the challenges and practical limitations faced by their police service. It is particularly important to address the capacity of the local police station, as the centre for service delivery, to be accountable and responsive to public needs.

However, one of the challenges faced by police stations across Kenya is that annual budgeting processes happen at the national level, and do not, as of the time of writing, take a bottom-up approach which assesses needs across police stations and allocates budget accordingly. This inevitably affects the ability of local police services to deliver.

Police stations and their communities

The current status of police stations in Kenya reveals institutional and structural challenges that have impeded delivery of services to the public and overall implementation of the reforms. For example, local police stations rely on manual or outdated technology to respond to, record, and process crime data. Police records and reports are not yet digitised. Most police stations no longer have sufficient space or capacity for efficient operations. Some premises have crumbling walls, leaks, and poor ventilation, while others lack basic lighting, water, lavatories, cells/detention facilities, and insufficient parking to accommodate police vehicles, staff and the public.

Yet, Section 40(3) of the NPS Act 2011 designates police stations as the units for service delivery. These units are supposed to provide room for operational creativity for the police officers from all the services within the NPS. Saferworld's experience over the years has demonstrated that to effectively implement police reforms and transform how services are delivered in Kenya, there is an urgent need to equip police stations with the appropriate infrastructure as well as skills and capacities to improve on service delivery. However, the local provision of support services and materials to police stations by civil society and other non-state actors can never and should never replace the adequate resourcing of local police by the state.

With the adequate operational and logistical support to the police in the project pilot sites, there was a marked improvement in the quality of services delivered to the public.

For example, through the establishment of station-level crime observatories, the police have been able to access improved data via a database known as 'the crime clock' (see Appendix 1). This has informed subsequent decisions on workforce strength and expertise to support improved crime prevention and detection.

In many areas, crime observatory teams coordinated with other institutions, for example hospitals, to upload information into the crime clock about crimes that had not necessarily been reported to the police station. In at least four of the 13 pilot sites, this additional evidence led to the recognition of much more severe problems, particularly crimes against children. However, it is important to note that police officers in some locations did not necessarily feel able to respond to these cases, citing a lack of training in handling of such sensitive cases. Improved performance resulting from strengthened institutional capacity, such as the application of the crime clock to address crime and insecurity, supported significant improvements in the relationship between the police and the community.

6. Promote an internal culture of accountability

The police must be accountable to the law and to the public through independent mechanisms which monitor police performance and service delivery. The reform legislation provides both for an independent, external police watchdog, IPOA, as well as an internal accountability unit (IAU) within the police itself. Both have mandates to investigate allegations and complaints about the police. Situating part of the responsibility for ensuring an accountable police service within the service itself is a vital component in addressing an institutional culture of impunity and reinforcing it as an element of service, and reduces the risk that accountability will continue to be seen as an externally imposed ideal.

It is important to raise awareness of the public and the police to existing mechanisms to establish a culture of accountability within the NPS. Community members from the project sites were trained on the accountability mechanisms, both internal and external. In addition, over 90 investigative officers at both national and local levels were trained and sensitised on both internal and external policing-oversight mechanisms. As a result, police officers demonstrated an increased understanding of the role of the commanders in handling complaints and the relationship between IPOA and IAU, as well as the rights of an officer facing disciplinary action as stipulated in the new legislation. The training also covered the roles of the NPS, the IPOA and the NPS Commission as enshrined in the constitution. Prior to

the training, most of the officers had a poor understanding of the roles of these institutions.

For the IAU to succeed requires senior level police support within the police. This requires supporting reform elements within the senior command and reducing internal opposition to its establishment. To do so, Saferworld and Usalama facilitated a benchmarking visit to the UK on professional standards and supported training on accountability and ethics, leading to the identification of senior police officers to lead the formation of the unit. This was followed by work to support the development of robust regulations on complaints management. A business plan and strategic plan was also developed, as well as officers from both the Administration Police Service (APS) and Kenya Police Service (KPS) being assigned to the IAU.

The National Police service Act 2011 merged the Kenya Police Service (KPS) and Administration Police Service (APS) under one hierarchy and established the office of Inspector General of Police (IGP) who has authority over both two policing and law enforcing arms of the government. While there is now just one police service, both the KPS and APS have distinct and complementary roles as outlined in the Act to improve on service delivery to the public.

Case study: Setting up a joint APS/KPS Professional Standards Unit

Saferworld facilitated a study tour to England and Northern Ireland for six officers from the KPS and the APS in collaboration with the PRIC. The visit was funded by the UK and the Netherlands and took place between 30 January and 10 February 2012. The purpose was to train staff in the policies and practices of the UK police professional standards units in large metropolitan forces and smaller county forces and to assess how these may inform the development of the new IAU within the NPS. The trip provided an opportunity to interact with representatives from the Independent Police Complaints Commission, Office of the Ombudsman of Northern Ireland, National Police Improvement Agency, Sussex Police, Metropolitan Police Service, Police Service of Northern Ireland (with contributions from South Wales Police), the Independent Police Complaints Committee, and the Northern Ireland Policing Board. This benchmarking exposure was critical in providing Kenya's NPS with a wealth of information and experience on how professional standards in policing institutions have been developed in the UK. An operational Internal Affairs Unit is now in place serving as a joint APS/KPS professional standards unit to provide internal oversight to

promote internal professionalism, integrity, and accountability of the NPS.

