POLICE USE OF EXCESSIVE FORCE ON ELECTORAL VIOLENCE DURING GENERAL ELECTIONS CYCLES IN KISUMU COUNTY

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A THESIS SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE AWARD OF 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

JUNE 2020

DECLARATION

Declaration by candidate:

I affirm that this thesis, which I submit for examination in consideration of the award of degree of Master of Science in Governance and Security, is my original work and has not been presented for award of degree in any other university.



03/10/2020

Signature Date

Michael Ogada Okumu, 17S03DMGP013

Declaration by the supervisor:

I confirm that the work in this thesis was done by the candidate under my supervision.

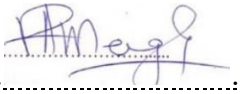


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DEDICATION

I dedicate this thesis to my wife Mrs. Everlyne Ogada and my daughters Joyce Adhiambo, Faith Agwen and Mercy Warinda. You have significantly played a critical role in my academic journey.

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First and above all I give praises and thanks to the Almighty God for providing me this opportunity and granting me the ability, capability and resources to proceed through my studies successfully. I also express sincere gratitude to my supervisors, Dr. Emily Okuto and Dr. Gilbert Maroko for their unwavering support and dedication which they have this far shown me throughout the entire journey of writing this thesis as well as throughout my studies, for their guidance, valuable time and useful knowledge and information to this study. I would also like to acknowledge Dr. Simon Obwatho for the much knowledge I gained in his Research Methods class. I cannot forget to thank my beloved spouse Mrs. Everlyne Ogada, my lovely children and my lecturers at Africa Nazarene University for their support and encouragement throughout my study period. Last but not least, I would like to appreciate all those who, because of limited space, I was not able to mention herein but equally played valuable roles towards this academic milestone.

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ABSTRACT

Police use of excessive force has seemingly become more prevalent in this day and age. Despite excessive use of force being an ongoing issue of concern in the country and its continued use as a strategy of suppressing election instigated violence in the country, much effort has not been put to establish the effectiveness of the strategy in achieving its objectives. This study therefore intended to establish causes, effectiveness of police use of excessive force, and effects of police use of excessive force in repression of electoral violence during general elections cycles in Kisumu County as well as identifying nonviolent resistance strategies police can adopt to alleviate electoral violence during general elections cycles. The motivation for this study is to play a role in addressing the problem of police use of excessive force not just during electoral protests by the general public but also during other protests. Retributive Theory of Punishment and the Routine Activities Theory were used to guide the study. The findings of this study ergo are expected to be of immense significance to the leadership of the National Police Service, the Independent Policing Oversight Authority, residents of Kisumu County and citizens of Kenya as a whole. Descriptive research design was therefore used to provide further insight into the area under study. Both quantitative and qualitative approaches being taken. The study was exclusively carried out in Kisumu County. Top officials of the National Police Service, top officials of the Independent Policing Oversight Authority, the Kisumu County Commissioner, Deputy County Commissioners in the county, elected politicians in the county, the general police officers, and residents of Kisumu County were the target population. A combination of probability and non-probability sampling techniques were used to select respondents during data collection. Using Krejcie and Morgan's table for determining sample size, 384 individuals were engaged in the study. Questionnaires and an interview schedules were used to gather data from the respondents. The overall finding of this study was that excessive use of force by police officers when repressing electoral violence in Kisumu County was found to be relatively effective. Perceived prejudice by police, poor internal accountability mechanisms and deprived working terms for the police were found to be the driving factors behind police officers' use of excessive force. Physical and psychological health problems, destruction of properties and in some instances loss of lives were identified as some of the outcomes when police applied excessive force. Alternative nonviolent strategies such as use of tear gas canisters and less lethal technology devices coupled with proper and adequate training for officers were advanced as substitutes for use of excessive force. Acquisition of less lethal technologies being used in other countries, improved proper, appropriate and more intensive professional training, and ensuring accountability of police officers were some of the measures proposed to help solve the problem of use of excessive force by police which also creates bad blood between officers and the general public. On the part of the general public, it is recommended that they should avoid taking law into their own hand by resorting to protests and violence but should instead explore legal avenues to address their grievances.

OPERATIONAL DEFINITION OF TERMS

Electoral violence: spontaneous or organized actions or threat to threaten, harm, or abuse the general public or a political stakeholder in seeking to determine, delay, or influence an electoral activities and processes.

Excessive use of force: conscious or unconscious actions such as physical, emotional violence as well as verbal assault, psychological intimidation, and/or sexual violence by police against individuals or the general public with sole intent of dehumanizing and degrading their victims.

General election: elections held every five years in Kenya, according to the country's electoral calendar, to elect political leaders for all the political positions in the country.

General police: police officers who do not any official positions within the ranks of the National Police Service.

General public: citizens of the country who do not hold any political position.

Non-violent strategies: this refers to the use less lethal, peaceful means rather than unwarranted force, to bring about order and contain situations of public unrest.

Repression: the action by police to subdue an individual forcefully to restrain the person from doing something illegal or undesirable.

ABBREVIATIONS AND ACRONYMS

APS : Administration Police Service

CEDs : Conducted Energy Devices

DCI : Directorate of Criminal Investigation

IPOA : Independent Policing Oversight Authority

KPS : Kenya Police Service

MCA : Member of the County Assembly

NPS : National Police Service

OC : Oleoresin Capsicum

USA : United States of America

CHAPTER ONE
INTRODUCTION

1.1 Introduction

This chapter of the thesis introduces the background of the study and further describes the subject of police use of excessive force across the world and then focuses on the Kenyan context. It also outlines the history of politically instigated protests in the country and Kisumu County. The chapter also covers research objectives, research questions, significance, purpose, delimitations, limitations of the study. It concludes with discussion of the applicable theory to the study and the conceptual framework that delineates the relationship between the independent variables and the dependent variable.

1.2 Background of the Study

Constitutionally, one of the key roles of the police service in any nation across the world is to maintain law and order while providing security to residents within their assigned jurisdictions and the country at large. However, as has been observed in numerous instances in various countries world over, this is rarely the case when a violent situation pits police against the general public or when violence between two conflicting factions threatens to intensify and spiral out of control. In such instances, police have been accused, whether rightly or wrongly, of using excessive force on suspects and the general public. Excessive use of force can be construed as physical, emotional violence as well as verbal assault and psychological intimidation by police against individuals or the general public (Ellawala, 2016). In some instances, excessive use of force by police on the suspects and the public has included sexual violence. Alang, McAlpine, McCreedy and Hardeman (2017), aver that police's use of excessive force is far from being mere mistakes but are actions carried out in bad faith with sole intent of dehumanizing and

degrading the target of brutality. Further, use of excessive for by police occurs even when the police's dehumanizing and degrading actions ensue even in the absence of conscious intent.

Even as police's use of excessive force becomes more prevalent in this day and age, it is worthy to point out that it is not a discussion that begun in the near past. It is one that has been discussed and debated on for a number of decades now in different countries, Kenya included. History of politics, human rights struggles and democratization of nations of the world are punctuated with numerous cases of excessive use of force by police. From the Great Railroad Strike of 1877 (Digital History, 2019), the Ludlow massacre of 1914 (Dehler, 2007), the 1920s and 1930s Finnish Civil War (Vuorela, 2018; Malkki, Fridlund & Sallamaa, 2018), and the Hanapepe massacre of 1924 (Roberson, 2017). In recent history, police brutality was experienced during the 2012 Quebec student protests in Canada, the 2007 Bronze Night protests in Estonia, the Black Lives Matter marches in the United States of America (USA) and the 2011 Egyptian revolution. Atherley and Hickman (2014), observes that police brutality has existed in policing since its inception. In a study focusing on police brutality among black citizens of the (USA), Alang et al., (2017), observe that excessive use of force against the African-Americans dates back to the age of slavery when police viciously punished black slaves. According to Nodjimbadem (2017), police brutality in the USA is not a recent phenomenon and that he incessant oppression and violence that has disproportionately shaken black communities for generations has been going on since 1960s. Unfortunately, this has continued to present day as observed in some of the high profile instances of deaths of black citizens in the hands of the police officers such as the killing of Mike

Brown and Eric Garner 2014 and the recent most killing of George Floyd in 2020 (Ellawala, 2016; Laughland, 2020).

Greene (2012) observes that in India, excessive and unlawful force are frequent, especially during protests such the protests against a new citizenship law. Such incidents involving the use of excessive force by the police frequently receive attention from different quarters like from the media, civil society organizations and the legislators. Whether the use of excessive force is aberrant behaviour of individual officers or a pattern and practice of an entire law enforcement agency, such incidents have been received widespread condemnation. Every year, the government of Russia is compelled by the courts to pay its citizens millions of dollars as compensation for for police brutality. Russia is yet another country where citizens suffer police brutality in the form of torture through electric shocks, needles in nails and beatings with truncheons among other brutal activities in the hands of the police (Sieca-Kozlowski, 2012; Gerber & Mendelson, 2008).

Across the African continent, electoral violence is wide spread and its history can be traced to the periods after many African nations gained independence. After attaining self-rule status, most of African leaders who were at the forefront in the fight against colonialists began to fight for political power among themselves (Adolfo, Kovacs, Nyström & Utas, 2012). This has continued to the present times even as nations strive to break away from bad systems of governance characterized by autocratic tendency and suppression of citizens' freedom to democracy. The results of the highly disputed Angolan 1992 election was followed by a 10-year civil war which left thousands of people dead and properties of monumental value destroyed. Closer home in Ethiopia, the

2005 election-related violence led to almost 200 deaths in the country. Throughout the continent, similar trends have been experienced in Democratic Republic of the Congo, Nigeria, Sudan, South Sudan (world's newest country), Senegal, Burundi, Ivory Coast, Rwanda, Zimbabwe, Ghana and Liberia among others. In all these cases, the electoral violence have led to loss of hundreds and thousands of lives, displacement of people both internally and externally and destruction of properties (Lauterbach, 2015; Fjelde & Höglund, 2016). In post-apartheid South Africa, police brutality has been problematic issue (Zv & Ukpere, 2014). An analysis of police violence in contemporary South Africa has revealed that many individuals lost their lives and others have been gravely assaults by the police (McMichael, 2016).

In Kenya, excessive use of force has been an ongoing national issue from the time that country gained its independence in 1963 to as recent as the 2007/8, 2013 and 2017 post-election violence. Historically, because of unclear laws and policies coupled with largely undemocratic regimes, circumstances of police's use of excessive force were never openly discussed (Tostensen, 2009; Waki, 2008). Further, the government of the day gave explanations in attempts to justify the brutality meted on suspects by police and other law enforcing agencies (Waller, 2010). However, as the country becomes more democratic and the public became enlightened and much awake to their human rights, police brutality increasingly became prevalent. Following these glaring atrocities committed by the police, the country set on a path to institute reforms in the police service so as to address such problems. However, according to Osse (2016), these reforms are reluctantly and ineffectively being implemented, and this makes it difficult to eliminate the problem of police use of excessive force.

Kisumu County has over the years become synonymous with electoral violence and protests coupled with police use of excessive force to disperse protestors and bystanders. Others have termed the police actions as bordering on brutality. Credible institutions like Amnesty International (2017) have repeatedly expressed concern over recurrent instances of armed police are using unlawful force against protestors in the county every major general electoral cycle whenever there are chaos. Over and above aggressive attacks on people, police officers have been accused of breaking into the homes of suspected and non-protestors leading to destruction of private property and business premises (Elder, Stigant & Claes, 2014). These elements of punitive policing in Kisumu County subsequently make it a worthy and interesting region for study hence the chosen site of this research survey.

1.3 Statement of the Problem

The use of excessive force by police remains a major concern and a thorn in the flesh of developing countries more so those whose regimes are still highly oppressive. The subject also remains one of the highly contentious issues in law enforcement as well as among human rights lobbyists. Carmack (2018), argues that use of excessive force by police is a basic component of policing. Further, the effectiveness of this strategy in attaining its intended objectives largely remains an area of speculation. Questionability of this strategy is rife in Kenya especially in relation to election instigated mayhem because often the outcomes are numerous cases of police-involved injuries or death being reported by the general public, media and human rights agencies (Mkutu, Marani & Ruteere, 2014). Another notable problem according to Murunga (2009), is the general view among some Kenyans that they are being unfavourably targeted by police officers

whenever there is violence spurred by elections. Despite excessive use of force being an ongoing issue of concern in the country, much effort has not been put to establish the effectiveness of this strategy in achieving its objectives. For instance, Chtalu (2014) only carried out a study on challenges facing reform in the National Police Service (NPS). While Mutemi (2014) surveyed challenges faced by police reservists in Kenya and how they affect the latter's performance. These therefore create knowledge and research gaps worthy of conducting a research study. This study therefore aims at filling these gaps by answering the question; how effective is the use of excessive force by police in repressing electoral violence in Kisumu County?

1.4 Purpose of the Study

Evidence indicates that the use of excessive force by police while quelling instances of public unrest remains a significant predicament in Kenya. Despite constant discussions on the issue and the desire to put it in the country's past, this strategy seems to remain popular among the country's security agencies with regard to handling cases of public unrest. The purpose of this study was to establish the rationale behind the seeming preference of it in quelling mass public unrest and the effectiveness of this approach. Equally, the researcher purposed to determine less lethal approaches that police could employ to handle such situations. Resultant experiences of the residents of Kisumu County whenever police used excessive force to contain electoral violence in the county was also an important purposes of carrying out this research study.

1.5 General Objective

Generally, this study examined the police use of excessive force in repression of electoral violence during general elections cycles in Kisumu County.

1.5.1 Specific Objectives

The specific objectives of this study were;

i) To investigate causes of police use of excessive force in repression of electoral violence during general elections cycles in Kisumu County.

ii) To determine effectiveness of excessive force by police in repression of electoral violence during general elections cycles in Kisumu County.

iii) To establish effects of police use of excessive force in repression of electoral violence during general elections cycles in Kisumu County.

iv) To assess alternative nonviolent mechanisms police can be adopt to alleviate electoral violence during general elections cycles in Kisumu County.

1.6 Research Questions

i) What drives police to use excessive force when repressing electoral violence during general elections cycles in Kisumu County?

ii) How effective is the use of force by police in repression of electoral violence during general elections cycles in Kisumu County?

iii) What are the effects of police use of excessive force in repression of electoral violence during general elections cycles in Kisumu County?

iv) Which alternative nonviolent mechanisms can be adopted by police to alleviate electoral violence during general elections cycles in Kisumu County?

1.7 Significance of the Study

The findings of this study are expected to be of immense significance and contribution to the ongoing police reforms in Kenya. Based on the findings of the study, the National Police Service Commission would find invaluable input for the formulation and implementation of the use of force policy in the country as a strategy to specifically

define and regulate the amount of force officers used when attempting to subdue unwilling subjects. From the findings of the study, the individuals in charge of this essential security institution in the country can gain much insight on the general public's view of this strategy. The leadership of NPS also stand to benefit from the findings of this study by being able to reliably know the effectiveness of this approach in handling episodes of massive public unrest and the therefore decide on whether to apply it again and when to apply it. From suggestion made by the general public and other categories of the target population, the leadership are able to get further ideas on less lethal but equally effective approaches in handling mass public unrest. In the face of ever present and intensifying complaints by the general public on the improper conduct of police officers and the NPS, the Independent Policing Oversight Authority (IPOA) was established through an Act of Parliament in 2011. As the institution's mission reveals, it was created to address these problems by conducting independent and impartial investigations of Kenya's police service to enhance professionalism and discipline in the police service (IPOA, 2020) The leadership and management of IPOA are now in a position to acquire more information on how use of excessive force by police affects not just the perpetrators but the public and probably the country in general. Further, IPOA can gain knowledge on alternative less violent strategies that the police can use in handling such precarious situations and, working together with NPS, they are able to refine and develop these proposed approaches. The study's findings are of significance to the general public in the sense that they are in a position to know how to demonstrate and express their constitutional rights and freedoms without provoking the police who may resort to use of excessive force. Besides benefiting from the findings of the study, residents of Kisumu

County also presented with an opportunity to express their concerns and proposals regarding the subject under study to the leaders of this wing of the country's security agency. To the academia, the findings of this study will serve as a reference point and an empirical study from which they can draw further knowledge. Further, the areas identified fir further studies can form basis for future studies.

1.8 Scope of the Study

Geographically, the study was restricted to Kisumu County. This therefore implied that all the individuals making up the target population were drawn from the county. Kisumu County was chosen as an ideal location of the study because, according to Maupeu (2008), it is among the regions in the country that are usually hardest hit by electoral violence. Compared to other counties in the country, Kisumu County experiences the most number of cases where police excessive force when handling cases of electoral violence. The study was circumscribed to general elections hence other types of elections such as primary elections, special elections (by-elections), and referendums (constitutional amendments) were not taken into perspective. Further, the focus was on general elections-related cases of police use of excessive force thus other instances where police have used force such as when handling criminals were not considered. Although the country has had many elections where instances of police use of excessive force have been experienced, this study was limited to the 2013 and 2017 general elections. This time scope was informed by the fact that it was during these three periods that Kisumu County experienced intense electoral violence coupled with highhandedness of police officers in containing the violence. Further, these periods are relatively recent (within the last decade) hence the occurrences were reasonably fresh in the minds of the residents of

the county and majority of the residents of the county were still present to tell the tales. With regards to politicians as an essential component of the target population, only the current elected politicians from the county were engaged in the study.

1.9 Delimitations

Despite cases of public unrest being experienced throughout the country during the electioneering periods, more pronounced protest are normally in the county's headquarters, Kisumu town. It is also at the headquarters where security personnel are often sent Kisumu Town in huge numbers to contain the unrest. Consequently, data collection was largely carried out in Kisumu town which encompasses Kisumu West, Kisumu Central, and Kisumu East sub-counties. Further, only persons who had attained the adult age of eighteen years were engaged in the study although children also get affected, directly and indirectly, by actions of police to use excessive force.

1.10 Limitations

One of the challenges the researcher experienced was the unwillingness by the police officers and their seniors to be honest with the information they give for fear of consequences they may face in the line of duty for divulging what would be considered confidential information. To overcome this challenge, the researcher assured the respondents that the information they provided would be treated with utmost confidentiality.

1.11 Assumptions

The study assumed that respondents approached during data collection would be very cooperative and honest with their responses. Another assumption made by the study was that respondents from the general public resided in the county at the time of the

2007/8 as well as the 2013 and 2017 post-election violence. Finally, the study assumed that the response given by the people residing in Kisumu town was representative of the responses that would have been got from any part of the county.

