EFFECTIVENESS OF POLICE INVESTIGATION ON PROSECUTION OF SEXUAL CRIMES AGAINST WOMEN IN STAREHE SUB-COUNTY, NAIROBI COUNTY, KENYA

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A THESIS SUBMITTED IN PARTIAL FULFILLMENT 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

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DECLARATION

I declare that this document and the research it describes are my original work and that they have not been presented in any other university for academic work.

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DEDICATION

I dedicate this research thesis to my Dear wife Phillis Wairimu, my children and immediate family members for the tireless support they offered me during the entire period of my study.

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ABSTRACT

Effective police investigation is a prerequisite to effective prosecution of any judicial proceeding. Police investigation into sexual crimes against women has been a problem both in developed and developing countries as considerable women population suffer violation of their rights and fundamental freedoms which is criminal in nature. The purpose of this study was to assess the effectiveness of police investigation on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County. The specific objectives were to evaluate the existing investigation procedures, examine the factors affecting police investigation and examine legal and policy framework of police investigation on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County. The Significance of the study was to identify gaps in police investigation on prosecution of sexual crimes against women which when addressed can enhance both police investigation and prosecution. The study was anchored on structural functionalist theory and the contingency theory. The study adopted descriptive survey design to determine the extent to which each independent variable was related with the dependent variable. Target population was 785 police officers plus 6 Key Informants who were picked purposefully from the Office of the Director of Public Prosecutions, members of civil society, health workers and survivors and or witnesses in sexual crimes against women. The sample size was 265 respondents Data was collected using questionnaires and interviews. Reliability and validity of the tools of data collection were observed to ensure consistency and accuracy. Collected data was analyzed as per the objectives. Qualitative techniques specifically discourse analysis and ethnography were used while quantitative techniques such as pie charts and tables were used. Statistical Package for Social Sciences (SPSS) version 22 alongside MS Excel which was used in analysis of data.

The main findings revealed that, investigation procedures as applied by police officers as well as factors affecting police investigation had a significant effect on prosecution of sexual crimes against women in Starehe Sub-County Nairobi County. Legislative and policy framework did not provide a successful investigation as personnel investigating sexual crimes against women lacks adequate budget to cater for the operational needs as required by the policies. Lack of mutual coordination by stakeholder agencies hindered service delivery on sexual crimes against women by affecting investigation. The study concluded that there was inadequate sharing of information amongst the police, medics and the public which is essential in supporting investigation and prosecution of sexual crimes against women. The study recommends the following; the government to consider in the current police reforms, a concerted effort to ensure that all the police officers undergo advanced training to build their capacity on investigations of sexual crimes against women, the government of Kenya should implement Structural Adjustment Programs in regard to reporting cases of women sexual violation which should be different from reporting of general offenses. The criminal justice system should ensure that there is no interference in investigations by senior officers to get rid of corruption and intimidation on investigators in sexual crimes against women cases. The government through National Police Service should increase the number of investigators to achieve efficiency during investigations.

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DEFINITION OF TERMS

Child Abuse Child abuse refers to physical, or psychological harm or mistreatment, neglect of a child or children especially by or any other caregiver.

Criminal Investigation Criminal investigation is the science of studying facts for purposes of identifying, locating and proving the guilt of an accused person by means of evidence collection and preservation interviews, interrogations and search.

Gender Policy Gender policies are frameworks, strategies or tools that bear different for people of different genders in relation to any planned policy action, and this includes legislative programs in all areas of development and management.

Judicial System Judicial system refers to institutions that are responsible for the application of the rule of law and legal security. It involves courts, prosecution, police and correctional facilities.

Police Police is used to refer to persons empowered by a state to enforce the law, to protect people and property, and to prevent and civil disorder by ensuring safety and security of the people.

Prosecution Prosecution is the process of holding trial against someone who had been breaking the law. It is the front in a legal case that argues the person charged for charged is indeed guilty of the offence. In this study prosecution is used in consideration that police officers have acted in the office of prosecution until 2016 when there was introduction of public prosecutors which is still in transition.

Rape Rape is defined as a form of sexual assault or violence that is carried out without the persons consent. It may take place as a result of coercion, intimidation, threat of violence.

Violence Violence is defined as intentional use of physical power, authority force threats harm perceived or actual against oneself or another. The end or result of this is injury physical, emotional or psychological with detrimental effect on the wellbeing of the victim**.**

Witness Protection Witness prosecution refers to special arrangements and procedures by the government through its agencies to provide safety and security of persons in possession of any evidential information that is useful in a legal proceeding but puts them at potential risk due to their cooperation with prosecution or law enforcement agencies

ABBREVIATIONS/ACRONYMS

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
DNA	Deoxyribonucleic Acid
FGM	Female Genital Mutilation
GBV	Gender Based Violence
GVRC	Gender Violence Recovery Centre
ICC	International Criminal Court
ICTY	International Criminal Tribunal for Former Yugoslavia
ICTR	International Criminal Tribunal for Rwanda
IGWG	Intergovernmental Working Group
IJM	International Justice Mission
IRMSc	Information Resources Management Systems
KDHS	Kenya Demographic and Health Survey
NACOSTI	National Commission for Science, Technology and Innovation.
NGEC	National Gender and Equality Commission
PRC	Post Assault Care
UN	United Nations
UNICEF	United Nations International Children's Emergency Fund
UNGA	United Nations General Assembly
UNFPA	United Nations Population Fund,
UNIFEM	United Nations Development Fund for Women
WHO	World Health Organization

CHAPTER ONE

INTRODUCTION AND BACKGROUND INFORMATION

1.1 Introduction

This research evaluates the effectiveness of Police Investigation on Prosecution of Sexual crimes against women in Starehe Sub-county, Nairobi County. The chapter entails a contextual background of the study, identifies the problem statement and the significance of the study, outlines study objectives research questions, hypothesis, limitations and delimitations of the study, theoretical framework and shows the relationships among the variables in a conceptual framework.

1.2 Background to the Study

The role of police entity in any democratic society is to prevent crime by fairly upholding the rule of law and provide a climate of peace, cordiality, and security which affords citizens an opportunity to exercise their social political and individual rights as well as effective and efficient operation of both public and private institutions. This is realized through a proactive communal and institutional partnership in consideration that police services can only have a limited impact on aggregate to crime statistics. However, crime and disorder results to societal and institutional breakdown paving way for violation of human rights and with no exemption sexual violence against women. Sexual violence against women occurs all over the world and make among the most common human rights violations witnessed in the world today but as yet, it is the least recognized form of human rights abuse (WHO, 2013).

UNGA (1993) provided a list of what amounts to sexual crimes against women and these comprises of physical, sexual and psychological violence, dowry related violence, sexual harassment, rape and sexual abuse, trafficking of women and forced prostitution as well as female genital mutilation. Most of these violations are normally engineered through communal ethnic practices and beliefs. This results to gender-based

violence where socially ascribed roles influence violence against women (Ajema, Mukoma, Kotut, & Mulwa, 2015).

The criminal investigative work forms an integral part of police duties working hand in hand with the prosecuting authorities. Police investigation is performed when there is reason to believe that a criminal offense has been made, therefore, collection and presentation of evidence thereof is intended to support in prosecution and as such obtain a conviction (Fahsing, Glomseth & Gottschalk, 2008). The purpose of police investigation is to acquire necessary evidence to serve as prerequisite for the court's determination on the question of guilt, foundation of justice system's endeavor to prevent or stop crime as well as to fulfil justifiable penalties and other sanctions provided in the law (Straffeprosessloven, 1981).

A study by the Criminal Law Reform and the Criminal Justice Policy in Scotland shows how mutual relations between both police and prosecution departments could foster communication and thus enhance trial and pre-trial processes but as yet, it is often non-existent (Dandurand, 2009). Furthermore, lack of coordination between investigators and prosecution potentially pose challenge to effectiveness in evidence collection causing eventual prosecution to suffer (UNFPA, 2013).

A study by International Justice Mission (IJM), (2010) in New Zealand established more violence against women committed than that reported to the police. As well, these crimes received the lowest rate of reporting to police authorities at seven percent a statistic whose impact affects police investigation and prosecution of offenders. The study posits how police as gatekeepers of safety and security have been accused for their inadequate response to cases of sexual violence against women. Of all the reported cases, a third of survivors reported attitude of the police towards commencement of their cases as wanting even as some police officers supposed inadequacy of evidence to merit prosecution way before pre-trial of a case.

A study to determine the effect of investigation on prosecution of sexual crimes against women by Mathews & Adams (2009) in South Africa, posits that only half of crimes reported to the police were investigated. According to the study, it is the members of police service who bear the lead responsibility of initiating investigations and at the same time prepare or take a position that would lead to the trial. This has significance on the outcome of the prosecution.

In the early 1990s, the United Nations Security Council created two ad hoc international tribunals to prosecute international crimes including mass sexual violence committed in Yugoslavia and Rwanda. The International Criminal Tribunal for the former Yugoslavia (Yugoslavia Tribunal) and the International Criminal Tribunal for Rwanda (Rwanda Tribunal) became unprecedented sources of institutional and jurisprudential innovation in the prosecution of sexual violence. According to Barad and Slattery (2008), the Democratic Republic of the Congo, Burundi, Namibia, Lesotho, and South Africa have also recently reformed their domestic penal codes to reflect new definitions of rape and other forms of sexual violence and to add new sex-related offences.

Kenyan courts have prosecution of cases that are very low and this is clearly witnessed with the very few convictions in the country. The biggest impediment to this is witnessed during the presentation of the required evidence. Notwithstanding the consequences of offenses, sexual violence cases are dismissed at police investigation stage against the best practice of at prosecution stage. As posited by International Justice Misssion (IJM, 2010) a local non-governmental organization, 60% of rape suspects in the year 2010 were arrested, 7% charged but again, only 3% of merited conviction.

The government of Kenya through a taskforce instituted police reforms to drive efficiency and effectiveness of police services to the people. This came along with creation of gender desks within police stations to address matters and sexual crimes

against women and children. However, according to a study by the Institute of Economic Affairs (Ombwori, 2009), the idea has a long way to go before it realizes efficiency and effectiveness.

Starehe Sub-County falls within the larger Nairobi County Police command Under Starehe Sub-County administration. The area hosts one of the most vibrant economic hubs being Eastleigh "Garissa" and Ngara Nyayo market. As a result, the Sub-County has a diverse and cosmopolitan population as compared to other sub counties and hence establishment of informal settlements as Mathare, Mabatini, Mlango Kubwa with social structural challenges thereof. With this population numbers, insecurity especially around the area has proved to be a handle bearing in mind the vast resources the central government pumps in to assist in fighting insecurity through its agencies and community-based initiatives such as Nyumba Kumi initiative.

Sexual crime has impacted women's and girls' lives in devastating ways. Many have experienced injuries or other health consequences, leaving some unable to work or care for their families. Women and girls also experienced profound mental trauma and anguish, describing feelings of hopelessness, self-hatred, fear and anxiety, sleeplessness, and suicidal thoughts (Annual Police Report, 2017). This trauma has been reinforced by well-founded fears that husbands, family members, and communities would reject survivors if they disclosed that they had been sexually assaulted.

As per the Police Annual Crime Report (2010), Nairobi region is the only county where increased crime was witnessed in 2010 as compared to 2009 from 3,984 criminal cases in 2009 to 5,097 criminal cases in 2010.Out of these criminal cases, 21.9% were directed against women and children. Starehe Sub-County is fundamental hub for strengthening socio economic and political opportunities for the county on basis of the large number of women involved in day to day activities in this area. This is why strong police investigation mechanisms that allow express prosecution of sexual offenses

against women is essential to foster safety and security. Socioeconomic factors are known to be key drivers. Figures produced by the Gender Violence Recovery Centre in Nairobi during the period 2011-2012 demonstrate higher prevalence in the low-income areas of Nairobi County such as Kayole, Kibera, Mwiki and Dandora (44% of all cases); with a lower prevalence in middle class areas of South B & C, Imara Daima and Kasarani (22%) and upmarket areas of Kilimani, Kileleshwa and Westlands (7%) (GVRC, 2012). Importantly, traditional cultures may permit beating a wife and condone rape within marriage; in the KDHS report cited previously, 53% of women and 44% of men believed that there were certain circumstances under which beating a wife was justifiable, a belief which became less prevalent with increased education and economic status (KNBS 2010). Therefore, cultural attitudes play an important part in the continuing problem.

Defilement is the legal term for sexual act resulting in penetration with a person under 18 years. It is subject to a punishment of life imprisonment if the child is 11 years or under. (GVRC, 2012). A survey commissioned by WHO found that in Kenya, about 31% of girls and 18% of boys had been victims of sexual violence (this definition included unwanted sexual advances amounting to touching, forced sex or attempted forced sex). In most cases the perpetrator was a boyfriend or girlfriend, sometimes a neighbor, and less often a family member. In a third of cases the perpetrator was at least 10 years older than the victim. A breakdown of types of sexual violence revealed that 9.6% of girls and 3.6% of boys had experienced pressured sex, while 7.1% of girls and 1.4% of boys had experienced completed forced sex. Thus, the prevalence of defilement according to the legal definition is still disturbingly high. (KNBS, 2012).

1.3 Statement of the Problem

Sexual crimes against women in their various forms are common amongst communities in Kenya and cuts across social class, religion, age and race. It is undisputable that sexual crimes against women are a gross violation of human rights and as such, they are legally repressible, a responsibility that rests within criminal justice system. Police as "gate keepers" to justice system have a role of ensuring zero tolerance to criminal activities with no exemption to sexual violence. This is only enforceable through proper police investigations which support the trial process as enshrined under the NPS Act (2011) subsection 'A to J' on the functions of the National Police Service. However, significant challenges remain since sexual crimes against women have consistently been on the rise in the recent past and yet there exist low prosecution rates with few recorded convictions (Kim, & Sikkink, 2010).

The 2010 Kenya Demographic Health Survey report showed that almost half (45 percent) of women aged 15-49 have experienced either physical or sexual violence. The report specifically reveals that 25 percent of women have experienced only physical violence, 7 percent have experienced only sexual violence, and 14 percent have experienced both physical and sexual violence. Kenya Police crime records for 2007 showed 1,151 cases of rape and 1,782 cases of defilement as having taken place in Kenya. The Waki Report (GoK, 2008) notes that approximately 524 or 80 percent of survivors of GBV treated at the Nairobi Women's Hospital alone suffered from rape and defilement, 65 or 10 percent from domestic violence with the remaining 10 percent from other types of physical and sexual assaults.

Police investigation on these cases is faced with shortcomings among them survivors' challenges in reporting or police inaction often occasioned by infrastructural and operational demands. More than 50% of reported sexual crimes against women are

thrown out due to lack of enough evidence thus affecting prosecution (Medicins Sans Frontiers, 2014)

1.4 Purpose of the Study

As posited by Denscombe (2002), the purpose of any research is to seek a better understanding of complex situations. The purpose of this study was to evaluate effectiveness of police investigation on sexual crimes against women in Starehe Sub-County, Nairobi County.

1.5 Objectives of the Study

The study used both the general and specific objectives.

1.5.1 General Objective

The general objective of the study was to assess the effectiveness of police investigation on the prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County.

1.5.2 Specific Objectives

The specific objectives of the study were:

i. To evaluate the effectiveness existing procedure of police investigation on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County;
ii. To explore operational factors affecting criminal investigation on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi Country;
iii. To examine legal and policy framework of police investigation on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County.

1.6 Research Questions

The study attempts to answer the following questions:

i. How does the process of police investigation affect prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County?
ii. What are operational factors that affect police investigation in prosecuting sexual crimes against women in Starehe Sub-County, Nairobi County?
iii. How does legal and policy framework of police investigation affect prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County?

1.7 Significance of the Study

Kothari (2008) posits that significance of a research study is to provide solution to various operational and planning challenges of any business or industry; it still provides the basis for formulation of policy and procedures. The outcome of this study is important not only to survivors and witnesses of violence by helping them identify the gaps that contribute or have contributed to setbacks in prosecution of their cases, the study is beneficial to the general public on how they can support law enforcement agencies in addressing sexual crimes against women and thirdly the study is of significance to the policy makers in formulating and implementing of policies that objectively address sexual crimes against women. The study is useful as it can be used tfor benchmark on matters relating to police investigation and prosecution.

