

**EFFECTIVENESS OF CIVILIAN OVERSIGHT ON LAW ENFORCEMENT
BY NATIONAL POLICE SERVICE IN KENYA: A CASE OF INDEPENDENT
POLICING OVERSIGHT AUTHORITY**

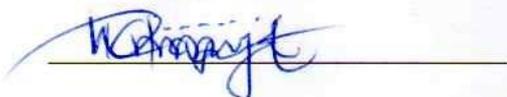
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**A Thesis submitted in partial fulfillment of the requirements for the degree of
Master of Science in Governance, Peace and Security in the Department of
Governance, Peace and Security Studies, School of Humanities and Social
Sciences of Africa Nazarene University**

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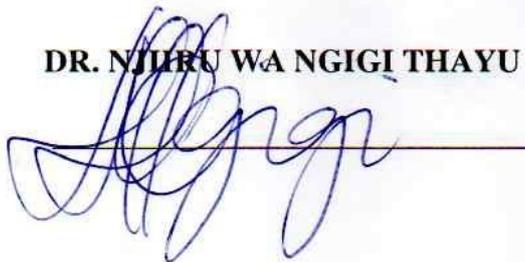
DECLARATION

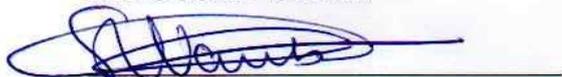
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20/6/2022

This research was conducted under our supervision and is submitted with our approval as university supervisors.

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DEDICATION

I dedicate this work to my wife Costah Jepkoech Lagat and children: Lynn Jepkemboi, Frankline Kipruto and Sharlyn Jeptoo for their moral support and encouragement, and in particular my dear wife for her daily prayers and persistent push to have me finalize on this study despite the many challenges.

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ABSTRACT

Allegations of police use of excessive force, racial discrimination, unjustified shootings as well as general lack of accountability have been reported in both developed and developing nations. Many developed countries established civilian oversight authorities to investigate the complaints against police misconduct and also recommend policies that can improve the performance and welfare of police officers. In Africa, only two countries have created civilian police oversight mechanisms to investigate police misconduct. This study therefore focused at the effectiveness of the Independent Policing Oversight Authority (IPOA) on law enforcement by the National Police Service (NPS). The specific objectives were to assess the mandate, capacity, and strategies of Independent Policing Oversight Authority on law enforcement by National Police Service. The study also sought to identify the challenges faced by the IPOA while exercising its mandate. The study was hinged on two theories: deterrence theory and neoclassical organizational change theory. This study was conducted in Nairobi City County using a descriptive survey research design. The study targeted police officers, IPOA staff, Independent Medico Legal Unit (IMLU) staff, Kenya National Human Rights Commission (KNHCR) staff, International Jurist Mission (IJM) staff and Office of Director of Public Prosecution (ODPP) Staff. Yamane sample size determination formula was used and a sample size of 295 Police officers and 30 IPOA officials were picked to participate in the study. Two senior staff members from IMLU, KNHCR, IJM and ODPP were recruited as key informants. Research questionnaires and interview guide tools were used to collect data. Descriptive Techniques were used to analyze collected data. Quantitative data was analyzed using Statistical Package for Social Sciences (SPSS) software version 27 while qualitative data was subjected to content analysis. Analyzed quantitative data was presented in the form of tables while qualitative data was presented in a narrative form. The study found that regular monitoring of police operations had led to reduced abuse of power by police officers where 59.5% respondents agreed. Kenyan Police expressed confidence in the leadership demonstrated by IPOA as reported by 61.9% of the respondents. Finally, the study established that the police adherence to laws, code of conduct and operational procedures improved since the formation of IPOA as reported by 77.3% of the respondents. The study concluded that monitoring of police activities by IPOA had indeed led to most police officers observing law and order. The study recommends the community at large should be involved to make sure that IPOA plays its role effectively through reporting of different cases of crime which might have been attributed to the police officers. The findings of this study may provide insight to key policy makers on the strategies that will be employed by IPOA towards improving law enforcement practice by NPS. The study may also help build a more proactive, responsive, and professional NPS and IPOA, thus positively contributing and improving the policing environment in the country. The findings may also add to the body of knowledge that would be of help to students, academicians and researchers interested in this phenomenon of study on Civilian Oversight on law enforcement.

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ABBREVIATIONS AND ACRONYMS

GOK – Government of Kenya

IAU – Internal Affairs Unit

IJM – International Jurists Mission

IMLU – Independent Medico Legal Unit

IOPC – Independent office for police Conduct

IPCC – Internal Police Complaint commission

IPID – Independent Police Investigative Directorate

IPOA – Independent Policing Oversight Authority

KNHCR – Kenya National Commission on Human Rights

NACOSTI – National Council of Science, Technology and Innovation

NPS – National Police Service

ODPP – Office of the Director of Public Prosecution

PCIARC – Police Civilian Internal Affairs Review Commission

PEV – Post Election Violence

PIIAC – Portland Internal Investigations Auditing Committee

RCMP – Royal Canadian Mounted Police

SAPS - South African Police Service

UK – United Kingdom

UN – United Nations

UNCAT - United Nations Committee Against Torture

UNODC - United Nations Office on Drugs and Crime

USA – United States of America

CHAPTER ONE

INTRODUCTION AND BACKGROUND OF THE STUDY

1.1 Introduction

This chapter introduces the study which sought to examine the effectiveness of civilian oversight bodies on law enforcement by the National Police Service (NPS), with a focus on the Independent Policing Oversight Authority (IPOA) in Nairobi County, Kenya. It also explains the origin and concept of civilian oversight and why it is being embraced world over as a mechanism for pursuing police accountability in the policing environment. The chapter presents the study background, the rationale for the study, problem statement, research questions, study objectives and study scope, the importance of the study, assumptions, study limitations, delimitation, conceptual framework, and theoretical context.

1.2 Background of the Study

One of the main constitutional responsibilities of the working democratic nations includes the preservation of the basic rights and freedoms of its citizens. National Archives (2021), on the preamble to the American Declaration of independence, quotes those human rights form an essential outline for cultural, social and economic development and encompass the right to decent pursuit of happiness, liberty and life. Among the main needed standards taken on by many states, is guaranteeing and ensuring these fundamental freedoms and human rights are provided through viable policing. Subsequently, the way countries exercise social contract to bring harmony among individuals living in a community is by providing the security to all residents (Locke, 1690). Largely, this should be the work of the police as a state organization. However, the increasing cases of police brutality and blatant abuse of the people's

rights and freedoms continues to draw interest to the public and policymakers leading to the setting up of bodies responsible for oversight of police actions and activities.

Particularly over the decades, many countries have tried to implement different approaches to enhance and restore public confidence in the police. Some of these approaches have succeeded while others have failed. Civilian oversight structures have been adopted as a bottom-up approach to ensuring efficient service delivery by the police. This method includes individuals from outside the police playing a vital responsibility in censuring the police for their organization, activities and policies. Preferably, numerous civilian citizen oversight systems have been especially worried about grievances against the police. As indicated by Walker (2010) citizen oversight gives a dependable method for accomplishing an intensive and fair examination. Through civilian personnel oversight, more protests are supported and therefore police offense is hindered. Police policies and needs are more viable and receptive to the local area when regular citizens are involved than when the police settle on choices without civilian personnel input (Goldstein, 1979).

For instance, in the United States, the calls for civilian oversight agencies started from as early as 1930s as the accusations of the police for using excessive force, racial discrimination, unjustified shootings as well as general lack of accountability were getting worse. However, the calls for more responsive and effective civilian oversight took serious considerations from 1970s due to increased cases of police brutality and flagrant abuses of human rights and freedoms in the United States. Accordingly, the study by Kindy, Fisher, Tate, and Jenkins (2015) exclusively highlights the findings of the in-depth analysis of the police shootings in 2015 by the *Washington Post* that of the 965 people who were shot by police, 564 were armed with a gun, 281 had a different weapon, and 90 were unarmed. Moreover, another *Washington Post* study found that,

since 2005, there were thousands of fatal police shootings. From those thousands, most officers were acquitted and only 54 were charged. Of those 54, only 31 were convicted and in most of the cases the officers were white, and the victims were black (Kindy & Kelly, 2015). On the same note, a study about complaints against Chicago Police Department showed that not only does race play a role in excessive use of force, but also that race plays a role in which complaints are sustained (Ajilore & Shirey, 2017). Therefore, reiterating the need for more strong and powerful civilian oversight bodies.

Similarly, in Canada the idea of involving the public in supervising the conduct and actions of the police fraternity is also significantly revered. For example, both the Peel Regional Police (Ontario, Canada) and Toronto Police Service are directed by the Police Services Board which appoints the chief of police, who is responsible to the board as the chief executive of the corporation and is responsible to its board of directors. However, the community is involved in the process as the oversight bodies are made of civilians appointed by mayors who are responsible for independent investigations and misconduct trials (Stephens, Scrivner, & Cambareri, 2018). The concept of civilian oversight encompasses citizens to hold police accountable to the general public for their actions, policies, and organizational response to the society at large. It also describes a structure and a system for citizens to oversee and review complaints made against the police and to remedy problems regarding police misconduct and the use of excessive force (Miller and Merrick, 2015).

On the same note, civilian oversight presents opportunities for the developing nations to hold police systems accountable. However, across the African nations, making police apparatus accountable remains a tall order. For instance, in Nigeria “despite the many mechanisms of police oversight in Nigeria, police corruption, brutality, arbitrary arrest and detention and excessive use of force remain commonplace according to recent U.S.

State Department human rights country reports” (Berg, 2016). Rachel Aicher (2010) cites political interferences, lack of resources, monopoly of investigations by Nigerian police, lack of training and lack of requisite skills as some of the things that contribute to Nigerian police brutality. Moreover, there are significant levels of corruption at all levels in the force coupled with underfunding of the civilian oversight entities. These endemic levels of corruption, driven by an institutional culture that often actively legitimates fraudulent behaviour, have sustained deep-seated relationships with criminal entities and groups. In turn this has undermined the ability of civilian oversight agency to hold the police service accountable. Similarly, in South Africa several interventions made with respect to accountability have also been characterized by various challenges ranging from political interpretations, history, culture, and race. As such, oversight bodies have only had limited success.

In East Africa, specifically in Kenya, the turning point to evaluate impunity orchestrated by the police was the post-election violence of 2007/08. Earlier on, the UNCAT observed that dealing with human rights violations by the police was hindered by inept and corrupt individuals in the police service. The 2008 Post Election Violence (PEV) was triggered by the announcement of the presidential elections results on December 30, 2007 which was widely contested and claimed lives and destruction of property of thousands. Upon realization of peace by the former United Nations Secretary General Koffi Annan through signing of the Kenya National Accord and Reconciliation Act, 2008 which paved the way for the creation of the Commission of Inquiry into the Post-Election Violence, 2008 (Awino, 2018).

On 8th May 2009, the then President Kibaki announced the appointment of a National Task Force on Police Reform and set out its terms of reference in The Kenya Gazette No. 4790 of 8th May, 2009 (National Task Force on Police Reform, 2009). Among

other issues, The Ransley report recommended the establishment of the Independent Policing Oversight Authority (IPOA) to monitor the professionalism and overall performance of the Kenyan police and its auxiliaries and to assist in enhancing the efficiency of the police towards service delivery, marking a new dawn for Kenya as far as police oversight is concerned. Accordingly, the constitution of Kenya 2010, Bill of Rights Chapter four, Article 19(2) reiterates the purpose of recognizing the protection of human rights and fundamental freedoms. Importantly, The Constitution of Kenya of 2010 gave life to the recommendations that were given by the National Task Force on Police Reform. It brought about a single command structure, under the Inspector-General of Police. Two institutions which were tasked with police oversight were established: one, the IPOA which was established under the IPOA Act, 2011 and two, the Internal Affairs Unit (IAU) which was established pursuant to Section 87 of the National Police Service (NPS) Act, 2011.

The role of the IAU incorporates, but not restricted to, receiving and investigating complaints against the police from members of the public and the police themselves, or on its own motion or as instructed by a senior officer, or on the instruction of the Inspector-General, or in line with the provisions of the IPOA Act and NPS Act. The NPS Act additionally provides that any use of excessive force and firearms must be accounted for by the Police officer in control or immediate supervisor. In case of death or serious injury, the same must be reported to the IPOA who will review the case and carry out independent investigations. This strategy ensures that the NPS is under check as they serve the nation. The events of 2007 and 2008 as a result of the disputed presidential elections justified why police reforms had to fall in place and Kenya saw the formation of the IPOA in the year 2011 and has been operational to date. However, the country continues to witness several police excesses despite the presence of IPOA.

1.3 Statement of the Problem

Although more countries across the globe are moving towards independent civilian oversight of their police, that is not the case in Africa, where only Kenya and South Africa have followed that route. This work offers an analytical review and assessment case study of the effectiveness of civilian oversight of the police in Kenya. It quantitatively evaluates the parameters that contribute to the effectiveness of civilian oversight. The IPOA July 2020 performance report documents that since inception, IPOA had received and processed a total of 18,166 complaints. It had investigated 2,625 cases. The Authority had secured 8 convictions and 95 cases were being prosecuted in court. Performance report of June to December 2018 reveals that the Authority had received 10381 complaints since inception and investigated 790. Looking at the complaints received over the four-year period, the average comes to 2000 complaints per year. On the same note, alleged deaths as a result of police action were 105 in the June – December 2020 report, while the same were 85 in the July – December 2020 performance report. The magnitude of these statistics imply that there is an urgent need to critically look into the IPOA to understand how effective it has been in offering civilian oversight over the work of NPS.

Evidently civilian oversight has been fully operational in Kenya for the last 8 years and its effectiveness is uniquely characterized by ambiguities and variations that need an in-depth study to unearth. Many strategies that have been employed by it to enhance its mandate seems to be vulnerable to unknown factors hindering its full potential in service delivery. This therefore demands for a change of tact and creation of strong counter measures aimed at mitigating any loopholes within civilian oversight institution. It is no longer about whether the guards need guarding, but of coming up

with the best form of guardianship. Therefore, this study sought to assess the effectiveness of IPOA in terms of its mandate, capacity, and strategies.

1.4 Purpose of the Study

The Constitution of Kenya 2010 created the National Police Service. Article 244 of the constitution provides that the police shall strive for the highest standards of professionalism and discipline. Parliament therefore enacted the IPOA Act No 35 of 2011 which led to the formation of the IPOA in 2012. It is a civilian led agency tasked with professionalizing the National Police Service. This study therefore aimed at examining the effectiveness of civilian oversight on law enforcement in Kenya.

1.5 Objectives of the Study

General objective

The general objective was to evaluate the effectiveness of civilian oversight on law enforcement.

Specific objectives

The specific objectives of the study were as follows

- i. To assess nature of IPOAs oversight mandate over NPS law enforcement function in Nairobi County.
- ii. To evaluate the capacity of IPOA to oversight the NPS in its law enforcement role in Nairobi County.
- iii. To determine the efficacy of the strategies used by IPOA to monitor NPS in law enforcement in Nairobi County.
- iv. To establish the challenges faced by the IPOA in exercising its oversight mandate on NPS law enforcement in Nairobi County.