1.12 Theoretical Framework

1.12.1 Retributive Theory of Punishment

Developed and advanced by Hart (1967), retributive theory of punishment holds that offenders in the society must be punished for the wrongs that they have done in order to deter them from committing similar or even other different crimes in future. The proponents of this theory also advance that severity of punishment must be proportional to the gravity of the crime committed. The three main tenets of this theory that anchor the study are; an individual may be punished only if the person has voluntarily committed an offence, the punishment given must be equivalent to seriousness of the offence, and the justification for punishment is the moral uprightness of returning suffering for an immorality voluntarily committed (Bedau, 1978). One of the main criticisms of this theory is that nature of morality is subjective hence making challenging to deliver punishments for crimes (Bindal, 2009; Agrawal, 2015). Additionally, Uduigwomen (2004) contends that despite most crimes being both illegal and immoral some crimes although being illegal cannot be termed immoral. The applicability of retributive theory of punishment in this study is to the effects that individuals who perpetrate and those who participate in electoral related violence do it wilfully and consciously. In the process of their demonstration, the cause a lot of inconvenience to the public and some of them engage in violent activities. Excessive use of force by the police therefore can be perceived as a ‘justification’ to ‘proportionally’ punish the protesters for the offences they commit during the unrests. The rationale therefore behind the use of excessive force,

from the view point of the officers, is to deter the protester from subsequently engaging in similar activities in future.

1.12.2 Routine Activities Theory

This is a theory of crime that was developed by Cohen and Felson (1979) focuses on crime events. This theory advances that the organization of people's routine activities in society creates opportunities for crime. These routine activities of strongly influence when, where, and to whom crime occurs hence make crime either easy and low risk or difficult and risky. This theory is premised on three main tenets; a motivated offender with criminal intentions and the ability to act on these inclinations, a suitable victim or target, and the absence of a capable guardian who can prevent the crime from happening. These three elements must converge in time and space for a crime to occur. The applicability of this theory to this study is to the effect that electoral injustices, whether real or perceived, that occur during general elections strongly influence the decision of residents of Kisumu County to engage in demonstration which in some instances border on criminal activities. The demonstrations consequently trigger police officers to take measures aimed at containing the demonstrations. This cycle of routine activities can therefore be used to explain the criminal activities that demonstrators engage in as well as the use of excessive force by police which in some instances result in extrajudicial killings, which in essence are criminal activities as well. The Routine Activities Theory can therefore be applied to create positive changes in such criminal trends over time.

1.13 Conceptual Framework

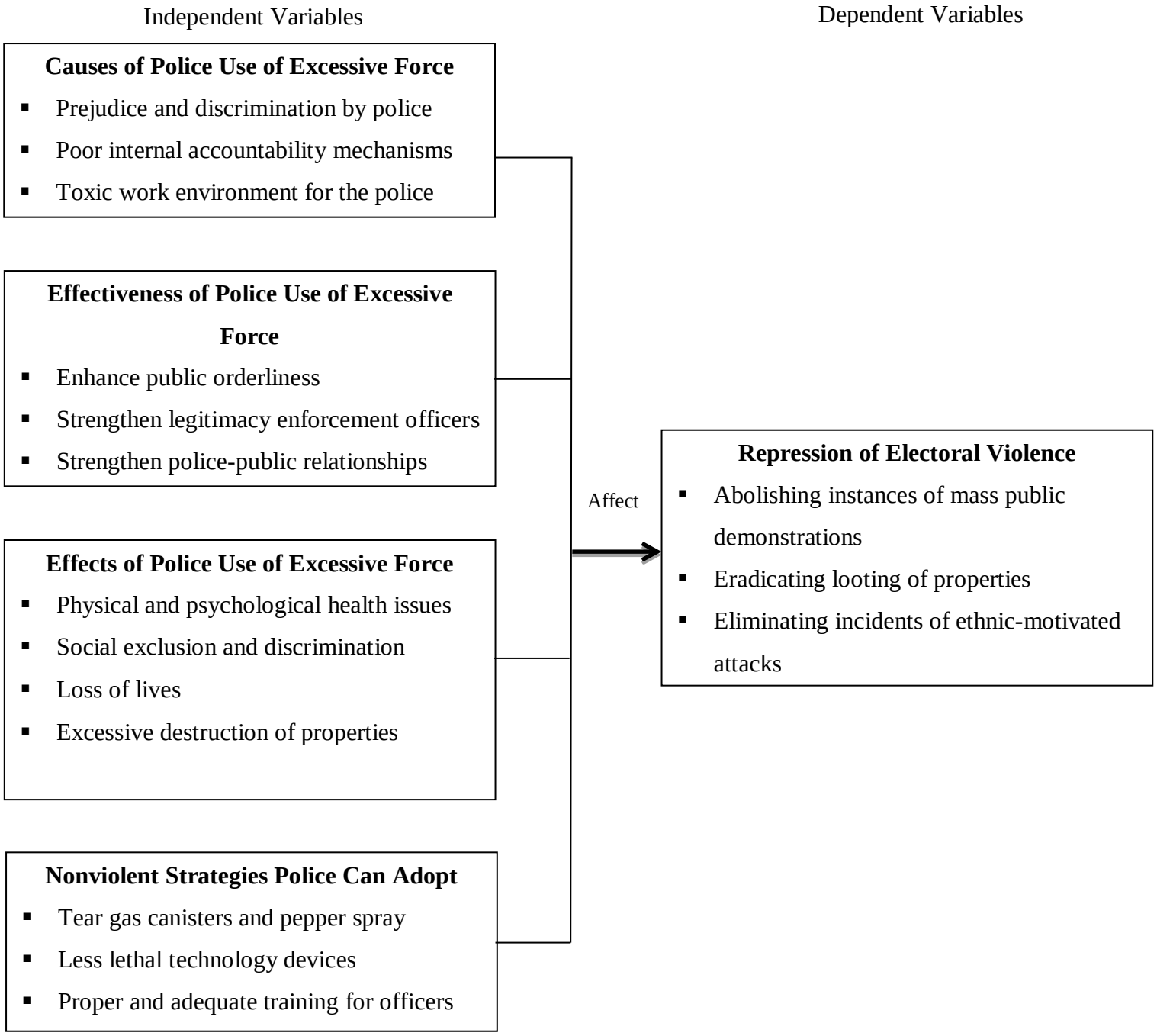


Figure 2.1 Conceptual Framework
Source: Researcher, 2019

Figure 2.1 depicts the relationship between the independent variable and the dependent variables. The conceptual framework intends to show that the various

indicators of the first independent variable have the potential of driving police to use excessive force when handling perpetrators of electoral violence. Indicators of the second independent variable determine whether the use of this strategy is effective as well as the level of the effectiveness of the strategy. Also captured in the conceptual framework are the probable experiences that the general public who have been affected by police use of excessive force have gone through. The fourth independent variable attempts to illustrate alternative nonviolent strategies that police officers could employ in instances of electoral violence.

CHAPTER TWO
LITERATURE REVIEW

2.1 Introduction

This chapter encompasses extensive, comprehensive and in depth review of literature relevant to the four objectives of the study. The review of the various relevant literature is followed by a summary of the key points of these literature. It is from the empirical reviews that the existing research gaps, which form the final section of the chapter, are established.

2.2 Theoretical Review

Gaines and Miller (2010) argue that the use of excessive force is almost a commonplace and an everyday practice among police officers. These range from giving a verbal command to using a weapon on a suspect. In their capacity as law enforcers, police officers are allowed and authorized to use force to enforce the law. However, according to Gaines and Kappeler (2008), problems arise when the officers abuse the authority thereby they by using unnecessary and excessive force while discharging their duties. Anderson, Reinsmith-Jones and Brooks (2016), observe that where institutions of justice such as courts of law are concerned, the question is usually whether the extent of force used by an officer was judicious to achieve a specific law enforcement objective. More specifically, it asks, would a reasonable person faced with a similar set of circumstances respond in a similar fashion as did the police officer? Despite this, disagreements regarding when the use of force is excessive is 'justified' still remain.

It is also argued by some scholars that the application of excessive force typically results in either non-deadly force or deadly force. These two are differentiated by the extent of bodily harm/injury likely to be caused by the force used by police. Non-deadly

force is less likely to lead to serious bodily injury or a victim's death. Deadly force on the other hand would lead to serious injuries or even death of the subject. Equally, deadly force would result in destruction of property (Gaines & Miller, 2010). Subsequently, police officers are advised to use minimum and just adequate amount of force that is necessary to contain the subject. This is the parting short from Anderson, Reinsmith-Jones and Brooks (2016), who advance that police officers, through their professional training, must be taught and must understand that there are two categories of force, namely the justifiable and unjustifiable and that use of excessive force on victims constitutes unjustifiable force.

2.3 Empirical Review of Literature

2.3.1 Causes of Police Use of Excessive Force in Electoral Violence Repression

There are times when police officers have been lauded for their effectiveness and efficiency in the quelling mayhem and properly handling incidences of crime and public disturbance. However, there are also situations when they have received blame and have been accused of abuse of their authority. One of the instances where they have been blamed and their operations brought under scrutiny is when they use excessive force on citizens, an action deemed an offence (Fagerlund, Kääriäinen & Ellonen, 2018). At this point, it is imperative to note that use of excessive force by police, which involves undue violence by police, is not unique to Kenya. It is a widespread practice in many countries around the world including developed nations and even those that prosecute it. More often than not, it is practiced under the guise of colour of law. Literature from empirical studies and other sources indicate that police use force for wide and varied reasons.

Prejudice and discrimination has quite often been cited, including in Kenya, as one of the main causes of violence meted on perpetrators by police. Partiality and

discrimination often takes many forms such as race, ethnicity gender, religion, and political affiliation among others. Correll, Park, Judd, Wittenbrink, Sadler and Keesee (2007) note that police officers exhibit the propensity of treating minorities and other marginalized groups differently. This kind of treatment is also extended to instances of protests or criminal episodes. Studies carried out by Correll et al (2007) found that the use of force by police varies and subjective depending on the profile of the subjects. If the subjects are of different profile from that of the police, then excessive force, which would not otherwise be applied in a different context, may be used.

For instance, when handling episodes of public unrest in Kenya, prejudiced and discriminatory police have been accused on numerous occasions of eliciting violent response when handling perpetrators from certain religion or ethnic communities. Occurrences in the near past in the US, such as the Brown's shooting in Ferguson, Missouri and other incidences throughout in the country seem to lend credibility to this narrative of prejudice and discrimination as a theme of social explanations of police use of excessive force. Brunson (2007), observes that mistreatment of citizens of colour by the police are abundant in some geographic regions in the US mostly inhabited by the non-natives thereby supporting the hypothesis that the minorities, as compared to the majorities, experience more use of force offences committed against them. A similar conclusion was reached in a study carried out by Fryer (2016), which determined that blacks and Hispanics were more likely to encounter some form of force in their altercations with police.

A study report by Hodgson (2001), on the causes of misconduct in policing pointed to deficient internal accountability mechanisms, including internal investigation

processes, as a major cause of police use of violence against citizens in Canada. Ordinarily, it would be viewed that in such developed countries the legal systems work almost to perfection, cases of police brutality is a thing of the past and that any police found guilty of such offences would be charged and even jailed for the same. However, going by these revelations of the study by Carmichael (2015), there is some level of inadequacy and inefficiency during investigations. These deficiencies in are not just restricted to legal systems but also permeate into judicial systems. Equally, they are not unique or limited to Canada but are also prevalent in other countries across the world. It therefore seems that such deficiencies provide room, and may also be motivators, for police to engage in the illicit activities of using excess force in the course of their duty with the assurance that they are less likely to be prosecuted for their offences.

Garner and Maxwell (2002), based on the findings of their study, cite inadequate experience handling instances of public unrest or criminal arrests as another use of excess force by the police. Findings of the study revealed that younger and relatively inexperienced service men and women are more likely to be involved in excessive use of force cases than their older and experienced counterparts. Studies by Lersch and Mieczkowski (2005), and Brandl, Stroshine and Frank (2001), established that younger inexperienced officers tended to record higher rates of instances of excessive or lethal force. This is attributable to such short or lack of history on the job from which to pull relevant experience on how to respond to situations as well as recent exposure to academy training. However, there are instances as well when the older and highly experienced officers can be culpable and guilty of use of excessive force on the citizens. This is mostly the case when dealing with a unique situation that the older officers have

never handled or have rarely handled in their line of duty.

The use of more than necessary force by police on civilians can also be attributed to fear of protestors/perpetrators or insecurity (Bennett, Farrington & Huesmann, 2005) by the police. In some cases, police officers may legitimately fear the context in which they are operating or may be afraid of criminal suspects they are handling. Dealing with a criminal who is heavily and dangerously armed is completely a different scenario from dealing with a criminal who poses little or no threat at all. Compared, the former scenario is likely to trigger a sense and feeling of insecurity in the police officer(s) which then stimulates an attack and use of excessive force by the officer(s). Further, when police officers are outnumbered or confronted with particularly powerful suspects, the use of excess force may be justified. This rationale is however challenged by the same authors who argue that fear alone is not a justification to trigger use of excessive force, and assert that when faced with risky situations, diffusion rather than escalation of the situation through use of excessive force should be officers' immediate action. Another cause of closely related to this fear and insecurity is previous trauma received on the job. Garner and Maxwell (2002), postulate that memories of traumatic injuries received on the job lead police officers to react more brutally in subsequent encounters. The justification for this is that instances reminiscent of prior traumatic episodes may serve as schematic triggers in later incidents thus provoking police to act with more force than otherwise needed.

2.3.2 Effectiveness of Police Use of Excessive Force in Repressing Violence

In the recent past, the long simmering problem of excessive police force in Kenya has sparked national debates among human rights advocates, activists, and the affected

groups. These debates have pitted government law enforcement agencies on one side the pro-human rights advocates on the other. Among the non-targeted populace, heavy-handedness and police use of force approaches to public security tend to enjoy widespread popular appeal (Ombeck, 2019). This category of people appears to typically welcome high- handed policing and mass incarceration of perpetrators and criminals for the reason that to them these approaches sound action-oriented and morally just hence very necessary in containing and detaining the suspects.

Across the world, there is no shortage of examples of leaders who, through their countries' law enforcement agencies, are more than ready to suspend the rights and freedoms of their citizens in the name of restoring public order and domestic security. Such leaders ordinarily treat suspects and perpetrators as "risk factors" that should be contained and even detained. Right here in Kenya, governments of past regimes since the country gained independence used police and other security organs of the country to oppress citizens and silence dissent. Although there has been reduction over the years in the rates of use of police in 'restoring public order and security' this approach still remains prevalent in the country and is mostly experienced during electoral cycles and other episodes of politically-related activities.

Despite their immense popularity among some leaders and sections of the citizenry, the more often overlooked question with regard to police use of excessive force when attempting to subdue an unwilling subjects is the effectiveness and the intended or unintended outcomes of such approaches. Theoretically, the answer should be obvious and straightforward, reduction in violent and nonviolent criminal tendencies and restoration of public safety and security. In reality, as indicated by impact assessments of

some studies, excessive coercion by police could paradoxically to heighten cases of public insecurity and disorderliness while increasing rather than reducing crime. Muggah, Garzón and Suárez (2018), while studying the upsides and downsides of repressive criminal justice for young people in Latin America established that use excessive force by law enforcement officers was rarely, if ever, effective. For instance, the study found the deployment of paramilitary officers and soldiers proved ineffective in reinstating public security. Such measures also proved futile in government's effort curtail impunity, to reduce violent crime rates and deter future crime. Further, the researchers established that unintended outcomes such as stigmatization and rights violations of young people characterized police use of excessive force on the targeted subjects.

As opposed to the use of force, the outcomes of a study conducted in the US on the use of less-lethal and reasonable force on suspects indicated that use of reasonable force was much more effective in containing public unrest and suspected criminals. Use of reasonable force by law enforcers was associated with reduction in police as well as suspect injuries. Similarly, applying less force and using non-lethal weapons on suspects proved effective in preventing or minimizing physical struggles between police and suspects in use-of-force hence enhancing safety of the outcomes (Taylor, Woods, Kubu, Koper, Tegeler, Cheney, Martinez, Cronin & Kappelman, 2012). Instead of carrying out their mandate of protecting the public and ensuring law and order exists, police forces have often been used to intimidate and rule citizens. In such instances, excessive use of force has become the norm rather than the exception thereby resulting in undesired consequence of weakening legitimacy of these law enforcement officers. These approaches have turned out to be ineffective and counter-productive in containing crime

and public protests wherever they occur. According to Ortega (2016), the counter-productiveness of these approaches is exemplified by cases in Sao Paulo, Brazil, where instead of relying on police to provide security, residents of some sections of the city have been turned away by aggressiveness of police when handling suspects. They have turned to criminal organizations as the alternative agent of providing security.

Recent occurrences in the US and Catalonia and in oppressive regimes like Egypt and Syria also brings effectiveness of excessive use of force by the police under scrutiny. Evidence from these countries indicate that instead of restoring sanity in the country and in the public, aggression by police while handling protestor only serve to reinvigorate protests and public unrests. This backlash is more pronounced in instances of discriminatory police violence as experienced in the US during the Black Lives Matter protests which were organized across the US to protest targeted killing of and maiming of black Americans.

Police use of excessive and disproportionate force was found to be ineffective in controlling protestors in Burundi (Dimitrakopoulou & Boukala, 2018). This African country is among the few that have in the recent past experienced public unrests due to political demands of the general public. As a result of dissatisfaction on the political processes and activities in the country, in increasing number of civilians poured into the streets to demand that the regime steps down. These dissenters who were challenging the status quo interacted with police who were unleashed by the government to quell their voices by violent means. The outcome of this was that the protestors remained undeterred and instead more and people came into the streets to protest, thus indicating the ineffectiveness of the strategy adopted by the government (Amnesty International, 2015).

In a study carried out in Kenya, Okia (2019) established the use of use of heavy firepower like live bullets was effective in addressing electoral mayhem in Kisumu during the 2007/8 post-election violence.

2.3.3 Effects of Police Use of Excessive Force in Violence Repression

Effects of police use of excessive force have been anything but pleasant. This seems to be the overall view presented by empirical literature. The general indications are that protestors' and criminals' encounters with the violent and brutal police have been traumatic and dreadful with men being twice likely to be affected than women (Hymon, 2020). These findings seem to suggest therefore that target subjects have every reason to be uneasy whenever a situations pit them against police. Generally, trails of police brutality are typified by fatalities, minor to severe life-threatening injuries, damage to victims' and target groups' mental health, and destruction of property and resources among others (Obasogie & Newman, 2017). Unfortunately, the use of excessive force by police seems to have become a horrific normality in several countries.

