LAW ENFORCEMENT DEVELOPMENT IN KENYA

History, Reform, and Path Forward

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Community Oriented Policing Services
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Contents

Abstract

The goal of this desk study is to help the International Criminal Investigative Training Assistance Program (ICITAP) of the U.S. Department of Justice (DOJ) engage with Kenyan government officials to design a coordinated justice and microtraining law enforcement development project.[1] The study is interdisciplinary, examining the Kenyan criminal justice system in the context of Kenyan history, politics, and social issues. The objectives of the study are to analyze the following:

1. Kenya's criminal justice system, with a special focus on the structure and function of the state police, in the eras of

    a. British institutionalization during colonialism,

    b. Post-independence development,

    c. Reform after adoption of the new constitution in 2010.

2. Present-day consequences of those constitutional reforms, specifically the National Police Service Act, the National Police Service Commission Act, and the Independent Policing Oversight Authority Act of 2011, and their impact on policing.

3. The role ICITAP could play in law enforcement development in Kenya, including an evaluation of microtraining and coordinated justice development as delivery methods.

This desk study was conducted during the conception period of the project. The findings are based on a survey of academic and grey literature, as well as informal interviews with specialists from government, nongovernmental organizations (NGO), and academia. The study uses a broad-stroke approach, and any project undertaken by ICITAP will have to be further contextualized and localized.[2]

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1.   The Counterterrorism Bureau at the State Department expressed an interest in funding the project, if ICITAP would design the program to include Counterterrorism / Countering Violent Extremism (CT/CVE) activities.
2.   Kenya is one of the most diverse countries in the world, home to more than 40 tribes with unique cultural and religious traditions. Differences between them are deepened by the socioeconomic divides between urban and rural areas. Designing a project in Nairobi would be very different than designing a project on the coast or the Somali border: different realities would influence the project design and determine which stakeholders ICITAP had to engage to gain buy-in from the local community.

The Kenya Police: Evolution of its Structure and Function

To analyze current policing issues in Kenya and the role ICITAP could play in related development programs, it is important to understand the historical and legal evolution of the Kenyan police. The following section is divided into three parts—Colonialism to the Mau Mau Uprising, independence to the 2007-2008 Kenyan Crisis, and Constitutional Reform of 2010 to the present day—and seeks to highlight the recurring trends in police structure and function over time.

Colonialism to the Mau Mau Uprising

As each specialist interviewed for this study confirmed, to understand the problems and entry points for reforming the Kenyan Police Service, one must understand its colonial history. Formal policing is very much a western invention, and reforms to the institution must be evaluated in the context of Kenya's colonial history. After the British Empire established the East Africa Protectorate in 1895, later renamed the Kenya Colony in 1920, the colonial administration started to form institutions based on those in colonial India. However, the British had to contend with the already existing, kin-dominated system of social organization on the African continent. Both indigenous and imported traditions influenced the development of the Kenyan criminal justice system, even though the division in the streams of law is significant and coded in language.[3]

The British pushed for adoption of the Indian Penal Code, derived from English common law, which would serve as the basis of the formal criminal justice system. Common law originated in the practices of the English royal court and is guided by judicial precedent. The groups indigenous to the land had their own social rules, which were largely unwritten and passed down orally and would come to be defined as the traditional justice system. Its rules are guided by custom, a deep respect for the past, and collective responsibility. They are enforced within the family unit, or, in the case of egregious misconduct, by tribunals made up of the elders of different lineages tasked with adjudicating disputes and rendering justice. The elders typically prioritize reconciliation over punishment.[4]

Traditional approaches to conflict resolution continued after the arrival of the British. Customary law was largely applied to resolve group rights disputes (that did not involve British citizens): for example, to settle payment for damages and death within and between indigenous communities.[5] However, in cases where the British had a direct stake in the conflict, colonial law dominated, and overall, was used to create an