1.8 Hypothesis

According to Yadav (2014), hypothesis is core to research as it performs the function of predicting the final outcome of an investigation. Essentially, hypothesis gives both direction and destination to a researcher. The following research hypotheses are tested in this study:

H_O: There is no statistically significance relationship between police investigation and prosecution of sexual crimes against women in kenya

H_A: There is a statistically significance relationship between police investigation and prosecution of sexual crimes against women in Kenya.

1.9 Scope of the Study

Scope refers to all that is covered in the research undertaking (Kothari, 2008). It outlines the extent of content addressed by the study so as to bring a clear picture and at the same time provide satisfactory answers to the research process (Obwatho, 2014). The study was limited to Kenyan citizens who live in Starehe Sub-County in Nairobi County. The study aimed to assess the effectiveness of police investigation on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County. The study was limited to three factors that are likely to determine the effectiveness of police investigation on prosecution of sexual crimes against women, in the area.

1.10 Delimitations of the Study

According to Simon (2011), delimitations in research refers to identification of the limits/ boundaries of territorial coverage during the research process. These delimitations arise from choices made by the researcher (Wiersma 1985). Specifically, the study looks at effectiveness of police investigation on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County without looking at such other purposes that police investigation may be undertaken.

In addition, the study was confined to sexual crimes against women with regard to rape, defilement and domestic violence and does not address such other forms of crimes committed against women such as female genital mutilation, forced prostitution etc. In cognizance that such crimes occur in private and entail violation of rights and fundamental freedoms. In the study, the terms ‘violence against women’ and ‘women violation’ are applied interchangeably.

1.11 Limitations of the Study

Limitation refers to the influence that cannot be controlled by the researcher. Limitations are challenges that cannot be controlled by the researcher and places restrictions on the research work (Mugenda & Mugenda, 2003). The study was likely to face a challenge of low response as majority of respondents treated police investigative procedures and matters of gender crime as sensitive and confidential in nature. The researcher informed them of the importance of the study both to their organization and the county government of Nairobi. Narrow literature existed on police investigation and its process; on the other hand, many police stations did not have fully monitored records on crimes on women specifically that may have happened.

The researcher therefore borrowed literature from other areas where such research has been conducted. Not everyone was willing to give out information freely on crimes on women due to fear of being either intimidated or due to the fear of unknown. Therefore, assurance that there was no victimization of whatever nature to the information they provided. The researcher endeavored to approach them during their flexible hours through the research assistant.

1.12 Assumptions

Assumptions are normally seen to guide the study arguments, evidence generation and guide conclusions (Leedy & Ormrod, 2010). The research was grounded on assumption that criminal cases against women in Starehe Sub-County are reported, investigated and prosecuted. Another assumption of the study was that the participants through their willingness and cooperation objectively gave true information in regard to effectiveness of police investigation on prosecution of sexual crimes against women. Finally, it is the assumption of the researcher that effectiveness of police investigation on sexual. Sexual crimes against women is linked to success on prosecution of such cases in Starehe Sub-County.

1.13 Theoretical Framework

As posited by Imenda (2014) theoretical framework is a set of constructs and variables that suffice to explain a given phenomenon. It is a set of interconnected ideas whose foundation is on theories that help the researcher to wholly comprehend the topic as a product of the public or community. This assists the researcher comprehensively concede the problem from extensive angle and not from a narrow and biased approach thus, improving objectivity (Kombo & Tromp, 2011).

1.13.1 Structural Functionalism Theory

The study is anchored on structural functionalism theory founded by Emile Durkheim in 18th century. The theory views society as a system of interdependent elements where each element performs a particular function. Elements' according to the theory refers to institutions, norms, traditions and customs. As posited by the proponents of this theory, society as a system is realized through harmonious interdependent functioning of these elements hence benefitting and actualizing the needs of the entire social system thus enabling it to hold together (Holmwood, 2019).

As explained in Structural functionalist theory the component parts of the social system in relation to this study are the law enforcement agencies, the office of public prosecutions, and civil society institutions that must work harmoniously to maintain the efficient functioning of Kenya's criminal justice system and to manage the runaway problem of sexual crimes against women. This sociological perspective recognizes equilibrium in the social system. However, where the component part fails to function efficiently, social disequilibrium sets in. In context of this study, the shortcomings of police investigation hinder effective prosecution of sexual crimes against women. This is relatively a causal factor to disequilibrium in the system putting women at a disadvantaged position.

Some of the inherent shortcoming of structural functionalist theory is that it's static and does not account for social change. It avoids the traditional logic of causal -effect principle whereby cause precedes effect. Instead, functionalism theory magnifies the effect or consequences which are the shortcomings of police investigations without giving attention to what causes such shortcomings (Holmwood, 2019).

1.13.2 Contingency Theory

This theory was founded by Lawrence and Lorsch in the 19th century. The theory posits that institutions need to adjust their structures in order to appropriately respond to their specific environments. The hypothesis of this theory suggests that environmental conditions influence the decisions to be made. This means that an institution's change should be dependent on the external environment particularly in alignment to the task such institution is confronted with - variables to such external environment being strategy, culture, organizational structure, size and technology (Wadongo & Abdel-kader, 2014).

In this study, the significance of Contingency theory is its understanding of the problems associated with implementation of police investigative mechanisms that affect prosecution. Proper adaptation by police translates to effectiveness and efficiency while failure to properly adapt renders the organization ineffective and inefficient. The correlation between the two theories is that police investigation into sexual crimes against women is a subunit of social control that affords functional prerequisite to the whole society. When this function is challenged by external demands, the institution ought to perform reorganization of resources at its disposal to stand fit and facilitate achievement of its mandate (Kucukysal & Beyhan, 2011).

1.14 Conceptual Framework

A conceptual framework denotes a common set of ideas put together and bearing a common relationship (Kothari, 2008). Jabareen (2009) defines conceptual framework as interlinked concepts that provide a complete understanding of a phenomenon or phenomena. It is a hypothesized or theorized model categorizing the model under study and the relationship between the dependent and the independent variables (American Psychological Association, 2010).

This study endeavors to evaluate the relationship between dependent and independent variables and the role of the latter in realizing prosecution of sexual crimes against women in Starehe Sub-County. The presumed relationships between the independent variables, the moderating variable and the dependent variable are presented in figure below.

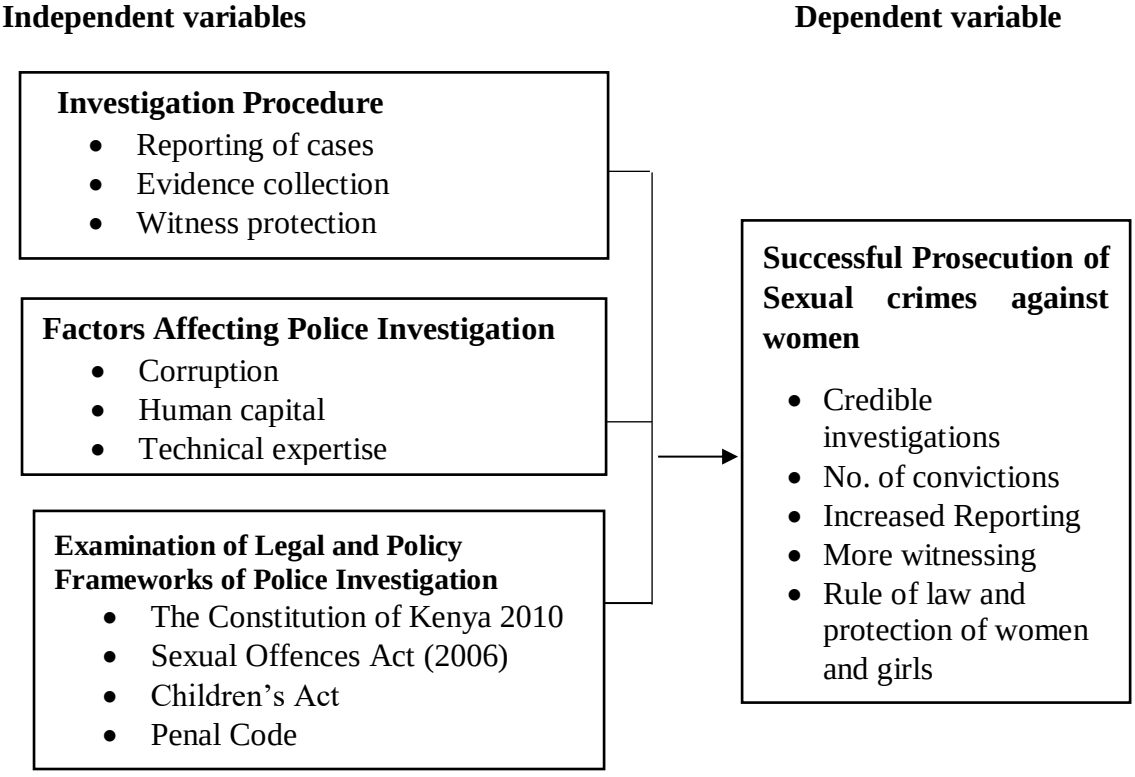


Figure 1.1: Conceptual Framework
Source: Researcher (2019).

The above conceptual Figure 1.1, illustrates a relationship between independent variables which are first, investigation procedure which includes reporting of cases, collection of evidence and protection of the witnesses, secondly the factors affecting police investigation - which include corruption, human capital and technical expertise and thirdly, the examination of legal and policy framework with how it affects the dependent variable which is prosecution of sexual crimes against women. The concept describes how the former impacts on the dependent variable.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

The chapter presents review of previous studies in an organized and meaningful referenced approach to underpin the purpose of the research. The areas of focus in review have been revised to augment the impact of effective police investigation on prosecution of cases against women in different parts of the world. All of the illustrations and information hereby used has been carefully selected from both technical and academic manuscripts, credible online materials, articles, essays and dissertations that provide evidential value to the research exercise.

The chapter presents literature on prosecution of sexual crimes against women, investigation Process, factors affecting police investigation and challenges facing police investigation.

2.2 Theoretical Review

Kothari (2008), posits that a theoretical literature is an asset of tradition that guides any research work. Theoretical literature elaborates the course of a research and firmly grounds it on theoretical constructs. The general aim of theoretical literature is to make research findings meaningful, acceptable within the theoretical constructs of such research field and ensure generalizability. Theoretical literature stimulates research while ensuring extension of knowledge and providing both direction and motivation to the inquiry.

In addition, they enhance the empiricism and rigor of a research. Thus, it is no exaggeration for Imenda (2014) to say that the theoretical literature gives life to a research. Any research without this is thus difficult for readers in ascertaining the academic position and the underlying factors to the researcher's assertions. This renders the research sloppy and not appreciable as contributing significantly to the advancement of the limits of knowledge.

The police service, being at the forefront among social institutions that is tasked with responsibility of criminal injustices against women, has a vital role in assisting

survivors of abuse in their resolve to seek redress for the abuse (Green, Krosnick, Stockton, Goodman, Corcoran, & Petty, 2001). As an institution, police not only represent implementing partners of the state policy but additionally act as an important link to both prosecution process and provision of services to survivors in a community.

According to UN Special Rapporteur on Violence against Women (2013), prosecution as a state function is intended to ensure fair and effective response to sexual crimes against women. This often goes along with ensuring victims safety and offender accountability. Prosecution factors in timeliness in redress, avoidance of re-victimization and enforcement of legal remedies including appropriate punishment for the perpetrators. Failure to explicitly prosecute sexual crimes against women has been compounded with authority's failure to publicly document these crimes. For whatsoever reason, such lack of documentation has created a notion that sexual crimes against women are less important from other crimes.

Different theories have been used to explain criminality and its causation. The principle applied by Locard'- called the Locard's principle (1910) applies that any criminal who comes into contact with any object or person always affects cross transfer of evidence which makes it possible for investigation to connect the criminal with the crime. This forms the main basis of sexual crimes against women as investigations are subjected to extensive process of legal scrutiny and it is the mandate of the prosecution to proof beyond any reasonable doubt that the suspect has committed the offence (International Federation for Protection Officers –IFPO-, 2005).

There have been inconsistencies on the police's manner of approach when handling cases of sexual crimes against women as some fail to order an inquiry, failure to take in First Information Report while others impose moral guardianship on the survivors. This amounts to obstruction on the path of justice which is contrasts the scope of their mandate (Verma, 2010). In most of developed and developing countries, problem of

sexual crimes against women has been rising forthwith both to older women and young girls. However, delayed judicial processes, lack of independent and competent prosecutors, lack of integrity in the judiciary, lack of strong witness programs as well as impunity by law enforcement agencies have hugely contributed to the rise of violation against women (Verma, 2010).

According to United Nations Office on Drug Control, (2014) through a framework on effective prosecution of women violence, success of criminal justice interventions is more fruitful when integrated with other legal interventions. In this view, coordination between agencies within the justice system such as police and prosecution - with those outside the system such as community health service providers and civil society is central. Though the coordination may take such form as structured or informal, the underpinning objective is to have participants develop a shared framework on sexual crimes against women and understand each other's roles in response to such crimes.

According to a study by Rand Corporation (2014), in Denmark victims of sexual violence are unlikely to find redress within criminal justice system because of attrition. This is because minority of victims lay complaint with the police but only a small percentage of those cases end up with a conviction. Depending on laws and regulations of individual countries, few prosecutors have direct control of investigatory resources and as a result they rely on police investigators to collect evidence and any other material fact required for prosecution process.

With the recent reform in sexual violence laws under the influence of security sector reform program, there has been a complimenting increase in prosecution. However, this has not translated to effective prosecution in national courts as significant challenges still remain. In a study by Mischkowski and Mlinarevic (2009) on sexual crimes against women at war crimes chamber in Bosnia, penal code appeared too limited to prosecute sexual offences. This was partly because of evidentiary rules failing to

address core issues, and partly failure by prosecutors to consistently pursue the strategy of addressing sexual crimes against women. Non-adherence to scientific models of evidence collection has been a setback to effective investigation of sexual crimes against women. In strive to strengthen police investigations on sexual crimes against women; International Association of Chiefs of Police (IACP) released sexual assault guideline for officers on the ground to comply with while attending sexual crimes against women cases (IACP, 2015).

In Kenya, the greatest obstacle to successful prosecution of sexual crimes against women is difficulty in presenting sufficient evidence notwithstanding inadequacy of officers to satisfactorily collect and preserve and present physical evidence without compromising its integrity. Moreover, with the requirement for medical evidence, the establishment has only one designated police doctor with a considerable large population to serve. As a result, the few cases that proceed often risk dismissal due to failure by police doctor to avail and give his experts testimony in court (Ajema, et.al 2015).

Grant & Osanloo (2014) contends that a number of criminal offenses against women have increased dramatically in recent years across the globe. This means there is a challenge of keeping up with the theoretical literature on one of the most compelling social problems. Having literature that gives the basis under which such acts happen is important as it would practically save on time, money and effort devoted in enhancing a social scientific understanding of various ways in which women are violently assaulted.

The Theory of Change for example is aimed at ending sexual crimes against women. It provides a basis for eradicating violence against women (LoBiondo-Wood, & Haber, 2010). It is not meant to be prescriptive, but to map the multiple pathways to tackling violence against women and provide an understanding on how to come up with

programs that can assist develop their own change. As guided by Sub-County gender team of 2011, experienced actors tasked with delivery of programs and services addressing violence against women include; donor agencies, defenders of women human rights, organizations addressing women's rights as well as other civil society organizations.

2.3 Empirical Review

Empirical review refers to techniques involved in acquiring information through direct and indirect observations. The method of information acquisition here demands evidence where a person's observation is quantitatively or qualitatively analyzed. This analysis is normally supported by answers to the research questions posed by the researcher.

2.3.1 Procedures of Police Investigation on prosecution of Sexual crimes against women

Criminal investigation is a systematic procedure of identification, collecting, safeguarding as well as analysis of information for the purpose of bringing the criminal to justice. It involves examining criminal violation committed by individual persons. Properly done criminal investigation helps in building up vital case and ultimately safeguards proof or lead to the desired objective which is prosecution (Gilbert, 2012). In this research study, the focus is on the approaches used by police in building a case file.