Numerous cases of psychological damage and mental health issues such as psychological distress and depression have been reported among Blacks Americans, Hispanics and non- Hispanic whites in the US. In a research study conducted in the US following the wave of killings of non-native US citizens, especially the Blacks and the Hispanics, Thurau and Wald (2018) established that for many of these seemingly marginalized and discriminated communities, the traumatic experiences that comes with police use of force against them, their family members and friends is often lethal. The study also found that unreasonably aggressive tendencies by police is damaging the mental health of even those people not directly related and have no direct connection to

victims of police brutality. This therefore goes to show that contrary to the general expectation that victims and their immediate families would be the most affected by police use of deadly force, the negative experiences may actually extend to the larger community of the victims. This finding is not entirely new. In a separate study conducted still in the US, the researcher, Delgado (2016), concluded that is a serious public health issue that is not often not viewed in that light. This conclusion was informed by the study's finding which indicated that victims of police brutality and their families and communities do undergo psychological damage, so of which have lifetime implications.

Another unspoken and seemingly less obvious experience associated with police aggression when dealing with perpetrators and criminals, especially minorities, is social exclusion and discrimination of certain communities who may have been painted in the negative lights by police acts of violence and aggression. According to Delgado (2016), since in some instances police brutality is targeted towards a given ethnic or even racial group, it results in structural ethnicity or racism. Consequently, the targeted group slowly but effectively gets alienated and discriminated against by other groups who enjoy police protection and receive better treatment from them. As captured in the findings of a study conducted in Brazil, discrimination permeates racial and ethnicity elements and includes social group element such as age. Silva, Torres, Estramiana, Luque and Linhares (2018), found that youth in Brazil were largely discriminated against because of the perception that many teenagers in the country engaged in criminal activities. This discrimination was motivated by brutality by police who had generally profiled the teenagers in the country as criminals.

The unmerited excessive use of force by police also leaves families of slain

victims mourning their loves ones, an experience that no one, not even the police themselves, would want to go through. As experienced in many African countries including South Africa, the use of excessive physical force sometimes results in the death of its victims. African is known as one of the continents where political processes and activities do turn violent and bloody. Despite the violence and conflicts between warring factions resulting into spillage of blood, one of the main causes of death is police violence, brutality and aggression (Mofokeng, 2018; Kutnjak & Sauerman, 2013). In order to preserve their political seats, under the command of the sitting heads of state, police met violence on protestors on a colossal scale. This results into loss of lives which leaves the affected families and communities in grief.

Jones, Kimari and Ramakrishnan (2017) affirm that on-going legal battles can be financially and economically damaging to victims of police aggression and their families. Due to perceived injustices and infringement of their human rights, victims of police brutality may pursue court cases against the aggressors. While some of these cases are won by the victims, the cases do not always work out in favour of the victims. After spending their financial and material resources pursuing the cases, the charged police may be acquitted of all the chargers. This, according to Ryan (2018), leaves the victims, their families and to some extent, depending on the profile of the case, the community very disgruntled and unsatisfied with the outcomes. Such experiences can have subsequent negative impacts on the people involved.

2.3.4 Nonviolent Strategies Police Can Adopt To Alleviate Violence

Police behaviour in handling instances of public protests and violence is essential to public security and stability as well as an entire nation's ability to function effectively

and efficiently. It is in view of this that nonviolent resistance tactics by police officers in handling public unrest and criminal activities are highly desired. However, the debate on what just what permissible force and excessive force is still in the public domain and the answer and consensus on this seems to remain elusive. That notwithstanding, evidence indicates that generally, in instances where they have been applied properly, nonviolent deterrence strategies have proved to be powerful and effectively tools in de-escalating hostile situations. Mkhize and Madumi (2019), advance that nonviolent strategies can be applied at three levels; strategic, tactical and operational levels.

In Iceland, one of the countries in the world with lowest crime rate levels, police go through intensive training before they are allowed to handle guns. Even after the intensive training, the country has been successful in applying nonviolent mechanisms in responding to crime and precarious situations. One of the main strategies that have successfully been used in Iceland is the use tear gas canisters in dispersing violent crowds. The use of gun in this country is very restrained and police only use their firearms when it is extremely necessary (Goldhill, 2016). Besides tear gas, Oleoresin Capsicum (OC) spray, commonly known as pepper spray, has also been effectively used in Iceland and other countries to de-escalate violence and conflict in tense, uncertain, and rapidly evolving and escalating circumstances.

Increasingly, technology is being used especially in the developed nations to contain crime and hostile public situations such as protests. Less-Lethal Technology such as the Conducted Energy Devices (CEDs), beanbag rounds, and stun grenades have become popular among law enforcement agencies internationally in subduing suspects. Conducted Energy Devices refer to gadgets that emit electrical currents into the body and

induce pain and muscular contractions which causes and individual to be temporarily incapacitated (Kaminski, 2018). Evidence from the study carried by (Taylor et al., 2012), indicate that (CEDs) can be an effective weapon in helping prevent or minimize physical struggles in use-of-force cases. These strategies according to the findings of a study on the impact of CEDs and other types of force and resistance on officer and suspect injuries (Smith, Kaminski, Rojek, Alpert & Mathis, 2007), have been effective in reducing cases of extreme police and victim injuries. A comparable finding was reached by Kaminski (2018), in a research study conducted to determine the effectiveness of conducted energy devices in containing public unrests. These researchers therefore highly recommended the use of CED as a tactic to avoid up-close combative situations and reduce injuries to officers and suspects.

In addition to the use of CEDs, law enforcement agencies have also turned to the use of drones to help in containing situations of violence and public unrest. Faturechi (2017), observes that the use of drones at mass demonstrations provide law enforcers with real- time information. Such information is very imperative for the officers to adjust the response strategies and tactics as situation evolves on the ground. The real time information is also transmitted to officers on the ground who can then use it to identify potential violence situations before they erupt and contain them effectively.

Since policing strategies can often be controversial, the officers and the law enforcement agencies can substantially improve their public image and enhance citizens' approval of their performance by moderating incidents and allegations of police violence and misconduct. Gül, Hekim and Terkeşli (2013), in a study that examined how the use of excessive force by police can be controlled concluded that strategically, provision of

adequate and continuous training to police officers would be an effective way of reducing significantly police violence and brutality.

Drawing from the history of police brutality in South Africa, especially during the apartheid period, Mkhize and Madumi (2019), note that the use of less violence by police when handling with protestors and criminals can make a significant positive difference in the outcomes of police and public interactions. At the strategic level, these researchers advance that adequate training of the police and promoting good police-public relationships can be very effective in minimizing excessive use of force by police when interacting with perpetrators thus reducing risks of injuries to both officers and offenders.

Another nonviolent strategy that is commonly used is the formation of human barricades or shields by police to deter protestors from accessing restricted places. However, this strategy may not be very effective in some instances. In instances where perpetrators massively outnumber police officers, formation of human barricades becomes increasingly less effective. Further, this strategy is inapplicable when police are dealing with lethally armed criminals or perpetrators.

2.4 Summary of Literature Review

Review of empirical studies and other related literature reveal that causes of police use of excessive force in violence repression are wide and varied. Some of the causes are inherent in the nature of the profession while others are external. Still, some of the causes, such as, mental status and stability of an officer are very personal and specific to individuals. Some of the causes that have been identified from the various literature include prejudice and discrimination, inadequate experience in the profession, trauma and past experiences and poor accountability among the law enforcement agencies. Largely,

the use of excess force was found to be highly ineffective and in most cases counter-productive. Effects of police use of excessive force in repression of violence were found to be extremely unpleasant and horrible. These experiences ranged from loss of lives, mental psychological damage and mental health issues and spanned beyond victims and their immediate families to affect even communities. A number of non- violent strategies are already being used in many countries with varying degrees of effectiveness, which depends highly on the context and situations police face. Notably, modern age technologies such as CEDs are being developed and employed in containing episodes of public unrest and criminal activities. Additionally, other old-fashioned strategies like the use of tear gas to contain crime and public unrest are still much in use.

2.5 Research Gaps

Despite availability of literature on studies related to police use of excessive violence, knowledge and research gaps still exist. Violent police-citizen encounters characterized by police use of excessive force remains highly understudied in Kenya despite denunciations of police brutality being prevalent in the continent. Even though the continent has over the years experienced numerous cases of police-public clashes instigated by poor political rule, the effects of use of excessive force by police remains relatively understudied in Kenya. Additionally, the effectiveness of this strategy in attaining its intended objectives largely remains an area of speculation that leaves much to be desired, with more questions than answers. Further, few, if any, research studies have been conducted to establish alternative, nonviolent means of dealing with cases of public unrests and criminal activities so that the cases of police using excessive force on citizens in police-public conflict instances are mitigated or significantly reduced. Data

and information collection on this subject is therefore still inexcusably deficient. These gaps are significant thus warranting research studies to answer these questions. This research thesis therefore sought to examine police use of excessive force in repression of electoral violence during general elections cycles in Kisumu County, specifically the causes, effectiveness and experiences of police use of excessive force as well as to establish nonviolent strategies and tactics that can be adopted in handling instances of public unrests in order to, among other objectives, enhance positive relationship between the police and the general public and to restore the image of the NPS which has been tainted over the years to due to general police transgressions.

CHAPTER THREE
RESEARCH DESIGN AND METHODOLOGY

3.1 Introduction

This chapter details the procedures and techniques the researcher intends to employ to identify, select, process, and analyze research data. Specifically, covered in this chapter of the thesis is the research design that was used to carry out the study, identification and justification of the research site, and the target population. Additionally, the sampling procedure, the sample size, the data collection instruments as well as method of piloting the instruments to determine their validity and reliability are explained in the chapter. The chapter concludes by specifying the procedures that were used to gather data from the field, how the data was analyzed and the ethical considerations that the researcher observed during and after the study.

3.2 Research Design

Research design, which refers to framework or blue print that a researcher intends to use in a study to collect, measure, and analyze data, is a very important element of the entire research project (Bernard & Bernard, 2012). Descriptive research, specifically the survey method, design was used in this study to describe the relationship between the dependent variable (denoted by causes, effects and effectiveness of police officers' use of excessive force and nonviolent alternatives) and repression of electoral violence and provide further insight into the area under study. Both quantitative and qualitative approaches were used. The quantitative approach was important in generating and understanding statistical results and using such results to collect actionable insights. The qualitative design was essential in deriving findings that communicate information that underlie respondents' values and perceptions about the research subject and how such

values and perceptions influence their behaviour.

3.3 Research Site

The research study was conducted in Kisumu County. Relevant to this research study is that over the years, the county has experienced extreme cases of violence and conflict between post-election protestors and the police in every electoral cycle since the 2007 general elections (Human Rights Watch, 2008). Moreover, every electoral cycle, since the 2007/8 post-election violence, Kisumu County gets listed among highly volatile regions in the country that are likely to experience electoral violence (Cho, Connors, Fatima & Yalim, 2015; Elder et al, 2014). Moreover, Tostensen (2009) affirms that the county was among the country's worst affected regions as evidenced by independent data on casualties, fatalities and property destructions. It has been reliably established by independent actors such as the Kenya National Commission on Human Rights that a significant number of deaths and injuries were caused by police and military personnel who used excessive force on unarmed civilians and protestors (Human Rights Watch, 2017). Almost similar scenarios were experienced during the disputed 2017 general election although in this latest episode the number of fatalities and injuries were relatively low. Consequently, in the immediate periods preceding elections, heavily armed security personnel are deployed by the government in droves to ensure that law and order and public sanity is maintained before, during and after elections. The foregoing factors ergo qualify Kisumu County as an apposite site for this study.

3.4 Target Population

Punch (2013) defines target population as the units/objects of groups of people for that a study is interested in researching and which the findings of the study are meant to generalize. This research study specifically targeted top officers of the NPS in Kisumu

County – which comprises the Kenya Police Service (KPS), the Administration Police Service (APS) and the Directorate of Criminal Investigation (DCI), top officials of the IPOA in the town, general police officers operating in the town, and residents of Kisumu County. The top officers of KPS and the general KPS officers mainly provided insightful information on why the police sometimes resort to use of excessive force, effectiveness of this strategy and alternative nonviolent strategies that the agency is working to handle similar situation better in future should they occur.

As a middle-ground institution, top officials of IPOA were mainly essential in providing data on effects and as well as effectiveness of this strategy and also shed light on possible nonviolent strategies that police can employ to handle situations of mass public unrest. Politicians in the county are another essential component of the population that was targeted in this study. Specifically, the researcher engaged the current crop of elected politicians in the county namely the Governor, the Senator, the Women Representative, the Members of National Assembly, and the Members of the County Assembly (MCAs). The Kisumu County Commissioner and his Deputies were also involved in the study. In addition to expressing their experiences regarding police use of excessive force to hand protestors during electoral violence, the general public was largely important sources of information on effectiveness of this strategy. Table 3.1 presents the various groupings of individuals making up the target population.

Table 3.1 Target Population Categories

Categories		Frequency
County Commissioner		1
Deputy County Commissioners		7
	Top Cadre KPS Officers	13
NPS Officers	Top Cadre APS Officers	15
	Top Cadre DCI Officers	13
Top Cadre IPOA Officials		25
General KPS Officers		1064
	Governor	1
	Senator	1
Elected County Politicians	Women Representative	1
	Members of National Assembly	7
	Members of County Assembly	35
Kisumu County Adult Population		652,188
Total		653,371

Sources: KNBS (2019), NPS (2019), IPOA (2019)

3.5 Determination of Study Sample

3.5.1 Sampling Procedure

Sampling refers to the process of selecting a representative group from a population under study. Both probability and non-probability sampling techniques was used to select study participants. Simple random probability sampling was specifically employed when collecting data from the general police body as well as from the general public. During sampling, much focus was in the locales considered violence hotspots namely the slum areas of Kondele, Obunga, Nyalenda. Respondents from other areas in the outskirts of Kisumu Central like Ahero, Chemilil and Kisian were also sampled. With regard to non-probability sampling, purposive sampling was used to collect respondents from among the top cadre officials of KPS and IPOA.

3.5.2 Sample Size

Choosing the correct sample size is not only a crucial element of the research process but also one of the main issues facing researchers during the design phase of the study. Charan and Biswas (2013) aver that evidence and results of study are as good as the research they are based on and this depends on the statistical soundness of the claims it makes. The two authors therefore caution that when it comes to choosing the formula for calculating sample size, there is no one-size-fits-all approach and emphasize the need for researchers to settle on a sample size calculation formula depending on their study design. Drawing from the Krejcie and Morgan (1970), sample size determination table (Appendix IV), 384 individuals were involved in this study. This number was distributed across the four categories of target population as shown in Table 3.2.

Table 3.2 Sample Size

Categories		Frequency	Sample Size
County Commissioner		1	1
Deputy County Commissioners		7	1
	Top Cadre KPS Officers	13	3
NPS Officers	Top Cadre APS Officers	15	4
	Top Cadre DCI Officers	13	3
Top Cadre IPOA Officials		25	6
General KPS Officers		1064	106
	Governor	1	1
	Senator	1	1
	Women Representative	1	1
Elected County Politicians	Members of National Assembly	7	7
	Members of County Assembly	35	9
Kisumu County Adult Population		652,188	241
Total		**653,371**	**384**

Source: Researcher, 2019

3.6 Data Collection

3.6.1 Data Collection Instruments

A questionnaire and an interview schedule were mainly used to collect data for this research study. In gathering data from the top cadre NPS officers, the general KPS officers and the general public, the researcher developed a self-administered semi-structured questionnaire consisting of a series of questions based on the four objectives of the study. For clarity purposes, the research objectives were categorized into sections with each section having questions relating to the respective objective. The interview schedule with adequate significant questions, which was used to conduct interviews with

the County Commissioner, Deputy County Commissioner, top Cadre IPOA officials and the elected county politicians, was also prepared based on the objectives of the study.

3.6.2 Piloting of Research Instruments

Hassan, Schattner and Mazza (2006) define pilot study as a small study carried out by a researcher to test research protocols, data collection instruments, sample recruitment strategies, and other research techniques in preparation for a larger study. Pilot testing data collection instruments is an invaluable component and stage in any scientific research study. Piloting of research tools is an important stage because, among other reasons, it helps in identification of potential problem areas as well as insufficiencies in the data collection instruments, ensures that the questions are understood by the respondents, and enhances familiarity of the researcher with the procedures in the protocol during the full study.

In order to pilot data collection instruments, the researcher recruited 50 respondents from the neighboring Migori County who qualify as research participants and whose profiles match those of the target population. The choice of Migori County as the location of pilot study is justified by the fact that the county's profile and dynamics in terms of electoral violence almost mirror that of Kisumu County. The questionnaire was then be administered to them. During the administration, the researcher actively engaged them to find out areas where they are having difficulties comprehending and any other input they may have regarding the clarity, objectivity, and logical flow of questions among other concerns. The issues raised were then taken into perspective in order to adjust the instruments appropriately.

3.6.3 Instruments Validity

Gathering valid and reliable data is one of the main objectives and hallmarks of useful research studies. Subsequently, according to Taherdoost (2016), accuracy and consistency of data collection instruments forms a significant aspect of research methodology. In order to gauge results of this study according to its objectives, the researcher ensured content validity which, as advanced by Bolarinwa (2015), involved seeking expert review from the supervisors who assessed the content of the instrument in relation to the subject of the research study. The supervisors systematically examined instruments' questions to determine whether they cover a representative sample of the variable being tested. Based on the supervisors' review, the content validity of the test or an instrument is improved.

3.6.4 Instruments Reliability

Reliability indicates the stability and consistency with which a data collection tool gauges the concept it is intended to measure. In other words, it is a way of ensuring that the data collection instrument gives the same results every time (Mohamad, Sulaiman, Sern & Salleh, 2015). Internal consistency is the main measure of reliability that was used to gauge the reliability of the data collection instruments developed for this study. The consistency of the questions was determined from the responses and comments given by the respondents during the piloting phase. The Cronbach's alpha method was then used to calculate and determine the internal consistency reliability of the data collection instruments. The measure was carried out in SPSS using the reliability analysis or using the formulae Cronbach's alpha formula shown below (Emerson, 2019).

$$\alpha = \frac{N \times \bar{c}}{\bar{v} + (N-1) \times \bar{c}}$$

Where;

α refers to Cronbach's alpha

N refers to the number of items.

$\bar{c}$ refers to the average covariance between item-pairs.