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3.   The "formal" legal system is now strongest in urban and industrialized areas which were formally the White Highlands. "Traditional" dispute resolution mechanisms are still widely used, even prioritized, in rural areas and at the periphery of the country, though there have been many state-led initiatives to bridge the two systems in recent years after the election violence of 2007–2008, which will be discussed later in the study.
4.   Salamone, "The Clash between Indigenous," 3.
5.   Joireman, *The Evolution of the Common Law,* 194.

ordering mechanism that benefited the British colonizers. This is exemplified in the application of English property law to divide foreign lands, and the enforcement of a racial capitalist system that communicated a clear message: ownership and the capacity to appropriate were deeply tied to self-worth, the ability to pursue justice, and one's legal status.[6] European appropriation of land was codified in the Crown Lands Ordinances of 1902 and 1915, and other laws including the Vagrancy Ordinance (restricted the movement of Africans after 6:00 p.m.) and the Witchcraft Ordinance of 1925 (outlawed cultural practices deemed uncivilized) were used to subordinate the local population.[7]

Key to establishing the rule of law, or more accurately, rule by law, was the introduction of the police. The police originated with the security personnel hired by the Imperial British East Africa (I.B.E.A.) Company to protect its stores. The staff was mostly Indian and African, and many of the African recruits previously served as *askaris*, soldiers who made up the ranks of European armies.[8] European officers filled the superior ranks.[9] In addition to protecting business ventures, the creation of a civilian police force also reflected the British need to supplement, and then downscale, the use of military expeditions to secure control over the "recalcitrant tribes". An 1,800-person civilian police force was institutionalized under local ordinance in 1906 and was governed by the Indian Criminal Procedure Code and the Indian Evidence Act and Police Ordinance.[10]

By 1920, Kenya could be divided into "policed" and "unpoliced" zones. The former included white-settled areas and some parts of the African Reserves; the latter, the peripheries.[11] In the policed zone, two forces evolved: the Kenyan Police Force and the Tribal Police Force. The Kenya Police were headquartered in Nairobi with subordinate divisions in the provinces. In the reserves, installed chiefs had retainers who helped secure colonial rule. These retainers often had kinship ties to the chief and demonstrated loyalty to the provincial administration.[12] They formed the Tribal Police, though its duties and organizational structure were defined by ordinance only in 1929. Over the course of British rule, the policed zone expanded, and by 1945 there were upwards of 5,000 police officers across 59 police stations and 162 posts.[13] However, unpoliced zones remained, in which communities defended themselves and dealt with criminals directly, and turned to local traditional leaders as a source of authority.

Police officers were poorly paid and trained, and the paramilitary origins of the force led to a reactive and heavy-handed approach to policing. Police conduct varied depending on the population in which they were embedded. European settlement was concentrated in the White Highlands, in what is now southwestern Kenya, where the altitude, rainfall, and low temperatures made the area attractive for

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6. Bhandar, *Colonial Lives of Property.*
7. Modern day laws inspired by these ordinances still endure today. Muendo, "Kenyans Are Still Oppressed."
8. Kenya Police Service, "History of the Kenya Police Service."
9. Crow, *Insurgency.*
10. Waller, "Towards a Contextualization of Policing," 525–541.
11. Waller, "Towards a Contextualization of Policing."
12. Wambugu, *Transformation in the Administration Police Service in Kenya,* 29.
13. Crow, *Insurgency,* 48.

farming; major cities such as Nairobi grew out of these settlements. In this region the police were more orderly and drew on detection techniques, conducted regular patrols, and pursued minor and major offenses.[14] In the African Reserves, such as the Northern Frontier region bordering what is now Somalia, the police played a more securitized and coercive role.[15] The police circumvented existing indigenous systems of authority and created strategic alliances and, in addition to tax collection and mobilizing labor for settler requirements, they were responsible for maintaining law and order. The police pursued mostly major offenders, and the colonial administration condoned tactics such as hostage-taking of family members, confiscation of property, and corporal punishment—tactics which explain the public distrust, even hatred, for the provincial administration and police.