1.6 Research Questions

- i. What is the nature of IPOAs mandate with regard to NPS' law enforcement in Nairobi County?
- ii. Does IPOA have the capacity to oversight law enforcement as conducted by the NPS in Nairobi County?
- iii. How effective are the strategies used by IPOA to oversight the NPS in the execution of their law enforcement function in Nairobi County?
- iv. What challenges does the IPOA face in oversighting the NPS in respect of law enforcement in Nairobi County?

1.7 Significance of the Study

This section discusses why this study was important as well as who may most likely benefit from it. It describes the contribution the study may make to the broad literature. This study may provide insight to the key policy makers on the strategies that may be employed by IPOA towards improving law enforcement by NPS. Such policy makers may include government agencies and institutional administrators in relevant constitutional entities such as IPOA and the NPS. It may also provide insight to other local and international stakeholders concerned with the performance of IPOA and NPS such as UNODC, ODPP, IMLU, IJM and KNCHR. Implementation of recommendations from the study may help build a more proactive, responsive and professional IPOA, thus positively contributing and improving the policing environment in the country. The study may also add to the body of knowledge that would be of help to students, academicians and researchers interested in the phenomenon of civilian oversight over the work of police.

1.8 Scope of the Study

Research studies have limited scopes and cannot cover all the sites of interest (Kothari, 2009). The study was only focused on IPOA, which is the only police oversight body in Kenya. The study was done in Nairobi County in Kenya, and involved IPOA officials at the head office, senior targeted staff drawn from IMLU, KNHCR, IJM and police officers based in Nairobi County. The sample size was determined to be 343. The study was conducted between January 2021 and June 2022.

1.9 Delimitation of the Study

Delimitations are limits that the survey has regarding the subjects of interest. Delimitations involve areas not to be covered by the study (Kothari, 2009). This study could have been conducted in all the regions, that is: Kisumu, Eldoret, Mombasa, Garissa, Nyeri, Meru, Kakamega and Nairobi but was only confined to Nairobi County due to limited financial resources for such an exercise. The study was limited to establishing the mandate, the capacity, strategies, and the challenges facing IPOA as an oversight body to national police service. It did not focus on other oversights due to time limitation and at the same time was not looking at police oversight prior to the establishment of the IPOA.

1.10 Limitations of the Study

The researcher anticipated access to information from police officers as a major constraint. This is because police officers can only share information if authorized to do so; implying that not all police officers can comment on issues touching on the police. Due to the foregoing, the research mainly targeted senior police officers in Nairobi County and a few junior police officers whose identities were coded to protect them. The study also employed the use of secondary data from reliable sources such as journals, papers, surveys and performance reports. Even though access to information

may limit the findings in the study, information from IPOA and other public institutions was adequate.

1.11 Assumptions of the Study

Leedy and Ormrod (2010) posit that assumptions are so elementary that, minus them, the research problem itself could not be existent. This study was based on the following assumptions: a representative sample from the police service is knowledgeable about the effect IPOA has had and represents the correct position of the police service. It was assumed that the research instrument would collect accurate information. The study further assumed that the IPOA mandate, capacity and strategies had an effect on law enforcement by NPS and impacted positively leading to the reduction in reported cases of police brutality.

1.12 Theoretical Framework

A theory refers to a fact that attempts to explain the causality relationship between observed phenomena rationally and credibly. A theoretical review therefore forms the connection between the practical components of the area of focus and its theoretical aspects. The three theories that underpinned this study were as discussed hereunder.

1.12.1 Deterrence Theory

Deterrence theory is a theory in criminology which has its roots from the works of Jeremy Bentham and Cesare Beccaria. The theory was developed in the eighteenth century, and it explains crime and provides a method for reducing it. It is based on three components namely: celerity, certainty, and severity. Celerity means that an immediate reprimand is necessary to discourage misconduct. Certainty means that every time a crime is committed, those who committed the crime should get a certain or a sure punishment. Severity reflects to the fact that a rational human being is likely to abstain

from committing a crime if they think that the punishment will be very severe (Quackenbush, 2015).

Deterrence theory provides that if people knew they would be punished from their wrong doings, they will always try in the future to abstain from creating the same offense. Moreover, it provides that if a reprimand is swift and severe, a normal person will evaluate the possible gains and losses and will be discouraged from defying laid down rules if the loss is greater than the gain.

In line with deterrence theory, the existence of IPOA can deter the police from engaging in misconduct and embrace the legal procedures put in place in their policing operations. Knowledge by the police that any disciplinary behaviour or criminal act will attract an instant severe punishment will deter them from committing crime. Lumen (2022) in its write up on criminal justice notes that the deterrence theory is criticized owing to high recidivism rates as proof that the theory does not always work. Offenders after being punished do relapse and engage in crime.

1.12.2 Neoclassical Organizational Change Theory

This theory was developed by Max Weber (1864 -1920), and it identifies the importance of having a proper and working structure whereby despite the fact that subordinates take instructions from their managers, they have right to contest and appeal the instructions. In other words, everyone in an organization or any work environment has the opportunity and right to disagree or air grievances when they do not agree with some issues (Onday, 2016). Notwithstanding knowing that some of their actions are unprofessional and inhuman, some police officers continue to perform these acts in the name of executing orders issued to them by their supervisors. There is a

culture in majority of African countries regarding police officers where an individual is expected to execute orders then question the reasons later.

Classical organizational theorists argue that for authority to be effective, there must be accountability. The fear of losing favor or disciplinary action being taken, bribery and intimidation should be eliminated if professionalism within police service is to be achieved. Promotion of officers has mainly been seen as based on the relationship between the subordinates and the commanders but not on performance; and also on how much you can offer for such promotions. This has in turn led to low morale among the police officers who merit these promotions (Delattre, 2006). This theory provides that treatment of employees with friendliness and respect leads to positive environments and more productivity. Employees should be directed towards achieving expected results. It is therefore the responsibility of the management to create an environment of value, creativity, purpose, cohesiveness, and enhanced effectiveness and efficiency.

Neo-classical organizational change theory proponents assume that individuals in societies need to collaborate and thus the duty of the administrative body is to build and uphold good morals and purpose. The executive is also meant to nurture formal and informal communication links between the employees and their seniors to safeguard that the preparedness of people to work together prevails (Cohen & Prusak, 2001). The neo classical organizational change theorists have provided the motivation to break the monopolistic dominance and have paved way to the open-door policy that has seen the enhancement of politics, human relations, power, modern structural systems and organizational culture perspectives of organizations. The true measure of a reformed police service in regard to this theory should be reflected in the performance of its employees (the police) and in exercising their right to contest and appeal wrong or oppressive instructions from their seniors. This will help them execute orders which are

human, just and desirable. This theory also offers an implication to policing as it encourages formulation of strategies and measures that will ensure incidents of alleged misconduct are reported with no fear, investigated transparently, and ensure disciplinary measures are taken appropriately.

1.13 Conceptual Framework

The conceptual framework is a blueprint of the interactions between independent and dependent variables in a graphical format (Mugenda & Mugenda, 2003). From the conceptual framework, this study sought to establish the effectiveness of civilian oversight on law enforcement. The study sought to establish whether the effectiveness of the IPOA mandate, capacity and strategies could enhance accountability at the NPS. The study also sought to establish the challenges facing IPOA and how these challenges impede it from executing its mandate. The conceptual framework displays the relationship between the four independent variables and dependent variables.

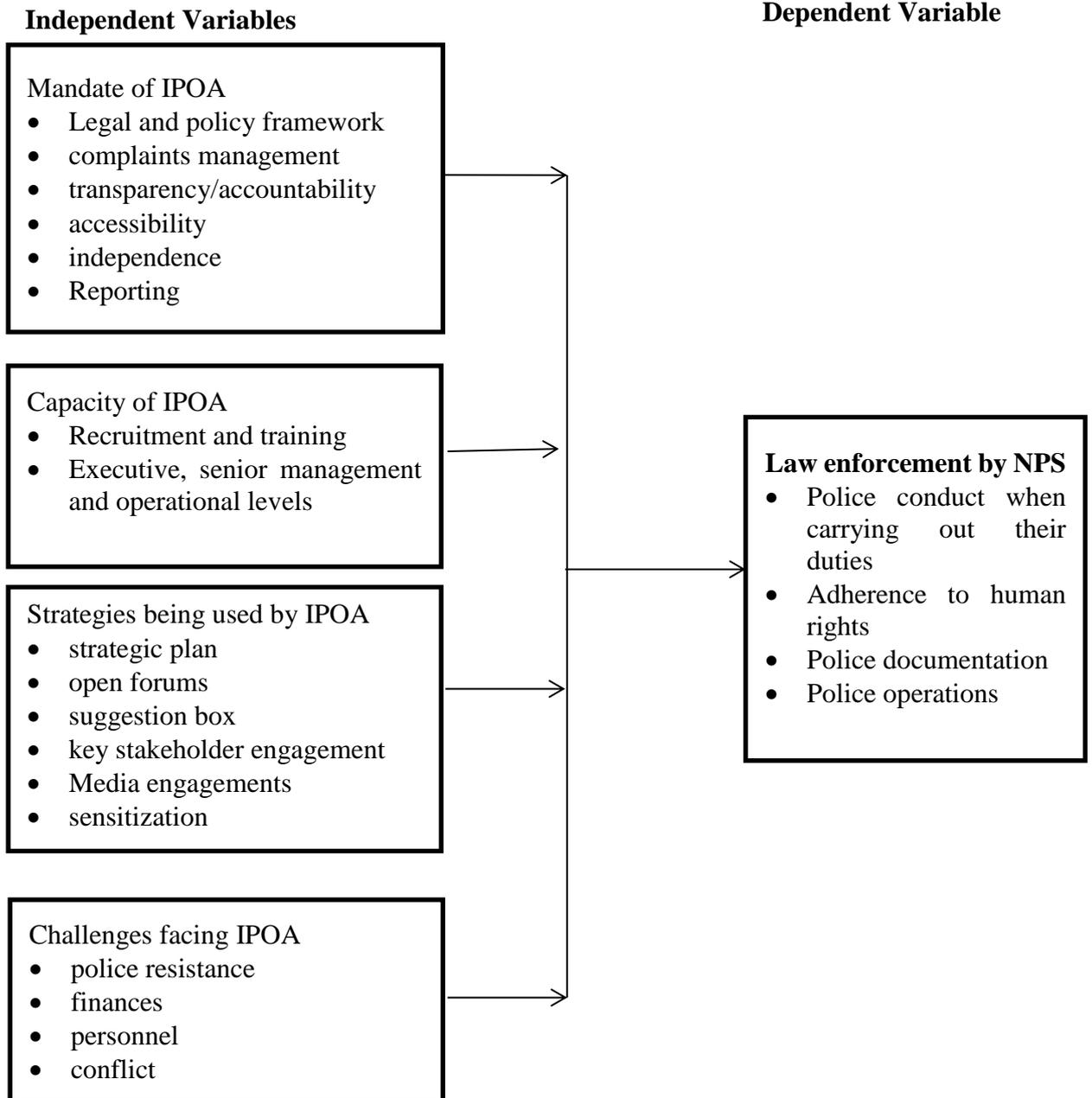


Figure 2.1: Evaluation of the effectiveness of civilian oversight on Law enforcement.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter introduces and discusses in detail the study objectives in relation to effectiveness of civilian oversight on law enforcement. The chapter also reviews existing as well as identifying research gaps of knowledge in regard to the subject of study.

2.2 Review of Literature

2.2.1 Mandate of civilian oversight on law enforcement

Globally in other parts of the world such as England and Wales, serious police grievances that result to death are probed by the IPCC steered fully by civilian model (Smith, 2006) now referred to as the IOPC. Its mandate is to increase public confidence in the police complaints system. It investigates serious complaints and allegations of police misconduct and handles appeals. Furthermore, previous research shows that when there is police death related in British Columbia, investigations is conducted by a team consisted of civilians or ex-police officers who have not served as officers in the past five years but there are no fully civilian or autonomous assessment simulations in Canada (Stelkia, 2020). In the USA, police departments have undergone various reforms to make fit and protect citizens from police brutality. In that regards therefore, studies by (Ferdik, Rojek, & Alpert, 2013) show that civilian review board was formed to deal particularly with citizens' complaints. They further stated in the study that Federal statutory remedies are applied in the cases where law enforcement agency fails to voluntarily comply with civilian review board. In dealing with such situations, congress of the United States formed a law enabling civilian rights division of department of justice to carryout investigations of state and local police accused of

engaging in unconstitutional practices of applying excess force and other gross misconduct.

Brutality and violence has escalated during and after elections in Kenya since the introduction of multi-party in 1992 (Omeje & Githigaro, 2012). However, the magnitude of 2007/2008 post-election violence was so immense that the international communities feared for the future of the country. As a result, national peace accord was signed and the reform for police service enhanced to stabilize the country since the police service was greatly used to brutalize the innocent citizens. In that regard, IPOA was formed to countercheck the police performance in Kenya through the IPOA Act 2011 (Kaheke, 2019). Some of the functions IPOA was to undertake included investigation of deaths and serious harms caused by police, investigation of police's gross misconduct, presenting information as per their findings to the ODPP among other functions. Due to the emergence of the counties as outlined in the Constitution of Kenya 2010, the functions of IPOA are to be devolved to the 47 counties of Kenya in accordance with Article six of the constitution.

According to the government of Kenya (GOK, 2011), major police responsibilities are to administer all laws and policies they are assigned to do, give help to the members of the public when needed, collecting criminal intelligence, arresting law breakers and safeguarding the property and lives of the people as described in section 24 and 27 of the constitution. In order to perform these functions as in article 244, (GOK, 2010) stated the role of NPS is to educate its staff to the top notch of competency level and uphold integrity and civil liberties, ensure that the members of staff obey the rights of people and their basic freedoms and also prevent corruption and add weight to transparency and accountability in order to enhance good relations with members of the public.

In order to countercheck due assigned duties of the police by the police officers without deviating from their constitutional mandate, IPOA was established to take the oversight role on police functions with the objective of bringing change to the National police officers from being rogue and brutal to being professional, responsible and competent officers who Kenyans can rely on and restore confidence of the people about their safety. According to section 6 (GOK, 2011), key function of IPOA is to investigate into the policing process associated with the public, inspecting the premises of the police officers as well as their custodies, cross-check misconducts of the officers, probing the deeds of internal affairs unit in response to the protests against officers, scrutinizing protests against police officers and recommending to the responsible authorities and also cooperate with other bodies and organizations to ensure maximum oversight exercise is achieved.