$\bar{v}$ refers to the average variance

Using the formula, a Cronbach's alpha value of 0.98 (as shown in the calculation below) was arrived at and this indicated that the data collection instrument was reliable.

$$\alpha = \frac{50 \times 0.656}{(1.16) + (50 - 1) \times 0.656} = 0.98$$

3.7 Data Analysis

The coding technique was used to analyze quantitative data. Using this technique, the analyst demarcated the data into segments according to the response options provided in the questionnaire with each segment assigned a code. After coding, reports were prepared accordingly by summarizing the prevalence of codes, discussing similarities and differences in related codes across distinct original contexts, and comparing the relationship between one or more codes. In comparing the relationships between the independent variables and the dependent frequency tables, graphs and charts as well as narrative analysis was used. Data analysis was done using the Statistical Package for the Social Sciences (SPSS) Version 20 software. Dialogic narrative analysis was used to analyze qualitative data. This involved reformulation and interpretation of the responses gathered from the interviewees to make sense of the factors under survey and draw meaningful conclusions.

3.8 Legal and Ethical Considerations

Conducting research studies demands that researchers have to observe and adhere

to certain laid down legal and ethical policies and procedures. Throughout the study period, the researcher observed stuck to the guidelines set by various institutions including Africa Nazarene University (ANU). Any material cited shall be duly referenced. Upon successful defense of the proposal, the researcher obtained an introduction letter from ANU that was presented to the National Commission for Science, Technology and Innovation (NACOSTI) in order to obtain a permit that allowed the researcher undertake data collection. The permit was then be presented to the appropriate authorities in the research site, specifically the County Director of Education and the County Commissioner for their endorsement to facilitate smooth collection of data. The researcher sought informed consent of targeted study participants during data collection. Participation by respondents was voluntary thus no one was coerced to take part in the study.

CHAPTER FOUR
RESULTS AND ANALYSIS

4.1 Introduction

This chapter presents statistical results obtained from analysis of the data collected from the respondents. The findings relate to the objectives that guided the study. The chapter begins with presentation of findings and concludes with inferential analysis of the findings under each objective.

4.2 Response Rate, Demographics and General Information

4.2.1 Response Rate

Collection of data from respondents was largely successful as indicated in Table 4.1. From the 357 questionnaires that were prepared and distributed, 302 of them, representing 89%, were fully answered and collected back from the field. Additionally, the researcher was able to reach and interview 13 out of 27 individuals who were to be engaged in the interview process. The overall response rate from the entire data collection process was 66%. A response rate that is satisfactory according to Fincham (2008), who advanced that a response rate of at least 60% is adequate hence permits a researcher to proceed with data analysis.

Table 4.1 Response Rate Based on Questionnaires and Interviews

Questionnaires Administered	Questionnaires used in Analysis	Targeted No. of Interviewees	Actual No. Interviewed	Overall Response Rate
357	302	27	13	66%

Source: (Field data, 2019)

4.2.2 Demographic and General Information

Table 4.2 presents respondents demographic as well as general information based in the data gathered from both interviewees and questionnaires survey participants. On the basis of gender 61% of the survey participants were males while the rest 39% were

females. Based on their ages 8% were of between 18 – 22 years, 15% were aged between 23 – 27 years, majority of the respondents, 27% were of ages between 28 – 32 years, about 23% were between 33 – 37 years, 11% were between 38 – 42 years old, approximately 9% were aged between 43 – 47 years of age and the rest 7% were 48 years or older. It can be deduced from the distribution of age across the different age brackets that individuals from all gender were represented in the study and therefore views from people across different ages would enhance the credibility of the findings as opposed to an instance where majority of the respondents are from a single or few age groups.

The proportion of residents that had lived in Kisumu County for less than 5 years was 2%, about 9% had resided in the county for between 5 – 10 years, about 14% the respondents had lived in the county for 11 – 15 years, 25% of the survey participants had stayed in the county for between 16 – 20 years, most of them 29% had lived in Kisumu County for 21 – 25 years, approximately 17% had resided in the county for between 26 – 30 years and the rest 4% had resided in the county for 31 years or more. The outcomes show that majority of the respondents have lived in the county for more than five years hence witnessed the violence that characterized at least the most recent general election.

Table 4.2: Respondents' Demographic and General Information

Demographic Factor		Proportion (%)
Gender	Male	61%
	Female	39%
Age bracket	18 – 22	8%
	23 – 27	15%
	28 – 32	27%
	33 – 37	23%
	38 – 42	11%
	43 – 47	9%
	48 and above	7%
Duration lived in Kisumu County	Less than 5 years	2%
	5 – 10 years	9%
	11 – 15 years	14%
	16 – 20 years	25%
	21 – 25 years	29%
	26 – 30 years	17%
	31 years and above	4%

Source: (Field data, 2019)

4.3 Presentation of Findings

4.3.1 Causes of Police Use of Excessive Force in Violence Repression

Results in Table 4.3 indicate that 87% of the respondents were of the view that compared to other counties, police use excessive force when repressing elections-related violence in Kisumu County. Approximately 11% of the respondents were of contrary view while the rest 2% were not certain whether or not police use excessive force when

repressing elections-related violence in the county.

Table 4.3 Comparing Use of Excessive Force Between Kisumu and other Counties

	Yes	Maybe	No
Compared to other parts of this country, would you say police use excessive force when repressing electoral violence in Kisumu county?	87%	2%	11%

Source: (Field data, 2019)

According to outcomes of the analysis on the question on whether culpable police officers are held responsible and accountable, Table 4.4 shows that 13% of the survey participants responded affirmatively to the question, 78% were not certain whether police officers who use excessive force on protestors during elections are held responsible and accountable for their activities by their employer while a majority of the respondents, 78%, were of the view that the officers are never held responsible by the employer for use of excessive force on protesters.

Table 4.4 Police Officers Using Excessive Force Held Responsible

	Yes	Maybe	No
Police officers who use excessive force on protestors during elections are held responsible and accountable for their activities by the National Police Service.	13%	9%	78%

Source: (Field data, 2019)

Figure 4.1 presents respondents' views on the question on prejudice by police against the majority ethnic community in Kisumu County. The proportion of respondents that strongly agreed with the question was 33%. About 41% of the survey participants agreed with the question while 6% expressed neutrality. Of those who responded negatively to the question, 14% disagreed with the question and the remaining 6%

strongly disagreed with the question.

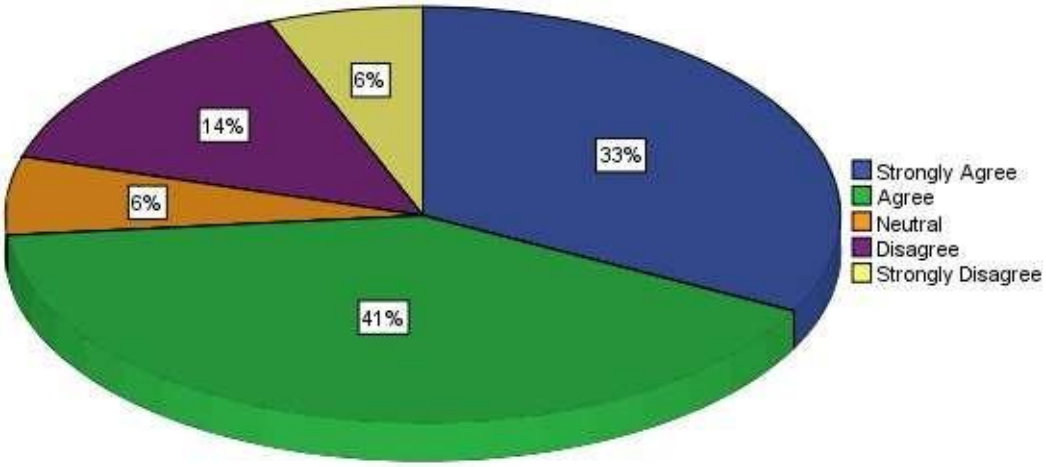


Figure 4.1 Prejudice Against the Majority Ethnic Community
Source: (Field data, 2019)

Results presented in Figure 4.2 show that 27% of the respondents strongly agreed that on matters elections, police appear to discriminate against the majority ethnic community in Kisumu County, 29% agreed with the question statement, 8% were indifferent, 27% disagreed that on matters elections, police appear to discriminate against the majority ethnic community in the county and the rest 10% strongly disagreed with the question statement.

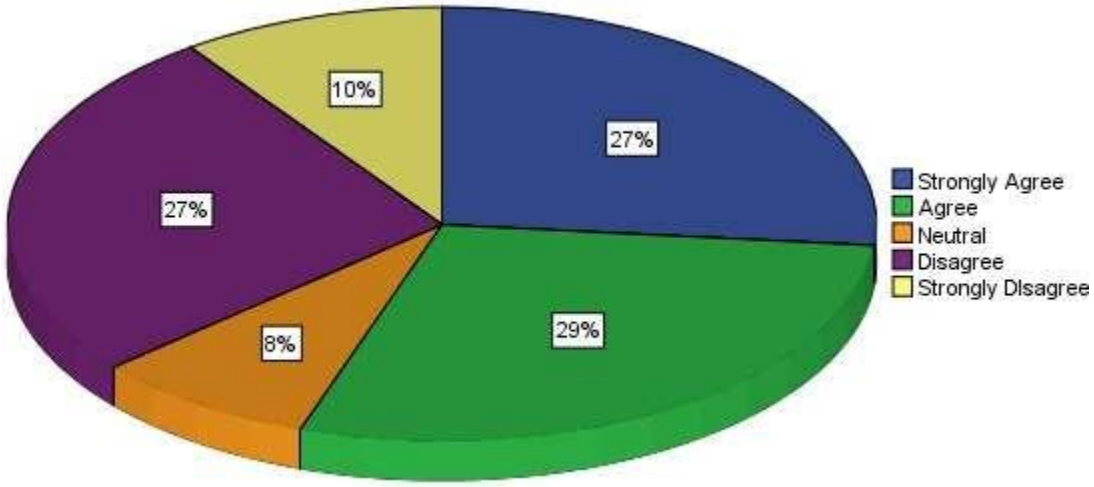


Figure 4.2 Discrimination Against the Majority Ethnic Community
Source: (Field data, 2019)

From Table 4.5, approximately 27% of the survey participants strongly agreed that discrimination against the majority of the ethnic group in the county triggered police use of excessive force, 31% of the respondents agreed with the question statement while 7% were indifferent. On the other hand 19% disagreed with the question statement and 16% strongly agreed that discrimination against the majority ethnic community in this county triggers police use of excessive force as opposed to eliminating incidents of ethnicity driven attacks during election protests.

Table 4.5 Police Discrimination and Trigger of Use of Excessive Force

	Strongly Agree	**Agree**	**Indifferent**	**Disagree**	**Strongly Disagree**
Discrimination against the majority ethnic community in this county triggers police use of excessive force as opposed to eliminating incidents of ethnicity driven attacks during election protests.	27%	31%	7%	19%	16%

Source: (Field data, 2019)

With regard to the question on poor internal accountability in relation to excessive use of force by police, 59% of the respondents strongly agreed that repeated use of excessive force by police when eradicating looting of properties during elections protests, 16% of the survey agree with the question statement, 8% were neutral and 9% disagreed. The rest 8% disagreed with the question statement as depicted in Figure 4.3.

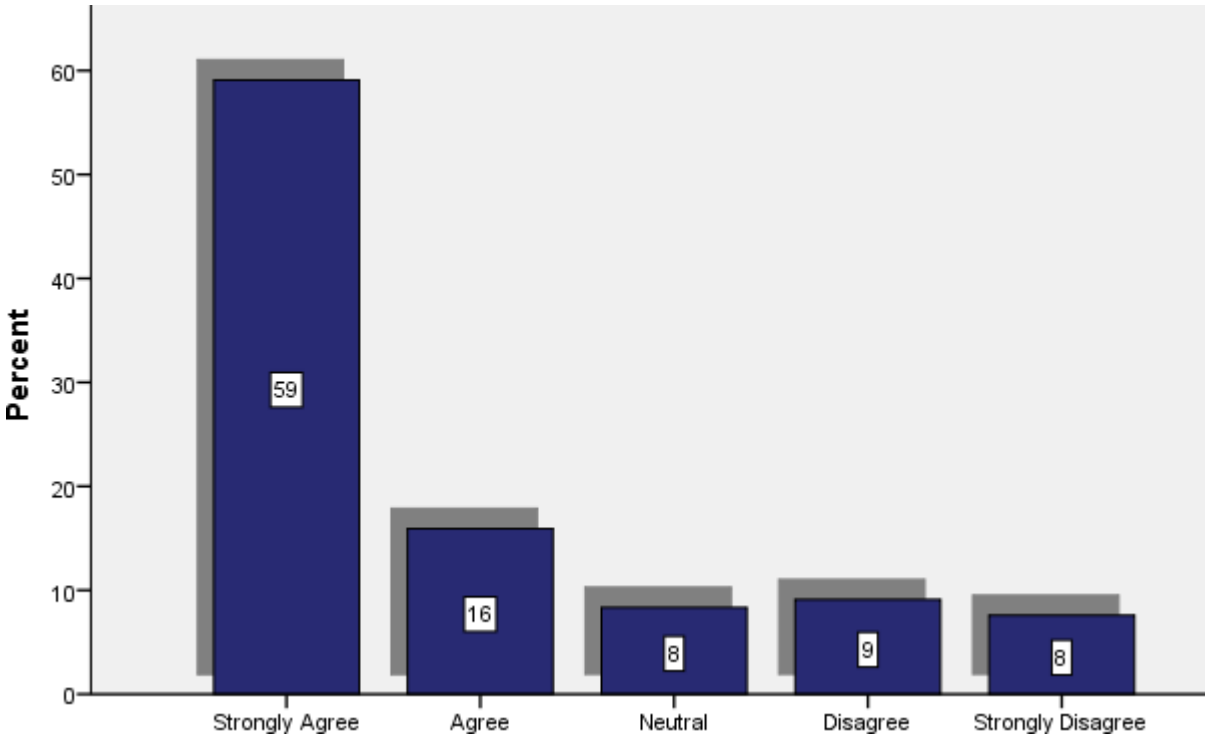


Figure 4.3 Poor Internal Accountability and Use of Excessive Force
Source: (Field data, 2019)

According to results presented in Table 4.6, 21% of the respondents strongly agreed that within the KPS officers are encouraged/rewarded for use of excessive force against protestors, about one third of the respondent, 33% agreed with the question statement, 14% were indifferent, 15% disagreed with the question statement and the remaining 17% of the survey participants strongly disagreed with the question statement.

Table 4.6 Encouragement and Reward for use of Excessive Force

	Strongly Agree	**Agree**	**Indifferent**	**Disagree**	**Strongly Disagree**
Within the KPS officers are encouraged/rewarded for use of excessive force against protestors.	21%	33%	14%	15%	17%

Source: (Field data, 2019)

From Figure 4.4, 23% results of the analysis show that 23% of the respondents

strongly agreed that recurrent use of excessive force by the police can be blamed on encouragement and reward for use of unwarranted force to abolish instances of mass protests, slightly less than one third of the survey participants, 32%, agreed with the question statement while 23% disagreed that encouragement and reward for use of for to abolish instances of mass public demonstrations. About 11% strongly disagreed with the question and an equal proportion, 11%, were neutral.

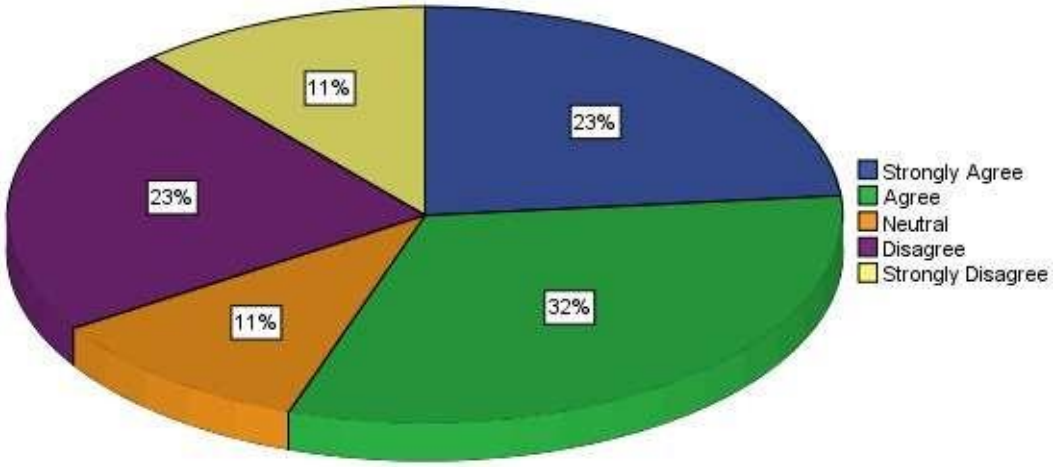


Figure 4.4 Encouragement and Reward to Abolish Mass Protests
Source: (Field data, 2019)

Analysis of results captured in Figure 4.5 indicate that 45% of the survey respondents strongly agreed that police officers' work-related frustrations such as perceived poor remuneration and deficient work conditions lead to use of excessive force on demonstrators, 24% of them agreed with the question statement, 4% of the respondents expressed neutrality, 16% disagreed with the question statement and 11% strongly in disagreement with the question statement.

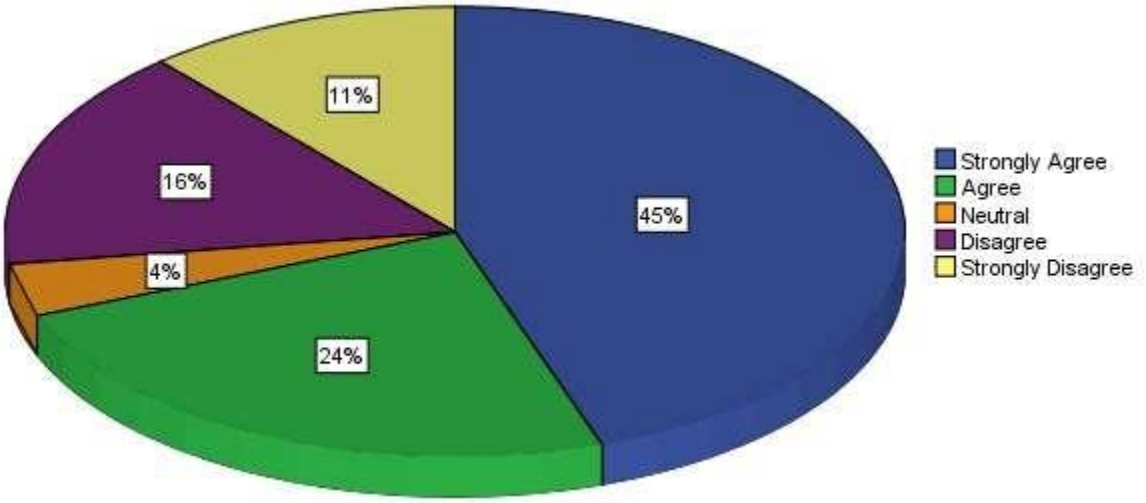


Figure 4.5 Work-Related Frustrations As a Factor in Use of Excessive Force
Source: (Field data, 2019)

4.3.2 Effectiveness of Police Use of Excessive Force in Repressing Violence

With regard to the question on the effectiveness of police use of excessive force in repressing electoral violence, result in Table 4.7 show that 9% of the respondents were of the opinion that the use of excessive force was very effective, 19% were of the view that the approach was effective and 19% found the approach moderately effective in repressing electoral violence in the county. About 40% viewed the used of excessive force in repressing electoral violence as ineffective while the 22% found the approach to be very ineffective.