In 2014, of 2,188 cases received by the IAU, the team was only able to investigate less than 50% of these cases. Demonstrating that the police service is capable of fairly investigating – and, where found necessary, taking action against its officers for wrongdoing – will be vital in improving public confidence. The Unit could play a significant role in transforming police attitudes and behaviour in Kenya by promoting uniform standards of discipline and good order in the service. From our experience,⁹ a properly managed and resourced IAU is key to improving police accountability and effective security service provision against a background of extensive legal and institutional reforms. However, the unit continues to face operational challenges. For example, its offices are still located in police offices, suggestive of a lack of willingness to support the institution to operate as an independent unit of the police service.

7. Link police reform to the task of addressing community insecurity

Addressing insecurity in any community is not solely the responsibility of the police service, but requires communities to play a role in voicing their opinions and taking responsibility for their actions. By ensuring communities identify and design solutions to their specific concerns and needs, security provision can be implemented in a people-centric rather than state-centric manner, and can identify preventative solutions to insecurity that address the broader contextual issues that can drive crime and conflict. Additionally, improvements to police behaviour and willingness to engage with communities must be matched by similar efforts on the part of communities if the potential of police reform processes is to be realised.

In all 13 pilot sites, CSFs took a broad approach to insecurity in their communities on the basis of a community security methodology, identifying a range of interventions including microfinance and income generating activities to reduce the likelihood of at-risk groups becoming engaged in criminal behaviour.

In the Kisii project site, the CSF included car wash owners and attendants, *bodaboda*¹⁰ drivers and others involved in the informal economy. These groups were all identified as being particularly at risk of becoming involved in crime or otherwise coming into conflict with the police and other security officials. One member of the CSF said:

“Those at the car wash were young people who had completely given up on life, young people who were sent away from their homes, young people who didn’t know what they wanted for the future; young people that nobody thought of as good citizens.”

Kisii CSF member

Bodaboda drivers were often characterised as criminals who stole from and assaulted their passengers.

Identifying low income as a key factor increasing the likelihood of some engaging in criminal activity, the CSF developed community initiatives to improve income generation. This included supporting car wash attendants to join together to form savings and credit associations to receive short-term loans from the authorities, and to provide *bodaboda* with safety training and materials such as fluorescent jackets, as well as civic education. As well as boosting their legal income generation, these activities also served to improve trust between groups traditionally seen as community ‘trouble-makers’ and the police – for example, *bodaboda* drivers now report to the police motorcycles they believe have been stolen, making their communities safer in the longer-term.

Female vegetable and charcoal sellers also worked through the CSF in Kisii to negotiate permission to temporarily sell goods in undesignated places. Previously, police had been moving women away from these areas and directing them to the formal spaces. However, many lacked the funds to be able to afford the cost of renting a space in these places. One woman said:

“We used to throw our rotten vegetables away because we had nowhere to sell them, or we sold them very, very cheaply. Now we have the space to sell and there is no nastiness from the police, so we are free to do this. The help of Usalama Forum is a change in my life – it is still hard, it is still tough but I have found the way.”

Other women reported that the CSF had supported them to set up a group savings scheme, which meant that many of their children were able to attend school – again reducing the risk of their engaging in criminal activities in the longer-term.

This has all served to change the perception that problems related to insecurity are not solely the responsibility of the police, and has reduced mistrust between community actors, and in some instances created new positive relations – as with *bodaboda* drivers, car wash attendants and other members of the community, including the police.

As well as being of immediate benefit to the target communities, credible evidence from the practical efforts informed national policy processes, particularly within the context of community policing. Lessons learned from the implementation of the community safety model informed the development of key policies and regulations on community policing and

⁹ Technical support to the NPS to establish the Internal Affairs Unit by Saferworld in the course of the three year project revealed deep structural and institutional challenges within the Service that if not effectively addressed will continue sustain a culture of impunity and poor service delivery.

¹⁰ Motorcycle taxis

county policing authorities submitted by Saferworld and Usalama to the Commission on the Implementation of the Constitution (CIC) in February 2015. The forums have become crucial structures for coordinating action at the grassroots level and mobilising public demand for effective service delivery. Through the application of the CSF model, the communities and the police have continued to develop and strengthen working relationships, which has led to an increase in trust, confidence, and cooperation.