As controlling crime is among the tasks of any established democracy, it must occur within the confines of the law to receive response of criminal justice system. It is in this sense that a victim's decision to report victimization to police is significant so as to bring the offence to the attention of criminal justice system. Most often, reporting of criminal occurrences takes place at a police station in person. Nevertheless, this does not rule out the possibility to notifying the police by any other means such as through a phone call or hotlines provided. With modern day technology use of internet has been handy in reporting crime.

Moreover, much of criminal victimization on women goes unreported to the police and, consequently, offenders end up scot-free. For example, only half of all incidents of six types of crime in 17 developed countries are reported to the police (Bouten, Goudriaan, & Nieuwbeerta, 2002). Therefore, it is important to understand circumstances under which victims reports (or fail to) for it is on this premise there is generation and execution of crime control strategies.

Economic model as explained by Black (2010) is a cost-benefit approach used to explain reporting behavior in USA. The approach uses rational choice and social exchange theories which explain how rewards and costs drive decisions. Costs are the elements that have negative value to a person. Reporting of crime in this case would be considered as a time-wasting process as it is time consuming. Rewards are the elements that have a positive value and, in this case, they would include finding redress for the offense. Sociological model is as well used to explain crime reporting. In reference to Kimenju, (2015) in her study in Kenya, sociological model contends that behaviors are embedded on social structural functions of the society in which the victim and offender reside. This includes norms binding a society, culture, beliefs and values. As posited by Black (2010), communities with a high degree of stratification have consistent application of rule of law and thus more crimes are reported to police authorities.

Mushanga (1976) in a study conducted in South Africa posits how crime typologies inform reporting trends. According to the study, some crimes are more easily reported than others. For instance, crimes such as murder are less likely to go unreported in contrast to crimes as rape or defilement which has less chances of being reported on basis of socio-stigma and condemnation associated with them. The Organization of Financial Undertakings (2009) asserts of the myriad of setbacks police officers have had to undergo while performing duty. Lack of facilities; from where they can talk with women victims or witnesses and observe confidentiality while interrogating them is a

huge challenge. This would go a long way in guaranteeing security of victims during either reporting or interrogation. This and other factors have made police to deal with sexual crimes against women cases simply like other conventional cases which in return has informed mistrust and lack of confidence between the citizens and the police.

Addressing crimes such as rape, domestic violence and defilement, scientific collection of evidence provides a proof through trace evidence which must as well be preserved for use in trial. Successful prosecution therefore is informed by properly seized and preserved evidence that has been subjected to analysis in a criminal laboratory. It is thus essential for police to discover and adhere to procedures, policies and guidelines which must be followed in order for evidence to be allowed in court, (Davis 2017).

There are two separate structures used to validate women sexual violation cases in Kenya. Firstly, there is Kenya Police Medical Examination form - commonly referred to as P3 form, which is an authoritative record, found in police stations that specialists fill while conducting examinations on an offence to victim’s so as to later demonstrate, validate, or even oppose a supposed assault. It isn't explicit to sexual assaults. The other version is the "Post Assault Care" document, or "PRC 1," which allows Kenyan social insurance suppliers the chance to record subtleties pertinent to a sexual assault when an affected person approaches for investigations. The inability of police investigators to produce proper filled documentation in a legal proceeding is a recipe for inadequate evidence (League of Ladies Attorneys, 2010).

According to Kiprono, Ngetich, & Mwangi (2015), the success of investigation and prosecution of offenses, grave or not, is dependent on information and testimony of the witnesses. Therefore, witnesses are the cornerstone to a successful national criminal justice system. Prosecution depends on reliable witnesses- whose testimony can be accepted as truthful, accurate and complete.

Article 14 of International Criminal Tribunal of former Yugoslavia (ICTY) statute and Article 15 of International Criminal Tribunal for Rwanda (ICTR) statute instructs judges to adopt rules of procedure and evidence with consideration to protection of victims and witnesses. In reference to the victims of crimes, Article 21 and 22 of ICTR and ICTY provide for protective measures which include and not limited to carrying out of in-camera proceedings and protection of victim's actual identity (Carey, Dunlap, & Pritchard, 2003).

Recalling of witnesses and their ability to recount relevant information may be affected by such factors as age (for both child and elderly witnesses), language, impairment either physical or intellectual, and their relationship with the offender, their involvement in the case cum offence or as a result of trauma suffered as a victim (Brimacombe, Quinton, Nance, & Garrioch, 1997).

Additionally, the needs and rights of victims ought to be addressed to ensure that they are handled with care and respect, minimizing on the chances of re-victimization. It is a best practice for criminal justice system to provide assistance and support programs to victims and witnesses in order to facilitate their ability to participate in such criminal proceedings and give the kind of testimony that is required for the maintenance of the rule of law (Kiprono et al., 2015). It is on this premise that this research intended to examine the procedures of Police Investigation on Prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County.

2.3.2 Factors Affecting Police Investigation on Prosecution of Sexual crimes against women

A study to assess on factors effecting police effectiveness in Thailand by Tengpongsthorn (2017), the success of any organization heavily relies on effectiveness of its personnel. Appropriate work procedures and support services increase work

effectiveness leading to sustainable development. In contrast, lack of mechanisms in place that support the nature of work renders workers ineffective, apathetic and demoralized hence unable to achieve the desired objectives at work. Police service is among the institutions significant to socio-economic development as they bear the function and responsibility of maintaining law and order, safety and security of its citizens and their assets as well as maintaining peace. The mandate and the functionality of police services is often enshrined in the constitutions of individual states. Subsequent policy frameworks are provided with the aim of governing operational needs of the institution (Tengpongsthorn, 2017).

Institutions share a culture which is defined as a shared system of beliefs, attitudes and sentiments held by a particular group. There is a culture that binds the police together and it cuts across the whole nation. As a result, citizens will either have a positive or a negative attitude towards the police depending on its culture. According to Kimani (2007) achievements made throughout the continent to address violence against women continued to be hampered by the absence of effective mechanisms to tame the vice. For instance if the institution is perceived to have a culture of corruption then most people will develop a negative attitude towards them which will affect the patterns of reporting crime. Kenya Police has been ranked as the most bribery prone institution in Kenya among other East African countries.

As posited by East African Bribery Index launched by Transparency International, the police is the most bribed institution in Kenya, Uganda and Tanzania. Ninety three percent of Kenyans surveyed in the report indicated that they would not report bribery incidents with 17% indicating they do not know where to report. Majority by 36% of the respondents in Kenya and Tanzania said they pay bribes to hasten up services while 26% said it was the only option to receive services from the police. According to the study, 82% of respondents described the rate of corruption in their individual countries

as rampant but with a lead by Kenya, Tanzania and Uganda in that order. According to the study, the average amount of bribe in Kenya was Kshs, 2000 for officers to action on your reported matter. This influences reporting behaviour as most people will prefer not to report. It is thus more expensive to report a crime to the police considering one will have to part with some money to have their cases looked into (Transparency International, 2014).

In-efficiency of Law Enforcement Agencies is not a new phenomenon in many countries. Especially in the third world, investigating agencies have inadequate qualified officers to detect criminal incidences (Murray, 1997). According to Kimani (2007) achievements made throughout the continent to address violence against women continued to be hampered by the absence of effective mechanisms to tame the vice. There is limited technical capacity by law enforcement agencies based on social-cultural issues that obstruct the maximum mitigation of women violation. According to UNIFEM (2005) the challenges as lack of funds for training, operational and logistical demands, equipment such as the computers, printers and furniture affect the effectiveness in the process of police investigation.

Report from the Policy Brief Forum against the GBV (2012) demonstrates on how police officers deployed to attend crimes and violations against women cases are at the same time deployed for other police duties. This hampers effectiveness of gender desks. There are reports of women victims who had to wait for long periods to register their cases and when they did, there were no available resources to assist in the arrest of the culprits. The Sexual Offenses Act Implementation Workshop (2011) posits lack of adequate training and preparedness among security personnel and this may result to collection of weak evidence, poor exhibit storage, display and transmission of legal proof during statement taking.

There exists a strong relationship between lack of human, financial and technical resources and poor investigation of sexual crimes against women. There is lack in equipment to carry out thorough investigations as well as lack of specialized personnel to conduct in-depth investigation on sexual crimes against women. As posited by Taus, (2014), lack of financial and technical resources to conduct effective investigations is critical in marginalized and poverty stricken areas. As a result, there lacks scientific evidence to prosecute sexual crimes against women as majority relies on testimony. The shortcoming of both physical and scientific evidence to collaborate testimony compromises investigation process effectiveness.

Inadequacy in training and expertise on forensics affects efficient scientific proof in criminal proceedings. Moreover, within the police service, there are gaps and deficiencies in initial recording and processing of information regarding sexual crimes against women. Compounding of these gaps makes it even hard to realize actual statistics of violence against women (Taus 2014). This study therefore intends to examine factors affecting Police Investigation on Prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County.

2.3.3 Legal and Policy Framework of Police Investigation on Prosecution of Sexual crimes against women

Police institution is one of the primary agencies responsible for the safety and security of the public in general and more particularly women and children against infringement of their rights and fundamental freedoms by perpetrators of violent crime. Some scholars describe how legislation developed with the intention of ensuring safety of women has been ineffective as survivors have not been made aware of its existence and those who seek legal redress, the justice system, through the officials has turned out to be an avenue for torture by virtue of secondary victimization (Brown, 2000).

With significant variations amongst nation states, sexual crimes against women are addressed by international humanitarian and human rights law. As well, various international and regional instruments and declarations recognize sexual crimes against women as a form of discrimination and violation of women's rights and freedoms. This acknowledgement and prohibition through international, regional treaties and declarations serves as an indicator of consensus by the international community about their commitment in prohibiting violation against women (UNGA, 2006).

In USA, legal and policy framework was embraced through Inter-American Convention on Prevention, Punishment and Eradication of Violence against Women (I-ACPPE). This convention works under instruction from member states to prevent, investigate and enact penalties for sexual crimes against women. Additionally, the South Asia Association for regional cooperation has also adopted a convention on preventing and combating sexual crimes against women by ensuring effectiveness in investigation and prosecution of such crimes of women violation (UN, 2009). Despite the prevalence of sexual crimes against women, significant number of countries in African do not have adequate legislative framework that addresses such crimes. However, there have been widespread campaigns through civil society groups but no consensuses have been arrived at. Such public awareness continues to drive the efforts on addressing women violence but it demonstrates absolute lack of respect for women by the governments (Mulama, 2007).

'Women and children undergo serious social and cultural barriers while seeking legal redress. More often, women are reluctant to use legal remedies [for reasons such as:] they do not believe that they are entitled to protection … they are afraid of additional violence from the perpetrator … they are pressured to avoid bringing "shame" upon their family, or … [where the perpetrator is a family member,] jailing the perpetrator [may] cut off the family's economic support. Support for new laws has often been low

among the police, the judiciary and the general public, especially when laws counter long-standing traditions of discrimination against women. Law enforcement institutions often simply refuse to enforce the law.'

The promulgation of Kenya's Constitution (2010) marked a transition to an era of constitutionalism characterized by good governance premised on democratic principles, public participation, equity and equality as well as shinning hope on absolute application of the rule of law. Under chapter Four of Kenya's constitution is an expansive bill of rights which guarantees equality and non-discrimination with a bearing on protection of human rights and fundamental freedoms.

Under article 19 (2), the Kenya's Constitution (2010) commits to preserving the dignity of individuals and communities through promoting social justice practices. Moreover, the constitution imposes duty on the state and all government organs to observe, respect, protect promote and fulfil the rights and fundamental freedoms as enshrined under the bill of rights. Article 10(2) (b) sets out the national values which founded on the principles of governance which include among others human rights, non-discrimination as well as protection. Significant are Articles 2 (5) and (6) which emphasizes on embrace for treaties and conventions ratified by Kenya under the international laws. Notable is Article 21(4) which obliges the state to enact and implement legislations aligned to International obligations in respect to human rights and fundamental freedoms.

In a nutshell, the Constitution of Kenya (2010) provides security and protection from all forms of violence against its citizens. Women included, people are protected from violence of any kind. In contrast, since sexual crimes against women are premised on socio-cultural structures, the constitution remains silent on mechanisms that should address such a culture neither does it provide avenues of educating and sensitizing its people on shunning such a culture that perpetuate women violation (Constitution of Kenya,2010).

Sexual Offences Act of 2006 legislative framework was enacted in response to curb sexual violence against women. The objective of the act was and still remains to make sure that all persons women included are protected from such unlawful sexual acts. Though the acts covers a vast scope of sexual related offences from defilement, rape -both actualized and attempted child prostitution and trafficking among others, it has left out such aspect as marital rape which is a window to violence against women.

The definition of "sexual assault" as lately included in the Sexual Offences Act suffers from unwarranted restriction. An individual is guilty of "sexual assault" in Kenya if he or she unlawfully "(a) penetrates the genital organs of another person with (i) any part of the body of another or that person; or (ii) an object manipulated by another or that person except where such penetration is carried out for proper and professional hygienic or medical purposes; (b) manipulates any part of his or her body or the body of another person so as to cause penetration of the genital organ by any part of the other person's body." Because the offense of "rape" under Kenyan law includes only penetration with the sexual organ, all other forms of penetration are considered to constitute "sexual assault." This approach leaves a wide array of unwanted conduct unaccounted for under law, leaving the victims of sexual violence that does not involve penetration without any legal remedy.

Sexual Offences Act of 2006 contains a "rape shield provision", which states that "[no] evidence as to any previous sexual experience or conduct of any person against or in connection with whom any offence of a sexual nature is alleged to have been committed, other than evidence relating to sexual experience or conduct in respect of the offence which is being tried, shall be adduced, and no question regarding such sexual conduct shall be put to such person, the accused or any other witness at the proceedings pending before a court" unless the court has granted leave "to adduce such evidence or to put such questions." Furthermore, the enactment of this act has not been matched

with sufficient training to police officers who are the primary custodians of enforcement as well as other officials under the criminal justice system prosecutors included. Unlike the penal code that offered magistrates to effect longer sentences, the act provides for minimum sentence. (Sexual Offences Act, 2006).

Under Article 250 and 251, Penal Code addresses such sexual crimes as informed in this study as sexual assault. This inadequacy presents a challenge in addressing violence against women which is prevalent in Kenyan society taking such other forms as articulated in Sexual Offences Act (2006). The criminal procedure code stipulates that suspects should be presented before court within 24 hours from the time of arrest. This has been a setback to the police investigators as they tend to have inadequate time to carry out quality investigations that can secure a conviction. The right to bail has offered an avenue for serious offenders to jump bail and disappear hence denying justice to afflicted parties even as arrest warrants issued by the court are rarely affected. The right on acquisition of search and arrest warrants has on the other hand enabled flight and loss of valuable evidence since acquisition of the same cannot be procured without a considerable amount of delay.

The Children's Act (2001) on the other hand makes provisions that safeguard the rights and welfare of children. The Act specifies that all undertakings done on behalf of children ought to be in the best interest of the child. Therefore, any violation meted against children does not constitute best interest of the child. Section 13 of the Act guarantees children (both girls and boys) right to protection from physical and psychological abuse, neglect and any other form of exploitation including sale, trafficking or abduction. Under section 14, children are protected from socio cultural traditions and practices which are harmful to the child's development and well-being.

The Act still explicitly outlaws sexual exploitation of children as well as actions that render children to torture, cruel or inhuman treatment such as unwarranted

circumcision or child marriages. In absence of a physical birth certificate to prove the age of the offender, the same ought to be presented before a dentist for examination where age will be determined through examination of the teeth. This is an inaccurate approach of determining one's age considering the fact that one's age informs on the kind of sentence that court will pass (Kiprono et al., 2015).

Despite the law being a step in the right direction, its implementation has been far less successful. Having a legislation that appears good on paper is not sufficient in bringing about change of approach without social- political initiatives designed to implement such legislation. Addressing the shortcomings of a legal system to effectively investigate, prosecute and charge claims of women violence - whether rape, defilement, domestic violence, or in any other form - demands action on numerous fronts. Apart from legislation and programs designed to address sexual crimes against women, there exists other inconsistencies aligned to judicial actions. Women are as well not aware of their rights and as such, enforcing such rights is a challenge. Attempts to formulate gender sensitive legislation has received inadequate support as premised on traditional cultures and practices as well as a male-dominated parliament which is gender insensitive and un-responsive (NGEC (2010).