Table 4.7 Effectiveness of Use of Excessive Force in Repressing Electoral Violence

	Very Effective	**Effective**	**Moderately Effective**	**Ineffective**	**Very Ineffective**
Generally, how would you rate the effectiveness of police use of excessive force in repressing electoral violence in this county?	9%	10%	19%	40%	22%

Source: (Field data, 2019)

The use of excessive force by police to breaking-up instances of mass public demonstrations was deemed very effective by 3% of the survey participants, 14% viewed the strategy as effective while an equal proportion found the approach moderately effective. The approach was considered ineffective by 32% of the respondents and the rest 37% were of the view that the strategy was very ineffective as shown in Table 4.8.

Table 4.8 Effectiveness Excessive Force in Breaking-Up Public Demonstrations

	Very Effective	**Effective**	**Moderately Effective**	**Ineffective**	**Very Ineffective**
How effective is police use of excessive force in breaking-up mass public demonstrations during general elections in this county?	3%	14%	14%	32%	37%

Source: (Field data, 2019)

Figure 4.6 shows that police use of excessive force in eradicating looting of properties when general election-related violence is experienced in Kisumu County was rated as very effective by 16% of the respondents, 19% rated the use of excessive force to eradicate looting of property as effective by 19% of the survey participants while 11% rated this approach as moderately effective. About 27% of the survey participants rated the approach as in effective and a slightly higher proportion 28% rated it as very ineffective.

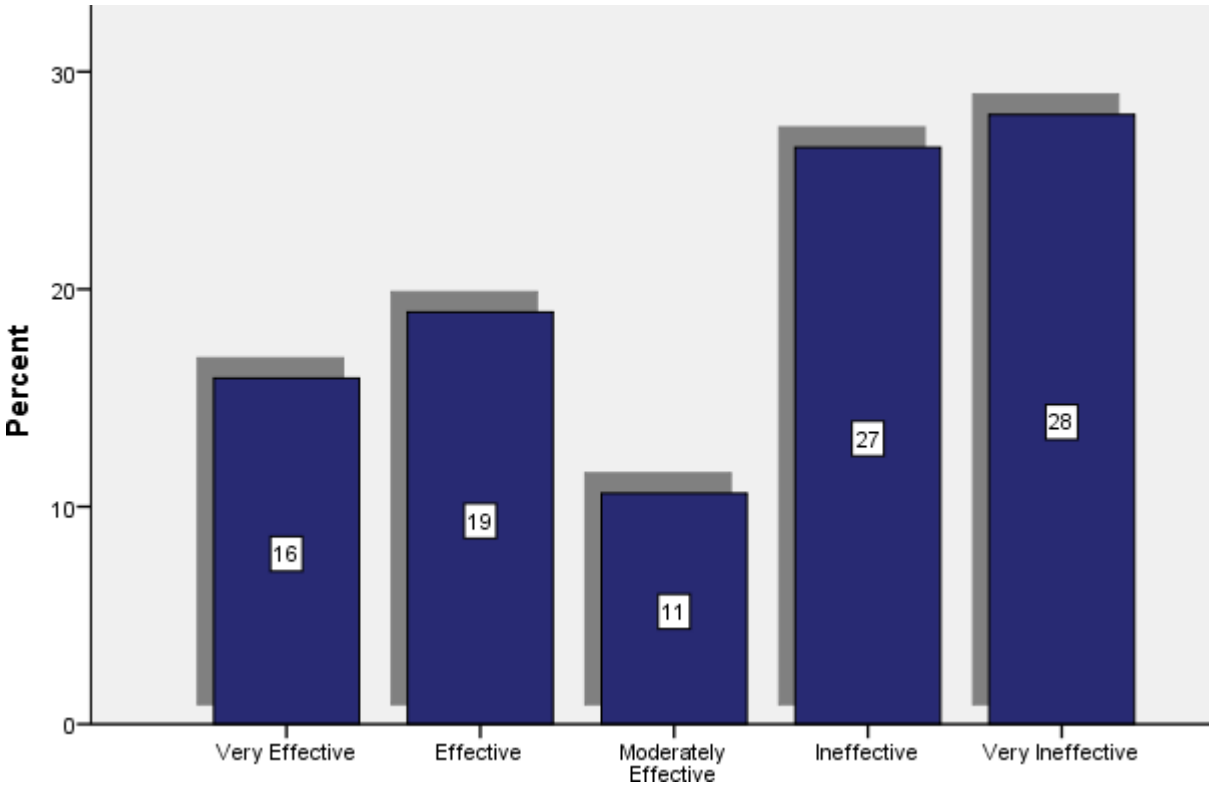


Figure 4.6 Effectiveness Excessive Force in Eradicating Looting of Properties
Source: (Field data, 2019)

On the use of excessive force by police during general election violence to eliminate incidents of ethnic-driven attacks in the county, more than half of the respondents, 54%, indicated that the approach was very ineffective and almost one third of the survey participants rating the approach as ineffective. Approximately 7% considered the approach as moderately effective while 5% were of the view that it is effective. The rest 3% found the excessive force by police during general election violence to eliminate incidents of ethnicity driven attacks in Kisumu County as very ineffective as shown in Figure 4.7.

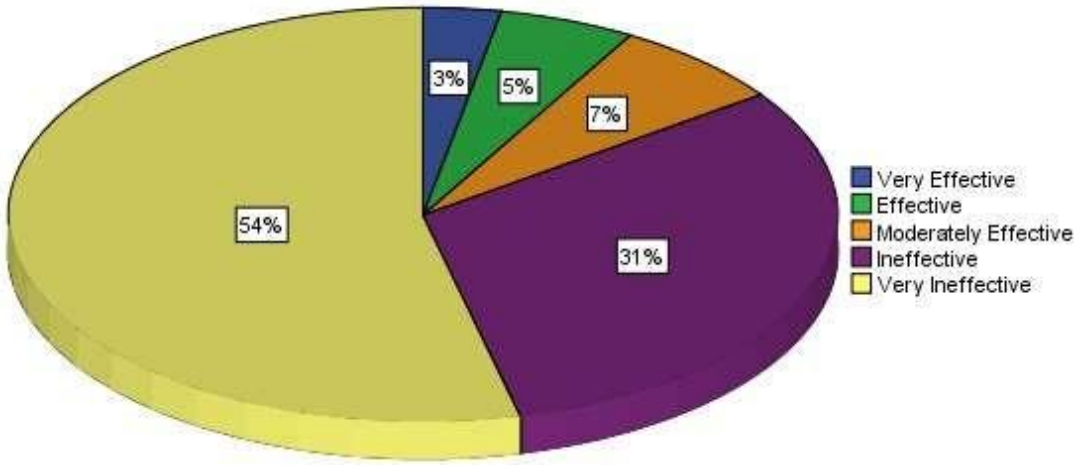


Figure 4.7 Effectiveness Excessive Force in Eliminating Ethnic-Driven Attacks
Source: (Field data, 2019)

From the results of data analysis presented in Figure 4.8, it was strongly agreed by 29% of the respondents that police use of excessive force to eradicate looting of properties only served to worsen the situation. Approximately 31% of the respondents agreed with the question statement while 9% expressed neutrality. On the contrary, 18% of the survey participants strongly disagreed that police use of excessive force to eradicate looting of properties only served to worsen the situation and the rest 135 strongly disagreed with the question statement.

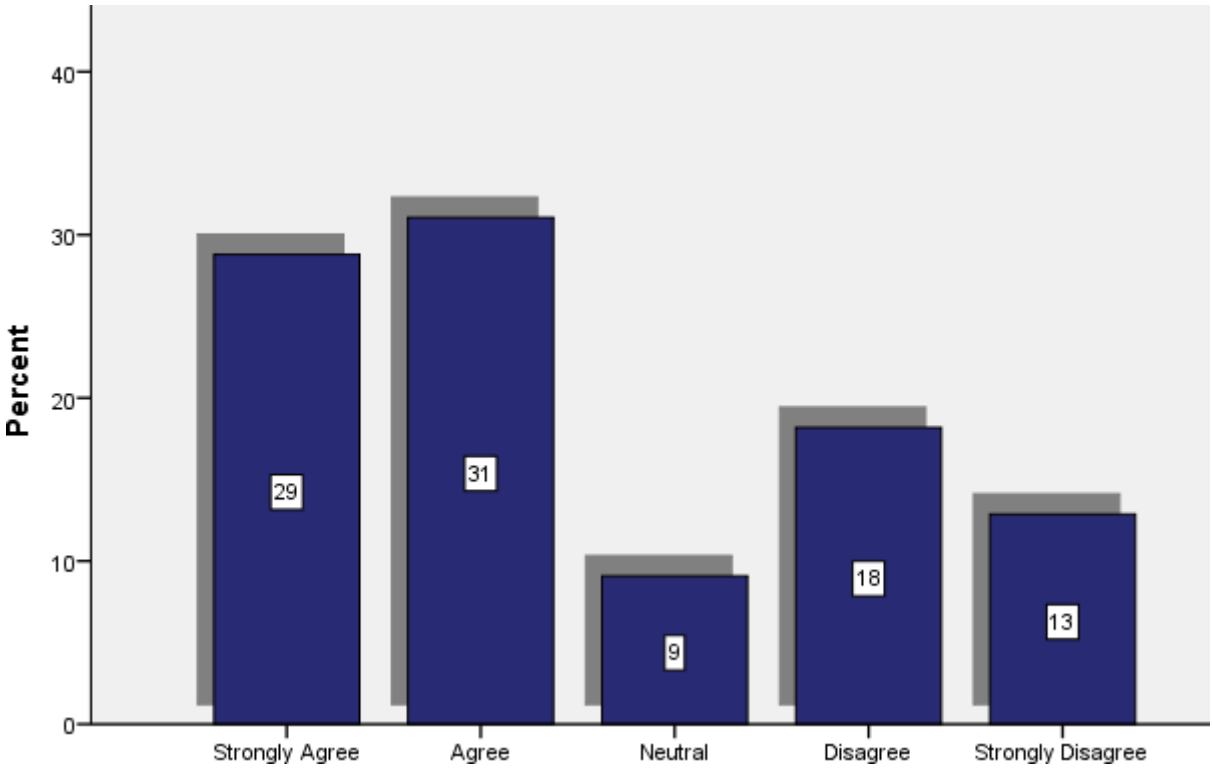


Figure 4.8 Productiveness of Excessive Use of Force in Eradicating Looting
Source: (Field data, 2019)

Analysis outcomes show that 26% of those involved in the survey strongly agreed that excessive force by police to abolish instances of mass public demonstrations weakened legitimacy of KPS as an institution and its officers in the county, more than half of the respondents, 52%, agreed with the question while 4% were indifferent. Approximately 11% of the respondents disagreed with the question statement as shown in Table 4.9 and the rest 8% strongly disagreed that the legitimacy of KPS was weakened by the decision of its officers to use excessive force when abolishing instances of mass public demonstrations.

Table 4.9 Effect of Excessive Use of Force on Legitimacy of NPS Officers

	Strongly Agree	Agree	Indifferent	Disagree	Strongly Disagree
The use of excessive force by police to abolish instances of mass public demonstrations weakens legitimacy of Kenya Police Service in this county.	26%	51%	4%	11%	8%

Source: (Field data, 2019)

Figure 4.9 presents results of the data analysis on the question on whether the relationship between police officers and residents of Kisumu County has been weakened as a result of use of excessive force on protestors by police. On this question 55% of the respondents strongly agreed with the question statement, 31% of the respondents strongly agreed that police use of excessive force to repress electoral violence has only served to weaken the relationship between police officers and the residents of the county while 5% were indifferent. On the other hand 8% disagreed with the question statement and the rest 2% strongly disagreed with the question statement.

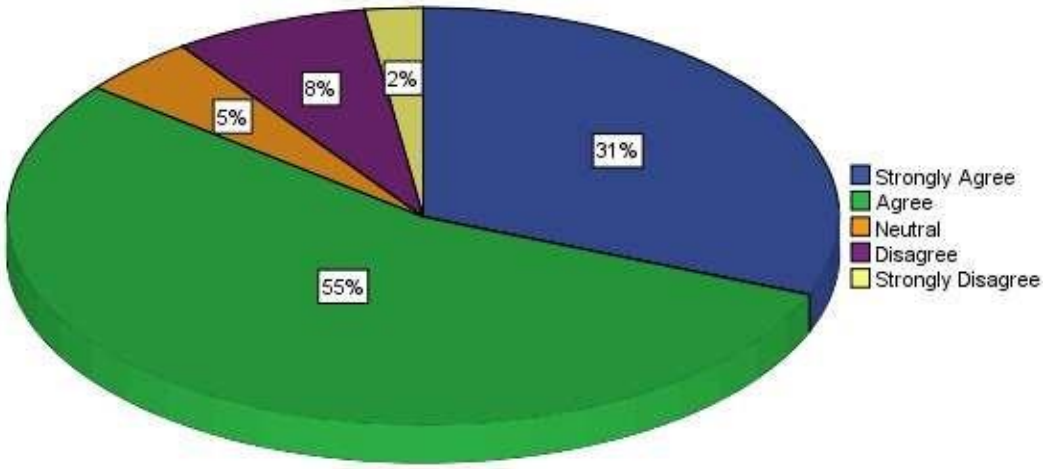


Figure 4.9 Effect of Excessive Use of Force on Public-Police Officers Relationship
Source: (Field data, 2019)

4.3.3 Effects of Police Use of Excessive Force in Violence Repression

From the results presented in Figure 4.10, 83% of the respondents responded affirmatively that they have been affected by the excessive force used by police during election violence in the county while the rest 175 responded negatively to the question.

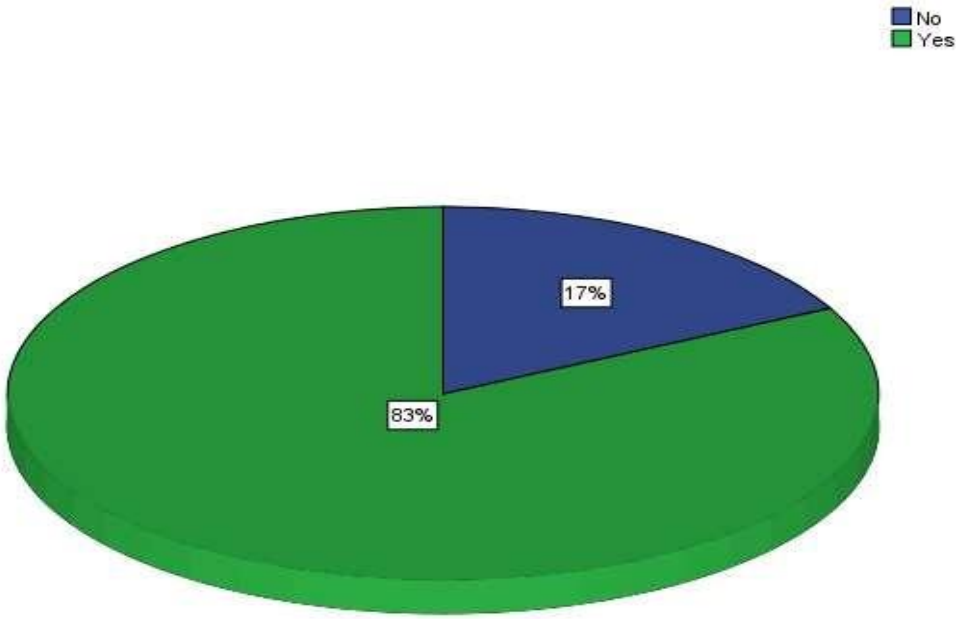


Figure 4.10 Personally Affected by Police Use of Excessive Force During Elections
Source: (Field data, 2019)

According to the results presented in Figure 4.11, 62% of the survey respondents have had at least a close relative of their being affected by the excessive force used by police during election violence in Kisumu County while the rest 38% have not had a relative being affected by use of excessive force by police in the county.

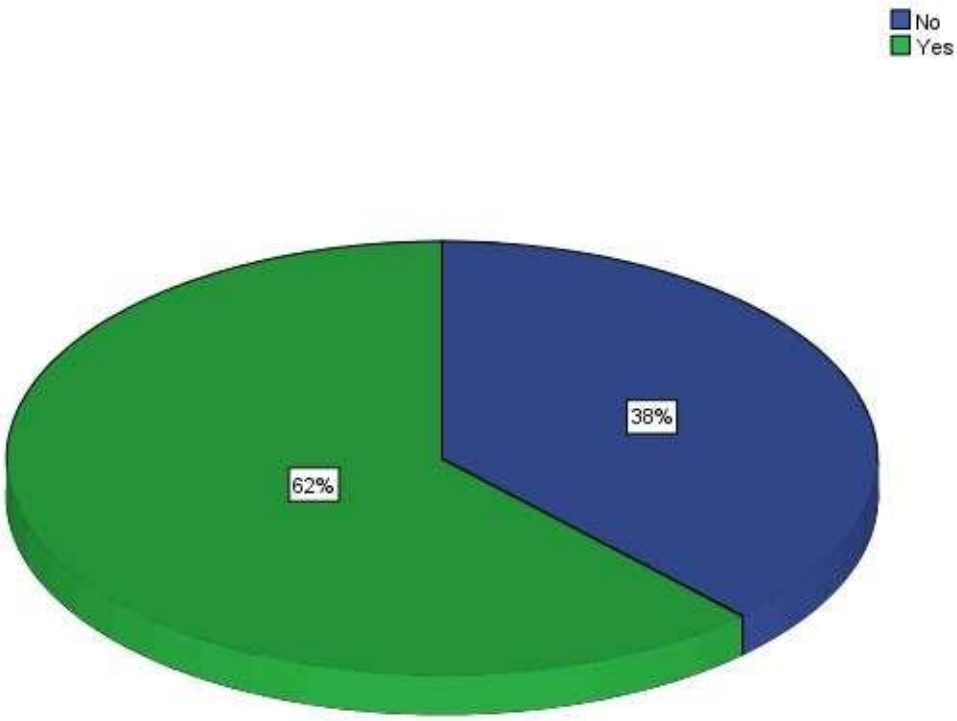


Figure 4.11 Close Relatives Affected by Police Use of Excessive Force During Elections
Source: (Field data, 2019)

Besides victims and their immediate family members, Figure 4.12 shows that 91% of the respondents were in agreement that excessive force by police to contain electoral violence affects communities. About 4% of the respondents disagreed with this question statement while the rest 5% were not certain whether or not excessive force by police to contain electoral violence in this county affects not just individuals and their families but also their communities.