According to (GOK, 2011) through section 5 of the constitution, IPOA was formed to achieve the following three major goals; for implementation of article 244 of the constitution, to ensure that there is completely self-regulating oversight of management of the complaints by the service and finally, to make the police officers responsible and answerable to the members of the public in carrying out their duties. Akinyi (2017) opined that despite the fact that IPOA was created to carry out the oversight duties, much has not been done to achieve the objectives and better strategies for assessing citizen oversight organizations hence they have been extolled and also dismissed. As a result, according to Miller and Merric (2002), the study affirmed that little has been done to determine the factors that could ascertain success of the oversight bodies. On the same note, Prenzler (2004) found out that majority of the success stories depended more on intangibilities like betterment of procedures and policies, improvement of transparency, improved quality of investigations and also having accolade public

perception instead of the tangibility such as improved discipline cases and reduced incidents of misconduct or decreased grievances.

A study by Awino (2018) was based on civilian oversight system and the regulation of police work in Kenya. The study assessed the mandate of Independent Policing Oversight Authority based on the IPOA Act that created it. To meet this objective, the study used structural functionalism theory and social control theory. The study had a target population of 160 employees of IPOA. Using research questionnaires, the study demonstrated that IPOA conducted investigation of police misconduct, review, and monitor and oversight police operation which is its mandate. Despite this study having assessed the role and capacity of IPOA, it did not look at the effectiveness and challenges of IPOA. This study intends to fill this gap by specifically reviewing the legal and policy framework in which IPOA operate in.

2.2.2 Capacity of civilian oversight on law enforcement

Democratic governments in the world always entrust and install powers to the police to monitor the conduct of citizens who in return have high expectations of professionalism from their officers. In most states, it has become so disappointing since the police officers entrusted to maintain law and order misuse the powers installed in them and instead use it to abuse the citizens they are supposed to protect. For instance, studies show that in the United States, the consistent form of police mistreatment, misconduct and corruption led to the involvement of citizens in police accountability (Lewis, 2000). Independent Police Review (IPR) was instituted, and it encompassed of a director and nine civilian volunteers to fill the citizen review committee. Furthermore, the study states that the attorneys in Los Angeles proposed the idea of having civilians in 1920s to assess the complaints against police officers. In that response, civilian oversight structures were formed and adopted as a bottom-up approach to ensuring efficient

service delivery by the police (Campbell, Mahaffy, Stewart & Trepanier, 2004). This method involves people from outside the police taking a key role in calling the police to account for their actions, policies, and organization. According to the study by (Walker, 2000), the results revealed that the oversight agency was formally instituted in 1948 for the Metropolitan Police in the district of Columbia and constituted of three citizens who were tasked with reviewing complaints given by police chief and suggested appropriate disposition of each case. However, the inability to efficiently handle growing caseloads and funding crisis led to disbandment of the body in the mid-1990s. This is a clear indication that the formed civilian oversight board needed to be expanded from the initial three members to a larger number in order to eradicate fatigue and improve the services provided by the board.

Civilian oversight members of staff are supposed to be skilled with knowledge and ability to evaluate the complaints laid to them by the civilians against police officers to give proper suggestions that curb police misconducts. Members of staff of civilian oversight board sometimes receive intimidations from politicians and fail to execute their functions fully. Considering such factors, previous research revealed that the civilian oversight bodies in different parts of the world are not giving reliable and transparent checks and balances for the people they were appointed to serve against police officers (Independent Police Review (IPA), 2012). Due to such cases, research on the analysis of New York City complaint review board in their conclusion asserted that there was a belief that citizen oversight is at times tool used by the elected leaders. It is the desire of the members of the public that the oversight board to be independent from police. It is therefore suggested that members of the civilian oversight should provide transparent reporting, have personal integrity and provide unbiased suggestions of the people involved.

Adoption of African charter on human and people's rights resulted to the establishment African commission on human and people's rights (Ruteere & Pommerolle, 2003). This came as a result of African efforts surrounding police oversight. The African commission has the powers to check on state communications, look at the individual violations of rights and to describe the bond. Any individual within the African continent is free to make complaints to the commission where the commission has also created a special body monitoring human rights in Africa. The previous literature review revealed that resolution on police reform, accountability and civilian oversight in Africa was adopted by the African commission on human rights calling for all parties to ensure that police service obey the inherent dignity in the individual and asking the states to form civilian policing oversight that are independent (IPOA, 2013).

In forming the IPOA board of committees in line with Act section 18, the board consists of eight members who are experts in investigations and legal matters, inspections, monitoring and research, communications and outreach, risk and audit, human resource and finally finance and administration. The top priority for democratic police reforms is improving polices and internal disciplinary systems to its top effectiveness, this is as outlined by (Commonwealth Human Initiative and Kenyan Human rights Commission, 2006). Internal accountability systems complement other oversight mechanisms instead of replacing them. It is important and almost mandatory for the members of civilian oversight (IPOA) to have self-discipline in order to encourage the internal accountability systems to suitably carryout their responsibilities and enhance people's confidence in them. It is reviewed from the previous research that internal oversights are seen as being cost effective which when carried out effectively, forms a better way of curbing poor performance and misbehaviors of the police officers(Government of Kenya,October, 2009). IPOA therefore monitors the Internal Affairs Unit (IAU) of

police so that they can independently confirm the inner police mechanisms dealing with complaints against police officers appropriately. The duties are carried out with utmost high integrity to ensure that the rights of the police officers are also not violated in the process. This requires great self-reliance and self-confidence of the IPOA members as they are mandated by the constitution to protect citizens from police brutality.

Kaheke (2019) assessed Civilian Oversight of Police in Africa using the Kenyan and South African Experiences. The aim of this study was to look at whether the organizations have completely tended to the worries about the offenses and conduct of the police; to evaluate the difficulties looked by the oversight bodies; and, to analyze the limit of IPOA and IPID to completely practice their duties. The author utilized secondary data sources to get archived information. This was done in form of discussions. The investigation discovered that there was tremendous requirement for legislatures to reinforce the limit of their oversight bodies through more monetary allocations, commitment of more staff, better preparation of staff, severe proportions of change of the period taken in examinations and resulting arraignment of the affected police officials. Despite this study attempting to address a number of concerns that the current study addresses, it has not addressed the elements responsible for contributing to the effectiveness of civilian oversight in the policing environment. It is on this ground that the current study seeks to get primary data from the key stakeholders working within the policing environment to get firsthand information to inform policy decisions at the IPOA and other key players in police oversight.

A study by Njoroge (2018) focused on a critique of police oversight mechanisms in Kenya with regard to extrajudicial killings. This study was aimed at finding out whether there are any weaknesses with the current oversight system in comparison with the previous system to establish what needs to be improved. It was found that the oversight

mechanisms were inadequate despite the existence of an extensive legal regime. The study only focused on the weaknesses of the oversight body and did not look at how effective the institution has been. This study seeks to fill the gap by looking at IPOA effectiveness through the current mandate, capacity and strategies put in place to address not only complaints but also addressing the police concerns.

2.2.3 Strategies used by civilian oversight on law enforcement

For the civilian policing oversight to be effective, the body should embrace both tactical and strategic concepts that help it achieve its vision and mission. It is the board where the appointed members must be committed to serving and protecting the interest of the citizens against excessive force used by the police (Campbell, Mahaffy, Stewart, Trepanier, 2004). Regarding St. Paul police officers, the PCIARC was created in the year 1993 and started administering investigations (PCIARC, 2010). Even though the studies suggested the adoption of the methods that allow the members to not only make recommendations but also take part in the investigative process (Finn, 2001). The civilian oversight committee in that regard developed strategies to ensure that they carry out their duties efficiently and effectively. Civilian oversight attends hearing process of the cases laid against the police officers who violate the rights of the citizens and from there make recommendations unlike making recommendations from reports presented to them.

Previous studies show that due to the fact that the civilian oversight authority is only capable of making recommendations and are not permitted to participate in the investigative process, the civilian oversight have come up with the strategies to make policy recommendations in the police department as is seen with the PCIARC in the USA and Canada (Lewis, 2000). On the same note, the civilian oversight authority is open hearing cases involving police misconduct such as excessive use of force, poor

public relations among other issues. Putting such strategy in place ensure that there is proper check balances in police actions that might violate human rights and ensure that the law breakers are made to face the rule of law. Furthermore, the civilian oversight body ensures that the policymaking recommendations are adopted and implemented.

LoCurto-Martinez (2020) conducted a study on civilian oversight and police authenticity during a time of conflict in Kansas City, New York City and Los Angeles. The review utilized a survey exploration and interview meetings to evaluate the perspectives and encounters of important actors. The review tracked down a proof to conclude that civilian oversight can further develop responsibility, straightforwardness, and trust. In any case, for oversight to deliver the ideal outcomes, resident boards should have adequate legitimate authority as well as fitting staffing, financial plans, and participation from police offices and associations. Tragically, such participation isn't effortlessly accomplished. This study is very relevant and was be used to compare the findings in this study.

According to Akinyi (2017), the IPOA is to take proper approach that consider the problems of the police and also ensure that they understand the reason behind ill-treatment by the police. Among other approaches, research by (Association for the Prevention of Torture (APT), 2013) opined that dialogue should be held between police and the Civilian policing oversight authorities concerning grievances of the police officers for greater openness and a diplomatic tool. In response to that, it is therefore important that the oversight bodies such as the IPOA in Kenya to have a good rapport with NPS and the police officers to help in improving their performance. The IPOA's 2014-2018 strategic plan was the implementation of the made recommendations in order to enhance conditions of detention facilities, police buildings as well as police operations (Ayiera. 2015). Further, the authority inspected the police premises in the

police posts, police stations and other sanitary facilities. The civilian policing oversight authority shall prior inform the police of its intention to check the premise, this was according to (IPOA, 2013).

Consequently, IPOA practices fairness in their duties to ensure that they do not give biased recommendations regarding the complaints laid against the police officers by seriously scrutinizing the presented grievances. By so acting, the monitoring authority enhances the professionalism of police by studying police's misconduct with the aim of formulating the appropriate policies that would result to an overall change including studying internal disciplinary processes to ensure for their effectiveness and efficiency. Furthermore, the IPOA dig into the police prosperity by checking into the police premises as well as detention facilities and police misconduct thus making policies and institutional changes that befits them (IPOA, 2013). This helps in ensuring that the needs of the police officers are well taken care of and aimed towards reducing their mishandling of the citizens. Previous studies have touched on strategies as stipulated in the act but have failed to establish other key but near mandatory strategies used by the civilian oversight authorities on police performance thus creating a research gap.

Ayiera (2015) did a study on local policing accountability in Kenya challenges and opportunities for action. The study focused on police and civilian interactions in Kisii, Mtwapa, Kirinyaga and Eastleigh areas of Kenya. The study found key impediments to local policing responsibility are a well-established absence of trust in the police which implies residents don't report violations and don't screen progress on wrongdoings. The study did not clearly bring out the aspect of accountability and measures in place to improve on such. Additionally, the study did not focus on the authorized police oversight body to identify how police accountability is being addressed locally. This

study seeks to meet these research gaps and also come up with more approaches to ensure that the police thrive in their day-to-day activities.

2.2.4 Challenges faced by civilian oversight in exercising its mandate

Just like any other organization around the globe, civilian policing oversight is faced with various challenges such as operational issues (lack of resources) and systematic issues (political will) that affect the civilian oversight activities. Operational issues can be subdivided into, independence, cooperation from police, capacity and resources and legislative frameworks.

In the USA and Canada, the PCIARC has no authority whatsoever to start an investigation on its own and therefore depends on the police department to initiate investigations. Police department's IAU fully conduct the investigations and allows the PCIARC to make recommendations on matters of punishment but the final decision on the recommended punishments by the oversight body are bestowed on the chief, this was according to (Finn, 2001). The civilian oversight body efforts could be thwarted since the chief is not constitutionalized to follow the PCIARC's disciplinary recommendations but only acknowledges the results and act according to them, this was according to (Walker, 2000). Similarly, in Portland, there is an oversight body known as the PIIAC which was established in the year 1982. Reviewed literature shows that the powers of PIIAC were reduced by the city council members and left unable to carry out any investigative authority (Landau, 2004). Consequently, studies reveal that lack of power and independency of the oversight bodies led to easy disbandment of the oversight authorities as it was with the case of PIIAC in late 1980s and early 1990s (Independent Police Review [IPR], 2011).

Stelkia (2020) conducted a study on dynamics on police accountability by police oversight was reviewed. This study examined the challenges and benefits of the oversight systems for the RCMP and municipal police in British Columbia, Canada, and the job of oversight in expanding police responsibility, working on public certainty, and altering police conduct. Drawing on interviews with 13 individuals from oversight organizations, police associations, particular vested parties, and expert units, the investigation discovered that regardless of having one of the most moderate oversight models in Canada, the framework experienced sluggish handling of objections, the regulatory weight of minor grievances, trouble in deciding investments return, and the two-level protest model. However, despite this study having identified a number of challenges that police oversight bodies face in Canada, the findings cannot be used to inform policy decisions in Kenya due to the difference in governance structures and the democratic maturity in the two countries. This study therefore seeks to identify local based challenges that face the authority and provide policy recommendations to address these challenges

Ferdik (2013) sought to review citizen oversight in the United States and Canada. Through the review of existing literature, the study reveals that operational differences exist between the different oversight models and those external factors such as police, political and public provisions, as well as budgetary considerations impact the procedural outcomes of citizen oversight. The study identified factors that have the potential of influencing the performance of IPOA. However, given that the study is based in a developed country with mature working political structures; this study intends to provide local based challenges related to the identified factors affecting the authority.

Marenin (2013) in a study to review policing reforms and economic development in African States, conducted a cross country review. The study deduced that the experience of changing policing frameworks in Africa is frustrating and just South Africa and a couple of post-battle states (Liberia, Sierra Leone) have made some proportion of progress. Large numbers of the social, political and economic logical circumstances that would uphold changes of policing are missing. This study did not include Kenya. This may be partly because it is during this time that Kenya had just created IPOA to address the many complaints of police misconduct in the country.

In African countries, one major challenge facing civilian oversight authority in the world that affect their effective operation is their inability to autonomously conduct their activities applying the legal tools that are in place. Dependence and lack of power is associated with several issues, but it stands to be the key deterrence to the operation of civilian oversight bodies in exercising their mandates (Hryniewicz, 2011). For instance, in a place like Lesotho, studies revealed that civilian oversight in Lesotho is Police Complaints Authority formed and identified as independent. Further, the PCA was mandated with checking the cases of police crime (Hendricks & Musavengana, 2010). Additionally, the study further explains that the PCA powers were greatly limited to the extent that could not receive complaints touching on police from the public since it was only permitted to assess complaints given to it by the police commissioner (Marenin, 2013). Consequently, the oversight body could only make recommendations to the police regarding the results of its investigations thus cannot grant arrest. This makes the PCA of Lesotho too reactive instead of being proactive.

In as much as other African countries are struggling to overcome dozens of challenges that their civilian policing oversight bodies are facing, South Africa stands on the side of enjoying almost full services of their IPID which derives powers from IPID Act

(2011) which in chapter 7 directs SAPS to report any sort of offences immediately they become aware through a written report to the IPID in not later than 24 hours. South Africa with the best structured and independent civilian oversight still suffers and face a number of challenges such as lack of cooperation from police (Lumina, 2006). The country faces this challenge since it does not depend on police for investigation.