When people are not alive to their rights, injustices thrive. More often, women become the principal victims as they are more vulnerable to violation by men. It is through realization of laws and the objectives served by them that citizens, particularly marginalized or underprivileged groups, can actualize the benefits that law seeks to offer them (Deche, Kinyanjui, & Mwaura, 2007). Taking into consideration the present scenario, matters of women empowerment and making them aware of their rights, which they can apply to fight injustices, become a distant dream in the absence of legal literacy. Lack of awareness and education form part for cause of violence meted out to the marginalized populations, especially women (Pranis, 2001).

2.4 Summary of Reviewed Literature

In this part, review of literature reveals that prosecution of sexual crimes against women is a complex issue. The process requires more technical and professional knowledge of the same for this to succeed (Lupig, 2009). It is thus significant to observe that investigators collect such relevant key evidence required to establish the elements of the crimes allegedly committed as well as establish modes of liability of such crimes. For this purpose, it is paramount for investigators to routinely collect evidence on each of the crimes committed, and from all categories of witnesses. It is important to observe ideal selections, precisely focusing on the correct factual incident(s) or context(s) on which to focus investigations i.e. identifying those most responsible, and the ideal witnesses to interview. Witness selection entails prior analysis of available information regarding that witness (Lupig, 2009).

Considerations to effective police investigation are multifold. Absence of effective linkages between providers of medical care and the legal system agencies; structural and resource limitations in the justice system i.e. poor coordination between investigators and prosecutors and the consequent weakness of evidence or indictment as well as insensitive trial procedures that compound victim's trauma. Other than victims'-oriented shortcomings, investigators and prosecutors encounter specific challenges when moving cases of women violation through the legal system. Fact-finding is fashioned with challenges even in the most straightforward cases. Thus, the realization of justice for women victims of sexual violence both in international and domestic contexts requires discrete innovation as well as the long-term commitment of resources and attention in a multi-agency setting (Seelinger , Silverberg, & Mejia, 2011).

The conceptual definitions, distinctiveness and salient characteristic of the vice brings more confusion. Since the 2007 post-election violence, criminal activities against women have systematically gone up even as majority of such crimes go unreported as

they are either regularized or settled outside criminal justice system a problem that is accelerated by cultural and institutional interferences (Kenya National Bureau of Statistics, Survey Report KDHS, 2014).

2.5 Research Gap

Across the world, sexual crimes against women are a problem especially affecting developing countries. This has often been occasioned by instabilities in the core spheres of life as social, economic and political structures which have overtime attracted attention of the international system. There is fundamental evidence which shows that differentiation of gender concept puts women at a more vulnerable position than men when it comes to violation of rights and fundamental freedoms (IRMSc, 2013; Cook, 2012).

Investigating sexual crimes against women in Kenya have had its challenges since the 2007 post-election violence. Criminal activities on women have systematically gone up rapidly with statistics showing 98% of the perpetrators to have been men (GVRC 2009). Studies from other scholars indicate that 45% of women between the ages of 15-49 years have at some stage been victims of crime. Most crimes on women in the country go unreported as they are either regularized or settled outside criminal justice system a problem that is accelerated by cultural and institutional interferences (Kenya National Bureau of Statistics, Survey Report KDHS, 2014). Kenya requires both state and non-state players to have substantially contributed in formulation of legislative frameworks that protects and prosecutes offenders against women.

To impact on police investigation, much has not been done in reviewing and reforming inconsistencies in policy and coordination amongst agencies, stakeholders and resource allocation (National Gender and Equality Commission, NGEC, 2017). It is valuable to consider how previous mechanisms employed by Kenyan government to enforce and administer law and justice took a more aggressive form that was informed

by policies on securitization - model that has failed to focus on effective investigative mechanisms (National Crime Research Center Survey, 2017). This therefore leads to the important question on the study. How effective is Police Investigation on Prosecution of Sexual crimes against women in Starehe Sub-County, Nairobi County?

CHAPTER THREE

RESEARCH DESIGN AND METHODOLOGY

3.1 Introduction

The chapter discusses the main methodology of the study. The chapter begun with a description of the research design followed by the locality, target population, the sample and sampling procedures. Finally, it describes data collection tools, procedures, analysis and presentation.

3.2 Research design

Research design refers to the organization of the research study. It involves how data analysis will be done, and aims to include relevance to the research objective (Kothari, 2008). This study used descriptive survey design; the design was important as it helped the researcher determine the extent to which each independent variable relates with the dependent variable (Mugenda & Mugenda, 2003). In addition, correlation research enabled the researcher to describe and to predict the extent to which independent variables relate to the dependent variable. Descriptive survey was appropriate for this study as data collected used interviews and questionnaires to gauge the opinions of respondents about community-based policing which is a social issue.

3.3 Research Site

According to Kothari (2008), research site involves physically moving to a particular place to gather information related to that area of study. In this case, the study was carried out in Starehe Sub-County, Nairobi County. The study focused on police officers, Judiciary officers, witnesses/victims of gender crimes and representatives from the office of public prosecutions. Secondary data was collected from similar case related legislative provisions and reports from the police desk, judiciary, civil societies and Sexual and Gender Based Recovery Centre at county and national level. The scope was considered appropriate and sufficient because most of these institutions are in direct

contact with investigating and prosecuting authorities of sexual crimes against women. Again, Starehe County has been greatly affected by sexual crimes against women of late; such crimes as the one on stripping and raping of young ladies by Matatu Crew within the area has been on the rise. The area was therefore considered sufficient because all the above target population were well represented within the area of study.

3.4 Target Population

The target population is the entire group of individuals on which the research would like to generalize the study findings (Mugenda & Mugenda, 2008). In the study, target population comprised of members of police service, Judiciary, personnel from directorate of public prosecution, members of civil society and victims or witnesses of women violence within Starehe Sub County, Nairobi County. According to available records, Starehe Sub County, has 785 police officers responsible for fighting crime in the area. Table 3.1 shows different cadres of people who were used as target population.

Table 3.1: Target Population

Rank	**population**	**Percent**
Inspector	79	10.0
Sergeant	151	19.2
Corporal	243	31.1
Constable	312	39.7
Total	**785**	**100**

Source: Researcher (2018).

Rank	Population	Technique
Civil Society	4	Identified
DPP	3	Identified
Health Workers	5	Identified
Survivors	6	Identified
Witnesses	10	Identified

Source: Researcher (2018).

3.5 Sampling Procedure and Sample Size

3.5.1 Sampling Procedure

According to Mugenda and Mugenda (2008) sampling technique refers to a method of selection of individuals, objects or items of homogenous characteristics from a larger population. The researcher gathers information from the sampled respondents, analyses it and the findings generalized or extended to the entire population. This study adopted for proportionate stratified random sampling to draw a sample of respondents from the members of police service deemed to have relevant information regarding police investigation of sexual crimes against women. This methodology was considered as it enhances the quality of research and at the same time it was time effective for the researcher.

3.5.2 Sample Size

This is referred to as the number of elements which are incorporated in a particular study. It is described as a small number of elements from the target population in which a researcher can use purposely for the study (Mansfield, 1983). For this particular study the sample size was a section of the members of police service, office of director of public prosecution, members of civil society and victims or witnesses of women violence. This was because they were the best suited section of population. The accuracy

of the results dictated the level of generalization applied so as to demonstrate the whole target population (Kothari, 2004). The sample size was then arrived at using the following Slovin's formula.

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

Where:

n = minimum sample size

N = Population

E = precision set at 95% (5% = 0.05)

Hence; n =785/1+ (785x0.0025)

n = 265.

Table 3. 2: Sample Size

Rank	**population**	**Sample Size**	**Percent**
Inspector	79	27	10.0
Sergeant	151	51	19.2
Corporal	243	82	31.1
Constable	312	105	39.7
Total	**785**	**265**	**100**

Rank	**Population**	**Sample Size**	**Sampling/Technique**
Civil Society	4	1	Purposive
DPP	3	1	Purposive
Health Workers	5	1	Purposive
Survivors	6	1	Purposive
Witnesses	10	1	Purposive

Source: Researcher (2018).

3.6 Data Collection Instruments and Procedure

3.6.1 Questionnaire

This is a tool of data collection that the researcher will use during the data collection process. Questionnaires comprising of both open-ended and closed-ended questions will be administered to members of police service, DPP and judiciary respectively. They were distributed effectively by hand to the selected sample where they were filled and handed back to the researcher to ensure high response rate. The questionnaires contained similar items for all respondents to ensure consistency.

3.6.2 Key Informant Interview

The researcher conducted interviews on selected key respondents sampled from both governmental and non-governmental organizations on basis of their role in both police investigation, and prosecution on sexual crimes against women. The researcher used purposive sampling technique on key informants who included a member each from the office of DPP, civil society group, health workers and victims and or witnesses of women violence. This was on basis that the technique is ideal when the researcher purposes to pick up subjects for the study who meet a defined criterion. Interviews were arranged at convenience of the respondents and responses recorded. Interview guide was prepared to enhance interview sessions. Later during data coding, telephone interviews were used to make clarifications from these key informants.

3.6.3 Pilot Testing of Research Instruments

According to David and Sutton (2011), piloting involves pretesting of research instruments for purposes of identifying weaknesses with data collection instruments. This is a study done before conducting the larger study. It was achieved by identifying a small set of participants with similar characteristics as those with members of population from which the full study was taken. The purpose of a pilot study was to detect any existing problems with the aim of correcting them before undertaking the main study.

A pilot test was done in Central Sub-County in Nairobi County to identify the weaknesses in design. The pilot test was conducted on thirteen (13) respondents to determine the accuracy of the questionnaire. The study assumed that the rule of thumb at 5% of the sample size consisted of pilot test (Cooper & Schindler, 2010). The outcome of pilot test was shared with researcher's supervisor to identify and therefore rectify inconsistencies

3.6.4 Reliability of the Research Instruments

Mugenda and Mugenda (2003) define reliability as a measure of the degree to which a research instrument brings consistent results after repeated trials. To ensure reliability, the instrument was pretested (piloted) in a small sample to determine the soundness, accuracy, clarity and suitability of the research instruments before the final field survey was carried out. Necessary adjustments were made for the final survey process to further ensure data reliability. Respondents from Starehe Sub-County, Nairobi County who were not part of the sample size were only issued with questionnaires. The same questionnaire was administered again after 1 week to the same people to test their consistency.

In this study, the researcher carried out a pilot study of 5% the target population which is 13 samples. Changes were made on the type of questions on the questionnaire and language used during interviews. From this process questions that were irrelevant or ambiguous were either deleted or restructured with the help of a statistician.

3.6.5 Validity of the Research Findings

Validity is the precision of the research instrument based on the research outcome Mugenda and Mugenda, (2003). Validity is defined in reference to correctness, appropriateness, meaningfulness and usefulness of specific inferences as made by the researcher. To ensure validity, the researcher used universally accepted sampling methodology with emphasis on proper sampling for unbiased representation and proper data management techniques.

For validity to prevail, necessary adjustments were emphasized to the research instrument. This was aimed at making sure that research instrument contains accurate questions and that they were in a logical format; it still ensured that only right responses were adapted. To measure what was intended on the study, the researcher shared the instrument with the supervisors who were experts in the subject matter for further instruction. The researcher sampled and interviewed respondents from Starehe Sub-County, Nairobi County who were among the target population but not sampled.

3.7 Data Analysis and Presentation

Data analysis is the process of collecting, modelling and transformation data with the goal of highlighting useful information, suggesting conditions and supporting decision making, hence, preparing crude data into interpretable designs (Kothari, 2004). Raw data was summarized in a report that provided a descriptive analysis of variables. Descriptive statistics was preferred because data collected for analysis was quantitative in nature. Data analysis was done as per specific objectives via the use of Statistical Package for Social Sciences (SPSS). The information obtained was presented numerically on frequency graphs, tables and charts for easy understanding. This allowed easy interpretation of the findings generated and in making recommendations from those findings. Qualitative responses were analyzed and results harmonized with those of the descriptive aspects. Content analysis was as well used to analyze qualitative data.

3.8 Legal and Ethical Considerations

According to Devos (2003) ethics are arrangements of qualities and standards that are generally acknowledged. These qualities are meant to guide the behavioral assumptions with respect to testing subjects. The legal and ethical aspect of the study was achieved by obtaining a consent letter from National Commission for Science, Technology and Innovation (NACOSTI) and a letter of introduction from Africa Nazarene University as a request for permission and authority to conduct the study.

The following were additionally observed; Permission was sought from the various state departments making up the sample size. Additionally, a cover letter was used to introduce the research, its purpose plus the researcher, the respondents were made aware that their participation was on freewill and informed consent, thirdly, the researcher adhered to measures that guarantee privacy, anonymity and confidentiality as well as acknowledge any causal factor to breach of any such guarantees and lastly the researcher acknowledged all sources of materials of the study as a standard against plagiarism. The questionnaires were distributed directly to the respondents in their respective duty stations and collected at a specified date and time.

CHAPTER FOUR

RESULTS AND ANALYSIS

4.1 Introduction

This chapter presents the analysis and findings in regard to the objectives of this study and discussions of the findings. The main purpose of this research was to evaluate the effectiveness of police investigation on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County.

4.2 Presentation of Findings

The study was guided by the following specific objectives: to evaluate the existing procedure of criminal investigation on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County; to explore the factors affecting criminal investigation on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County and to examine the legal and policy framework of police investigation on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County. To collect data, the study used questionnaires and face to face interviews. Later, during the data coding, telephone interviews were used to make clarifications from key informants. The findings were presented in percentages, frequencies, mean, standard deviations, pie charts and tables.

4.3 Response Rate

Out of the 265 questionnaires given out, 233 were returned duly filled and merited inclusion in the study. Out of 265 questionnaires, 32 were considered spoilt on account of unanswered questions.

From the results as presented in Table 4.1, 265 questionnaires were administered to the respondents out of which 233 merited inclusion in the study accounting for a response rate of 87.9% which was considered adequate for analysis. According to Mugenda and Mugenda (2003) a response rate of 50% is adequate for a study, 60% is

good and 70% is very good and therefore, a response rate of 87.9% was considered to be very good for this study. Completed questionnaires were then edited for completeness and consistency.

Table 4.1 Response Rate

Response Rate	Frequency	Percent (%)
Returned	233	87.9
Spoilt	32	12.1
Total	**265**	**100**

Source (Field Findings, 2019)

4.4 Demographic Characteristics of Respondents

Demographic characteristics refer to statistical data of a population. In this study demographic characteristics include age, gender, years of service, rank in police service and level of education.

4.4.1 Distribution of Respondents by Gender

The study sought to find out the gender of each respondent with an assumption that gender variation has an influence on the findings. More than two thirds (79%) representing 184 participants were male whereas (21%) or 49 participants were females. This means that more male police officers were involved in the study as compared to their female counterparts possibly because there are more male police officers serving in the police service.

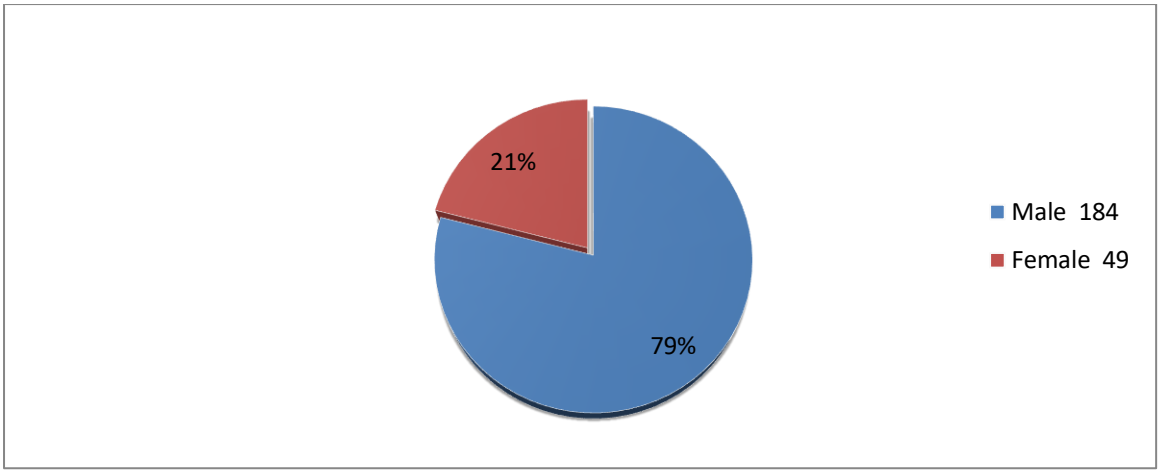


Figure 4.1 Distribution of respondents by Gender

Source (Field Findings, 2019)

4.4.2 Distribution of Respondents by Age

The study sought to establish the age bracket of the respondents on opinion that age is fundamental as it determines exposure and experience. As presented in Figure 4.2, Majority (42%), aged between 31-40 years, followed by 28% aged between 21-30 years followed by those below 20 years by 13 %; this was then followed by 41-50 years represented by 10% and then above 50 years represented by 7%. According to the study, 42% who were majority of the respondents were above 31 years which implying they had a cumulative exposure and experience on sexual crimes against women.