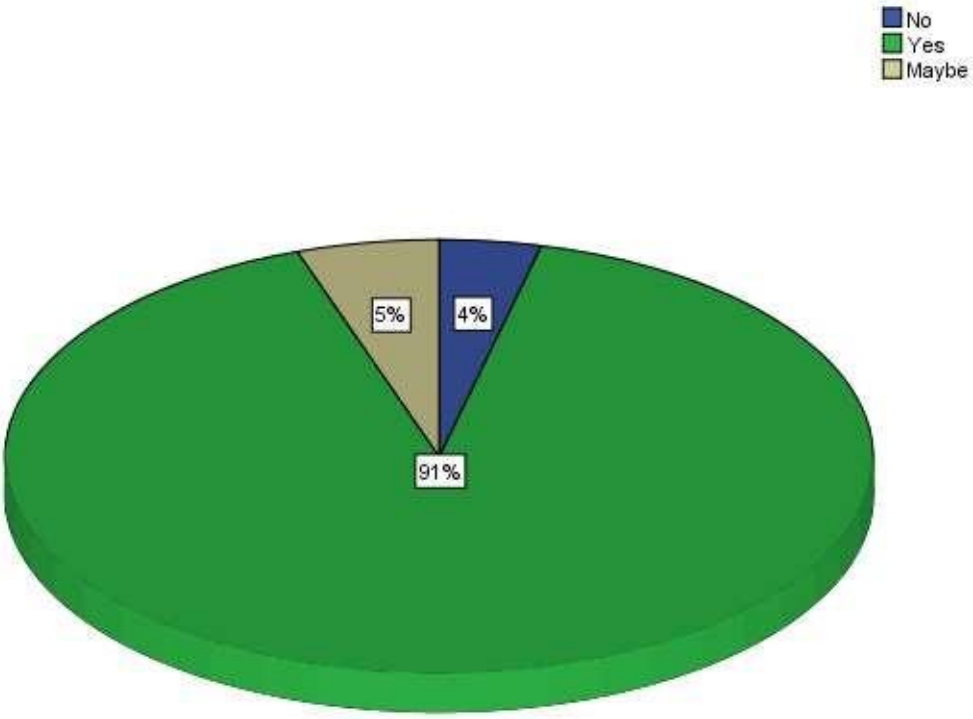


Figure 4.12 Families and Communities get Affected by Police Use of Excessive Force
Source: (Field data, 2019)

Results in Table 4.10 indicate that 18% of the respondents strongly agreed that victims, their families and the communities were left with psychological health problems as a result of use of excessive force by police. About 35% of the people who took part in the survey strongly agreed with the question statement while 26% were indifferent. On the other end, 19% of the survey respondents disagreed that Police use of excessive force to contain electoral violence in this county leave their victims/victims' families/victims' communities with psychological health problems and the rest 12% strongly disagreed with the question statement.

Table 4.10 Psychological Health Problems as a Result of Police Use of Excessive Force

	Strongly Agree	Agree	Indifferent	Disagree	Strongly Disagree
Police use of excessive force to contain electoral violence in this county leave their victims/victims' families/victims' communities with psychological health problems.	18%	35%	26%	19%	12%

Source: (Field data, 2019)

Results presented in Table 4.11 shows that 56% of the survey respondents strongly agreed that many victims of police use of excessive force in this county were left with physical health problems, 27% agreed with this question statement and 7% were not certain whether or not many victims of police use of excessive force in this county were left with physical health problems. On the other hand, 8% disagreed that many victims of police use of excessive force in this county were left with physical health problems while 3% of the respondents strongly with this question statement.

Table 4.11 Physical Health Problems as a Result of Police Use of Excessive Force

	Strongly Agree	Agree	Indifferent	Disagree	Strongly Disagree
Many victims of police use of excessive force in this county were left with physical health problems.	56%	27%	7%	8%	3%

Source: (Field data, 2019)

Majority of the respondents, as depicted in Figure 4.13 responded positively to this question with 56% strongly agreeing that people have lost their lives as a direct consequence of police use of excessive force when repressing electoral violence during

general elections, 33% agreed with the question statement. About 2% of the respondents were neutral, 5% disagreed with the question statement and the rest 3% strongly disagreed that people have lost their lives as a direct consequence of police use of excessive force when repressing electoral violence during general elections.

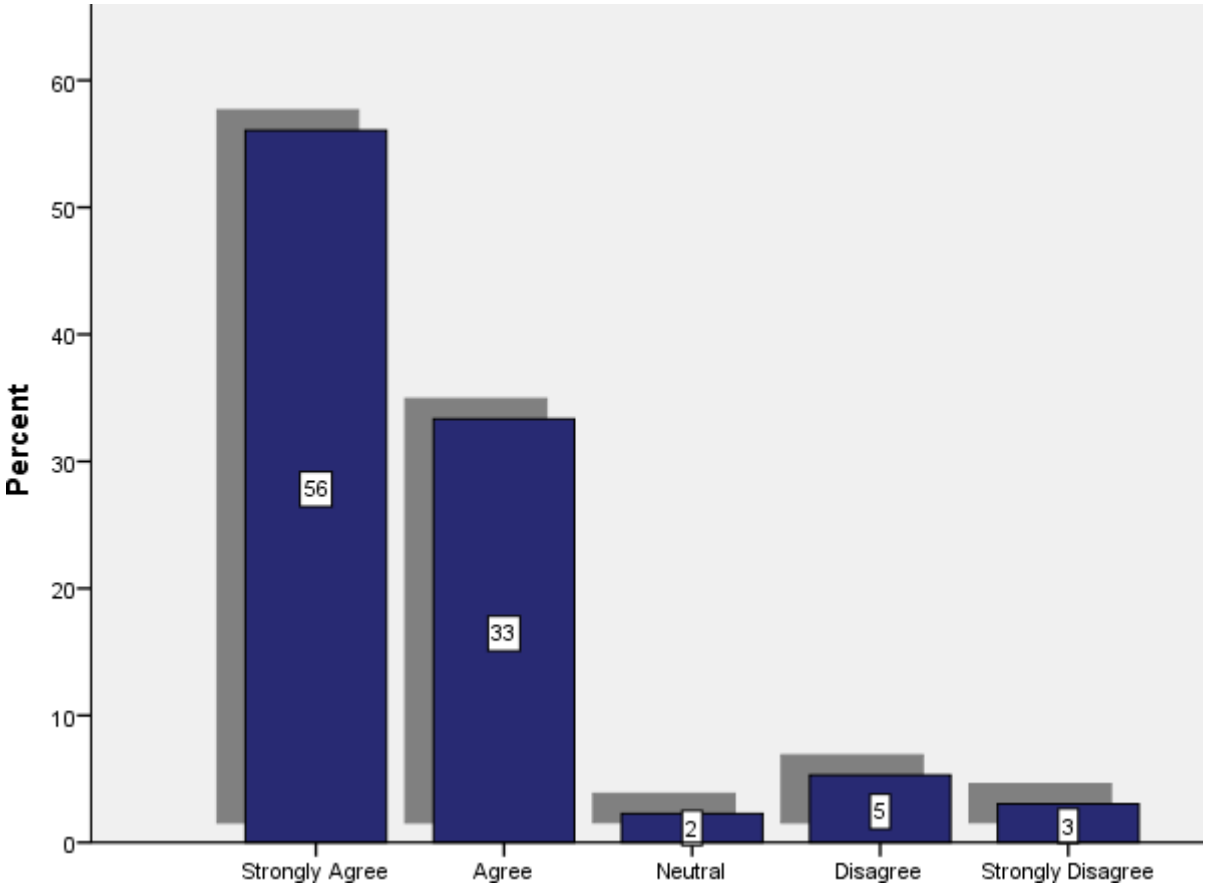


Figure 4.13 Loss of Lives as a Direct Result of Police Use of Excessive Force
Source: (Field data, 2019)

According to the results in Table 4.12, 29% of the respondents strongly agreed that police officers have deliberately ended up destroying people's properties in Kisumu County through the use of excessive force in the process of trying to contain of mass public demonstrations, 54% of the survey participants agreed with this question statement and 5% remained neutral with regard to the question. Conversely, 6% of the respondents disagreed that by using excessive force to stops mass public demonstrations, police

officers have deliberately ended up destroying people's properties and an equivalent proportion of respondents, 6%, strongly disagreed with the question statement.

Table 4.12 Deliberate Destruction of Properties Through Use of Excessive Force

	Strongly Agree	Agree	Indifferent	Disagree	Strongly Disagree
By using excessive force to abolishing instances of mass public demonstrations and looting of properties, police officers have deliberately ended up destroying people's properties in this county.	29%	54%	5%	6%	6%

Source: (Field data, 2019)

With regard to the question on some police officers using live bullets when shooting to disperse crowds, Figure 4.14 shoes that 27% of the survey respondents strongly agreed with the question statement, 26% of the respondents agreed with the question statement and 11% expressed indifference with regard to this question. About 13% strongly disagreed that some of the police officers use live bullets when shooting to disperse crowds.

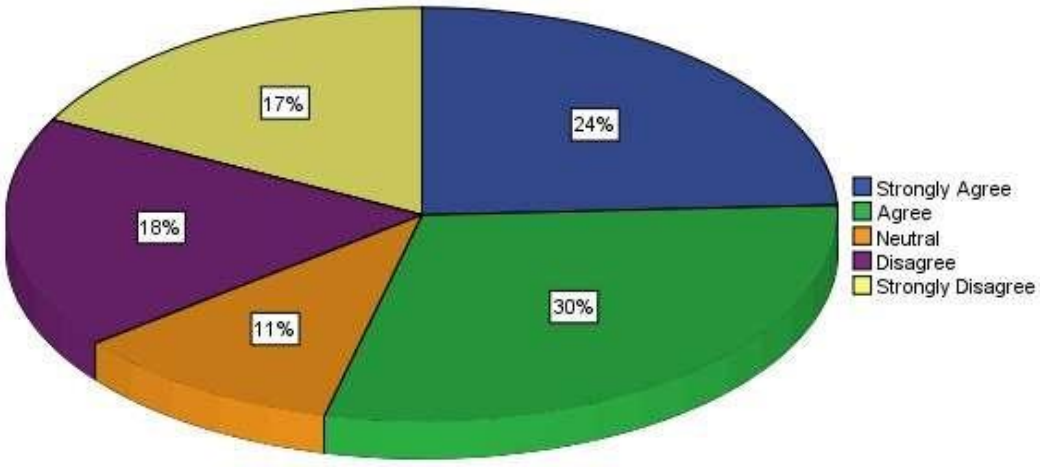


Figure 4.14 Use of Live Bullets When Shooting To Disperse Crowds
Source: (Field data, 2019)

Results depicted in Figure 4.15 show that out of those who responded affirmatively to this question, 27% strongly agreed that some of the police officers purposefully shoot to kill and 26% of them agreed with the question statement. Approximately 11% of the respondents were in different on whether or not some of the police officers purposefully shoot to kill. Of the other hand, 23% of the survey participants disagreed that some of the police officers purposefully shoot to kill while the rest 13% strongly disagreed with the question statement.

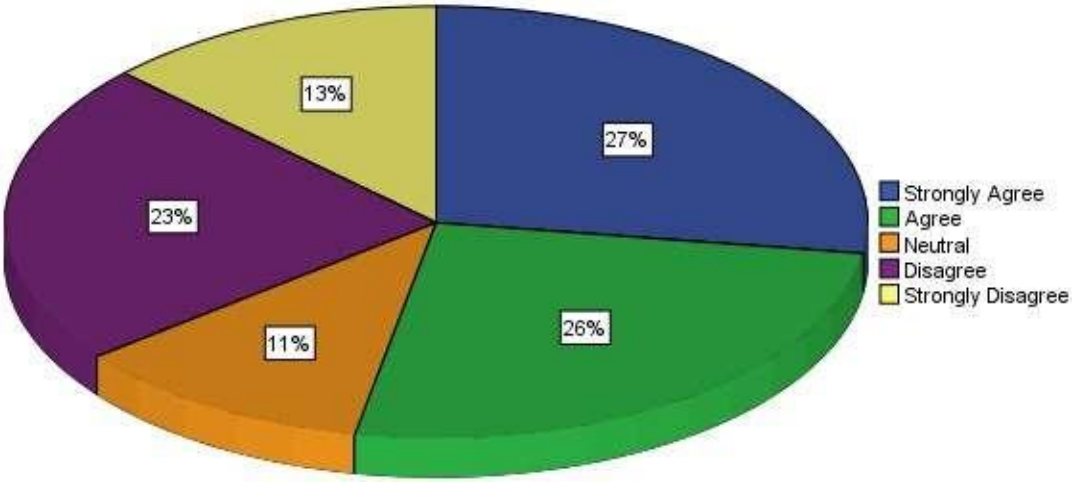


Figure 4.15 Police Officers Purposefully Shooting To Kill
Source: (Field data, 2019)

4.3.4 Nonviolent Strategies Police Can Adopt to Alleviate Violence

According to results depicted in Table 4.13, 11% of the survey participants responded affirmatively to the question implying that they were in agreement that it was necessary for police officers to use excessive force to quell the general election violence experienced in this county. Majority of the respondents, 87%, did not agree that given the circumstances it was necessary for police officers to use excessive force to quell the general election violence. The rest 2% were uncertain on whether the use of excessive force was necessary to quell election violence in the county.

Table 4.13 Need for Police Officers to Use Excessive Force to Quell Election Violence

	Yes	Maybe	No
In your own assessment, and given the circumstances, do you think it was necessary for police officers to use excessive force to quell the general election violence experienced in this county?	11%	2%	87%

Source: (Field data, 2019)

Majority of the respondents, 72%, were certain that there are other strategies and tactics that police officers can use to repress electoral violence without resorting to the use of excessive force, 14% were of the view that there are no other strategies and tactics that can be used to repress electoral violence without resorting to the use of excessive force while and equal proportion of respondents, 14%, expressed uncertainty with regard to this question as presented in Table 4.14.

Table 4.14 Alternative Strategies Police Officers Can Use to Repress Electoral Violence

	Yes	Maybe	No
In your view, do you believe there are other strategies and tactics police officers can use to repress electoral violence without resorting to the use of excessive force?	72%	14%	14%

Source: (Field data, 2019)

Figure 4.16 shows that 28% of the respondents strongly agreed that the use of tear gas canisters and pepper spray is adequate to abolish instances of mass public demonstrations during general elections, 39% of the respondents agreed with the question statement while 8% were indifferent. Conversely, 14% of the respondents disagreed with the question statement and the remaining 11% strongly disagreed that tear gas canisters and pepper spray is adequate to abolish instances of mass public demonstrations during general elections.

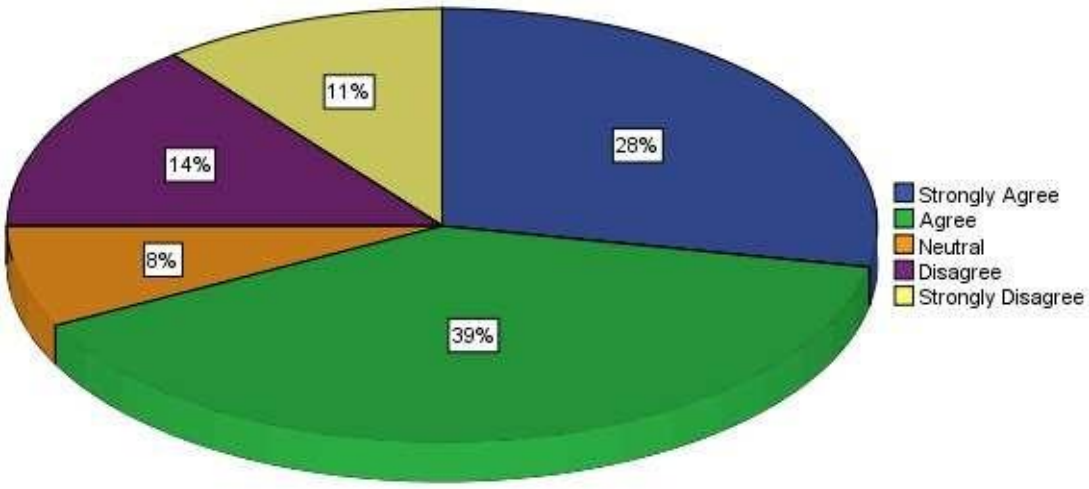


Figure 4.16 Adequacy of Tear Gas Canisters and Pepper Spray in Abolishing Demonstrations
Source: (Field data, 2019)

According the results presented in Figure 4.17, majority of the survey participants strongly disagreed that police officers use less lethal technological devices to repress electoral violence in this county, 30% of the respondents disagreed with the question statement while 5% were neutral. On the other hand, 3% of the survey participants strongly agreed that less lethal technological devices are used by police to repress electoral violence in Kisumu County and the rest 8% agreed with the question statement.

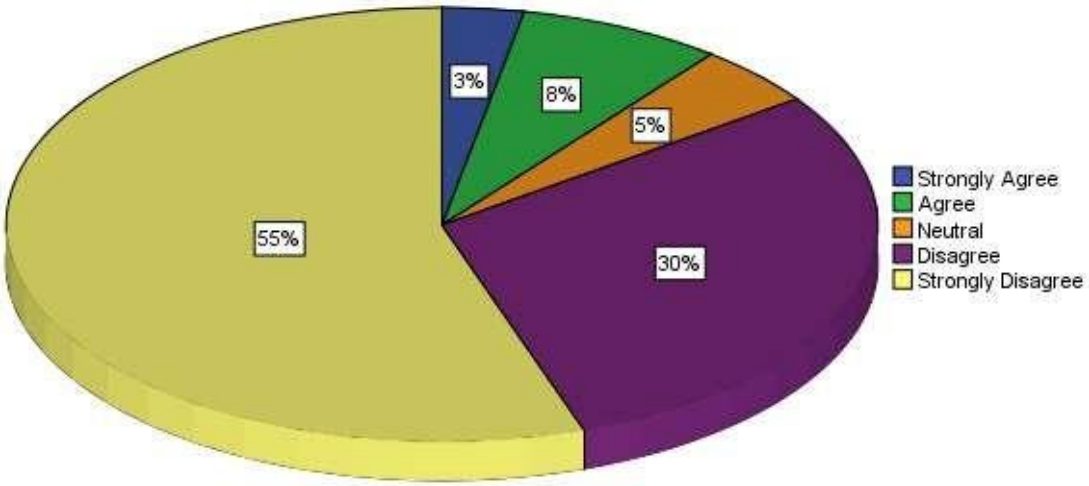


Figure 4.17 Use of Less Lethal Technological Devices to Repress Electoral Violence
Source: (Field data, 2019)

It was strongly agreed by 22% of the survey participants that with the use of less lethal technologies such as Conducted Energy Devices, beanbag rounds, and stun grenades, instances of looting during electoral violence can be adequately eliminated. About 29% of the respondents agreed with the question while 17% expressed indifference with regard to the question. Out of those who responded negatively to the question, 19% disagreed that with the use of less lethal technologies in instances of looting during electoral violence can be adequately eliminated. The rest 13% of the respondents strongly disagreed with the question statement as the results presented in Table 4.15 indicate.