In Kenya the case is not any different as it is with other countries across the world. In that regard therefore, studies show that IPOA did not have enabling statutes that compel the law enforcement employees to cooperate with them which leads to police's lack of accountability during investigations and reviews. Literature reviewed further showed that since IPOA as an oversight authority is mandated to lay recommendations, the police officials failed to implement the provided recommendations. Lack of full powers and independence makes it difficult and problematic for the IPOA to impose discipline on the police officers they monitor. Failure to implement the recommendations by the relevant authorities makes it difficult for the IPOA to achieve their goals of serving the citizens they are supposed to protect their rights. It is further shown in the previous studies that lack of enough resources to use in conducting investigations against the officers is a major blow to the IPOA. As a result, most offences remain uninvestigated and that may encourage the wrongdoing officers to continue with their brutality against the citizens since the previous offenders are not brought to book to face the rule of law.

2.3 Summary and Research Gap

2.3.1 Summary

Several countries across the globe continue to embrace the concept of civilian oversight of the police as a perfect strategy to ensure that the monumental powers of the police service are managed. The concept of civilian oversight is realized through the formation

of an agency with structures encompassing the people who are not sworn in police officers to evaluate the misconduct and complaints filed against the police officers (Hope Sr, 2020a). The concept has been effective in ensuring that democratic policing is realized within the police service through enhancing transparency, accountability, and independence of the police functions. The key models of civilian oversight of the police that are employed by various countries include investigative, review, appeal, auditor, and hybrid forms which all present the public with the opportunity to file complaints against the police use of excessive force to perform their responsibilities. However, without adequate political, funding, and authority support from the political class and the public, the civilian oversight of the police remains curtailed from realizing their mandate.

Internationally, the literature review presents the cases where civilian oversight of the police impacts the performance of the NPS. For instance, In England and Wales, serious police altercations that cause death are investigated by the IPCC controlled entirely by the civilian models (Smith, 2006). Similar to other nations across the globe, Kenya established IPOA to keep in check the police performance in Kenya through the IPOA Act 2011 (Kaheke, 2019). The creation of the oversight agency in Kenya was a response to mitigate the brutality orchestrated by the police on the civilians during and after elections from the adoption of the multi-party in 1992 (Omeje & Githigaro, 2012). Like the functions of the civilian oversight agencies in other countries such as England, Kenya's IPOA was mandated to investigate the deaths and serious harms caused by the police, investigate police gross misconduct and report their findings to the ODPP among others. However, the determination of the efficiency of the civilian oversight of the police remains largely uncovered in the literature review.

Several democratic nations across the world continue to adapt and enhance the capacity of their respective civilian oversight bodies on the performance of the national police service. The calls for improving the capacity of civilian oversight originates from the numerous and outrageous cases where the police entrusted to protect the human interests of the civilians are the ones involved in violating such powers. For instance, Lweis (2000), presents that police mistreatment, misconduct and corruption led to the incorporation of the civilians in the police accountability bodies in the United States. The oversight body encompasses individuals from outside the police taking a key role in calling the police to account for their actions, policies, and organization. However, missing to attend to challenges such as inadequate staffing, limited funds, and inadequate skilled personnel certainly curtails the capability of the oversight agencies to realize their mandate of evaluating the performance of the police (Walker, 2000). Therefore, enhancing the capacity of the oversight bodies in terms of funding and resources significantly promotes their efficiency in evaluating the performance of the police service.

The civilian oversight of the police bodies employs both tactical and strategic concepts to guarantee their success in fulfilling their mandate and enhance their effectiveness. The civilian oversight must embrace appointing members of the board who are committed to serving and protecting the interest of the citizens against excessive force used by the police (Campbell, Mahaffy, Stewart, Trepanier, 2004). Additionally, the oversight bodies must create strategies that enhance their capability to undertake their responsibilities effectively such as attending the hearing process of the cases filed against the police officers who violate human rights. Specifically, in Kenya approaches aimed at investigating the reason behind the police's brutal actions and challenges experienced by the police need to be placed foremost by the civilian oversight (Akinyi,

2017). Similarly, interventions that promote good rapport and dialogue between the police and the civilian policing oversight agencies should be embraced further to enhance the capability of the oversight bodies to perform their duties Association for the Prevention of Torture (APT), 2013).

However, various challenges such as the operational issues including inadequate resources, and systematic issues such as inadequate political will and inadequate authority are the main challenges that affect the capability of the civilian oversight bodies to effectively carry out their divine responsibilities including performing investigations, review, and monitor police performance. For instance, in the United States and Canada, PCIARC lacks the authority to start an investigation on its own and therefore depends on the police department to initiate investigations. The police department's IAU fully conducts the investigations and allows the PCIARC to make recommendations on matters of punishment but the final decision on the recommended punishments by the oversight body is bestowed on the chief, this was according to (Finn, 2001). Similarly, in Kenya, the civilian oversight agency IPOA experiences various challenges such as inadequate authority or powers and independence to impose discipline on the police officers they supervise. On the same note, lack of adequate resources remains as some of the fundamental blow for the agency to perform their duties effectively. Therefore, several complaints remain uninvestigated causing the rogue officers to continue with their brutality against the citizens.

Summary of the literature reviewed

You should give a summary of the literature you reviewed before moving to the research gap

2.3.2 Research Gap

The study aimed at filling the gaps witnessed in the studies of civilian oversight of the police. Generally, the studies on the effectiveness of the civilian oversight of the police are limited at the global level and the scenario is even worse at the region and local levels. The study points that it is difficult to access crucial information from police officers due to them ascribing to certain ethical requirements on information sharing. The study aimed at bridging the gap by highlighting the effectiveness of civilian oversight on law enforcement, an area that has largely remained untouched because civilian oversight is a new phenomenon in policing. Therefore, the information shared in the study would help increase the body of knowledge for the students, policymakers, and academicians as well as researchers both locally and internationally.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter describes the various methodologies which the researcher applied in the study in collecting data, procedures that were employed, the techniques, the analysis and the presentation of the data collected. The chapter, therefore, is divided into the following sections; research design, study site, research design, target population, sampling procedures and sample size the methods and procedures used in this study were explained. Further, instrumentation, validity and reliability of the instruments, the methods of processing data as well as ethical considerations are explained in detail.

3.2 Research Design

The study adopted a descriptive survey research. Descriptive survey research design was chosen due to its easier applicability in this kind of investigation involving collecting and analyzing data for describing phenomenon in its present status/condition. According to Kothari (2004) this design is preferable because it is cost effective. The researcher also was able to obtain information which is most current from people. It was also a less expensive approach which guaranteed achievement of thorough and accurate results.

3.3 Research Site

This study was conducted in Nairobi County in Kenya, East Africa within Africa. Give a brief description of your research site. This location was chosen because the researcher is domiciled in Nairobi, and Nairobi County hosts a bigger number of senior police officers, and also hosts the headquarters of IPOA. These two informed the choice of the study.

3.4 Target Population

The target population for this study was senior police officers and selected few junior officers in Nairobi County. The total number of these officers in Nairobi County is 1127 (National Police Service Register, 2021). The study chose to target mainly police officers from the inspectorate level and above. The choice of the inspectors and above was since officers from these cadres and above deal with IPOA officials on regular basis and has account of how IPOA activities have impacted the police service.

The study also targeted all IPOA officers at the Headquarters in at ACK Garden Annex, Nairobi County. The study targeted the 121 IPOA officers (IPOA Registry, 2021). This excluded the board members. In addition, two senior officers from IMLU, KNHCR, IJM and ODPP were interviewed as informants.

Table 3.1: Target Population

Category	Population Size
IPOA Officials	121
Police officers	1127
IMLU	2
KNHCR	2
IJM	2
ODPP	2
Total	1256

3.5 Study Sample

3.5.1 Study Sample Size

The study used Yamane's sample size determination formula. Yamane (1967:886) provides a simplified formula to calculate sample sizes. The formula is as follows

$$n = N/1 + N(e)^2$$

Where **n** = Sample size, **N** = Population Size, **e** = Precision level (0.05).

IPOA officers: 121 = N

Calculating sample size of IPOA officers using Yamane formula

$$= 121/1 + 121(0.05)^2 = 30$$

Police officers: 1127 = N

Calculating sample size using for police officers using Yamane formula

$$= 1127/1 + 1127(0.05)^2 = 295$$

Total sample size calculated using Yamane formula for police and IPOA = 295 + 30 = 325.

Note: Since IMLU, KNHCR, IJM, and ODPP are subjected to purposive sampling of 2 persons, there numbers remain 2 for both target population and sample size as per the table below.

Table 3.2: Sample Size

Category	Target Population	Sample Size
IPOA Officials	121	30
Police officers	1127	295
IMLU	2	2
KNHCR	2	2
IJM	2	2
ODPP	2	2
Total	1256	333

3.5.2 Sampling Procedure

Sampling is the process of gathering data where few population elements are selected and the outcomes are taken to represent the entire population; this is according to (Dooley, 2008). In making up a sample, all the necessary and needed number of

elements, objects and respondents from the population frame are selected. Simple random sampling method was used to pick both the police and IPOA officers used in the study. Kothari (2004) states that simple random sampling technique is preferred because of its representativeness of the population and homogeneity of the estimates of the population parameter, thus resulting to greater precision. Purposive random sampling was used on selected respondents from IMLU, KNCHR, IJM and ODPP.

3.6 Data Collection

This section addresses the research instruments that were used during data collection, pilot testing and matters related to instrument reliability and validity.

3.6.1 Data collection Instruments

The data collection tools used in this study are questionnaires and interview schedules. The choice of using questionnaire was because questionnaires are inexpensive and once they are given to willing respondents there is no further cost, the researcher simply waits for the respondents to give feedback at their own convenience. Another advantage is that some respondents can give the feedback immediately. It also enabled the researcher to make extensive inquiry from the respondents who were not easily approachable.

Interview guide was used to collect in-depth information from some selected police officers, KNHCR, IMLU, IJM and ODPP staff. Interviews enabled the researcher to pursue the whole story from the respondents' experiences thus the interviewer mined more and more information around the topic by asking relevant questions. The interviewer through face-to-face interviews was able to get clarification of issues arising from data collection unlike in use of questionnaires. The police were provided

with questionnaires specifically designed for them while IPOA officials were randomly selected to respond to the questionnaires specifically designed for them.

3.6.2 Pilot Testing of Research Instruments

The term pilot studies refer to mini versions of a full-scale study also called feasibility studies, as well as the specific pre-testing of a particular research instrument such as an interview schedule. Pilot studies may also try to identify potential practical problems in following the research procedure. For example, in a Scottish study of maternity care the pilot phase demonstrated that the proposed means of distributing the interview guides would not be adhered to (Teijlingen, 2001).

Piloting was conducted in Kasarani Sub-County in which the instruments administered in the pilot study was analyzed and correlated. Piloting was done in Kasarani Sub-County because it had similar characteristics with other areas in Nairobi County. The inadequate items were modified, and others discarded, to improve the quality of the instrument. 3 participants from IPOA headquarters and 29 police officers were selected for the pre-testing. This is 10 percent of sample sizes of each category.

3.6.3 Instrument Reliability

To ascertain instrument reliability, the researcher conducted a pilot study to assess the clarity and reliability of the instruments. The pilot study was carried out using 29 police officers in Kasarani Sub- County and 3 IPOA officers. In establishing the reliability of the instruments, Cronbach Alpha coefficient was used. The researcher administered the findings to appropriate group that did not form part of the sample and then recorded the score. The study found an overall Cronbach Alpha coefficient of 0.911 for all items that underscored its reliability, and warranted continuation to data collection process, as indicated by Gay et al. (2009).

3.6.4 Instrument Validity

The development of research instruments (Questionnaire and Interview schedules) was done by examining the research objectives and the related literature. The researcher read through the study instruments and confirmed proper coverage of all the objectives. Also, my supervisors were contacted to further establish the validity of the study instruments. This established face validity of the instrument.

3.6.5 Data collection procedure

Data processing refers to the application of statistical techniques with the help of Statistical Package for Social Sciences (SPSS) software version 27 to evaluate data. This process entails the collected data into some systematic form through identifying, correcting errors, coding and storing the data appropriately. On the other hand, analysis refers to examining the coded data critically and making inferences (Kombo & Tromp, 2006).

Data collected using a structured questionnaire was checked for comprehensiveness, coded, categorized and entered on the data master sheet. Data collection in this study entailed entire procedure beginning with the choosing of data collection methods and planning. The procedure also entailed training research assistants, obtaining relevant equipment and materials for use. Both quantitative and qualitative data were collected by administering questionnaires to participants and by engaging a few selected participants through informant interviews.

3.7 Data Analysis

The data obtained from the questionnaires was analyzed with the aid of SPSS version 27 which allows interpretation of the findings generated and in making recommendations from the findings. Qualitative data was analyzed through content

analysis. This enabled the researcher to shift through large volumes of data with relative ease in a systematic fashion and supplement the quantitative data.

The quantitative data was presented in form of tables, mean scores and standard deviations while qualitative data was presented in narrative form along with quantitative data. Thereafter, the findings were shared with key stakeholders, published, presented in seminars and copies deposited in key institutions.

3.8 Legal and Ethical Considerations

To ensure that ethical consideration is maintained, the researcher sought data collection authorization from Africa Nazarene University, and a research permit from the National Council of Science, Technology and Innovation (NACOSTI) in Nairobi. This enabled the researcher to carry out the research in an acceptable way as NACOSTI ensured that research ethics were observed during the entire research exercise.

CHAPTER FOUR

DATA ANALYSIS AND FINDINGS

4.1 Introduction

This chapter presents results of data analysis in line with the objectives of the study. The study sought to evaluate the effectiveness of civilian oversight on law enforcement by National Police Service in Kenya, focusing on the Independent Policing Oversight Authority. The specific objectives of the study were to assess the mandate of civilian oversight on law enforcement, evaluate the capacity of civilian oversight on law enforcement, identify the strategies used by civilian oversight on law enforcement and establish the challenges faced by civilian oversight in exercising its mandate.

4.2 Characteristics of the Respondents

The research wanted to determine the general characteristics of the respondents who participated in the study. The demographic information sought in the study was obtained from the senior police officers and selected few junior officers such as the IMLU, KNHCR, IJM, ODPP and IPOA officials in Nairobi County. The information sought was the gender of the respondents, age bracket of respondents and highest education level attained by respondents. The response rate is also included to show the number of questionnaires that were returned and were legibly and completely filled and were therefore adopted for analysis in the study. These findings are presented in sub-sections 4.2.1 to 4.2.4.

4.2.1 Response Rate

A total of 333 police officers, IMLU, KNHCR, IJM, ODPP and IPOA officials in Nairobi County were sought to answer the questionnaires and interviews in the study. Nonetheless, non-response incidents were encountered during data collection and therefore out of the targeted 333 respondents, 278 gave positive response to the study,

48 did not return their questionnaires and 7 did not agree to participate as Key Interview Informants. The study therefore achieved an overall response rate` of 83.5% as presented in Table 4.1. This response was excellent as per Kothari (2004) who recommended a response rate of 60% or more and therefore considered sufficient for analysis in this study. Table 4.1 represents the response rate.