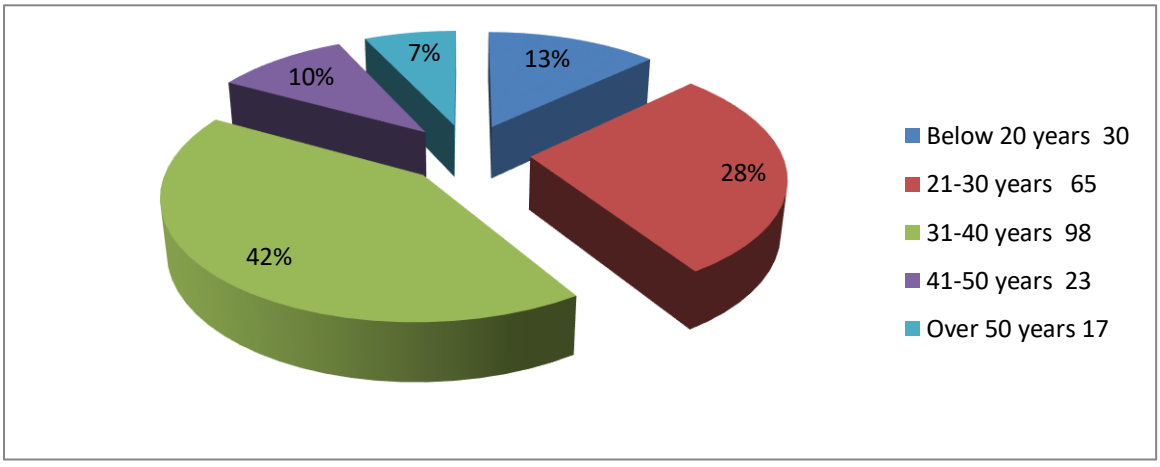


Figure 4.2 Distribution of respondents by Age.

Source (Field Findings, 2019)

4.4.3 Years of Service

The study intended to inquire from the respondents on how long they have served their various departments within the service. Years of service demonstrates the level of exposure one has in job placement. Exposure is often translated to experience and it is thus a considerable aspect in one's execution of duty/responsibilities. The results in this specific question were posed to the respondents to state their years of service as tabulated in Figure 4.3.

According to the study, more than three quarters (87.1%) had less than 20 years of service, less than a quarter of the respondents (11.2%) had more than 20 years of service whereas only 2% having worked for thirty and more years. No respondent had a service record of more than 41 years.

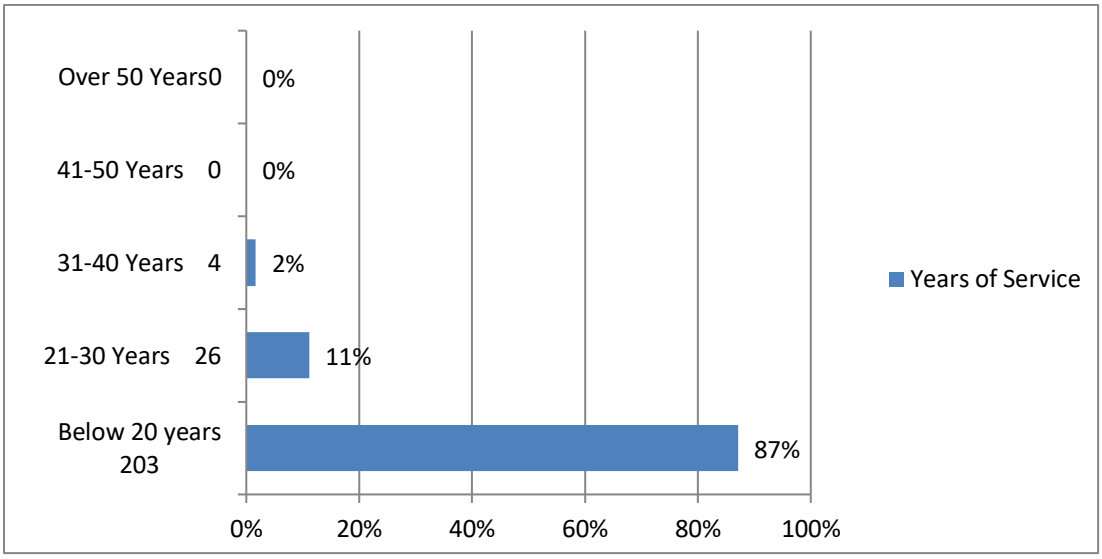


Figure 4.3 Years of Service

Source (Field Findings, 2019)

4.4.4 Rank in Service

The study in this part intended to identify the rank each respondent occupied in his/her place of work. Rank is a very important aspect of decision making in the Police Service with the juniors obliged to respond to the orders of the seniors. Crime

Investigations are therefore always coordinated by the seniors who give the instructions on how when and what to be done. Ranking offers a clear picture of hierarchical structure of police officers in an investigative framework

As presented in Figure 4.4 more than half of the respondents (51%) were constables, 28% were corporals, 18% sergeant by rank while 3% bore the position of an inspector.

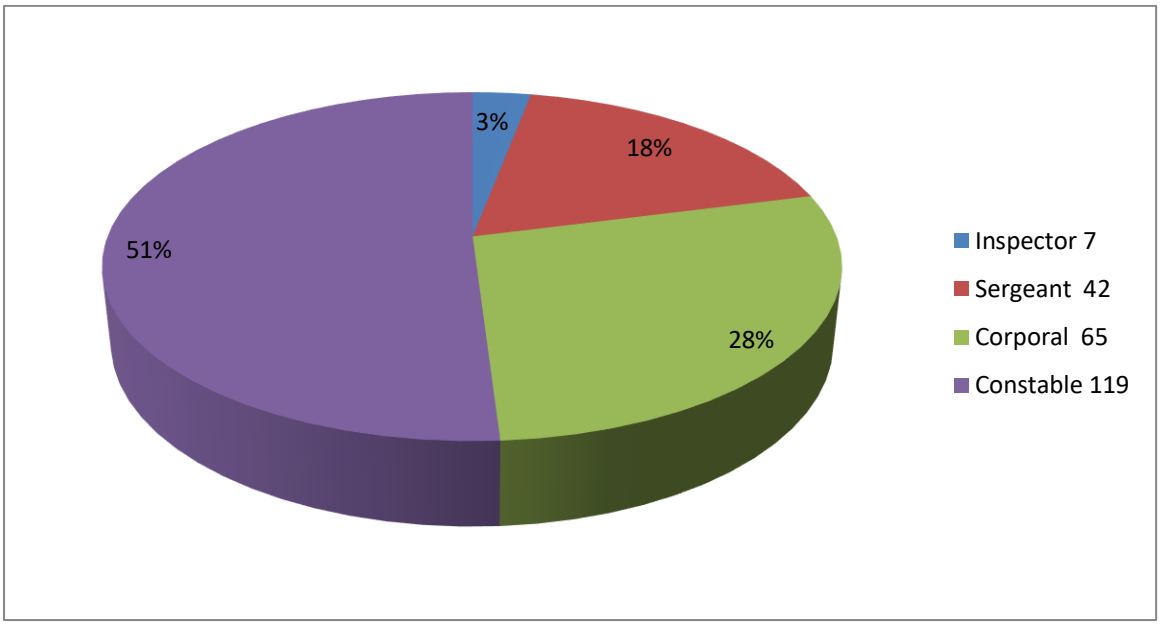


Figure 4.4 Rank in Service

Source (Field Findings, 2019)

4.4.5 Distribution of Respondents by Level of Education

The study in this section inquired about the respondent's level of education. Education is considered an important indicator of knowledge, skills and ability to execute responsibilities efficiently and effectively. Determining the level of education of the respondents was therefore very critical since crime investigation is wide and it takes time, resources and skills to establish the cause of criminal offences events. To find out the level of expertise and competency of the officers in an institution is therefore fundamental. The responses were as shown in Figure 4.5.

The results in Figure 4.5 established that majority of the respondents 160 representing 69% were the O level grade of education, Certificate holders had none, and Diploma holders accounted 63 respondents representing 27%. Those with 1st Degree were 10, representing 4.3%. Masters and PhD had no respondent. These show that majority of the respondents in the institution had 'O' level type of education.

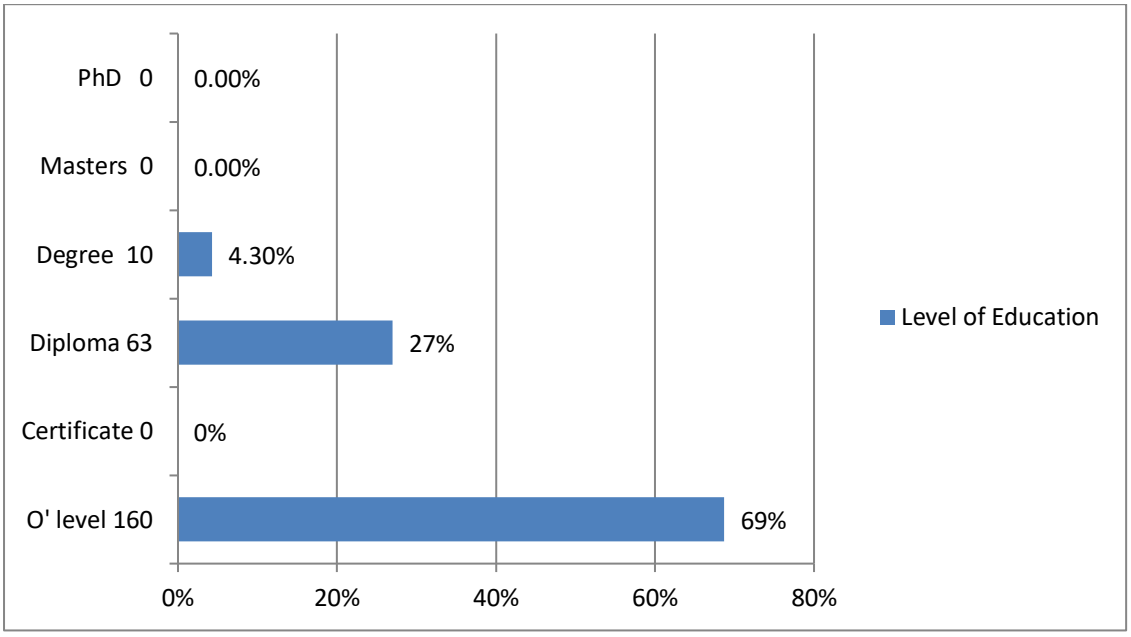


Figure 4.5 Level of Education

Source (Field Findings, 2019)

4.5 Descriptive Statistics

The study sought to establish the correlation between police investigations and crime prosecution according to objective one of the study. Various questions were asked with specific measurable variables. A Likert scale ranging from 1 to 5 was used on these questions. The results were tabulated as indicated in table 4.2. According to the scale a mean value between 4.5 and 5.0 represents strongly agree, 3.5 -4.4 agree, 2.5-3.4 neutral, 1.5-2.4 disagree and a mean value of less than 1.5 strongly disagree. Standard deviation was used to indicate the extent of the consensus of the respondents on each particular statement.

4.5.1 Investigation procedure on prosecution of sexual crimes against women

Table 4.2 shows the different levels of agreements by the respondents on the police investigation procedures and prosecution of sexual crimes committed against women in Starehe Sub-County, Nairobi County, Kenya. The findings were provided in terms of mean and standard deviation.

Table 4.2 Investigation procedure on prosecution of sexual crimes against women

Item	N	Mean	Std. Deviation	Minimum	Maximum
I have undergone training on police investigation (basic, advanced or other professional investigation course/training)	233	3.624	1.2187	1.0	5.0
My station has a structured way of reporting cases of women violation, different from general offenses	233	2.670	1.7835	1.0	5.0
I am provided with tools of evidence collection and preservation for cases of women violation	233	3.935	1.0199	1.0	5.0
Are there challenges in reporting sexual crimes against women	233	3.670	1.5411	1.0	5.0
I am well equipped with material for collecting evidence while investigating cases of violation against women.	233	3.674	1.2659	1.0	5.0
There is need for both victim and witness protection in sexual crimes against women during investigation	233	4.591	1.4978	1.0	5.0
I have a structured framework with resources at my disposal to ensure safety and security of witnesses and victims of crime	233	3.043	1.6594	1.0	5.0

The diligence I put on a case will impact on prosecution.	233	3.630	1.3558	1.0	5.0
There are challenges in handling witnesses and victims of women violation during Investigation of sexual crimes against women	233	3.388	1.7539	1.0	5.0

Source (Field Findings, 2019).

In order to establish the effectiveness of police investigations on crime prosecution, the respondents were asked to state whether they have undergone a training course on criminal investigations. The study established that on average, the police who undertake investigations have trained professionally on crime investigations with a mean of 3.624. In addition, the study asked respondents to state whether there exists a structured way of reporting of cases of women violation which is different from other general offenses. It was established that on average, there was not a distinct structured way of handling reported cases against women violation with a mean rating of 2.67. This may be attributed to the existence of few police officers in relation to the population within Starehe District, Nairobi County and the command structure in the police force among other factors.

The respondents were asked whether they are always provided with tools of evidence collection and preservation for cases of women violation. On average, it was found out that the overall rating of evidence gathering was high with a mean of 3.94. This can be attributed to adoption of technology as well as awareness in evidence gathering, storage, preservation and effective chain of custody.

One of the key informants interviewed for the study commented that:

"*Our officers have training and understanding of procedures, however, we lack storage and transportation of evidence and samples and this affects investigations negatively*"

On challenges experienced when reporting sexual crimes against women, the study established that only few cases were reported on time regardless of their frequency with a mean of 3.67. This translates a challenge in reporting of these crimes. The study established that, of the reported cases, most were not happening for the first time meaning the violation had happened before but it was never reported.

Interview responses on challenges experienced when reporting cases of women violation in Starehe Sub-County within Nairobi County indicated that most of these cases were reported late –long after they had happened. As a result, apprehending the offenders was marred with difficulty even as it raised the chances of losing substantial evidence which is key to prosecution.

Other important aspect of police investigation procedures were the availability of materials for collecting evidence while investigating cases of violation against women by the police. According to the study, there is enough materials necessary for evidence collection as interpreted by a mean of 3.67. However, on the need protection for both victim and witness of sexual crimes against women, with a mean of 4.59, the study established that there existed a necessity of ensuring both the victim and witnesses are protected during investigation. This was attributed to hostility by perpetrators of women crimes upon realizing that legal action has been initiated.

About the issue of structured framework with resources at one's disposal in ensuring safety and security of victims of crime, the study established that there is no structured framework neither resources at disposal to ensure safety and security of witnesses and victims of crime. This attributed to creation of different independent offices whose roles overlap but lack a harmonious approach of working together.

In regard to the effort and diligence put towards a case and its impact on the prosecution, the study established that, the diligence is key with a mean of 3.63. This implies that the evidence supplied by the police force is critical for a successful

prosecution of cases on women violation. Lastly, on the issue of challenges in handling witnesses and victims of crime during police investigation, the study established a challenge on handling both witnesses and victims of violence during police investigation of sexual crimes against women with a mean of 3.388. This is attributed to social ills as corruption which may significantly lead to manipulation of victims and witnesses.