Table 4.15 Adequacy of Less Lethal Technological Devices in Containing Electoral Violence

	Strongly Agree	**Agree**	**Indifferent**	**Disagree**	**Strongly Disagree**
With the use of less lethal technologies such as Conducted Energy Devices, beanbag rounds, and stun grenades, instances of looting during electoral violence can be adequately eliminated.	22%	29%	17%	19%	13%

Source: (Field data, 2019)

Analysis results in Table 4.16 show that 29% of the respondents strongly agreed that adequate and proper training of police officers on how to control instances of mass public protests can go a long way in bringing to and end cases of use excessive force to contain mass public protests, 33% agreed with the question statement while 11% were indifferent. Conversely, 16% disagreed that use of excessive force by police during instances of mass public protests can be brought to an end through proper and adequate

training of police officers on how to handle such instances while the rest 11% of the respondents strongly disagreed with the question statement.

Table 4.16 Adequate and Proper Training of Police Officers to Control Public Unrest

	Strongly Agree	Agree	Indifferent	Disagree	Strongly Disagree
If the police officers are adequately and properly trained on how to control instances of mass public protests, there wouls be no need for them to use excessive force to contain such activities.	29%	33%	11%	16%	11%

Source: (Field data, 2019)

4.4 Analysis by Objectives

4.4.1 Causes of Police Use of Excessive Force in Violence Repression

Comparing the findings of this objective based on its various indicators, work-related frustrations were largely found to be the major cause of use of excessive force by police officers deployed on the ground to quell and contain election-related violence. Majority of the respondents at 69% indicated that due to stresses they experience at work and also circumstances they encounter in the 'battle front' the police are instinctively driven by anger to over-react and employ excessive force which include used of live bullets to disperse crowds. This finding was mainly common among members of the general public. However, members of the service also conceded that because police are human, in some instances they are forced to apply excessive force, consciously or unconsciously. Very few respondents, 14%, from the general public were convinced, as indicated in the responses, that the police do not act excessively due to aggravations.

Majority of the respondents, 77%,were also of the view that poor internal accountability in the NPS fostered the use of excessive force. The general feeling among

majority of respondents drawn from the general public, 83%, was that the officers are not accountable and within the service they are also not held accountable. This creates the feeling that weak accountability mechanisms gives the police a sense of freedom and a feeling that even if they use excessive force on the members of the public, no disciplinary measures will be taken against them. Some officers from IPOA concurred with this sentiment by the general public. One of the interviewees from the commission for instance said;

> "Poor accountability mechanisms in the police service are one of the problems we as an organization are trying to resolve. The reason for the repetitive use of force every election cycle and the reason for the police officers sent to the ground are confident to use excessive force on unarmed protesting civilians is that no serious punitive measures have been taken to right the wrongs. This is something quite evident even from the past regimes and one that must now change going forward. Members of the service who use excessive force must be held accountable and punished appropriately otherwise this trend will only continue." [Source: Interviewee 6]

As one would have expected, most respondents from the county's security team rebutted this view, although very few of them agreed with it. Majority, 59%, indicated that while the NPS had e few teething problems, the accountability mechanisms within then the service are beyond reproach. The main argument seemed to stem from the view that identifying the specific officers who use excessive force was the problem. The perspective of one of the respondents from the law enforcement agency was that;

> "The national police service has a good accountability and deterrence mechanism in place. Not every disciplinary measure we take against the rogue officers may be known to the public but we certainly punish officers who go beyond the boundaries of what is expected of them. The only challenge we have sometimes is identifying the culprits due to the messy situations on the ground whenever the demonstrations are underway. However, we do hold accountable and even punish those we lay our hand on. As we speak, some of them have been sent to jail." Source [Source: Interviewee 11]

In one of the rare responses from the security officers team in the county, one of the respondents had this to say;

> "Accountability remains a challenge in this service. Some, and a good number for that matter, get away with the injustices they commit against protestors. Because they know that they will not be held accountable, they are inclined to use excessive force. There are however efforts being made to resolve this." Source [Source: Interviewee 3]

Discrimination and prejudice against the majority ethnic community in the county was also found to be a contributing factor to police use of excessive force, although not by a clear majority, 54%, of the respondents. Nonetheless, the narrative that police officers brought to the county before and during elections to handle potential protests are usually drawn from other counties and are of other ethnic tribes. Consequently, according to the respondents, they are often very discriminative and full of ethnic animus thus use excessive force knowing that the people they are dealing with are 'not of their ethnic tribes' as some of the respondents put it.

Outcomes from the interview sessions and the open ended questions in the questionnaire indicated mixed opinions regarding the question as to whether police officers are encouraged and rewarded, internally within the institution, to apply excessive force when handling demonstrators during election violence episodes. According to the results, the general public was largely of the view that within the NPS, the officers are encouraged by their seniors to apply excessive force when handling demonstrators in order to instill fear in other people who intend to join the demonstrations and also to bring the public demonstrations to a halt in the shortest period of time. Other respondents in this category also alluded that in some instances the officers, are rewarded or promised rewards in order to encourage them to use excessive force. However, the nature of the

rewards did not come out clearly from the responses although some respondents suggested that promises for job promotions and actual promotions were some of the rewards the officers received. Others suggested that the officers are financially rewarded in order to execute the operations as directed. These sentiments were shared by some of the political leaders who were engaged in the interviews. For instance, one of the political leaders in the county mentioned that;

> "The nature of police brutality and high handedness is not normal and is not usual. It is unlike what goes on other counties and regions of this country. Time and again whenever they are elections related chaos in not just this part of the country part in other parts of the nation as well, what we see is a major difference in terms of police action and use of force. In the Luo-dominated parts of the country, and I will say this confidently and without fear, the police use excessive force. We have reliable intelligence that the officers on the ground are encouraged to use force and some of them are even rewarded materially or financially and in some instances even with job promotions. It is a very unfortunate thing but one must be spoken about and addressed urgently and effectively." Source [Source: Interviewee 13]

On their part, the members of the police service who were engaged in the study as well as the commissioners refuted such claims. Approximately 68% of the respondents in this category of respondents claimed that none of the police officers who are sent to the field to quell chaos and contain the demonstrations are ever encouraged to engage in violence and use of excessive force. On the contrary, the officers indicated that the officers are usually under stern instructions to always act professionally and treat members of the public engaged in the protests.

4.4.2 Effectiveness of Police Use of Excessive Force in Repressing Violence

Largely, as revealed in the responses presented in the frequency analyses (73%), the use of excessive force by police officers to repress electoral violence in Kisumu County has been ineffective. This can be looked at from the perspective of the recurrence

of such protest and the growing magnitude of the same over the years whenever there are disputes during general elections. For instance, there has been progressive increase in magnitude from the 2007/8 general elections-instigated violence through to the 2013 one up to the 2017 conflicts. This points to the view that as police use more force, more people get drawn to the public demonstrations probably with a feeling that their voices are being silenced in their quest to agitate for their rights. Very few respondents, 21%, as captured in the respective analysis outcomes, were of the view that excessive use of force in repressing electoral violence in this county has been effective. Besides the general public, respondents from the security team also indicated the as far as they are concerned, this approach has generally been ineffective.

Equally, the view among majority, 71%, of the survey participants drawn from both the general public, the country security officers and IPOA was that use of excessive force hasn't been effective and in breaking-up instances of mass public demonstrations during general elections in the county. As evidenced by the growing cases of demonstrations in this county during every electoral cycle, it can therefore be said that the intended objectives have hardly been realized.

However, when it comes to the use of excessive force to deterring instances of looting of properties, the approach was generally found to be moderately effective. This level of effectiveness is evidenced by the indications that over the years, whenever there are episodes of election-related violence, the cases of looting have been on the decline. This view was held by 59% of the survey participants. Only a few respondents, 21%, felt that the approach was effective or ineffective in containing looting. One of the politicians indicated that;

> "Comparative analysis over the three elections period from 2007/8 shows that there have been decrease in cases of looting. As you know, despite demonstrations being legal to certain extent, looting is not only illegal but also criminal. Once demonstrators cross the boundaries, the officers have no option but to use a little more force as permitted by the low, to stop demonstrators from looting and destroying other people's properties. This, in my opinion and in the view of the service, has been an effective deterrent mention hence reduction in the cases of looting during demonstrations." Source [Source: Interviewee 1]

The use of excessive force was forthrightly found to have undesirable consequences between the legitimacy of NPS and the residents of the county as expressed by both security agencies officials and members of the general public. Additionally, what some of the respondents termed as outright police brutality was found to further strain the relationship between police officers and the residents of this county. This is a view that was expressed by majority of the respondents, 81%, drawn from both the general public and the officers engaged in the study. They were of the view that over time, residents have generally come to dislike officers and have poor opinion of the service because of the perception that they have always been targeted unfairly by the police whenever there are elections related chaos and violence. Officials from IPOA and some from the NPS were also keen to observe that officers in the county have largely not enjoyed the best kind of working relationship between them and members of the public. This can partially be attributed to negative memories that remain etched in the minds of the residents long after dust settle down on elections activities.

4.3.3 Effects of Police Use of Excessive Force in Violence Repression

Majority of the respondents, 61%, indicated that they have been personally affected one way or another, directly and remotely by the excessive force used by police during election. As for those who have not been direct victims of the excessive force,

their close relatives have experienced the wrath of excessive force used by police during the periods under study. The effects of use of excessive force by police, it was found, extended beyond individual residents and their families to affect entire communities. As one of the interviewed politicians put it;

> "This issue of police brutality is very serious. Less is explored and shown by the media but the real situation on the ground is far worse. We have seen livelihoods of communities in different parts of this country being shut because of the unbecoming acts by police to use unnecessary and unwarranted force when handling protestors during the electioneering periods. The effects are long lasting. For example, in the slums like Kondele and Manyatta, we have seen in the media images of police caught in the act of destroying houses using their *rungus*." [Source: Interviewee 9]

Among the various effects that the survey investigated, physical health injuries and problems were the widely experienced and effect of police use of excessive force when countering protestors. Majority of the respondents indicated that either themselves or persons they know of had been injured by police. These injuries were either directly inflicted by the police or were suffered in the process of police violently dispersing protestors and were from bullets, clubs, whips, being hit by tear gas canisters or falling down among other causes of injuries.

Another common and highly rated experience by both protestors and people who have never been part of the protesting groups was destruction of properties in Kisumu County. Most the respondents alleged that the police officers deliberately destroyed properties when dispersing crowds of protestors. Properties destroyed included business premises, houses, automobiles and domestic animals.

Mental and psychological health issues were also notably experienced by either the respondents or individuals they knew. According to respondents, some people in the

country reported cases of serious psychological distress and other mental problems as a result of direct attacks by police or a close relative being affected.

The use of excessive force when repressing electoral violence during general elections also resulted in loss of lives. Majority of the respondents from the general public, 67%, noted that instances of the police officers shoot to disperse crowds and others shooting to kill are commonplace during the electoral protests especially when the environment is highly charged. According to an IPOA official;

> "Amidst the many worrying concerns of police brutality in this county are deaths directly attributable to use of excessive force by these law enforcement officers. Police officers have been found to respond to the threat of violence by using lethal force hence resulting in instant deaths and injuries that eventually lead to death of the victims." [Source: Interviewee 15]

At the same time, the study found that youths and young adults are likely to be maltreated by brutal police than older people. Further, males youths were more predisposed to die than female youths.

4.4.4 Nonviolent Strategies Police Can Adopt to Alleviate Violence

There seemed to be consensus among all the survey participants, the general public, individuals form law enforcement agency and those from IPOA, that a lot can be done to significantly reduce and even possibly eliminate completely cases of use of excessive force by police officers. To begin with, majority of the respondents drawn from the general public and IPOA indicated that the use of excessive force by police was unnecessary and unjustified. Majority of the respondents from these two clusters also were of the opinion that there are other strategies and tactics police officers can use to repress electoral violence without resorting to the use of excessive force. All this while, 57% of respondents from the NPS service held their stance that, apart from a few cases of

what they referred to as ‘officers gone rogue’, the officers sent to quell public demonstrations and violence in the field never use excessive force on protestors.

It was indicated by most of the respondents that instead of resorting to the use of guns, clobbering protestors with clubs and physically assaulting protestors, moderate use of tear gas canisters and pepper spray was adequate to suppress and even abolish instances of mass public demonstrations during general elections.

The use of lethal technologies such as CEDs, beanbag rounds, and stun grenades were rated lowly because in the first place these technologies do not exist in the country. Subsequently, there was widely held view by 83% of the respondents that the use of these alternatives was very uncommon in the country.

Most of the survey participants, 74%, attributed and blamed excessive use of force by police on inadequate and poor training of police officers on how to control instances of mass public protests. Consequently, it was felt that police officers need to be properly and adequately trained there would be on how to handle use crowds of protestors as this would play a significant role in eliminating cases of police use of excessive force.

CHAPTER FIVE
DISCUSSION, SUMMARY, CONCLUSION, AND RECOMMENDATIONS

5.1 Introduction

This chapter covers discussion, interpretation and summary of the findings of this study based on the three research questions of the study. First, discussions of the findings of the study are presented. Subsequently, summary of the findings of the study is made. Finally, conclusion and recommendations for future research further study is covered.

5.2 Discussion of Findings

5.2.1 Causes of Police Use of Excessive Force in Violence Repression

Work-related frustrations was found to be, according to the findings of the study, the major cause of use of excessive force by police officers deployed on the ground to quell and contain election-related violence. The frustrations can be associated with a number of factors which drive the officers to act the way they do. One of the possible lead to use of excessive force on demonstrators is inadequate remuneration for the service officers. For a long time in the history of the country, remuneration of police officers has remained a key subject whenever negative discussions regarding police actions prop up. It is, in a view of many people, a riddle that has remained unresolved. It has therefore been argued in some quarters that whenever such situations present themselves, as in the case of election-motivated public demonstrations, police pick demonstrators as target objects on which to vent their anger thus the excessive use of force. Poor remuneration is coupled with other factors such like deprived work and welfare conditions. A combination of these and other related factors, it is believed, as expressed by respondents and shown in the findings of this study, contribute highly to use excessive force by police officers when handling protestors.

On the face of it, and based on the contentions advanced by the interviewed

officers from NPS, the working climate in the police service is purely based on standards, which according to these officers are free from discrimination, bias and prejudice. However, as suggested by the findings of this study, the narrative is considerably different in reality, at least in Kisumu County where majority of the residents as represented by the findings of this study, hold the view that prejudicial profiling and discrimination by the officers enhances use of excessive force on protestors, which is the predominant tribe in the county. Consistent with the findings of Brunson (2007), intensity of police prejudice against protestors intensify during general elections periods when demonstrators agitate and demand for the perceived rigging of presidential election victories in favour of the main opponent.

Concurrent with the findings of Hodgson's (2001) study, further deficiencies include failure by the NPS leadership to hold responsible police officers who use excessive force on protestors. Relatively poor and inadequate transparency and accountability mechanisms within the police force has served to fuel and seemingly stimulate the objectionable actions by some officers. Deficiencies in professional accountability undermines a sense of responsibility in the officers who are culpable of committing such offences as in the case of this study. This trait, it can be said, is encouraged by, to some extent, dysfunctional leadership within the NPS who in effect breeds a culture that does not support and reinforce the value of accountability thereby making it easy for blameworthy officers to easily get away with the atrocities.

Whenever and individual is in a job, it is usually expected that they are bound to err on a number of occasions. As show in the findings of this study, officers who are new to the job were prone to use excessive force because of inexperience, fear of the rioters

(Bennett et al., 2005) and probably poor and inadequate training. This is coherent with the findings by Garner and Maxwell (2002) and Lersch and Mieczkowski (2005). Brandl et al. (2001), also established that inexperienced officers predisposed to misuse force when handling protestors.

5.2.2 Effectiveness of Police Use of Excessive Force in Repressing Violence

Generally, going by the findings of this survey, the effectiveness of this approach is uncertain. The conventional view that shooting of non-threatening protestors, physically assaulting individuals hence causing injury unnecessarily and malevolent destruction of properties was reinforced in this study. Contrary to the findings by Okia (2019) that the use of excessive force was effective, in this study the ineffectiveness of these approaches are evidenced by the growing propensity for more and more people to come out and join the demonstrations. Over the periods under review, there has been notable increase in number of protestors. Similar to the Kisumu County case where majority of the protestors are of the younger generation, Muggah et al. (2018), noted that that use excessive force by law enforcement officers was rarely effective in Latin America.

Although police officers have the duty and responsibility to restore public order and sanity, excessive use of force against protestors violates substantive due process and their right to be free from abuse. This in turn propagates resistance among the youth involved in the protests who consequently gather the courage to face the police officers and engage them in running battles. As reported by Amnesty International (2015), misuse of force by law enforcement officers trigger increased and even more violent protests.

The waning and dwindling public trust in the NPS in Kisumu County among the

residents of the county as found in this study also goes in explaining the ineffectiveness of this approach of handling protestors. According to the survey participants drawn from the general public and those from IPOA, the goodwill and the relationship between the county's general public and the law enforcers has taken a beating and is very law. This has left the law enforcement agencies struggling to gain trust and proper legitimacy among a number of residents in the county. This has slowly become a pressing security problem facing some regions of the county.

Additionally, vigilantes become an alternative to police officers as security providers as has been the case in some residential places in the county. Akin to Ortega's (2016), finding, because of the 'bad blood' and irreconcilable differences between some of the county's residents and the law enforcement officers, such residents organize themselves into groups to ensure security in their immediate communities.