Table 4.1: Response Rate

Category	Sample Size	Response (n, %)	Tool
IPOA Officials	30	23 (76.7%)	Interview guide
Police officers	295	247 (83.7%)	Questionnaire
IMLU	2	2 (100%)	Interview guide
KNHCR	2	2 (100%)	Interview guide
IJM	2	2 (100%)	Interview guide
ODPP	2	2 (100%)	Interview guide
Total	333	278 (83.5%)	

4.2.2 Gender of Respondent

The study sought to comprehend the gender of the police officers. The information on gender was sought with the presumption that variation in sex could influence evaluation of the effectiveness of civilian oversight on law enforcement. The findings indicated that 66.4% of the those who participated in the study were male while their female counterparts formed 33.6% of the responses. The findings demonstrated that the study involved more male than female officers, indicating a dominating male gender in respondents, as shown in Table 4.2.

Table 4.2: Gender of the Respondents

	Frequency	Percent	Cumulative Percent
Male	164	66.4	66.4
Female	83	33.6	100.0
Total	247	100.0	

4.2.3 Age Bracket of the Respondents

The study sought to determine the age bracket of the police officers who took part in the study. The findings indicated that 41.7% of the police officers were aged 36-45 years. In addition, 23.9% were aged 46-55 years, 21.1% aged 26-35 years, 10.9% of the respondents were aged over fifty years and 2.4% of the respondents were aged 18-25 years. The findings show that most of the respondents were between 36-45 years, indicating that most respondents are middle-aged, as shown in Table 4.3.

Table 4.3: Age of Respondents

	Frequency	Percent	Cumulative Percent
18-25 years	6	2.4	2.4
26-35 years	52	21.1	23.5
36-45 years	103	41.7	65.2
46-55 years	59	23.9	89.1
Over 56 years	27	10.9	100.0
Total	247	100.0	

4.2.4 Highest Education Level Attained by Respondent

The education level attained by the respondents was sought in the study in order to determine the ability of the respondents to answer questions postulated to them. As shown in Table 4.4, the results indicate that 21.9% of the respondents had attained certificate level education 54.3% of the respondents had attained secondary level education, 10.1% of the respondents had attained diploma level education, 10.5% of the respondents had attained bachelor's degree level education, and 3.2% of the respondents had attained masters level education. The findings imply that the majority of respondents were well educated, hence did not have problems answering the questions posited to them as shown in Table 4.4.

Table 4.4: Highest Education Level Attained by Respondents

	Frequency	Percent	Cumulative Percent
Secondary	134	54.3	54.3
Certificate	54	21.9	96.8
Diploma	25	10.1	64.4
Bachelor's degree	26	10.5	74.9
Masters	8	3.2	100.0
Total	247	100.0	

4.3 Presentation of Research Analysis and Findings

The study sought to evaluate the effectiveness of civilian oversight on law enforcement. The specific objectives of the study were to assess the mandate of civilian oversight on law enforcement, evaluate the capacity of civilian oversight on law enforcement, identify the strategies used by civilian oversight on law enforcement and establish the challenges faced by civilian oversight in exercising its mandate. The findings of the study are presented in four sections (4.3.1 to section 4.3.4), each sub-section based on specific objectives of the study.

4.3.1 Mandate of Civilian Oversight on Law Enforcement

The first objective of the study was to examine mandate of civilian oversight on law enforcement. The findings obtained indicate that most respondents (42.5%) agreed that there is regular monitoring of police operations which has reduced abuse of power by police officers and 17.0% strongly agreed while 18.6% disagreed. Most respondents (47.0%) agreed that there is regular inspection of police facilities and making recommendations to the Service has improved and 17.4% strongly agreed while 10.5% disagreed. In addition, 38.9% of the respondents agreed that Inspection of police premises has made the police service more responsive to special interest groups like women and children, 21.1% strongly agreed while 13.0% disagreed.

The findings also indicate that 33.2% of the respondents agreed that inspections carried out by IPOA have led to improvement adherence to human rights of prisoners, 8.5% disagreed while 5.7% strongly disagreed. Most respondents (40.9%) agreed that inspections carried out by IPOA have led to improvement in welfare of police officers, 14.2% strongly agreed while 15.8% disagreed. Furthermore, 36% of the respondents agreed that monitoring of police operations have led to better handling of the citizens by police officers, 19.8% strongly agreed while 19% strongly disagreed.

The results indicated that most respondents (31.2%) agreed that rewards for outstanding police officers have improved performance in the police service, 17.4% strongly agreed while 18.2% of the respondents disagreed. Also, the findings indicated that most respondents (28.3%) strongly disagreed that the IPOA conducts independent investigations without fear or favor, 27.5% disagreed whereas 21.5% of the respondents agreed. Finally, 32.4% of the respondents agreed that the IPOA is reachable and accessible at any time, 23.1% strongly agreed while 20.2% of the respondents disagreed. The findings are represented in Table 4.5.

Table 4.5: Mandate of Civilian Oversight on Law Enforcement

		Strongly Disagree	Disagree	Undecided	Agree	Strongly Agree
Regular monitoring of police operations has reduced abuse of power by police officers	f	15	46	39	105	42
	%	6.1%	18.6%	15.8%	42.5%	17.0%
Regular inspection of police facilities and making recommendations to the Service has improved the works relating to criminal administration	f	23	26	39	116	43
	%	9.3%	10.5%	15.8%	47.0%	17.4%
Inspection of police premises has made the police service more responsive to special interest groups like women and children	f	14	32	53	96	52
	%	5.7%	13.0%	21.5%	38.9%	21.1%
Inspections carried out by IPOA have led to improvement adherence to human rights of prisoners	f	14	21	48	82	82
	%	5.7%	8.5%	19.4%	33.2%	33.2%
Inspections carried out by IPOA have led to improvement in welfare of police officers	f	33	39	39	101	35
	%	13.4%	15.8%	15.8%	40.9%	14.2%
Monitoring of police operations have led to better handling of the citizens by police officers	f	47	21	41	89	49
	%	19.0%	8.5%	16.6%	36.0%	19.8%
Rewards for outstanding police officers have improved performance in the police service	f	32	45	50	77	43
	%	13.0%	18.2%	20.2%	31.2%	17.4%
IPOA conducts independent investigations without fear or favor	f	70	68	28	53	28
	%	28.3%	27.5%	11.3%	21.5%	11.3%
IPOA is reachable and accessible at any time	f	17	50	43	80	57
	%	6.9%	20.2%	17.4%	32.4%	23.1%

On average, the respondents agreed that regular monitoring of police operations has reduced abuse of power by police officers ($M = 3.46, SD = 1.153$); regular inspection of police facilities and making recommendations to the Service has improved the ($M = 3.53, SD = 1.171$); inspection of police premises has made the police service more responsive to special interest groups like women and children ($M = 3.57, SD = 1.127$); inspections carried out by IPOA have led to improvement adherence to human rights of prisoners ($M = 3.80, SD = 1.158$); inspections carried out by IPOA have led to improvement in welfare of police officers ($M = 3.27, SD = 1.266$); monitoring of police operations have led to better handling of the citizens by police officers ($M = 3.29, SD = 1.387$); rewards for outstanding police officers have improved performance in the police service ($M = 3.22, SD = 1.291$) and IPOA is reachable and accessible at any time ($M = 3.45, SD = 1.238$). The respondents however disagreed that IPOA conducts independent investigations without fear or favor ($M = 2.60, SD = 1.387$). The findings are presented in Table 4.6.

Table 4.6: Descriptives on Mandate of Civilian Oversight on Law Enforcement

	Mean	Std. Deviation
Regular monitoring of police operations has reduced abuse of power by police officers	3.46	1.153
Regular inspection of police facilities and making recommendations to the Service has improved the works relating to criminal administration	3.53	1.171
Inspection of police premises has made the police service more responsive to special interest groups like women and children	3.57	1.127
Inspections carried out by IPOA have led to improvement adherence to human rights of prisoners	3.80	1.158
Inspections carried out by IPOA have led to improvement in welfare of police officers	3.27	1.266
Monitoring of police operations have led to better handling of the citizens by police officers	3.29	1.387
Rewards for outstanding police officers have improved performance in the police service	3.22	1.291
IPOA conducts independent investigations without fear or favor	2.60	1.387
IPOA is reachable and accessible at any time	3.45	1.238

The study also sought to determine the ways that were used to carry out the monitoring functions by the civilian oversight on law enforcement using the open-ended questions and interview guides. From the responses obtained, the study determined that observation, interviews and photography, covertly and overtly methods, investigations, screening and registration and reporting on trends among others were used, as shown from the responses below;

There is usually use of covert and overt methods. Other methods used to carry out the monitoring functions include observations, interviews and photography, using monitoring tools and equipment, observing police behavior during operations and policing work and media monitoring (Source: IPOA Officer 1, 21 March 2022).

We do assist the functions by the civilian oversight on law enforcement in many ways. This is done through complaint screening, registration and reporting on trends, visiting police stations, documentation and

observations. This is then brought to the attention of the IPOA with recommendations to deal with the issues identified (Source: ODPP officer 1, 6 April 2022)

Monitoring is usually done by observing the conduct of police officers when they are enforcing law and order and by handling complaints that need long term observation of policing operations to establish trends and patterns that will reveal deviation from the standards by police officers. There is also surveillance both audio and video recording and engaging people on the ground through interviewing and talking to them (Source: KNHCR officer 1, 4 April 2022).

Further, the study sought to determine if the inspection functions had impacted the NPS. It was found that informing ways of improving service delivery; enhancing professionalism, transparency and accountability; improved relationship among the members and/or civilian, deterring them from engaging in criminal activities, improves police working relations with the public, and helps the NPS to conduct the operations in professional manner and in accordance with the law and the constitution of Kenya were some of the impacts that were mentioned. The following responses were obtained in answering the question;

Inspections are conducted to ascertain that law enforcers follow the laid down procedures as stipulated by law and their service standing orders. Inspection functions has led to improved standards of detection which has made members of NPS to be accountable in all they do hence working professionally with respect to the constitution. Additionally, the inspections have identified systemic gaps for action by the relevant institutions hence improving the working of police in improved facilities (Source: ODPP officer 1, 6 April 2022)

Officers of the NPS become accountable and professional in their work. Inspections carried out has led to a great impact. This has led to raising of awareness of NPS officers on the expectations of their mandate hence instilling a sense of operating within the laid down procedures thus reducing police misconduct or impunity. (Source: IPOA Officer 2, 21 March 2022)

The number of received complains is used by IPOA to decide which facility of NPS is to be inspected. This has heightened awareness on the way IPOA customers perceive their service and also created a lot of fear among the enforcement officers. On the same note, the public have started to have confidence in the police since they are no longer mishandled. Though IPOA has created fear in police, the truth of the

matter is that they now act by observing the rule of law thus making NPS accountable and professional. (Source: IMLU 1, 5 April 2022)

It has made members of the NPS to be accountable in all that they do. The inspections have also greatly served to support the NPS in bringing out the gaps for action by the relevant institutions. It has further led to improvement of the facilities and Police officers are now working professionally with respect to the Constitution (Source: Police officer 1, 8 April 2022)

The inspection functions enhance adherence to police procedures, improvement of professionalism by officers, enhancement of rule of law and protection of fundamental human rights. There is also deterrent aspect on the police, as well as forms the basis for recommendations for police changes (Source: KNHCR officer 2, 4 April 2022).

Inspection by IPOA has made officers of NPS to be accountable and professional in their work, has created impact. It has served to raise the awareness of NPS officers on the expectations of their mandate and has instilled fear on the enforcement officers, and has also made criminals to be bold by not fearing the police anymore (Source: Police officer 2, 8 April 2022)

The study aimed to determine whether the monitoring functions had been successful. From the responses obtained, it was found that there were instances when the functions had been successful, and other instances when they hadn't, as shown from the responses below;

Generally, the monitoring functions have been successful through ensuring police accountability, improving police behaviour when dealing with members of the public, have informed policy making to NPS and has made members of the service bear repercussions of their actions (Source: IJM official 1, 7 April 2022)

Yes. This is because the police are always aware of the presence of IPOA monitoring officers and are therefore deterred from acting outside the law. In addition, from several monitoring reports, recommendations have been made to inspector general suggesting new strategies that Inspector general can adopt to improve police performance, on what needs to be improved to enhance police operations and how citizens can be made more aware of their rights (Source: IPOA official 3, 21 March 2022)

The functions have not been successful because the Authority does not apportion enough resources to monitoring, lack a proper legal framework and strategy, because a number of recommendations made by the Authority to NPS have not been effected. Despite monitoring

activities by IPOA, some police officers still devise other ways of doing criminal activities. Other contributors of this unsuccessfulness include low level of capacity of IPOA staff, non-cooperation from members of NPS and low-level awareness on IPOA mandate. (Source: IPOA official 3, 21 March 2022)

The study also sought to determine the ways in which the interviewees carried out the inspection functions. It was determined that impromptu, scheduled and requested inspections, perusal of records, conduct of impartial investigations and visiting police stations among others were mentioned, as shown from the responses below;

There is observation, interviews, photography and perusal of records as part of inspections. We also conduct Police welfare activities, Police infrastructure requirements and resources allocation when needed (Source: IPOA official 4, 21 March 2022)

By conducting impartial investigations, ensuring compliance as regards rights if arrested persons, proper record keeping and ensuring transparency and accountability as well as auditing records, checking the police premises including detention facilities and also checking the officers' welfare (Source: IPOA official 5, 21 March 2022)

There is inspection of police detention facilities, inspection of police documents e.g. OB and cash bail receipts, inspection of police station generally, visiting of the stations and by the help of the tools you are able to tell whether they are compliant (Source: IMLU official 2, 5 April 2022)

We review of police records, physical visit to police premises, use of checklist against which the current status versus the expected status is cross checked, visiting police cells, and perusing police documents (Source: IPOA official 6, 22 March 2022)

Through; inspecting police premises such as police lines and camps and inspection of detention facilities, inspections of police records and documents such as occurrence books, cell register and police ticketing such as cash bail books, bails and police bonds, inspections of police equipment's and tools such as office spaces and furniture's, and assessing physical condition of the police premises, assessing safety and security of police premise users, checking on unreported death in custody, establishing why incidences of violation of rights of the arrested or detained persons, as well as establishing presence physical or corporal punishments (Source: IPOA official 7, 22 March 2022)

The study also wanted to ascertain whether the inspection functions had been successful or not, and whether they had impacted the NPS. The study determined that there were instances when they had been successful, as reported in the responses below;

The inspection functions have improved standards of detention facilities thus rights of detainees are upheld, ensured compliance to laws and guidelines, ensured maintenance of fundamental human rights and enhances recommendations to be outlined that helps improve service delivery and also commend good work performed by individual officers (Source: IPOA official 8, 22 March 2022)