Challenges

While there has been some progress in the implementation of police reforms in Kenya, a number of factors however still hinder the achievement of long-lasting positive impacts:

- **Lack of political will.** While there appeared to be considerable political support for the implementation of police reforms during the first year of the project, recent selective amendments to existing security legislative and policy frameworks have contributed to the watering down of positive gains made over the years. For example, the Security Amendment Act 2014 has raised a lot of public concern as some of the provisions have been deemed to infringe on basic human rights and freedoms as enshrined in Kenya's constitution and international human rights law. In addition, the independence of the NPS was further weakened as the president currently holds the power in appointing the IGP. These developments reflect diminishing political support for implementing reforms in accordance with the constitutional and international best practices.
- **Institutional challenges.** Despite the development of key legislation including the Independent Policing and Oversight Authority (IPOA) Act, the National Police Service Commission (NPSC) Act and the National Police Service (NPS) Act, implementation has been slow. This has contributed to tussles between policing institutions such as the IPOA, NPSC and the NPS in the execution of their mandates. Furthermore, oversight-policing structures – in particular the IPOA, IAU and the NPSC – have not built constructive linkages and relationships to ensure the accountability of the NPS. The envisaged integration of the Kenya Police and the Administration Police Services has also been a challenge as the two institutions continue to work separately, thus impeding effective coordination and collaboration as envisioned by the NPS Act. This has undermined service delivery by the police.
- **Security challenges.** Kenya has continued to face serious challenges in addressing crime and insecurity in the country. Proliferation of illicit firearms, armed gangs, terrorism, burglary, carjacking, assault, drug trafficking and sexual offences have been key public safety concerns.

Ineffective and reactionary police responses have had a direct impact in further undermining public confidence and trust in the service. While there has been an increasing demand from citizens for much better services and accountability on the part of the police, poor planning and lack of coordination amongst the security agencies as well as the limited capacity of the NPS have gravely affected appropriate responses to addressing rising insecurity and crime in the country. The appointment of a new IGP and Minister for Interior, though highly welcomed by the public, has not translated into government action to implement police service reform. This is demonstrated by the continued lack of a blueprint for further reform and government officials' preoccupation instead with actions that undermine police oversight institutions.

- **Corruption.** The biggest challenge facing police reform currently in Kenya is the entrenched culture of corruption that has undermined the provision of effective and accountable service delivery. The recruitment of 10,000 police officers which was declared by the court as irregular and marred by corruption undermined the integrity of the NPS. In addition, the ongoing vetting process continues to reveal the extent of corruption within the NPS as the majority of police officers have failed to account for their excessive wealth and misuse of public property.

Conclusion and Recommendations

Significant work has been done to advance the police reform process since the promulgation of Kenya's new constitution. Much of the necessary legislative and policy framework within which reform must occur is now in place, and successfully reflects the input of civil society including Saferworld, Usalama and other key organisations. There has also been growth of constructive and collaborative partnerships, as set out in key lessons learned no.1 (p.4).

However, significant work still remains to be done. Key to this will be operationalising and implementing the legal and policy framework, in particular to ensure meaningful public participation in the new county policing structures to strengthen accountability. The evidence of the transformational and empowering results, lessons learned and good practices of this project and other similar initiatives reaffirms the need to further invest in the police reform process.

Recommendations

To the National Police Service:

- Commit to building a culture of accountability within the police to complement external, independent oversight mechanisms to reduce and end the prevailing culture of impunity.

- Give greater prominence to the work of police with communities as this is critical to increasing public trust and confidence in the service.
- Reform national budgeting processes for the NPS to ensure that budget allocation is informed by community safety assessments and resources are allocated by need. Direct investment in the police station as the centre for the administrative and command functions of all police services is key to improved security.

To the Government of Kenya:

- Demonstrate political goodwill, support, and inspirational leadership to transform the NPS into a responsive and accountable security agency in Kenya. To guide police reforms in Kenya, a new blueprint is urgently needed to ensure that there is a strategy towards which all the actors involved in police reforms contribute.
- Adopt a community-oriented approach in order to ensure local security needs, concerns and dynamics inform both local and national policing priorities. National efforts should ensure inclusive processes put people at the centre of addressing security challenges in order to have a demonstrable positive impact on the ground.

To the County governments:

- Support and operationalise County Policing Authorities, Community Policing Committees and Community Policing Forums as models for addressing security issues in each county jurisdiction as per the relevant regulations.

To civil society actors:

- Build collaborative relationships at both national and local level with the police themselves, finding ways to balance necessary criticism of their performance with positive reinforcement of good behaviour.
- Dedicate time and resources to building a strong network of partners, emphasising collaboration on the development of a vision for programme interventions and a shared methodology for supporting police reform processes.
- Adopt a community security approach in programmes designed to improve the safety and security of people and their communities
- Support police and community members to develop a deeper understanding of what community support or resources for the police

would be acceptable within an ethical framework as part of a community security and partnership approach.

- Support simple low cost, effective ways of achieving tangible changes in local security to build trust – such as the work with car wash owners and attendants and bodaboda drivers.

To development partners and donors:

- Ensure future policing or police reform programmes are informed by evidence about best-practice and emphasising community-based approaches to improving security and facilitating police reform.
- Support long-term policing programmes taking into consideration that reform takes time given the incremental nature of institutional and attitude changes required within the police service.
- Recognise that political will is a key obstacle to reform, and engage with the Kenyan government to promote their support and leadership.
- Ensure support to political reform programmes has a strong anti-corruption element.

About Saferworld

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

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

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

Appendix 1: Crime Clock – Extract of the digital crime observatory in Kisii police station