Interview responses on investigation procedures, confirmed the existence of inconsistencies on police approach when handling cases of sexual crimes against women as some fail to order an inquiry, failure to take in first information report while others imposing moral guardianship on the survivors. From an interview a key informant said "most of the time you go to the police but not certain that you will find cooperation.

4.5.2 Factor Affecting Police Investigation on Prosecution of Sexual crimes against women

Table 4.3 shows the different levels of agreements by the respondents on the factors affecting police investigations on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County, Kenya. The findings are provided in terms of mean and standard deviation.

Table 4.3 Factors Affecting Police Investigation

Item	N	Mean	Std. Deviation	Minimum	Maximum
Interference/vested interests by my seniors	233	3.305	1.218	1.0	5.0
Corruption affects police investigation of cases	233	3.050	1.785	1.0	5.0
There is a balance between workload and manpower deployed to undertake investigation on sexual crimes	233	2.491	1.119	1.0	5.0

against women in my duty station.					
Police Investigators on women crimes are adequately facilitated for operational needs.	233	2.497	1.511	1.0	5.0
There are other expert stakeholders during investigation of sexual crimes against women	233	3.051	1.259	1.0	5.0
There is an established liaison between such expert stakeholder and other relevant service providers and my department	233	2.421	1.478	1.0	5.0
Technical aspects inform the outcome of investigation on crime against women.	233	3.043	1.694	1.0	5.0
Aggregate Score		**2.836**			

Source (Field Findings, 2019).

Respondents were required to indicate the extent to which they agreed to various factors affecting police investigation on prosecution of sexual crimes against women. Items that were measured on a five-point Likert-Type scale ranging from 1 being "Strongly Disagree" to 5 being "Strongly Agree". Means of between 2.421 - 3.305 and standard deviations of between 1.119- 1.785 were registered. Generally, the findings showed that majority of the respondents were neutral on factors affecting police investigation as shown by a mean of 2.836. Specifically, the findings revealed that interference of investigations by the seniors was experience at some extent with a mean of (3.305) while corruption affected police investigation on some cases with a mean of (3.050).

One of the key informant interviewed for the study concurred that:

"Your boss my demand for the file and before long, it is allocated to another officer or he locks it in his desk. Seniors can be frustrating at times".

The study established that there was no balance between workload and man power deployed to undertake investigation on sexual crimes against women in Starehe District with a mean of (2.491). On the same note, the study established that police investigators were not adequately facilitated for operational needs with the mean of (2.497). On the matter on inclusion of other expert stakeholders during investigation of sexual crimes against women, the study established that there existed some experts with a mean of (3.051) however on the existence of liaison between expert stakeholders and other relevant service providers and the investigation department, it was established that there existed a gap between them with a mean of (2.421). Lastly on the technical aspects of outcomes of the investigation on sexual crimes against women, the study established that there were existed technical aspects on the outcome with a mean of 3.043. The findings are as presented in Table 4.7.

From majority of those interviewed on factors affecting police investigations, they posited that factors such as insufficient skills, lack of liaisons between stakeholders, Poor facilitation of crime investigators lack necessary facilities, and the availability of technical aspects of the outcome of the investigations contributed to poor police investigation.

4.5.3 Effectiveness of Legal and Policy Framework of Police Investigation

Table 4.4 shows the different levels of agreements by the respondents on the effectiveness of legal and police framework of police investigation and prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County, Kenya. The findings are provided in terms of mean and standard deviation.

Table 4.4 Effectiveness of Legal and policy framework of police investigation

Item	N	Mean	Std. Deviation	Minimum	Maximum
The legislative and policy framework provide a flawless transition and successful investigation and prosecution of sexual crimes against women	233	3.575	1.318	1.0	5.0
The section handling sexual crimes against women have adequate budget to cater for the operational running as required by the policy	233	2.450	1.685	1.0	5.0
There is a mutual coordination by stakeholder agencies providing for seamless service delivery	233	2.451	1.219	1.0	5.0
There are grey areas within the existing laws which impede successful investigation and prosecution of sexual crimes against women	233	3.897	1.711	1.0	5.0
Disagreements between the DPP and police on adequacy of evidence undermine prosecution of sexual crimes against women	233	3.952	1.259	1.0	5.0
Aggregate Score		**3.265**			

Source (Field Findings, 2019).

On the effectiveness of legal and policy framework of the police investigation and prosecution of sexual crimes against women, the respondents were required to indicate the extent to which they agreed to various issues on the effectiveness of legal and policy framework of police investigation and prosecution of sexual crimes against women. Items that were measured on a five-point Likert-Type scale ranging from 1 being

"Strongly Disagree" to 5 being "Strongly Agree". Means of between 2.450 - 3.952 and standard deviations of between 1.219- 1.711 were registered.

Generally, the findings showed that majority of the respondents were neutral on policy as a factor affecting police investigation as shown by a mean of 3.265. Ideally, the findings revealed that, the legislative and policy framework provide a flawless transition and successful investigation and prosecution of sexual crimes against women at some extent with a mean of (3.575).

The study established that the section handling sexual crimes against women lacks adequate budget to cater for the operational running as required by the policy some cases with a mean of (2.450).

On whether corruption has a role in police investigation of sexual crimes against women, majority of them expressed that corruption is largely influenced by hurdles created by legislative policies which makes people to take advantage by negating such hurdles. Corruption in this case is reflected more in the level at which it takes place than to the amount of money involved in the vice (Gender Team, Policy Sub-County, 2011). They believed that grand corruption is at the top levels of the public sphere, where policies and rules are initially formulated.

One of the key informant interviewed for the study observed that:

> "*Crime is often high during the holidays. The school going kids are also involved in commercial sex crime either to raise some pocket money or to meet targets set by gang leaders" However due to corruption, they are never prosecuted"*

At the same time, the study established there is no mutual coordination between stakeholder agencies providing for seamless service delivery on sexual crimes against women in Starehe District with a mean of (2.451). On the same note, the study established that there are grey areas within the existing laws which impede successful investigation and prosecution of sexual crimes against women with the mean of (3.897).

The study established that, there were some disagreements between the DPP and police on adequacy of evidence which undermines prosecution of sexual crimes against women with a mean of (3.952).

One of the key informant interviewed for the study observed that:

"Sometimes there are challenges in investigation and prosecution of sexual offences because several officers lack skills in this specific field, it affected the whole process"

Responses from those interviewed on the issue challenges in the legal framework and system of handling sexual crimes against women confirmed that there were challenges in the legal policies and frameworks on handling sexual crimes against women which according to them, there is lack of stakeholder support. According to the study, this may have been caused by lack of proper coordination and implementation of policies. They still cited challenge in implementation of some of the policies in place

4.6 Hypothesis Testing

The multiple linear regression analysis was used to model the relationship between the effectiveness of police investigations (investigation procedures, factors affecting police investigation and the legal policy frameworks of police investigation) and prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County, Kenya. The coefficient of determination (R2) and correlation coefficient (R) shows the degree of association between police investigation and prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County.

Table 4.5 Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.752	.565	.905	.21410

Source (Field Findings, 2019).

The research findings as indicated shows that there was a positive relationship (R= 0.752) between the variables. The study revealed that 56.5% of police investigations in Starehe Sub-County lead to the prosecution of the perpetrators of sexual crimes against women. From this study it is evident that at 95% confidence level, the variables produce statistically significant values and can be relied on to validate the effectiveness of police investigations in Starehe District as presented in Table 4.5

Table 4.6 shows the results of ANOVA test which revealed that the combined independent variables have a significant effect on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County, Kenya.

Table 4.6 ANOVA

Model		Sum of Squares	Df	Mean Square	F	Sig.
	Regression	129.087	4	32.272	704.041	.000
	Residual	13.385	17	.046		
	Total	142.471	21			

Source (Field Findings, 2019).

The F-critical (4, 102) was 3.92 while the F-calculated was 704.041 as shown in Table 4.7. This shows that F-calculated was greater than the F-critical and hence there is a linear relationship between the independent variables and the dependent variable. In addition, the p-value was 0.000, which was less than the significance level (0.05). Therefore, the model can be considered to be a good fit for the data and hence it is appropriate in predicting the effectiveness of police investigations on the prosecution of sexual crimes against women in Starehe Sub-County Nairobi County. Table 4.8 shows the results of regression coefficients.

Table 4.7 Regression Coefficients

Model	Unstandardized Coefficients		Standardized Coefficients	T	Sig.
	B	Std. Error	Beta		
(Constant)	0.529	.148		1.543	.124
Investigation procedures	.711	.078	.713	9.175	.000
Factors Affecting police investigation	.338	.097	.253	3.472	.001
Legal and policy framework of police investigation	.293	.027	.274	10.704	.000

Source (Field Findings, 2019).

The study findings reveal that a positive effect was reported for all the independent variables on prosecution of sexual crimes against women in Starehe Sub-County. It is further evident that at 95% confidence level, the variables produce statistically significant values for this study (high t-values, $p < 0.05$). This implies that there is effectiveness of police investigations on prosecution of sexual crimes against women in Starehe Sub-County.

The findings further reveal that a unit improvement of investigation procedures in crime investigation led to a 0.711(β1) efficiency in prosecution of crime against women in Starehe Sub-County. The relationship is significant as the P-value (0.000) was less than the significance level (0.05). In addition, a unit improvement on the factors affecting police investigation will lead to a 0.338 (β2) prosecution of sexual crimes against women. The relationship was significant as the p-value (0.000) was less than the significance level (0.05). Further, a unit improvement on the legal and policy frameworks of police investigation will lead to a 0.293 (β3) effective prosecution of sexual crimes against women in Starehe District. The relationship was significant as the p-value (0.000) was less than the significance level (0.05).

The equation for the regression model is expressed as:

$Y = a + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + £$

$Y = 0.529 + 0.711X_1 + 0.338X_2 + 0.293X_3$

Where

β is a correlation coefficient

Y= Prosecution of crime against women

X_1= Investigation procedures

X_2= Factors affecting police investigation

X_3= Legal and policy frameworks of police investigation

The findings revealed that the people of Starehe Sub-County needed constant help and support from law enforcement authorities. Women have turned out to be among the vulnerable groups and therefore the prosecution processes are essential in addressing violence against women. The investigation processes are directly connected with the effectiveness that take place in Starehe Sub-County. The effectiveness of an investigation process is attached to the prosecution processes that come thereafter.

Sexual crimes against women are of different kinds and that means the police investigations should be conducted to identify its proximity for a prosecution process to be determined. Sexual crimes against women in Kenya have turned out to be rampant in rural areas as the law enforcement agencies are not at a close proximity with the society and if they are, their response to women violence cases is wanting (Gender Team, Policy Sub-County, 2011). At the same time, the results indicated that most women are supported fully after filing reports on crimes against them.

The findings therefore revealed that investigation procedures, factors affecting police investigation and the legal and policy frameworks of police investigation directly influenced the effectiveness of police investigation on prosecution of sexual crimes against women in Starehe Sub-County hence the study rejects the H0 and accept HA which states that there is a significance relationship between police investigation on prosecution of sexual crimes against women in Kenya.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

The chapter summarizes the findings of the study done with specific reference to the objectives and research questions of the study were used as units of analysis. Data was interpreted and the results of the findings were correlated with both empirical and theoretical literature available. The conclusion relates directly to the specific objectives/research questions. The recommendations were deduced from conclusion and discussion of the findings.

5.2 Discussions

This section explains the major findings pertaining to the effectiveness of police investigation on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County. The discussions are guided by the study objectives and the research hypothesis that was tested. The discussion on how the study findings were related to existing theory and empirical studies in the study area is given.

5.2.1 Investigation Procedures

Descriptive statistics revealed that majority of the respondents agreed to a great extent to various aspects on investigation procedures and their impact on prosecution of sexual crimes against women in Starehe Sub-County as shown in Table 4.6. The findings however revealed that the police who undertook investigations have trained professionally on crime investigations, there was no existence of a structured way of reporting of cases on women sexual violation which is different from other general offenses and there was no a distinct structured way of handling reported cases against women sexual violation. This concurs with Verma (2010) who acknowledges that there have been inconsistencies on the police's manner of approach when handling cases of

sexual crimes against women as some fail to order an inquiry, failure to take in First Information Report while others imposing moral guardianship on the survivors.

According to the study, crime investigators were provided with tools of evidence collection, preservation and storage for cases of women violation and this could be attributed to adoption of technology which aids in capturing, saving and sharing of evidence among stakeholders with ease by the use of mobile phones and CCTV cameras This differs with the argument by Ajema (2011) that, there exists insufficient evidence in handling sexual crimes against women apart from poor capacity to collect and preserve physical evidence of crimes.

The findings established that very few cases were reported on time regardless of their recurrence against some victims meaning that there are numerous challenges on reporting sexual crimes against women including fear of victimization and inconsistencies in investigation by police officers. The study established that, most of the first-time reported cases have been sexual crimes against women which have been reoccurring more than twice before being reported. This confirms the argument by Nieuwbeerta (2002) who states that some sexual crimes against women go unreported to the police and, consequently, offenders end up scot-free.

In regard to the availability of materials for collecting evidence while investigating cases of violation against women by the police, the study established that there existed enough and relevant materials as well as personal initiative necessary for gathering evidence. On the other hand, the need for both victim and witness protection in sexual crimes against women during investigation, the study established that there is need for survivors to be protected and to safeguard them against impact of crime or such other influences leading to re-victimization or interferences that would compromises on integrity of prosecution (Kiprono, 2015).

The study established poor balance of workload on police officers deployed to perform investigation on sexual crimes against women in Starehe District Vis a Vis undertaking other police general duties. There was no structured framework with enough resources at disposal to ensure safety and security of witnesses and victims of crime. This may be due to the police command structure alongside already established infrastructure. On the other hand, the study established that the effort and diligence put towards on a case had impact on the prosecution since the success of a prosecution depends on police investigators output (Kiprono, 2015).

From those who were interviewed on investigation procedures, they concurred with Verma (2010) where majority confirmed that there exist inconsistencies on police approach when handling cases of women violence as some fail to order an inquiry, others fail to take in first information report while others impose moral guardianship on the survivors.

Lastly, the study established that there are challenges in handling witnesses and victims of women violence which is attributed to the status of corruption within the society resulting to manipulation of victims and witnesses. Regression analysis revealed that investigation procedures as applied by police officers had a significant effect on prosecution of sexual crimes against women in Starehe Sub-County Nairobi County.

5.2.2 Factors Affecting Police Investigations

Descriptive statistics revealed that majority of the respondents were neutral on various aspects affecting police investigations. Specifically, the findings revealed that; Interference by senior officers was experienced among the crime investigators concurring with the argument by Kimani (2007).

The study also established correlation between, corruption, imbalance between man power vis a vis workload. Furthermore, the study established that police

investigators were not adequately facilitated for operations. These findings support the report from Policy Brief Forum against the GBV (2012) which posit of how police officers tasked to attend crimes and violations against women cases are as well deployed for other police duties.

Poor facilitation of crime investigators with the necessary facilities, inadequacy in skill and expertise in crime investigations, poor unstructured liaison between the stakeholders significantly affected police of sexual crimes against women hence affecting prosecution of these crimes. Regression analysis revealed that these factors affecting police investigations had a significant effect on prosecution of sexual crimes against women.

Lastly the study established that there exist technical aspects on the outcome which require advanced investigations in order to establish crime commission or omission. According to the study, this calls for forensic experts but due to lack of adequate training and preparedness among police personnel, this leads to insufficient evidence collection, poor exhibit storage as well as transmission of legal proof on the suspects during statement taking (Sexual Offenses Act Implementation Workshop, 2011).

Interview on factors affecting police investigations, respondents posited factors such as inadequate technical skills, poor or nil liaison between stakeholders and poor facilitation of crime investigators with necessary facilities significantly contributed to ineffectiveness of police investigation on sexual crimes against women

5.2.3 Legal and Policy Framework of Police Investigation on Prosecution of Sexual crimes against women

On the effectiveness of legal and policy framework of the police investigation and prosecution of sexual crimes against women, the study revealed that, the legislative and policy framework fails to provide a seamless transition from investigation to

prosecution. This supports the report by NGEC (2010) that there is need to address the shortcomings of a legal system to effectively investigate, prosecute and charge claims of women violence - whether rape, defilement or domestic violence.