Inspection has helped in informing policy decisions, ensuring accountability of their actions and omissions, ensuring compliance with the legal framework, improved professional conduct and upholding of suspect rights as well as ensuring recommendations to be made to hold the police to account if found deviating from the norm, improve on the working conditions of the officers and improve on the police premises (Source: IPOA official 9, 23 March 2022)

It helps the officers keep clean records, helps to improve the working conditions of the police officers and also the detention conditions of the prisoners, as well as enables them to act right (Source: IPOA official 9, 22 March 2022)

The gaps identified helps the NPS strive to improve on the welfare of detainees, officers as well as other members of public who visit the institution for services. Further it helps in improving conditions in cells, maintaining good registers and improving their professionalism and accountability (Source: IMLU official 1, 5 April 2022)

The inspection functions have been overall successful, partly, because most the recommendations made to policy makers require resources to implement, the police premises and working conditions of officers have improved, the police respect the rule of law, detainees are treated with respect, enforced disappearances have reduced and officers understand the IPOA mandate. However, they have also been unsuccessful due to the Authority lacks proper legal framework and strategy, the police still manipulate their registers, due to low capacity of staff of IPOA officers, due to limited resource by the IPOA such as means of transport and non-cooperation from members of NPS to conduct inspection functions (Source: IPOA official 10, 23 March 2022)

The study aimed to establish the ways that the respondents carried out the investigation functions. It was found that preliminary investigations, full investigations,

investigations on police misconduct and evidence gathering among others were used, as shown from the responses below;

We conduct preliminary inquiries involving observation, interviews and photography, and full investigations, statement taking of witness and giving recommendations (Source: IPOA official 11, 23 March 2022)

Investigates on any form of police misconduct is done, interviews, evidence gathering, preparing case files, evidence collection and analysis, complaints screening, registration and conducting preliminary inquiries (Source: KNHCR official 1, 4 April 2022)

This is done by auditing records, recording statements, recommending prosecution, statement recording, investigation of all complaints against members of the NPS, interviewing witnesses, collection of exhibits, analyzing evidence and report writing (Source: IJM official 1, 7 April 2022)

Statement recording, scene visit and reconstructing, collection of documentary evidence, seeking expert report and analysis of evidence gathered to make a determination (Source: IPOA official 12, 23 March 2022)

Visiting and managing crime scenes, obtaining pieces of evidence at the scene, obtaining documentary evidence, recording statements of witnesses, recording statements of suspects, analyzing evidence on record and making recommendations accordingly (Source: IPOA official 13, 24 March 2022)

The study also aimed to determine how the investigation functions impacted the NPS and areas they have been successful. It was determined that it had improved the working conditions and environment of the police, brings professionalism among other things as shown from the responses below;

Improved working environment of police officers and allocation of resources like motor vehicles, providing actionable recommendations to improve NPS premises, ensures the accountability and professionalism of the Police and informs policy (Source: IPOA official 10, 23 March 2022)

Improve service delivery and assist the public to gain trust in NPS and improve professionalism (Source: IPOA official 7, 22 March 2022).

Investigations have also led to recommendations for prosecution of police officers who are engaged in police misconduct. This alone has made most officers to be responsible, accountable and adhere to laws (Source IPOA official 9, 23 March 2022).

The police are now well aware of the IPOA and try as much as possible to operate within the law. Gone are the days when impunity by officers was the order of the day (Source: IMLU 1, 5 April 2022).

The study finally aimed to determine the ways in which the respondents carried the receiving of complaints functions, how it has impacted on NPs and whether this function has been successful. It was found that complaints are registered either as walk ins, letters, emails, toll free line, telephone, referrals, preliminary inquiries, own motion and websites. The handling of the complaints was found to be successful in most instances. Preliminary inquiries by complaints management has managed to deal with low level non-serious complaints which require less energy and resources to resolve, and are solved at station level. Serious complaints are escalated to the IPOA investigations directorate for further action.

IPOA receives complaints from different sources. We have those who walk in physically. Other do so through mail, IPOA website, letters, through phone call on toll free line 1559, referrals from other institutions or persons (Source: IPOA official 13, 23 April 2022).

Complaints handling has been successful. The Authority has been able to resolve so many issues. It does not escalate simple complaints to investigations but resolve them with the relevant station. This gesture has led to people believing in the IPOA and having trust with the police. (Source: IPOA official 7, 22 March 2022).

IPOA has handled complaints successfully, and this is evidenced by the number of complaints it receives as per their yearly reports. Looking at their reports, IPOA receives and registers many complaints, a fact which is construed to mean that complainants know and have trust in the IPOA. There exist other cases that were successfully investigated and prosecuted by IPOA in our courts of law (Source KNHCR official 2, 4 April 2022).

4.3.2 Capacity of Civilian Oversight on Law Enforcement

The second objective of the study was to evaluate the capacity of civilian oversight on law enforcement. The findings obtained indicate that 41.7% of the respondents agreed that the Kenyan police has confidence in the leadership demonstrated by IPOA, 20.2% disagreed while 9.3% strongly agreed. Additionally, 25.9% of the respondents agreed

that the IPOA enjoys support from the executive, legislative and judiciary arms of the government, 23.5% strongly disagreed whereas 19.0% of the respondents disagreed. Most respondents (51.8%) agreed that IPOA management has remained resilient without personalizing adversity in their oversight of the police, 16.6% disagreed while 7.3% of the respondents strongly disagreed. Finally, 35.6% of the respondents agreed that IPOA has employed competent staff i.e. investigators, monitors and inspectors, 21.1% disagreed whereas 17.4% of the respondents strongly disagreed as shown in Table 4.7.

Table 4.7: Capacity of Civilian Oversight on Law Enforcement

		Strongly disagree	Disagree	Undecided	Agree	Strongly agree
The Kenyan police has confidence in the leadership demonstrated by IPOA	f	18	50	53	103	23
	%	7.3%	20.2%	21.5%	41.7%	9.3%
IPOA enjoys support from the executive, legislative and judiciary arms of the government	f	58	47	36	64	42
	%	23.5%	19.0%	14.6%	25.9%	17.0%
IPOA management has remained resilient without personalizing adversity in their oversight of the police	f	18	41	37	128	23
	%	7.3%	16.6%	15.0%	51.8%	9.3%
IPOA has employed competent staff i.e. investigators, monitors and inspectors	f	43	52	43	88	21
	%	17.4%	21.1%	17.4%	35.6%	8.5%

On average, the respondents agreed that the Kenyan police has confidence in the leadership demonstrated by IPOA ($M = 3.26$, $SD = 1.106$); IPOA enjoys support from the executive, legislative and judiciary arms of the government ($M = 2.94$, $SD = 1.440$) and IPOA management has remained resilient without personalizing adversity in their oversight of the police ($M = 3.39$, $SD = 1.095$). However, the respondents did not agree

that IPOA has employed competent staff i.e. investigators, monitors and inspectors ($M = 2.97$, $SD = 1.268$) as shown in Table 4.8.

Table 4.8: Descriptives on Capacity of Civilian Oversight on Law Enforcement

	Mean	Std. Deviation
The Kenyan police has confidence in the leadership demonstrated by IPOA	3.26	1.106
IPOA enjoys support from the executive, legislative and judiciary arms of the government	2.94	1.440
IPOA management has remained resilient without personalizing adversity in their oversight of the police	3.39	1.095
IPOA has employed competent staff i.e. investigators, monitors and inspectors	2.97	1.268

From the open-ended questions and interview guides, it was determined that there were instances when the staffing was less than the required number for regarding monitoring, investigation and inspection functions. The responses below were some of the responses obtained from the participants;

IPOA has experienced and trained technical staff from complaints, legal, investigation, monitoring and inspection spread across its 8 regional offices and Nairobi because capacity has proved to be an important component in the undertaking of responsibilities. Establishment of a fully equipped control forensics laboratory has been a great booster coupled with frequent training of officers to carry out the technical functions of the IPOA. (IPOA officer 14, 24 March 2022).

We are understaffed to conduct monitoring, inspections and other functions. Therefore, in addition to the complaint management system managed by experienced complaints management officers, Sensitization of members of the public on how to lodge complaints needs to be done. In addition to more staffing, IPOA needs to develop clear strategies and standard operating procedures to enhance its performance (Source: IPOA officer 15, 24 March 2022).

They should hire professionals and when conducting investigations, they should respect police since police work is hard. They should also conduct public sensitization to ensure both the police and members of the public have trust in them (Source: Police officer 3, 8 April 2022).

4.3.3 Strategies Used by Civilian Oversight on Law Enforcement

The third objective of the study was to identify the strategies used by civilian oversight on law enforcement. The findings indicate that most respondents (38.1%) agreed that the proportion of complaints against officers that are internally generated is rising, 30.4% strongly agreed while 10.9% of the respondents strongly agreed. Furthermore, 49.4% of the respondents agreed that the number of unjustified deaths due to police actions has reduced since the inception of IPOA, 22.7% strongly agreed whereas 12.1% of the respondents disagreed. Most respondents (49.0%) agreed that cases of corruption arising out of police actions have reduced since the inception of IPOA, 19.4 strongly disagreed while 12.1% of the respondents strongly agreed. In addition, 29.6% of the respondents agreed that number of injuries arising out of police actions have reduced since the inception of IPOA, 15.4% strongly disagreed while 8.5% disagreed.

The findings also indicate that 44.5% of the respondents agreed that the police Adherence to laws, code of conduct and operational procedures improved since the formation of IPOA, 32.8% strongly agreed while 15.8% disagreed. Most respondents (26.7%) agreed that there has been an improvement in police handling of the public based on citizens' constitutional rights, 17.8% disagreed while 14.2% of the respondents strongly agreed. Finally, 31.2% of the respondents agreed that there has been an increased success in handling of complaints against the police by the police since the inception of IPOA, 28.7% strongly agreed while 8.9% of the respondents disagreed as shown in the Table 4.9.

Table 4.9: Strategies Used by Civilian Oversight on Law Enforcement

		Strongly disagree	Disagree	Undecided	Agree	Strongly agree
The proportion of complaints against officers that are internally generated is rising	f	75	24	27	94	27
	%	30.4%	9.7%	10.9%	38.1%	10.9%
The number of unjustified deaths due to police actions has reduced since the inception of IPOA	f	17	30	22	122	56
	%	6.9%	12.1%	8.9%	49.4%	22.7%
Cases of corruption arising out of police actions have reduced since the inception of IPOA	f	48	29	19	121	30
	%	19.4%	11.7%	7.7%	49.0%	12.1%
Number of injuries arising out of police actions have reduced since the inception of IPOA	f	38	21	42	73	73
	%	15.4%	8.5%	17.0%	29.6%	29.6%
The police Adherence to laws, code of conduct and operational procedures improved since the formation of IPOA	f	7	39	10	110	81
	%	2.8%	15.8%	4.0%	44.5%	32.8%
There has been an improvement in police handling of the public based on citizens constitutional rights	f	32	44	70	66	35
	%	13.0%	17.8%	28.3%	26.7%	14.2%
There has been an increased success in handling of complaints against the police by the police since the inception of IPOA	f	20	22	57	77	71
	%	8.1%	8.9%	23.1%	31.2%	28.7%

On average, the respondents agreed to the statements on: The number of unjustified deaths due to police actions has reduced since the inception of IPOA ($M = 3.69$, $SD = 1.153$); cases of corruption arising out of police actions have reduced since the inception

of IPOA ($M = 3.23$, $SD = 1.351$); number of injuries arising out of police actions have reduced since the inception of IPOA ($M = 3.49$, $SD = 1.394$); the police adherence to laws, code of conduct and operational procedures improved since the formation of IPOA ($M = 3.89$, $SD = 1.117$); there has been an improvement in police handling of the public based on citizens' constitutional rights ($M = 3.11$, $SD = 1.234$) and there has been an increased success in handling of complaints against the police by the police since the inception of IPOA ($M = 3.64$, $SD = 1.215$). The respondents however disagreed that the proportion of complaints against officers that are internally generated is rising ($M = 2.89$, $SD = 1.458$). Table 4.10 below presents the findings obtained.

Table 4.10: Descriptives on Strategies used by Civilian Oversight

	Mean	Std. Deviation
The proportion of complaints against officers that are internally generated is rising	2.89	1.458
The number of unjustified deaths due to police actions has reduced since the inception of IPOA	3.69	1.153
Cases of corruption arising out of police actions have reduced since the inception of IPOA	3.23	1.351
Number of injuries arising out of police actions have reduced since the inception of IPOA	3.49	1.394
The police adherence to laws, code of conduct and operational procedures improved since the formation of IPOA	3.89	1.117
There has been an improvement in police handling of the public based on citizens constitutional rights	3.11	1.234
There has been an increased success in handling of complaints against the police by the police since the inception of IPOA	3.64	1.215

From the open-ended questions and interview guides, the study sought to determine the strategies that the IPOA has put in place to ensure that it performs its inspection, investigation, monitoring and complaints functions effectively. It was determined that

mapping out of police premises, the development and implementation of monitoring, inspections, investigation and complaints policies and manuals, stakeholder engagements, strategic plan, having a vision and mission, making recommendations and cascading to relevant institutions, training of staff and legal provision were among the strategies that were mentioned, as follows;

We have developed inspection manuals, training of staff, engaging the NPS leadership in terms of recommendations, capacity building and provision of resources when needed (Source: IPOA official 15, 24 March 2022, 24 March 2022)

There is mapping out police premises, training of the staff, equipping them with skills to perform effectively, frequent engagement with leadership of NPS to strengthen cooperation legal provision through the IPOA Act, facilitation of officers, and opening regional offices to be near citizens (Source: IPOA official 16, 24 March 2022).

The driver behind IPOA, s operations is the strategic plan, which is in place and is being implemented. This ensures that all activities carried out are well aligned to the vision and mission of the IPOA (Source: IPOA official 12, 23 March 2022).

This institution strives to recruit competent staff with relevant skills. The Government has also ensured that Board members recruited have the requisite qualifications as per the law. The IPOA is also operating on a budget that is supported by government. Other key stakeholders also support by training staff and providing necessary equipment (Source: ODPP 2, 6 April 2022).

IPOA has trained experienced inspectors. The officers have high integrity to ensure that officers are not compromised. Equipment and vehicles are available to enhance inspections. The ICT functionality to enhance inspections as well as deploying inspectors in 8 regional offices and Nairobi. There is also continuous capacity building on inspections functionality and stakeholder engagements i.e. engaging the police to tell them why inspections are important (Source: IPOA official 17, 25 March 2022).

Training of the personnel, collaboration and cooperation with other agencies such as NPS, ODPP, KNHCR, Witness Protection Agency and other players in the justice system, establishment of units within the investigation directorate performing different roles yet strengthening the investigation function such as Rapid Response Unit tasked to respond to incidents immediately they occur and secure crucial evidence which would otherwise be lost/tampered with (Source: IPOA officer 18, 25 March 2022).