5.2.3 Effects of Police Use of Excessive Force in Violence Repression

Information from the results of the data analysis on experiences of residents regarding police misuse of force suggests that consequences of public experiences of police violence have been anything but pleasant. Generally, because men are more likely to engage in protests than women, they are also the main casualties of police use of excessive force. (Hymon, 2020). As established by DeGue et al. (2016), and (Kargin, 2016), one of the greatest concerns is deaths that occur as a result of misuse of force by the law enforcement officers, which forever remain etched in the memories of those impacted directly and even indirectly by such deaths. Every election cycle which has been marred by protests and picketing in Kisumu County has resulted in deaths of both protestors and non-protestors. Some of the deaths occur in the process of being arrested,

while victims are police custody, fatal shootings and even by being clobbered with clubs as was with the infamous case of the Baby Pendo case and other conspicuous others in the Kisumu County. Mostly affected by these deaths are young people, who, for one reason or another, the officers perceive to be the instigators of the electoral violence. Regrettably, mapping, recording and enumerating cases of deaths that results from use of excessive force still remains very poor not only in Kisumu County but in the country at large.

Predictably, while responding and reacting to protests in the county, excessive use of force by police have resulted in destruction of people's properties. General concern among the publics is that while dispersing rioters, the police tend to go too far and end up destroying property during protests used grenades and even clubs. This results in loss of sources of livelihoods to the people who properties get destroyed. Because the rioters in some instances also destroy people's properties, the law enforcement officers use this as an excuse to cover the destructions caused by their colleagues.

Chronic and acute mental and psychological problems are also consequences of irresponsibility on the side of police officers while handling protestors. As a result of losing loved ones, some victims of police violence remain disturbed and even haunted by memories of the events that led to the loss of their loved ones. Records on this are also very poor but as Thurau & Wald, 2018), noted, cases of mental health and psychological issues resulting from police violence are not uncommon. Some victims also end up traumatized, depressed and psychological distress and this affects their ability to live normally.

Discrimination, Silva et al. (2018), also plague victims of police violence.

Unending and usually unsuccessful court cases, medical bills and loss of family breadwinners leave victims financially and economically drained. Akin to the findings by Ryan, (2018), the unwarranted use of force by police officers also affects the economic productivity of the affected communities within the county which in effect leads to financial and economic difficulties. This is because relatives are compelled to take time away from work to grieve, plan and attend funerals. Further, events resulting from police violence take away the already limited resources in the affected communities hence entrenching financial strain and poverty.

5.2.4 Nonviolent Strategies Police Can Adopt to Alleviate Violence

Alternative mechanisms, approaches and strategies that can be employed by police officers to respond to cases of electoral public demonstrations in the county and in the country in general remain largely unexplored. This is evidenced by the recurrent and repetitive use of the same equipment and approaches in the periods under review. However, it is positive to note that there are alternative approaches and equipment which the law enforcement agency can employ to effectively address public protests in Kisumu County and eliminate cases the effects discussed above which arise out of police use of excessive force. Self-defense chemical sprays in the form of tear gas are already in use in the country. However, they have generally not been as effective as desired. There is need therefore to introduce the use of paper spray to incapacitate and contain protestors.

Besides the self-defense chemical sprays less lethal technological devices, which are yet to be introduced in the country, can go a long way in reducing cases of police use of excessive force. As advanced by Taylor et al. (2012), technological devices such as CEDs and surveillance drones can be an effective weapon in helping prevent or minimize

the need for use of excessive force by law enforcement officers. In the same breath, Smith et al. (2007), and Kaminski (2018), established that these alternative methods are not only very effective but also reduce cases of physical struggles, injuries and loss of lives that result from excessive use of force.

The fact is that before law enforcement officers are deployed to different work stations, they undergo through necessary training. However, rarely have instances of police forming human barricades to deter protestors have been seen in Kenya, let alone Kisumu County. This implies that some critical elements of training are not covered during police training. This can be attributed to lack of personnel to carry out such trainings or inadequate resources needed conduct the training as well as the resources needed by the officers such as the right protective gears once they are at the battle front. If police training is done properly to encompass all these elements, there would be no need for officers to use excessive force as accentuated by Gül et al. (2013).

5.3 Summary of Main Findings

Generally, police it was found that police officers are motivated to use excessive force on protestors because of poor internal accountability mechanisms which exist in the NPS as a national security agency. The officers were also encouraged by toxic work environment within the agency which can be explained by poor work conditions and poor remuneration. From the findings of the study, police's unjustifiable activities were also driven by prejudice and discrimination on their part. Among the new recruits, use of excessive force on protestors was found to be inspired by inexperience in handling such situations and fear that they might get harmed therefore the rationale to harm before being harmed.

Use of excessive force was found to be relatively effective and the intended objectives marginally achieved. This was evidenced by majority of respondents who indicated that misuse of force by police was counterproductive and only occasioned to heightened public disorderliness, dwindling legitimacy of the law enforcement officers and worsening police-public relationships.

The reported effects and consequences of polices were numerous and varied. These included loss of lives, physical and psychological health problems, social exclusion and discrimination and destruction of properties.

Use of tear gas canisters, pepper spray, less lethal technology devices such as CEDs and security surveillance drones were some of the approaches that were suggested by respondents that police officers can use effectively to contain instances of mass public protests in the county instead of resorting to the use of excessive force. Moreover, proper and adequate training for officers on formation of human shields was viewed and suggested as an alternative, effective nonviolent strategies police can adopt to alleviate violence.

5.4 Conclusion

To close, the overall finding of this study was that excessive use of force by police officers when repressing electoral violence in Kisumu County was relatively effective. If anything, the approach was found to be counterproductive. Reasons advanced by members of the force and their leaders to rationalize use of excessive force by police against protestors were found to be unjustifiable. Instead, prejudice and discrimination by police, poor internal accountability mechanisms and toxic work environment for the police were found to be the driving forces behind police officers'

inexcusable actions. Further, the approach also led to undesired effects and regrettable occurrences such as physical and psychological health problems to the victims and their close relatives, loss of lives and destruction of properties. There are available, nonviolent strategies and approaches that the law enforcement agency can adopt to adopt to alleviate electoral violence in Kisumu County and indeed across the country. These include tear gas canisters and pepper spray, less lethal technology devices and proper and adequate training for officers.

5.5 Recommendations

Although force is a key component of policing, use of excessive force and misuse of force is not. Based on the findings of this study, it is hereby recommended that the NPS ensures that police officers are taken through proper and more intensive professional training so as to bring to an end cases of discrimination and prejudice by police officers whenever they are handling suspected offenders.

Furthermore, there is need to strengthen the accountability measures in place and enforcement of the same to police officers who commit atrocities by wrongfully using excessive force on offenders are appositely punished. It is also important to ensure that officers are fittingly remunerated and their work-related welfare suitably taken care of so that they stop letting out their personal and work-related anger and frustrations on offenders.

It is also recommended here that the NPS and other relevant commit more resources and effort to improve the relationship between them agency and the general public in the county and country.

On the part of the general public, this research recommends that they should avoid

taking law into their own hands by resorting to protests and violence but should instead explore other legal avenues to address their grievances.

5.6 Areas for Further Research

Given that this study was limited to Kisumu County yet similar cases of electoral violence and use of excessive force police by police officers have also been experienced in other parts of the country, it would be prudent if a similar study was carried out in other counties across the country. Further studies can also be conducted with a focus on other types of elections not addressed in this thesis such as referendum and political party elections. It would also be knowledge-worthy to find out how effective the nonviolent approaches proposed in this study would be in containing public unrest and electoral violence.

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APPENDICES

Appendix I: Research Questionnaire for Top Cadre NPS Officers, the General KPS Officers and the General Public

Dear Respondent,

I am a graduate student pursuing Master of Science in Governance and Security at Africa Nazarene University. I am currently undertaking a research on Police Use of Excessive Force in Repression of Electoral Violence During General Elections Cycles in Kisumu County. You are kindly requested to participate in this research by responding honestly and objectively to questions in this questionnaire. Your responses should be restricted to the electoral violence experienced in 2013 and/or 2017 in Kisumu County only. The information collected will be treated with confidentiality and will only be used for the purpose of this research. Your contribution in facilitating the success of this study will be highly appreciated.

Thank you.

Section A: Background Data

1. Gender

   Male [ ] Female [ ]

2. Age bracket

   18 – 22 [ ] 23 – 27 [ ] 28 – 32 [ ] 33 – 37 [ ]

   38 – 42 [ ] 43 – 47 [ ] 48 and above [ ]

3. How long have you lived in Kisumu County?

   Less than 5 years [ ] 5– 10 years [ ] 11– 15 years [ ] 16 – 20 years []

   21 – 25 years [ ] 26 – 30 years [ ] 31 years and above [ ]

Section B: Causes of Police Use of Excessive Force in Violence Repression

For the following statements, choose ‘Yes’ when you agree with a statement, ‘Maybe’ if you are not sure or need more information, and ‘No’ if you disagree with the statement.

4. Compared to other parts of this country, would you say police use excessive force when repressing elections-related violence in this county?

   Yes [ ] Maybe [ ] No [ ]

Please explain briefly why you hold this view.

_____

_____

_____

5. Police officers who use excessive force on protestors during elections are held responsible and accountable for their activities by the National Police Service.

   Yes [ ] Maybe [ ] No [ ]

Please explain briefly why you hold this view.

_____

_____

_____

Rate the following sentences in the way that comes closest to your own views. Please tick (✓) the option that best describes your opinion of the statement.

	Strongly Agree	**Agree**	**Indifferent**	**Disagree**	**Strongly Disagree**
6. With regard to elections, police seem to be prejudiced against the majority ethnic community in this county.					
7. On matters elections, police seem to discriminate against the majority ethnic community in this county.					
8. Discrimination against the majority ethnic community in this county triggers police use of excessive force as opposed to eliminating incidents of ethnicity driven attacks during election protests.					
9. Poor internal accountability in the Kenya Police Service promotes repeated use of excessive force by					

police when containing eradicating looting of properties during elections protests.					
10. Within the Kenya Police Service ranks/offices/departments, police officers are encouraged and rewarded for use of excessive force against protestors.					
11. Encouragement and reward for use of force to abolish instances of mass public demonstrations is to blame for the recurrent police use of excessive force.					
12. Police officers' frustrations lead to use of excessive force on demonstrators.					

13. What other reasons would you associate with police use of excessive force in containing electoral violence in this county during general elections?

_____

_____

_____

Section C: Effectiveness of Police Use of Excessive Force in Repressing Violence

14. Generally, how would you rate the effectiveness of police use of excessive force in repressing electoral violence in this county?

    Very effective [ ]

    Effective [ ]

    Moderately effective [ ]

    Ineffective [ ]

    Very ineffective [ ]

15. How effective is police use of excessive force in breaking-up instances of mass public demonstrations during general elections in this county?

    Very effective [ ]

    Effective [ ]

    Moderately effective [ ]

Ineffective [ ]

Very ineffective [ ]

16. Rate the effectiveness of police use of excessive force in eradicating looting of properties when general election-related violence is experienced in this county.

    Very effective [ ]

    Effective [ ]

    Moderately effective [ ]

    Ineffective [ ]

    Very ineffective [ ]

17. How would you rate the effectiveness of use of excessive force by police during general election violence to eliminating incidents of ethnicity driven attacks in this county?

    Very effective [ ]

    Effective [ ]

    Moderately effective [ ]

    Ineffective [ ]

    Very ineffective [ ]

Rate the following sentences in the way that comes closest to your own views. Please tick (✓) the option that best describes your opinion of the statement.

	Strongly Agree	**Agree**	**Indifferent**	**Disagree**	**Strongly Disagree**
18. Instead of the intended objective of containing protests, police use of excessive force to eradicate looting of properties only serve to worsen the situation.					
19. The use of excessive force by police to abolish instances of mass public demonstrations weakens legitimacy of Kenya Police Service and its officers in this county.					

20. Police use of excessive force to repress electoral violence has only served to weaken the relationship between police officers and the residents of this county.					

Section D: Effects of Police Use of Excessive Force in Repression of Violence

For the following statements, choose 'Yes' when you agree with a statement and 'No' if you disagree with the statement.

21. I have personally been affected by the excessive force used by police during election violence in this county.

    Yes [ ] No [ ]

22. A close relative of mine has been affected by the excessive force used by police during election violence in this county.

    Yes [ ] No [ ]

For the following statement, choose 'Yes' when you agree with a statement, 'Maybe' if you are not sure or need more information, and 'No' if you disagree with the statement.

23. The use of excessive force by police to contain electoral violence in this county affects not just individuals and their families but also their communities.

    Yes [ ] Maybe [ ] No [ ]

Rate the following sentences in the way that comes closest to your own views. Please tick (✓) the option that best describes your opinion of the statement.

	Strongly Agree	**Agree**	**Indifferent**	**Disagree**	**Strongly Disagree**
24. Police use of excessive force to contain electoral violence in this county leave their victims/victims' families/victims' communities with psychological health problems.					

25. Many victims of police use of excessive force in this county were left with physical health issues.					
26. In this county, people have lost their lives as a direct consequence of police use of excessive force when repressing electoral violence during general elections.					
27. By using excessive force to abolishing instances of mass public demonstrations and looting of properties, police officers have deliberately ended up destroying people's properties in this county.					
28. Some of the police officers use live bullets when shooting to disperse crowds.					
29. Some of the police officers purposefully shoot to kill.					

30. What other experiences have you/your family/your community had as a result of excessive use of force by police during general elections to contain violence?

_____

_____

_____

Section E: Nonviolent Strategies Police Can Adopt to Alleviate Violence

For each of the following statements, choose 'Yes' when you agree with a statement, 'Maybe' if you are not sure or need more information, and 'No' if you disagree with the statement.

31. In your own assessment, do you think it was necessary for police officers to use excessive force to quell the general election violence experienced in this county?

    Yes [ ] Maybe [ ] No [ ]

32. In your view, do you believe there are other strategies and tactics police officers can use to repress electoral violence without resorting to the use of excessive force?

    Yes [ ] Maybe [ ] No [ ]

Rate the following sentences in the way that comes closest to your own views. Please tick (✓) the option that best describes your opinion of the statement.

	Strongly Agree	**Agree**	**Indifferent**	**Disagree**	**Strongly Disagree**
33. The use of tear gas canisters and pepper spray is adequate to abolish instances of mass public demonstrations during general elections.					
34. Police officers use less lethal technological devices to repress electoral violence in this county.					
35. With the use of less lethal technologies such as Conducted Energy Devices, beanbag rounds, and stun grenades, instances of looting during electoral violence can be adequately eliminated.					
36. If the police officers are adequately and properly trained on how to control instances of mass public protests, there would be no need for them to use excessive force to contain such activities.					

37. What other nonviolent strategies can police officers use effectively to contain electoral violence in this county?

_____

_____

_____

The End
Thank You for Your Participation

Appendix II: Interview Schedule for IPOA Officers, County Commissioner, Deputy County Commissioners and Elected Politicians

1. Compared to other parts of this country, would you say police use excessive force when repressing elections-related violence in this county?
2. Are police officers who use excessive force on protestors during elections are held responsible and accountable for their activities by the National Police Service?
3. In your view, do police officers seem to be prejudiced against the majority ethnic community in this county and does that influence the amount of force they use when containing electoral violence in this county?
4. Would you say that a toxic work environment exist in departments that influence their use of excessive force when repressing electoral violence in this county?
5. Generally, how effective is the police use of excessive force in repressing electoral violence in this county?
6. Do you view police use of excessive force as a cause for heightened and recurrent electoral violence in this county?
7. Would you say police use of excessive force when abolishing cases of electoral protests weaken legitimacy of the enforcement officers in this county?
8. Kindly comment on the general experiences of residents of this county with regard to police use of excessive force to repress electoral violence in this county.
9. Are there alternative nonviolent strategies police can adopt to contain electoral violence in this county? Which ones are they? How/why are they being applied/not applied?

Appendix III: NACOSTI Research Authorization Permit

REPUBLIC OF KENYA

NATIONAL COMMISSION FOR SCIENCE,TECHNOLOGY & INNOVATION

Ref No: 413255

Date of Issue: 21/August/2019

RESEARCH LICENSE



This is to Certify that Mr.. Michael Okumu of Africa Nazarene University, has been licensed to conduct research in Kisumu on the topic: POLICE USE OF EXCESSIVE FORCE IN REPRESSION OF ELECTORAL VIOLENCE DURING GENERAL ELECTIONS CYCLES IN KISUMU COUNTY for the period ending : 21/August/2020.

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Appendix IV: Krejcie and Morgan's Table for Determining Sample Size

Population Size	Confidence = 95% Margin of Error				Confidence = 99% Margin of Error			
	5.0%	3.5%	2.5%	1.0%	5.0%	3.5%	2.5%	1.0%
10	10	10	10	10	10	10	10	10
20	19	20	20	20	19	20	20	20
30	28	29	29	30	29	29	30	30
50	44	47	48	50	47	48	49	50
75	63	69	72	74	67	71	73	75
100	80	89	94	99	87	93	96	99
150	108	126	137	148	122	135	142	149
200	132	160	177	196	154	174	186	198
250	152	190	215	244	182	211	229	246
300	169	217	251	291	207	246	270	295
400	196	265	318	384	250	309	348	391
500	217	306	377	475	285	365	421	485
600	234	340	432	565	315	416	490	579
700	248	370	481	653	341	462	554	672
800	260	396	526	739	363	503	615	763
1000	278	440	606	906	399	575	727	943
1200	291	474	674	1067	427	636	827	1119
1500	306	515	759	1297	460	712	959	1376
2000	322	563	869	1655	498	808	1141	1785
2500	333	597	952	1984	524	879	1288	2173
3500	346	641	1068	2565	558	977	1510	2890
5000	357	678	1176	3288	586	1066	1734	3842
7500	365	710	1275	4211	610	1147	1960	5165
10000	370	727	1332	4899	622	1193	2098	6239
25000	378	760	1448	6939	646	1285	2399	9972
50000	381	772	1491	8056	655	1318	2520	12455
75000	382	776	1506	8514	658	1330	2563	13583
100000	383	778	1513	8762	659	1336	2585	14227
250000	384	782	1527	9248	662	1347	2626	15555
500000	384	783	1532	9423	663	1350	2640	16055
1000000	384	783	1534	9512	663	1352	2647	16317
2500000	384	784	1536	9567	663	1353	2651	16478
10000000	384	784	1536	9594	663	1354	2653	16560
100000000	384	784	1537	9603	663	1354	2654	16584
300000000	384	784	1537	9603	663	1354	2654	16586

Appendix V: Map of Kisumu County



Source: Google Maps