The study established that apart from legislation and programs designed to address sexual crimes against women, there exists other inconsistencies aligned to judicial actions. The section handling sexual crimes against women lacks adequate budget to cater for the operational running as required by the policy thus concurring with NGEC (2010) report. The study at hand established lack of mutual coordination between stakeholder agencies and the grey areas within the existing laws (especially the sexual offences Act of 2006) that impede successful investigation and prosecution of sexual crimes against women. As an example, disagreements between the DPP and police on adequacy and sufficiency of evidence on given cases undermine prosecution of such sexual crimes against women backing the findings of Kiprono, (2015).

The above findings on legal and policy framework on police investigation and prosecution of sexual crimes against women concurred with majority of those interviewed who felt that:

5.3 Summary of Findings

This study sought to assess the effectiveness of police investigation on the prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County. Specifically, the study sought to evaluate the existing procedure of criminal investigation on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County, to evaluate the existing procedure of criminal investigation on prosecution of crimes against women in Starehe Sub-county, Nairobi County, to explore the factors affecting criminal investigation on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi Country and to examine legal and policy

framework of police investigation on prosecution of sexual crimes against women in Starehe Sub-County, Nairobi County.

5.3.1 Investigation Procedures

The study revealed that, investigation procedures had a significant effect effectiveness of police investigations on prosecution of sexual crimes against women in the Starehe Sub-County Nairobi County. This can be attributed to; investigators having undergone some level of training, existence of relatively a structured way of reporting cases against violation of women which is relatively somehow different given its nature and societal values, gathering of evidence on sexual crimes against women during the investigation, police are equipped with necessary materials for collecting evidences in investigations and there exist at some extent a structured framework and resources to ensure safety and security of witnesses. On the same note, the study established that there existed challenges in reporting of sexual crimes against women, there is no established liaison between expert stakeholders and police department and there existed a technical aspect of the investigation outcomes and hence the need to protect both victims and witnesses during an investigation.

5.3.2 Factors Affecting Police Investigations

The study also established that; there existed a significant level of interference by senior officers on investigations, corruption, poor balancing of police personnel versus workload, poor facilitation of crime investigators with the necessary facilities, inadequacy of expert skill on investigations of sexual crimes against women as well as inexistence of liaison between relevant stakeholders hence impeding effective investigation and thus affecting prosecution.

5.3.3 Legal and Policy Framework of Police Investigation on Prosecution of Sexual crimes against women

The study established that, the legislative and policy framework fails to provide a flawless transition from investigation to prosecution. Departments handling sexual crimes against women lacks adequate budget to cater for the operational running as required by the policy. Furthermore, lack of mutual coordination by stakeholder agencies in providing for seamless service delivery as well as existence of grey areas within the existing laws impede successful investigation and prosecution of sexual crimes against women. Moreover, disharmony between the DPP and police on adequacy of evidence undermine prosecution of sexual crimes against women.

5.4 Conclusions

This study sought to evaluate the effectiveness of police investigations on prosecution of sexual crimes against women. Three aspects of effectiveness considered were police crime investigation procedures, factors affecting police investigation and the legal and policy framework of police investigation on prosecution of sexual crimes against women.

5.4.1 Investigation Procedures

The findings revealed that existing police investigation on prosecution of sexual crimes against women are effective but still need to be updated to be in line with the existing regulations. The police criminal investigation processes are normally conducted in line with the laws that guide the correctional measures that need to be put in place. Police investigation procedures to a great extent affected effectiveness with a mean of (3.581), legal and policy framework on investigation to a moderate extent with a mean of (3.265) and factors affecting police investigation on lower extent with a mean of (2.836) respectively. The research findings further reveal that there is a positive

relationship (R= 0.752) between the variables. Additionally, the study reveals that 56.5% correct crime prosecution against women could be attributed to the evidence obtained through police investigations.

5.4.2 Factors Affecting Police Investigations

Prosecutors are supposed to decide whether to file charges by evaluating the evidence before them. But a decision to file charges may be influenced by factors beyond the specific facts of the incident described in the police report. Among the potential factors are the Policies on certain crimes. Some prosecution officers adopt policies on certain types of crimes, often in response to community pressure, and these policies may dictate the prosecutor's approach to a case.

Political ambition may also influence prosecutors indirectly. Prosecutors work under supervision of DPP who is appointed by the president and vetted by the parliament. As such, there are chances of wanting to use their position as a stepping stone to higher office. Public opinion and social political pressure often affect discretion of prosecution. For example, a prosecutor may file charges on every crime against women, no matter how weak they may be, just to obtain favour with a particular class of people who want to get the word out there e.g. shoplifters versus business community.

Many decisions come down to the prosecutor's sense of what justice requires in the case at hand. Prosecutors are supposed to both enforce the law and "do justice." Doing justice means that a prosecutor occasionally decides not to prosecute a case (or files less severe charges) because the interests of justice require it, even if the facts of the case might support a conviction.

Sexual violence has a number of physical, psychological and social implications for victims. These may include unintended pregnancy, pregnancy complications, unsafe abortions, gynecological disorders, complex pain syndromes, chronic pelvic pain, HIV

and other infections as well as anxiety, depression, stigma, poor performance at school and other repercussions. Importantly, economic, educational and social barriers impede most women accessing timely help for sexual violence. On a legal level, the need for forensic evidence to be collected within 24 hours is usually not feasible and therefore most cases never reach the formal justice sector but may be dealt with out of court by traditional dispute resolution mechanisms or not dealt with at all.

5.4.3 Legal and Policy Framework of Police Investigation on Prosecution of Sexual crimes against women

The findings on legal and policy framework on police investigation and prosecution of sexual crimes against women concurred with majority of those interviewed who felt that: There are challenges in the legal system as well as police frameworks handling sexual crimes against women which according to interviewees, lacks stakeholders' support.

Arising from these findings, some of the conclusions drawn were that: there is generally a clear understanding of what constitutes sexual crime offences among community members; the critical factor underlying Sexual offences is cultural beliefs supporting men's dominance over women; and the prevalence of Sexual offences rate is relatively high with an apparent indication of increasing men's vulnerability. Whether this is a fundamental change in society does require further study. Sexual violence, as a form of Gender based violence is indeed a common occurrence. The results confirmed that women carry the greater burden of sexual violence with the difference being statistically significant. Respondents who experience GBV reported to the Police and Sub County and relied less on family members and religious leaders.

5.5 Recommendations

Since the study established the existence of a significant relationship between police investigations on prosecution of sexual crimes against women in Starehe Sub-County, the following are the recommendations which emanated from the findings:

5.5.1 Investigation Procedures

The government should put in place in the current police reforms system a concerted effort to ensure that all the police undergo advanced trainings that can enable them competently investigate sexual crimes against women. A capacity building initiative through training and awareness creation that allows officers to be exceptional when handling sexual crimes against women is significant.

The criminal justice system stakeholders in consultation with civil society organizations should implement Structural Adjustment Programs in regard to reporting cases of women violation which should be different from that of reporting general offenses, as well as ensure that there is a strong system of both victim and witness protection during investigation process on sexual crimes against women. These should ensure that there is no interference of investigations by senior officers by all means which to contain corruption notwithstanding conflict of interest during investigations of sexual violence cases against women. This can be achieved through creating a platform that offers investigators a chance to raise fears and or concerns in event of interference without fear of victimization.

5.5.2 Factors Affecting Police Investigations

The government should increase the number of investigators in the police service in order to realize efficiency in their duty. On the same note, it should establish a structured liaison between and amongst all stakeholders to enhance effectiveness from the point of reporting, investigation and prosecution.

5.5.3 Legal and Policy Framework of Police Investigation on Prosecution of Sexual crimes against women

The legislative arm of the government in consultation with the relevant stakeholders should ensure formulation of policies and frameworks that provide flawless transition from investigation to prosecution through a mutually coordinated roles and responsibilities. They should also legislatively provide a bridge to harmonise the differences between DPP and the Police and also eliminate avenues easily manipulated by corruption malpractices.

5.6 Areas of Further Research

This study is a milestone for future researchers in the field of sexual crime against women in Kenya, especially in Nairobi County. This study focused on the effectiveness of police investigation on prosecution of sexual crimes against women with three key aspects of efficiency being evaluated that is; police investigation procedures, factors affecting police investigations and the legal and policy framework of police investigation and prosecution of sexual crimes against women in Starehe Sub-County. Future research should therefore focus on other Sub-County's within the County to validate the findings of this study.

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APPENDICES

APPENDIX I: INTRODUCTION LETTER

Dear Respondents,

Greetings;

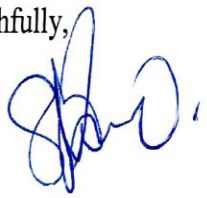
RE: DATA COLLECTION

I am a student at Africa Nazarene University currently. Currently I am undertaking a Research study as one of my degree requirements titled effectiveness of police investigation on prosecution of sexual crimes against women in Starehe Sub-county, Nairobi County. The scope of crimes covers rape, defilement and domestic violence. It would be of great assistance to me, the university, the government and your department if you consider filling this questionnaire.

The information given will be used for academic purpose only, and it will be treated with utmost confidence and will not be made accessible to any unauthorized person.

Thank you for your cooperation and May God bless.

Yours Faithfully,



Stephen Waithaka Ruo.

APPENDIX II: QUESTIONNAIRE

Please tick where appropriate.

Section One: General Information

Please tick as appropriate;

1. Gender: Male { } Female { }
2. Age bracket:

   Below 20 years 21-30 years { } 31-40 year { }

   41-50 years { } 50 years and above { }
3. Years of service.

   Below 20 years 20-30 years { } 30-40 year { }

   40-50 years { } 50 years and above { }
4. Rank in the police service;

   Inspector { } Sergeant { } Corporal { } Cons m { }

   Other Designation (Please specify) ……
5. Indicate your highest level of education.

   Certificate { } Diploma { } Degree { } Masters { } PhD. { }

   O level { }

   Other (Please specify) …….

Investigation Process	**Agreement Level of Statements**				
	SA	**A**	**U**	**D**	**SD**
	5	**4**	**3**	**2**	**1**
a) I have undergone a training on police investigation (basic, advanced or other professional investigation course/training)					
b) My station has a structured way of reporting cases of women violation, different from general offenses.					
c) I am provided with tools of evidence collection and preservation for cases of women violation.					
d) Are there challenges in reporting sexual crimes against women in my area					
e) I am well equipped with materials for collecting evidence while investigating cases of violation against women.					
f) There is need for both victim and witness protection in sexual crimes against women during investigations.					
g) I have a structured framework with resources at my disposal to ensure safety and security if witnesses and victims of crime					
h) The diligence I put on a case will impact on prosecution					
i) There are challenges in handling witnesses and victims of women violation during Investigation of sexual crimes against women					

Section Two: Investigation Procedure on Prosecution of Sexual crimes against women

6. Indicate your agreement level with the statements on police investigation procedures by putting a tick [√] on your choice. Use a scale of 5 to 1, where; 5 corresponds to Strongly Agree (SA), 4 corresponds to Agree (A), 3 corresponds to Undecided (U). 2 correspond to Disagree (D), and 1 corresponds to Strongly Disagree (SD).

7. In your view, are there other procedural factors that influence police investigation and prosecution of sexual crimes against women? Yes { }No { }

8. If your answer in 7 above is yes, list those factors.

.....

…….

…….

9. What challenges do you encounter in the course of executing your responsibilities as an investigator of sexual crimes against women?

.....

…….

…….

Section Three: Factors Affecting Police Investigation on Prosecution of Crimes against Women.

10. Indicate your agreement level with the statements on factors affecting police investigation by putting a tick [√] on your choice. Use a scale of 5 to 1, where; 5 corresponds to Strongly Agree (SA), 4 corresponds to Agree (A), 3 corresponds to Undecided (U). 2 correspond to Disagree (D), and 1 corresponds to Strongly Disagree (SD).

11.

Factors Affecting Police Investigation	**Agreement Level of Statements**				
	SA	**A**	**U**	**D**	**SD**
	5	**4**	**3**	**2**	**1**
a) Interference/vested interests by my seniors					
b) Corruption affects police investigation of cases					
c) There is a balance between workload and manpower deployed to undertake investigation on sexual crimes against women in my duty station.					
d) Police Investigators on women crimes are adequately facilitated for operational needs.					
e) There are other expert stakeholders during investigation of sexual crimes against women					
f) There is an established liaison between such expert stakeholders and other relevant service providers and my department					
g) Technical aspects inform the outcome of investigation on sexual crimes against women?					

12. In your opinion and experience, what other factors influence/contribute to outcomes of police investigation on sexual crimes against women within your jurisdiction?

……..……..……

……

……..……..……

Section Four: Examination of legal and policy framework on investigation and Prosecution of sexual crimes against women.

13. Indicate your agreement level with the following statements on challenges facing police investigation by putting a tick [√] on your choice. Use a scale of 5 to 1, where; 5 corresponds to Strongly Agree (SA), 4 corresponds to Agree (A), 3 corresponds to Undecided (U). 2 correspond to Disagree (D), and 1 corresponds to Strongly Disagree (SD).

Effectiveness of legal and policy framework of police investigation and prosecution of sexual crimes against women	**Agreement Level of Statements**				
	SA	**A**	**U**	**D**	**SD**
	5	**4**	**3**	**2**	**1**
a) The legislative and policy framework provide a flawless transition and successful investigation and prosecution of sexual crimes against women					
b) The section handling sexual crimes against women have adequate budget to cater for the operational running as required by the policy.					
c) There is mutual coordination by stakeholder agencies providing for a seamless service delivery					
d) There are grey areas within the existing laws which impede successful investigation and prosecution of sexual crimes against women.					
e) Disagreements between the ODPP and police on adequacy of evidence undermine prosecution of sexual crimes against women.					

14. Is there any information you would wish to share on how conflict between the Constitution of Kenya (2010), Sexual offences act (2006) Penal Code, Evidence Act, and Children's Act (2001) influence police investigation of sexual crimes against women?

…….

…….

…….

Section Five:

15. Indicate your agreement level with the statements on police investigation on prosecution of sexual crimes against women by putting a tick [√] on your choice. Use a scale of 5 to 1, where; 5 corresponds to Strongly Agree (SA), 4 corresponds to Agree (A), 3 corresponds to Undecided (U). 2 correspond to Disagree (D), and 1 corresponds to Strongly Disagree (SD).

	Agreement Level of Statements				
	SA	**A**	**U**	**D**	**SD**
	5	**4**	**3**	**2**	**1**
a) The merits for prosecuting sexual crimes against women differ from that of general offences.					
b) Lack of skilled human resource in criminal justice system affects investigation and prosecution of Cases of women violation					
c) Use of outdated technology in investigation affects prosecution of sexual crimes against women					
d) There is a consistent mutual interaction between police and other agencies in criminal justice system in handling sexual crimes against women.					

e) Misinformation and ignorance of policies and procedures significantly affect investigation and prosecution of sexual crimes against women					
f) Corruption affects prosecution of sexual crimes against women					
g) There is effective multi-agency collaboration during investigation and prosecution of sexual crimes against women					
h) Interest of laws and policy framework affect prosecution of crimes against women?					

16. Is there any other information you would want to share concerning effectiveness of police investigation and prosecution of sexual crimes against women?

…….

…….

17. What suggestions would you give to enhance effectiveness of police investigation of sexual crimes against women?

……

Thank you for your participation

APPENDIX III: INTERVIEW GUIDE

1. How would you describe the relationship between local police authorities and the community?
2. In your view, have police handled investigation of sexual crimes against women effectively?
3. What would be your expectation on the police if you were to report a case of violation?
4. Do you think corruption has a role in police investigation of sexual crimes against women?
5. In your own opinion, what do you think of police's expertise power in investigating sexual crimes against women?
6. What is your opinion regarding legal and policy framework on investigation of sexual crimes against women are they adequate?
7. In your own opinion what do you think needs to be done to improve on prosecution of sexual crimes against women?