The study also sought to determine other strategies employed by IPOA. the study found that IPOA has invested heavily in its complaints management by acquiring the Enterprise case management (ECM) system, operationalizing the toll-free center, creating public awareness, engaging stakeholders, equipping complaints managers with requisite skills among others. The following responses were obtained from the respondents;

There is utilization of electronic complaints management system and toll-free call center as well as a complaints intake committee to deliberate and assign cases to relevant directorates for action (Source: IPOA officer 19, 25 March 2022)

There is a call center and the use of Electronic Case Management system (ECM), public awareness, avail platforms for members of the public to present their complaints and resource allocation to handle complaint (Source: IPOA officer 20, 25 March 2022)

Equipping the complaints department staff with requisite skills, establishment of different channels for complaint lodging such as Call Centre, direct emails and encouraging the public to report cases via public outreach (Source: IPOA officer 21, 28 March 2022)

There are stakeholder engagement activities that have improved relationship and understanding the role of IPOA, boost capacity and resources, improve cohesion and boost working relationship especially in case handling. We however, need more lobby for more funding from the Parliament to ensure capacity building of the institution, and engagement of partners such as US Embassy which support the Authority with resources to undertake crucial tasks (Source: IPOA officer 22, 28 March 2022)

4.3.4 Challenges Faced by Civilian Oversight in Exercising its Mandate

The fourth objective of the study was to establish the challenges faced by civilian oversight in exercising its mandate. The findings indicate that 48.4% of the respondents strongly agreed that there is lack of cooperation especially from the law enforcement agency being oversighted has made it hard for IPOA to properly execute its mandate, 45.2% agreed while 3.2% disagreed. Also, 71% of the respondents agreed that low levels of reporting of police misconduct by the public has made it hard for IPOA to

properly execute its mandate, 22.6% of the respondents disagreed while 3.2% strongly disagreed. Most of the respondents (35.5%) agreed that delay in implementation of the Authority's recommendations by the service has made it hard for IPOA to properly execute its mandate, 16.1% disagreed whereas 12.9% strongly agreed.

In addition, 41.9% of the respondents strongly disagreed that Inadequate resources such as human resources, funding and access to case information has made it hard for IPOA to properly execute its mandate, 38.7% strongly agreed while 12.9% strongly disagreed. Most of the respondents (61.3%) agreed that inadequate protection of witnesses and whistle blowers in the Service has made it hard for IPOA to properly execute its mandate, 19.4% of the respondents strongly disagreed while 6.5% strongly agreed. Finally, 64.5% of the respondents agreed that low public awareness on what constitutes the mandate of the Authority and police misconduct has made it hard for IPOA to properly execute its mandate, 22.6% of the respondents strongly agreed while 3.2% of the respondents disagreed as shown in Table 4.11.

Table 4.11: Challenges Faced by Civilian Oversight in Exercising its Mandate

		Strongly disagree	Disagree	Undecided	Agree	Strongly agree
Lack of cooperation especially from the law enforcement agency being oversighted has made it hard for IPOA to properly execute its mandate	f	1	1	0	14	15
	%	3.2%	3.2%	0.0%	45.2%	48.4%
Low levels of reporting of police misconduct by the public has made it hard for IPOA to properly execute its mandate	f	1	7	0	22	1
	%	3.2%	22.6%	0.0%	71.0%	3.2%
Delay in implementation of the Authority's recommendations by the service has made it hard for IPOA to properly execute its mandate	f	4	5	0	11	11
	%	12.9%	16.1%	0.0%	35.5%	35.5%
Inadequate resources such as human resources, funding and access to case information has made it hard for IPOA to properly execute its mandate	f	4	2	0	13	12
	%	12.9%	6.5%	0.0%	41.9%	38.7%
Inadequate protection of witnesses and whistle blowers in the Service has made it hard for IPOA to properly execute its mandate	f	6	1	3	19	2
	%	19.4%	3.2%	9.7%	61.3%	6.5%
Low public awareness on what constitutes the mandate of the Authority and police misconduct has made it hard for IPOA to properly execute its mandate	f	1	1	2	20	7
	%	3.2%	3.2%	6.5%	64.5%	22.6%

On average, the respondents agreed that lack of cooperation especially from the law enforcement agency being oversighted has made it hard for IPOA to properly execute its mandate ($M = 4.32$, $SD = 0.909$); low levels of reporting of police misconduct by the public has made it hard for IPOA to properly execute its mandate ($M = 3.48$, $SD = 0.996$); delay in implementation of the Authority's recommendations by the service has

made it hard for IPOA to properly execute its mandate ($M = 3.65$, $SD = 1.450$) ; inadequate resources such as human resources, funding and access to case information has made it hard for IPOA to properly execute its mandate ($M = 3.87$, $SD = 1.360$) ; inadequate protection of witnesses and whistle blowers in the Service has made it hard for IPOA to properly execute its mandate ($M = 3.32$, $SD = 1.275$) and low public awareness on what constitutes the mandate of the Authority and police misconduct has made it hard for IPOA to properly execute its mandate ($M = 4.00$, $SD = 0.856$). The findings are presented in Table 4.12.

Table 4.12: Descriptives for Strategies used by Civilian Oversight

	Mean	Std. Deviation
Lack of cooperation especially from the law enforcement agency being oversighted has made it hard for IPOA to properly execute its mandate	4.32	.909
Low levels of reporting of police misconduct by the public has made it hard for IPOA to properly execute its mandate	3.48	.996
Delay in implementation of the Authority's recommendations by the service has made it hard for IPOA to properly execute its mandate	3.65	1.450
Inadequate resources such as human resources, funding and access to case information has made it hard for IPOA to properly execute its mandate	3.87	1.360
Inadequate protection of witnesses and whistle blowers in the Service has made it hard for IPOA to properly execute its mandate	3.32	1.275
Low public awareness on what constitutes the mandate of the Authority and police misconduct has made it hard for IPOA to properly execute its mandate	4.00	.856

Other challenges that were mentioned by the respondents were as shown from the responses below;

There are challenges related to resources, inadequate training, low funding, changes in NPS structure and frequent reshuffles of officers in charge, and untimely facilitation of officers as they execute the mandate. There is also lack of enough personnel, delay of cases from other agencies like ODPP and judiciary, transport challenges and cooperation by witnesses (Source: IPOA official 23, 28 March 2022).

There are uncooperative witnesses, fear from witnesses, inadequate resources, blue code of silence by NPS and political interference, especially when an officer in question has a barking of politician and influential persons (Source: IPOA official 17, 25 March 2022).

There is usually non-cooperation, and cover up by senior officers as well as frustrations by failing to cooperate with Authority in availing crucial documents/information especially when the members of NPS intends to cover up on a matter (Source: IPOA official 4, 21 March 2022).

Bureaucracies involved after completing investigations (both internal review process as well as externally by the ODPP) before a matter is placed before a court of law or otherwise resolved. There is also delay in assigning of complaints to officer once they have been reported to the authority (Source: IPOA official 13, 24 March 2022).

CHAPTER FIVE

SUMMARY, DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the discussion of the findings, summary of findings, conclusion based on the interpretation of the results and recommendations for the study. The recommendations based on practice and policy implication as well as areas for further research are also presented.

5.2 Summary of the major Findings

The study sought to evaluate the effectiveness of civilian oversight on law enforcement. Specifically, the study assessed the mandate of civilian oversight on law enforcement, evaluated the capacity of civilian oversight on law enforcement, identified the strategies used by civilian oversight on law enforcement and established the challenges faced by civilian oversight in exercising its mandate.

On the assessment of the mandate of civilian oversight on law enforcement, the study found that there was regular monitoring of police operations which had reduced abuse of power by police officers. The inspection of police premises had made the police service more responsive to special interest groups like women and children. The findings also indicated that inspections carried out by IPOA had led to improvement in welfare of police officers and the IPOA was reachable and accessible at any time.

On the evaluation of the capacity of civilian oversight on law enforcement, the study found that the Kenyan police has confidence in the leadership demonstrated by IPOA. It also found that the IPOA enjoys support from the executive, legislative and judiciary arms of the government. The findings also illustrated that IPOA management had

remained resilient without personalizing adversity in their oversight of the police and finally IPOA had employed competent staff i.e. investigators, monitors and inspectors.

On the identification of the strategies used by civilian oversight on law enforcement, the study found that the proportion of complaints that are not internally generated, against officers were rising. The findings however indicated that the number of unjustified deaths due to police actions had reduced since the inception of IPOA and also cases of corruption arising out of police actions had reduced since the inception of IPOA. Finally, the study found that the police adherence to laws, code of conduct and operational procedures improved since the formation of IPOA.

On the establishment of the challenges faced by civilian oversight in exercising its mandate, the study found that there was lack of cooperation especially from the law enforcement agency being oversighted had made it hard for IPOA to properly execute its mandate. The research also found that low levels of reporting of police misconduct by the public had made it hard for IPOA to properly execute its mandate, inadequate protection of witnesses and whistle blowers in the Service had made it hard for IPOA to properly execute its mandate and low public awareness on what constitutes the mandate of the Authority and police misconduct had made it hard for IPOA to properly execute its mandate.

5.3 Discussion

This section discusses the results on the evaluation of the effectiveness of civilian oversight on law enforcement. The section is guided by the specific objectives of the study which are to assess the mandate of civilian oversight on law enforcement, evaluate the capacity of civilian oversight on law enforcement, identify the strategies

used by civilian oversight on law enforcement and establish the challenges faced by civilian oversight in exercising its mandate.

A total of 278 out of 333 questionnaires had all questions completely responded to and were found suitable and eligible for analysis giving an overall response rate of 83.5%. This response was excellent as per Kothari (2004) who recommended a response rate of 60% or more. The findings imply that there are more male counterparts than the female ones. This creates a greater percentage in the males since the civilian oversight on law enforcement which focused mostly on the police officers should be reinforced by more males than female.

The findings indicated that 41.7% of the police officers aged 36-45 years. This shows that most of the officers are old enough and experienced as they are good age to withstand the challenges that an officer face. The security of an area is determined by the kind of police officers in an area. Similar research by Stelkia, (2020) explained that when there is police death related in British Columbia, investigations is conducted by a team consisted of civilians or ex-police officers who have not served as officers in the past five years but there are no fully civilian or autonomous assessment simulations in Canada. The findings illustrated that 54.3% of the respondents had attained secondary level education hence postulating a good degree of answering the questionnaires, which is recommended by previous studies such as Ayiera (2015) and Akinyi (2017).

5.3.1 Assessment of the Mandate of Civilian Oversight on Law Enforcement

The findings indicated that 42.5% of the respondents agreed that there is regular monitoring of police operations which has reduced abuse of power by police officers. In line with the study findings, the Ransley's report (October 2009) recommended the establishment of the IPOA to monitor the professionalism and overall performance of

the Kenyan police and its auxiliaries and to assist in enhancing the efficiency of the police towards service delivery, marking a new dawn for Kenya as far as police oversight is concerned. The key informants also indicated that professionalism had been increased in the police service because of monitoring and inspection by IPOA. Furthermore, 47% of the respondents agreed that there is regular inspection of police facilities and making recommendations to the service has improved. In line with the findings of the study, a study by IPOA (2013) noted that the IPOA impact on police accountability by inspecting police premises, detention facilities and investigating police misconduct and thereafter make recommendations on policies and other institutional changes.

The results show that 38.9% of the respondents agreed that Inspection of police premises has made the police service more responsive to special interest groups like women and children. The key informants also supported this claim by indicating that responsibility and accountability had been increased since the inception of IPOA. Findings from GOK (2011) go hand in hand that key function of IPOA is to investigate into the policing process associated with the public, inspecting the premises of the police officers as well as their custodies, cross-check misconducts of the officers, probing the deeds of internal affairs unit in response to the protests against officers, scrutinizing protests against police officers and recommending to the responsible authorities and also cooperate with other bodies and organizations to ensure maximum oversight exercise is achieved. The findings also indicated that 33.2% of the respondents agreed that inspections carried out by IPOA have led to the adherence of human rights of prisoners. Ruteere and Pommerolle, (2003) corroborates the findings of the study that adoption of African charter on human and people's rights resulted to the establishment African commission on human and people's rights. This came as a

result of African efforts surrounding police oversight. The African commission has the powers to check on state communications, look at the individual violations of rights and to describe the bond whereby any individual within the African continent is free to make complaints to the commission where the commission has also created a special body monitoring human rights in Africa.

The findings indicated that 36% of the respondents agreed that monitoring of police operations have led to better handling of the citizens by police officers. This view was supported by the interviewees that there was better handling of claims of the citizens by the police. The findings of the study are supported by the findings of IPOA (2013) which also saw that by checking into the police premises as well as detention facilities and police misconduct thus making policies and institutional changes that befits them. This helps in ensuring that the needs of the police officers are well taken care of and aimed towards reducing their mishandling of the citizens.

The findings illustrated that 31.2% agreed that rewards for outstanding police officers have improved performance in the police service. In agreement with the findings of the study, similar studies found that it is important and almost mandatory for the members of civilian oversight (IPOA) to have self-discipline in order to encourage the internal accountability systems to suitably carryout their responsibilities and enhance people's confidence in them. However, the key informants indicated that despite the challenges experienced by IPOA, the IPOA operations led to improved performance of the police. This is in line with Government of Kenya, October (2009) findings that internal oversights are seen as being cost effective which when carried out effectively, forms a better way of curbing poor performance and misbehaviors of the police officers.

5.3.2 Capacity of Civilian Oversight on Law Enforcement

The findings indicated that 41.7% of the respondents agreed that the Kenyan police has confidence in the leadership demonstrated by IPOA. This was also emphasized by the interview guide responses. Similar findings were demonstrated by Smith (2006) who found that the mandate of IPOA is to increase public confidence in the police complaints system. It investigates serious complaints and allegations of police misconduct and handles appeals. Furthermore, Walker (2010) adds that over the decades, many countries have tried to implement different approaches to enhance and restore public confidence in the police. Some of these approaches have succeeded while others have failed.

Civilian oversight structures have been adopted as a bottom-up approach to ensuring efficient service delivery by the police. This method includes individuals from outside the police playing a vital responsibility in censuring the police for their organization, activities and policies. Numerous civilian citizen oversight systems have been especially worried about grievances against the police.

Most of the respondents (42.9%) agreed that the IPOA enjoys support from the executive, legislative and judiciary arms of the government. Similar findings by Lewis (2000) demonstrated that democratic governments in the world always entrust and install powers to the police and oversight authorities to monitor the conduct of citizens who in return have high expectations of professionalism from their officers.

The study found that 35.6% of the respondents agreed that IPOA has employed competent staff i.e. investigators, monitors and inspectors. The staff are supposed to be skilled with knowledge and ability to evaluate the complaints laid to them by the

civilians against police officers to give proper suggestions that curb police misconducts as indicated by the IPA (2012).

5.3.3 Strategies Used by Civilian Oversight on Law Enforcement

The findings indicate that 38.1% of the respondents agreed that the proportion of complaints against officers that are internally generated is rising. In line with the findings of the study, Miller and Merrick, (2015) found that the concept of civilian oversight encompasses citizens to hold police accountable to the general public for their actions, policies, and organizational response to the society at large. It also describes a structure and a system for citizens to oversee and review complaints made against the police and to remedy problems regarding police misconduct and the use of excessive force. Even if IAU incorporates, but not restricted to, receiving and investigating complaints against the police as seen from National Task Force on Police Reform, (2009), complains are still building up in the police officers and their obligations in their work.