APPENDIX IV: LETTER FROM THE UNIVERSITY

AFRICA NAZARENE
UNIVERSITY

10th April, 2019

TO WHOM IT MAY CONCERN

Ruo, Stephen Waithaka (17M03EMGP030) is a bonafide student at Africa Nazarene University. He has finished his course work and has defended his thesis proposal ***entitled "Evaluation on effectiveness of police investigation on prosecution of crimes against women in Starehe division, Nairobi County, Kenya***

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

Prof. Rodney Reed
Deputy Vice Chancellor – Academic Affairs

P.O Box 53067 - 00200 Nairobi, Kenya • Tel: 020 252 7170/1 - 5 • Fax: 020 201 2233 • Cell: 0733 874 111 • Email: registrar@anu.ac.ke • www.anu.ac.ke

APPENDIX V: NACOSTI RESEARCH LETTER

NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Telephone:+254-20-2213471,
2241349,3310571,2219420
Fax:+254-20-318245,318249
Email: dg@nacosti.go.ke
Website : www.nacosti.go.ke
When replying please quote

NACOSTI, Upper Kabete
Off Waiyaki Way
P.O. Box 30623-00100
NAIROBI-KENYA

Ref: No. **NACOSTI/P/19/61924/29282**

Date: **12th April, 2019**

Stephen Waithaka Ruo
Africa Nazarene University
P.O. Box 53067-00200
NAIROBI.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on ***"Evaluation on effectiveness of police investigation on prosecution of crimes against women in Starehe Division, Nairobi County, Kenya"*** I am pleased to inform you that you have been authorized to undertake research in **Nairobi County** for the period ending **12th April, 2020.**

You are advised to report to **the County Commissioner and the County Director of Education, Nairobi County** before embarking on the research project.

Kindly note that, as an applicant who has been licensed under the Science, Technology and Innovation Act, 2013 to conduct research in Kenya, you shall deposit **a copy** of the final research report to the Commission within **one year** of completion. The soft copy of the same should be submitted through the Online Research Information System.

GODFREY P. KALERWA MSc., MBA, MKIM
FOR: DIRECTOR-GENERAL/CEO

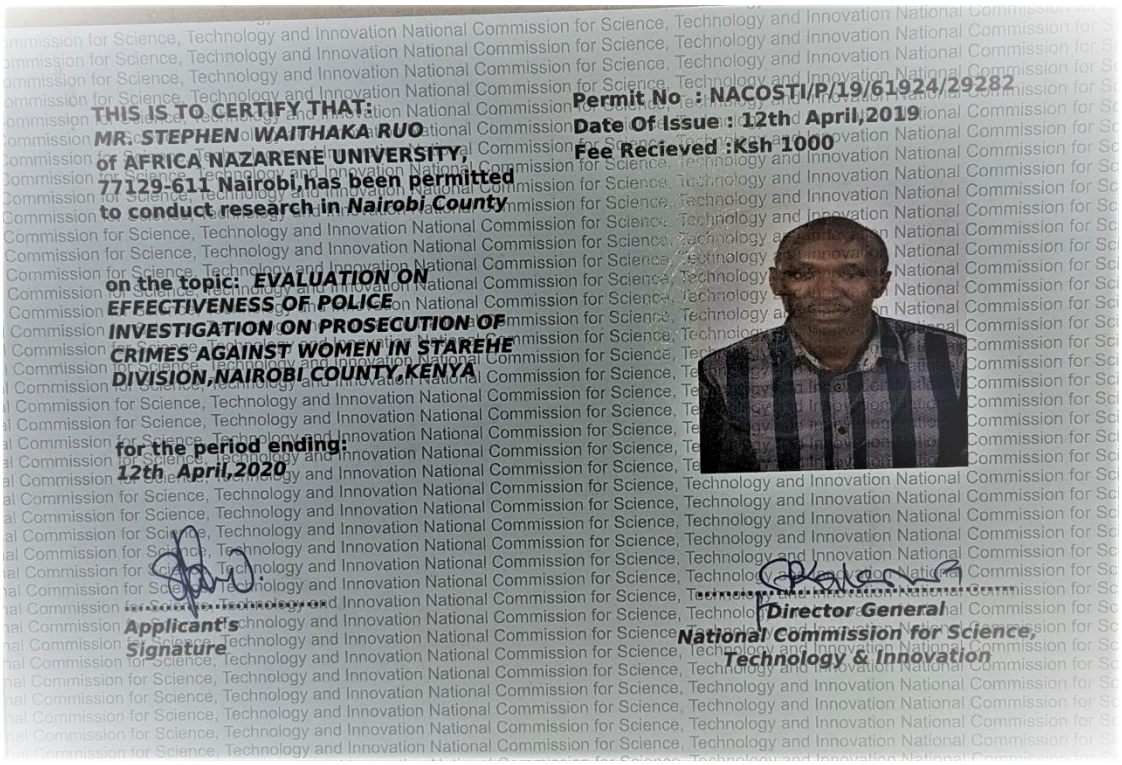
Copy to:

The County Commissioner
Nairobi County.

The County Director of Education
Nairobi County.

National Commission for Science, Technology and Innovation is ISO9001:2008 Certified

APPENDIX VI: NACOST RESEARCH PERMIT



Permit No : NACOSTI/P/19/61924/29282
Date Of Issue : 12th April,2019
Fee Recieved :Ksh 1000

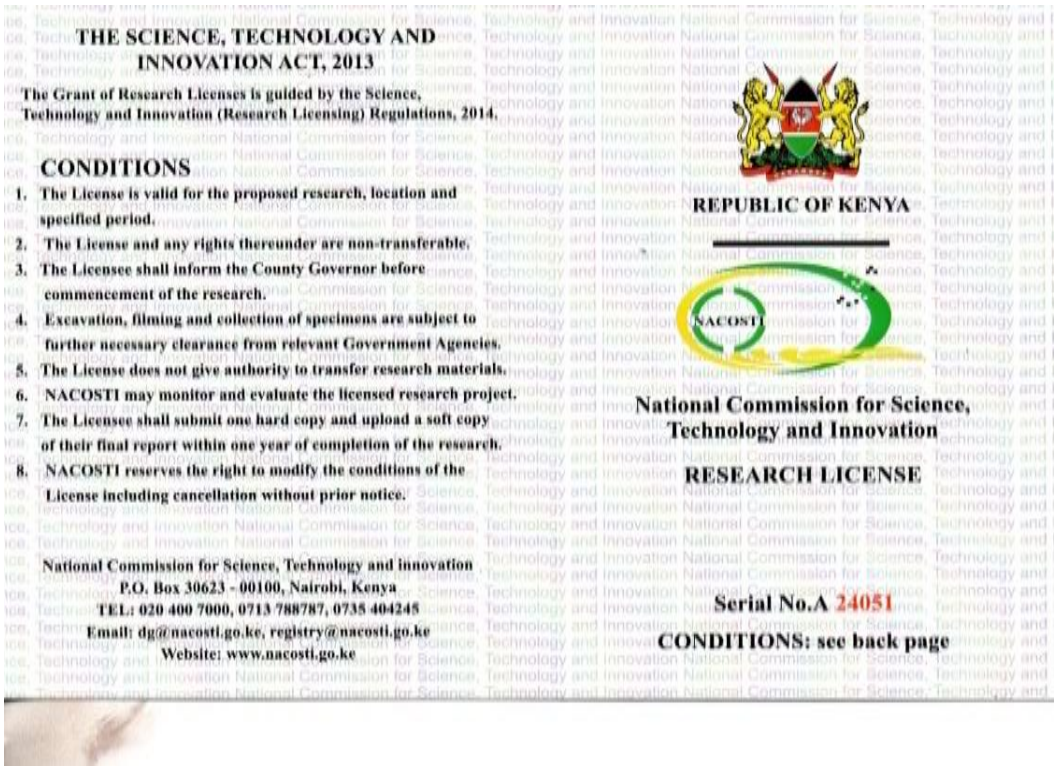
THIS IS TO CERTIFY THAT:
MR. STEPHEN WAITHAKA RUO
of AFRICA NAZARENE UNIVERSITY, 77129-611 Nairobi,has been permitted to conduct research in Nairobi County

on the topic: EVALUATION ON EFFECTIVENESS OF POLICE INVESTIGATION ON PROSECUTION OF CRIMES AGAINST WOMEN IN STAREHE DIVISION,NAIROBI COUNTY,KENYA

for the period ending:
12th April,2020

Applicant's Signature

Director General
National Commission for Science, Technology & Innovation



THE SCIENCE, TECHNOLOGY AND INNOVATION ACT, 2013

The Grant of Research Licenses is guided by the Science, Technology and Innovation (Research Licensing) Regulations, 2014.

CONDITIONS

1. The License is valid for the proposed research, location and specified period.
2. The License and any rights thereunder are non-transferable.
3. The Licensee shall inform the County Governor before commencement of the research.
4. Excavation, filming and collection of specimens are subject to further necessary clearance from relevant Government Agencies.
5. The License does not give authority to transfer research materials.
6. NACOSTI may monitor and evaluate the licensed research project.
7. The Licensee shall submit one hard copy and upload a soft copy of their final report within one year of completion of the research.
8. NACOSTI reserves the right to modify the conditions of the License including cancellation without prior notice.

National Commission for Science, Technology and innovation
P.O. Box 30623 - 00100, Nairobi, Kenya
TEL: 020 400 7000, 0713 788787, 0735 404245
Email: dg@nacosti.go.ke, registry@nacosti.go.ke
Website: www.nacosti.go.ke

REPUBLIC OF KENYA

NACOSTI

National Commission for Science, Technology and Innovation

RESEARCH LICENSE

Serial No.A 24051

CONDITIONS: see back page

APPENDIX VII: RESEARCH AUTHORIZATION BY MINISTRY OF EDUCATION

Republic of Kenya
MINISTRY OF EDUCATION
STATE DEPARTMENT OF EARLY LEARNING & BASIC EDUCATION

Telegrams: "SCHOOLING", Nairobi
Telephone: Nairobi 020 2453699
Email: rcenairobi@gmail.com
cdenairobi@gmail.com

When replying please quote

REGIONAL DIRECTOR OF EDUCATION
NAIROBI REGION
NYAYO HOUSE
P.O. Box 74629 – 00200
NAIROBI

Ref: RCE/NRB/GEN/1/VOL. 1

DATE: 22nd August, 2019

Stephen Waithaka Ruo
Africa Nazarene University
P O Box 53067-00200
NAIROBI

RE: RESEARCH AUTHORIZATION

We are in receipt of a letter from the National Commission for Science, Technology and Innovation regarding research authorization in Nairobi County on **"Evaluation on effectiveness of police investigation on prosecution of crimes against women in Starehe Division, Nairobi County, Kenya.'**

This office has no objection and authority is hereby granted for a period ending **12th April, 2020** as indicated in the request letter.

REGIONAL DIRECTOR OF EDUCATION
NAIROBI
22 AUG 2019
MINISTRY OF EDUCATION
P. O. Box 74629, NAIROBI

JAMES KIMOTHO
FOR: REGIONAL DIRECTOR OF EDUCATION
NAIROBI

C.C
Director General/CEO
National Commission for Science, Technology and Innovation
NAIROBI

APPENDIX VIII: RESEARCH AUTHORIZATION BY KENYA POLICE SERVICE

KENYA POLICE SERVICE

Telegraphic Address: "VIGILANCE", Nairobi
Telephone: Nairobi 341411–6
Fax: 330495
When replying please quote

POLICE HEADQUARTERS
P.O. Box 30083–00100
NAIROBI

Ref. No. A/EST/6/1/2 VOL.VI/(102) and date 23/09/2019

The Sub-County Police Commander
Starehe Sub-County
Po Box 30051-00100
NAIROBI

RE: REQUEST FOR RESEARCH AUTHORIZATION I.R.O STEPHEN WAITHAKA RUO

The above named is a student at Africa Nazarene University. He has requested for authorization to conduct academic research within the Starehe Sub-County Police Command as part of his academic program.

The focus for his study is on "**Evaluation on effectiveness of police investigation on prosecution of crimes against women in Starehe Sub-County.**"

The Deputy Inspector General, Kenya Police Service has no objection.

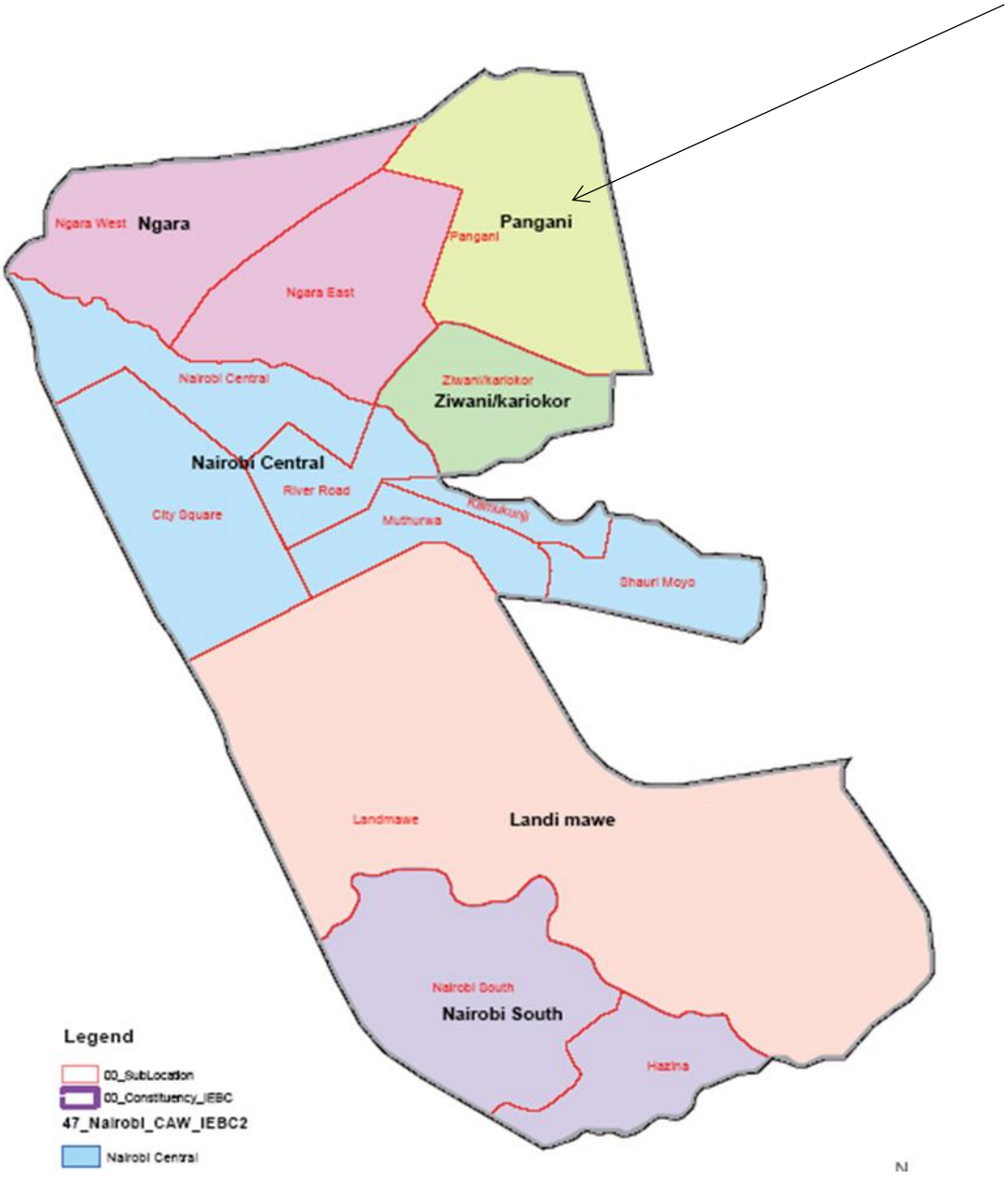
Please accord him the necessary assistance.

(EDWARD MUIRURI)
For: DEPUTY INSPECTOR GENERAL
KENYA POLICE SERVICE

Cc:
Regional Police Commander
Nairobi City County – for information.

Mr. Stephen Waithaka Ruo
Africa Nazarene University .... Liaise with the SCPC Starehe S/County for assistance.

APPENDIX IX: MAP OF STAREHE POLICE SUB-COUNTY, NAIROBI COUNTY



Source: Google Maps