Most of the respondents (49.4%) agreed that the number of unjustified deaths due to police actions has reduced since the inception of IPOA. This is a result of training and professionalism that has been improved by IPOA, as noted by the interview guide responses. In line with the findings of the study, Kaheke (2019) found that some of the functions IPOA was to undertake included investigation of deaths and serious harms caused by police, investigation of police's gross misconduct, presenting information as per their findings to the ODPP among other functions. Findings of Kaheke (2019) go hand in hand with the research made which illustrated that alleged deaths as a result of police action were 105 in the June – December 2020 report, while the same were 85 in the July – December 2020 performance report.

The findings indicate that 49.0% of the respondents agreed that cases of corruption arising out of police actions have reduced since the inception of IPOA. Similar findings from the guidelines of GOK (2010) stated the role of NPS is to educate its staffs to the top notch of competency level and uphold integrity and civil liberties, ensure that the members of staff obey the rights of people and their basic freedoms and also prevent corruption and add weight to transparency and accountability in order to enhance good relations with members of the public. In contradiction, studies in the United States illustrated that the consistent form of police mistreatment, misconduct and corruption led to the involvement of citizens in police accountability (Lewis, 2000).

The findings also indicate that 44.5% of the respondents agreed that the police Adherence to laws, code of conduct and operational procedures improved since the formation of IPOA. In line with deterrence theory, the existence of IPOA can deter the police from engaging in misconduct and embrace the legal procedures put in place in their policing operations. Knowledge by the police that any disciplinary behavior or criminal act will attract an instant severe punishment will deter them from committing crime.

Most respondents (26.7%) agreed that there has been an improvement in police handling of the public based on citizens' constitutional rights. A detailed approach by the IPOA, (2013) explained that detection of police misconduct helps in ensuring that the needs of the police officers are well taken care of and aimed towards reducing their mishandling of the citizens.

The findings indicate that 31.2% of the respondents agreed that there has been an increased success in handling of complaints against the police by the police since the inception of IPOA. In accordance to IPOA (2013), IPOA practices fairness in their

duties to ensure that they do not give biased recommendations regarding the complaints laid against the police officers by seriously scrutinizing the presented grievances.

5.3.4 Challenges Faced by Civilian Oversight in Exercising its Mandate

The findings indicate that 48.4% of the respondents strongly agreed that there is lack of cooperation especially from the law enforcement agency being oversighted has made it hard for IPOA to properly execute its mandate. A similar finding from Lumina, (2006) indicates that South Africa with the best structured and independent civilian oversight still suffers and face a number of challenges such as lack of cooperation from police. This crisis faces these nations due to lack of cooperation in the law enforcement agencies.

The results indicate that 71% of the respondents agreed that low levels of reporting of police misconduct by the public has made it hard for IPOA to properly execute its mandate. From the study conducted by Stephens et al. (2018), this made the community to be involved in the process as the oversight bodies are made of civilians appointed by mayors who are responsible for independent investigations and misconduct trials.

Most of the respondents (35.5%) agreed that delay in implementation of the Authority's recommendations by the service has made it hard for IPOA to properly execute its mandate. Since the IPOAs duty is to make sure that everything goes rightly in the manner of justice, the implementation of authority's recommendations by the service makes it effective. This has made the IPOA to fail in achieving its goal.

The findings indicate that 41.9% of the respondents strongly disagreed that Inadequate resources such as human resources, funding and access to case information has made it hard for IPOA to properly execute its mandate. Similar findings from Rachel Aicher (2010) cites political interferences, lack of resources, monopoly of investigations by

Nigerian police, lack of training and lack of requisite skills as some of the things that contribute to Nigerian police brutality. Moreover, there are significant levels of corruption, at all levels, in the force coupled with underfunding of the civilian oversight entities. These endemic levels of corruption, driven by an institutional culture that often actively legitimates fraudulent behavior, have sustained deep-seated relationships with criminal entities and groups.

Most of the respondents (61.3%) agreed that inadequate protection of witnesses and whistle blowers in the Service has made it hard for IPOA to properly execute its mandate. In line with the findings of the study, Independent Police Review (IPA), 2012) indicated that members of staff of civilian oversight board sometimes receive intimidations from politicians and fail to execute their functions fully.

5.4 Conclusion

On the assessment of the mandate of civilian oversight on law enforcement, the study concluded that IPOA is accessible. The effectiveness of the monitoring and inspection functions of the IPOA have contributed to adherence to human rights standards by members of NPS as they deliver on their mandate. On the other hand, the study also revealed that respondents felt that IPOA does not conduct independent investigations.

On the evaluation of the capacity of civilian oversight on law enforcement, the study concluded the IPOA has competent and well-trained staff, is provided with resources though inadequate and continues to receive good will from all stakeholders. This status contributes to the effectiveness of the IPOA which impacts positively on the operations of NPS.

On the identification of the strategies used by civilian oversight on law enforcement, the study concluded that receiving of complaints, monitoring, inspection and

investigation functionalities including training of staff, recruitment of skilled staff, implementation of strategic plan, employment of modern technologies in business processes, stakeholder engagements among others are strategies that have contributed to the effectiveness of the IPOA which also influences the quality of law enforcement by NPS.

Recommendations made to NPS have resulted in provision of operational expenses to station commanders, vehicles, house allowance, psychosocial support and improved adherence to the rule of law and guidelines.

With regard to the challenges faced by civilian oversight in exercising its mandate, the study concluded that IPOA is faced with many challenges, mainly stemming from members of NPS. It also cannot fully carry out its mandate due to lack of sufficient funds, and the existence of lengthy bureaucratic processes, both within and without.

5.5 Recommendations

Based on the study findings, the discussion and the conclusion made, the study makes the following recommendations:

On the assessment of the mandate of civilian oversight on law enforcement, the study recommends that the IPOA should move to explain and demonstrate to the police that it conducts independent investigations, and that all recommendations made are informed by available evidence and facts. It is also recommended that the IPOA should keep enhancing its core functionalities in order to increase its effectiveness.

On the evaluation of the capacity of civilian oversight on law enforcement, the study recommends that the IPOA should continue training and recruiting staff with relevant

skills, enhance resource allocation and work together with the police officers in terms of training and use of resources for betterment of the service and itself.

On the identification of the strategies used by civilian oversight on law enforcement, the study recommends that the IPOA should embrace innovativeness and devise other strategies that when implemented, will ensure that IPOA's mandate is realized fully.

On the same note, the government should give a full-term support to the police officers so as to achieve quality security and order in the nation.

On the establishment of the challenges faced by civilian oversight in exercising its mandate, the research recommends the IPOA should look for ways and means to mitigate the challenges by building good rapport with the senior management of NPS, by exploring ways of getting more resources to support the little the government is providing, and by engaging all relevant stakeholders.

5.6 Suggestions for Further Research

This study was only conducted in Nairobi Kenya bearing in mind that other parts of country are still facing similar challenges. This limited the scope of the study in coverage. The study therefore recommends that other studies be conducted on the same subject within other counties for comparative findings.

This study targeted mainly staff of the IPOA and members of NPS within Nairobi. The IPOA overlooks NPS and police respondents may have been skewed to providing responses that favor their way of thinking towards IPOA. This study further recommends that other studies may be conducted that mainly targets clients who are direct beneficiaries of IPOA Services.

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APPENDICES

Appendix I: Consent Form

Dear Respondent,

My Name is Emmanul Kiptanui Lagat, a Master of Science in Governamce Peace and Security student at Africa Nazarene. I am conducting a research on the **Effectiveness of civilian oversight bodies on law enforcement by National Police Service in Kenya: A Case of Independent Policing Oversight Authority**. I humbly request you to support the study by way of providing the data needed. Participation in the research is purely voluntary and you will be at liberty to pull out of the study at any stage. If you elect to honor my request, please indicate appropriately against the relevant statement below.

I voluntarily choose to participate in the study as requested. ()

I do not want to participate in the study ()

Thank you.

Sincerely,

Emmanuel Lagat

Appendix II: Questionnaire for Police officers

The Independent Policing Oversight Authority was established under IPOA Act No. 35 of 2011 in the year 2012 and has been in operation since then. The purpose of this study is to evaluate effectiveness of IPOA in the delivery of its mandate on the NPS. This questionnaire will take 15 to 20 minutes of your time.

Section A: Personal Information

1. Gender
 - Male
 - Female
2. Age Bracket
 - 18-25 years
 - 26-35 years
 - 36-45 years
 - 46-55 years
 - Over 56 years
3. What is your highest level of education?
 - Secondary ()
 - Certificate ()
 - Diploma ()
 - Bachelor's degree ()
 - Master's degree ()
 - Doctor of Philosophy degree ()

Section B: Mandate of civilian oversight on law enforcement

4. To what extent do you agree with the following statements regarding the mandate of independent police oversight authority on law enforcement by national police service

Where: 1- strongly disagree, 2-Disagree, 3-undecided, 4- Agree, 5- strongly agree.

Statement	1	2	3	4	5
Regular monitoring of police operations has reduced abuse of power by police officers					
Regular inspection of police facilities and making recommendations to the Service has improved the works relating to criminal administration					
Inspection of police premises has made the police service more responsive to special interest groups like women and children					
Inspections carried out by IPOA have led to improvement adherence to human rights of prisoners					
Inspections carried out by IPOA have led to improvement in welfare of police officers					
Monitoring of police operations have led to better handling of the citizens by police officers					
Rewards for outstanding police officers have improved performance in the police service					
IPOA conducts independent investigations without fear or favor					
IPOA is reachable and accessible at any time					

5. In your opinion how has the inspection functions of IPOA impacted NPS?

.....

.....

.....

6. In your opinion how has the investigation functions of IPOA impacted NPS?

.....

.....

.....

7. In your opinion how has the receiving of complaints functions of IPOA impacted NPS?

.....

Section C: Capacity of civilian oversight on law enforcement

8. To what extent do you agree with the following statements regarding the capacity of independent police oversight authority on law enforcement by national police service

Where: 1- strongly disagree, 2-Disagree, 3-undecided, 4- Agree, 5- strongly agree.

Statement	1	2	3	4	5
The Kenyan police has confidence in the leadership demonstrated by IPOA					
IPOA enjoys support from the executive, legislative and judiciary arms of the government					
IPOA management has remained resilient without personalizing adversity in their oversight of the police					
IPOA has employed competent staff i.e. investigators, monitors and inspectors					

9. What your opinion regarding the capacity of IPOA regarding monitoring functions?

.....

10. What your opinion regarding the capacity of IPOA regarding inspection functions?

.....

11. What your opinion regarding the capacity of IPOA regarding investigation functions?

.....

12. What your opinion regarding the capacity of IPOA regarding receiving of complaints functions?

.....

Section D: Strategies used by civilian oversight on law enforcement

13. To what extent do you agree with the following statements regarding the capacity of independent police oversight authority on law enforcement by national police service

Where: 1- strongly disagree, 2-Disagree, 3-undecided, 4- Agree, 5- strongly agree.

Statement	1	2	3	4	5
The proportion of complaints against officers that are internally generated is rising					
The number of unjustified deaths due to police actions has reduced since the inception of IPOA					
Cases of corruption arising out of police actions have reduced since the inception of IPOA					
Number of injuries arising out of police actions have reduced since the inception of IPOA					
The police Adherence to laws, code of conduct and operational procedures improved since the formation of IPOA					
There has been an improvement in police handling of the public based on citizens constitutional rights					
There has been an increased success in handling of complaints against the police by the police since the inception of IPOA					

14. Briefly give your opinion on how IPOA has influenced your performance as a police officer.

Appendix III: Interview Guide for IPOA officials, IMLU, KNHCR, IJM and ODPP

Mandate of civilian oversight on law enforcement

1. In what ways do you think IPOA carries out the monitoring functions?
2. How does the monitoring functions mentioned in question 1 impact NPS?
3. Do you think the monitoring functions have been successful? Explain
4. In what ways do you think IPOA carries out the inspection functions?
5. How does the inspection functions mentioned in question 2 impact NPS?
6. Do you think the inspection functions have been successful? Explain
7. In what ways do you think IPOA carries out the investigation functions?
8. How does the investigation functions mentioned in 7 above impact NPS?
9. Do you think the investigation functions have been successful? Explain
10. what ways do you think IPOA carries out the receiving of complaints functions?
11. How does the receiving of complaints functions mentioned above impact NPS?
12. Do you think the complaints functions have been successful? Explain

Capacity of civilian oversight on law enforcement

13. Do you think IPOA has fully achieved capacity regarding its monitoring functions? Please explain
14. Do you think IPOA has fully achieved capacity regarding its inspection functions? Please explain
15. Do you think IPOA has fully achieved capacity regarding its investigation functions? Please explain
16. Do you think IPOA has fully achieved capacity regarding its receiving of complaints functions? Please explain

Strategies used by civilian oversight on law enforcement

17. In your opinion, what strategies has IPOA put in place to ensure that it performs its inspection functions effectively?
18. In your opinion, what strategies has IPOA put in place to ensure that it performs its investigation function effectively?
19. In your opinion, what strategies has IPOA put in place to ensure that it performs its monitoring function effectively?
20. In your opinion, what strategies has IPOA put in place to ensure that it performs its function of receiving complaints effectively?
21. How does stakeholder engagement activities carried out by IPOA impact police service?
22. What other strategies has IPOA put in place to meet its mandate?

Challenges faced by civilian oversight in exercising its mandate

23. What challenges does the Independent Policing Oversight Authority face in the exercise its mandate?

Appendix IV: Introduction Letter from ANU



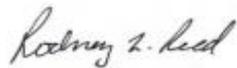
9th March 2022

RE: TO WHOM IT MAY CONCERN

Emmanuel Kiptanui Lagat (16J03DMGP027) is a bonafide student at Africa Nazarene University. He has finished his course work and has defended his thesis proposal entitled: -

“Effectiveness of Civilian Oversight Bodies on Law Enforcement by National Police Service in Kenya: A Case of Independent Policing Oversight Authority”.

Any assistance accorded to him to facilitate data collection and finish his thesis is highly welcomed.



Prof. Rodney Reed
DVC, Academic & Student Affairs.

Appendix V: NACOSTI Permit


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**NATIONAL COMMISSION FOR
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RESEARCH LICENSE



This is to Certify that Mr.. Emmanuel KIPTANUI Lagat of Africa Nazarene University, has been licensed to conduct research in Nairobi on the topic: EFFECTIVENESS OF CIVILIAN OVERSIGHT BODIES ON LAW ENFORCEMENT BY NATIONAL POLICE SERVICE IN KENYA. A CASE OF THE INDEPENDENT POLICING OVERSIGHT AUTHORITY for the period ending : 18/March/2023.

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Appendix VI: Nairobi County Map