The disparity in policing is a reflection of the racism embedded as normal practice in the police force. The white settlers and Africans did not have equal access to police services and were treated unequally by design.[16] The same stratification happened within the police force itself. Most lower-ranked police officers were black, while their superiors were mostly white, and the British prioritized the recruitment of certain ethnic groups above others. The Kikuyu and Kama were the most represented in the security structures, which furthered the British policy of divide and rule.[17] Many white settlers, especially those with vast land holdings, positioned themselves above the law and, like the communities in unpoliced zones, habitually resorted to self-help. The settlers were collectively influential, armed, and had strong connections with senior level police officials. Lawbreaking went largely underreported and transgressions were often resolved through private negotiations.[18]

The armed Mau Mau Uprising from 1952 to 1960 was the culminating response to colonial rule, and it is a good example of how policing reinforced British authority in the Kenya Colony. Following the Second World War, and the Great Depression before it, Kenya was experiencing an economic downturn and resentment began to grow among the quarter of a million Africans who made up the farm labor force in the White Highlands. The Kenya Land and Freedom Army (KLFA) that led the uprising formed out of the disaffected Kikuyu "squatters" on white settler land. After the assassination of Senior Chief Waruhiu, a British loyalist, Governor Evelyn Baring declared a state of emergency and Jomo Kenyatta, the leader of the Kenyan African Union, was arrested along with his followers. By 1953, over 10,000 British troops, 15,000 police, and 20,000 home guards had been deployed to fight the insurgency.[19] According to one prominent African studies scholar, "when the fighting was at its worst, the Kikuyu districts of Kenya became a police state in the very fullest sense of that term."[20] The period of emergency led to widespread

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14. Crow, *Insurgency.*
15. Crow, *Insurgency.*
16. The majority of Africans relied on traditional justice and were not seeking "equal" treatment as defined by the British colonial legal system. However, colonial justice accelerated (and contributed to) divides between city and rural areas and between different ethnic groups and social classes that persist today.
17. *East Africa Living Encyclopedia,* "Kenya – Ethnic Groups."
18. Waller, "Towards a Contextualization of Policing."
19. Peterson, *Oman's Insurgencies.*
20. Anderson, *Histories of the Hanged,* 252.

detention without trial, internment of thousands of Africans in detention camps, and high rates of human rights violations. The Mau Mau Uprising set the stage for Kenyan independence in 1963. The next subsection of this paper will examine the period from independence to the election violence of 2007–2008, as well as the relationship between policing and the post-independence governments.

Independence to 2007-2008 Kenyan Crisis

After Kenya gained independence in 1963, each successive administration promised reform, including changes to the criminal justice system—and with it, the police force. There is much debate among academics and practitioners as to whether these reforms have been successful in making Kenya's police fairer and more just. While some argue that reforms have been "cosmetic," others see progress, especially in the growth and strength of civil society opposition voices and their freedom to challenge police misconduct.[21] It is undeniable that vestiges of the colonial period remain and that the police continue to perpetuate the colonial modus operandi: protection of the ruling elite.[22] Government officials have instigated violence and undermined investigations into police brutality, extrajudicial killings, and torture, contributing to a culture of impunity within the police force. This has led to widespread mistrust of the police among the public. Poor pay and conditions, as well as inadequate training, compound the problem. The most visible representation of police failure in recent years is the election violence of 2007–2008. This subsection briefly surveys key developments related to the Kenyan Police Force from independence to the 2007–2008 Kenyan Crisis.[23]

Kenya's first post-independence government relied on the colonial playbook, preserving and even enhancing colonial policing models to serve elite interests. Jomo Kenyatta, anticolonial activist and founder of the Kenya African National Union (KANU) party, became Kenya's first president in 1963. The new constitution adopted in 1969 strengthened presidential powers, which Kenyatta used to suppress dissent and arbitrarily detain political opponents, wielding the police forces as a political tool to serve the interests of the new elite—a small circle of Kikuyu dubbed the "Kiambu Mafia."

Under Kenyatta and his successor, the Kenya Police Force continued to be governed by the Police Act of 1960 and the Police Standing Orders of 1962, which had entered into force before independence, although the Tribal Police Force was rebranded as the Administration Police Force by the Administration of Police

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21. Interview with European academic, June 23, 2020.
22. Nasong'o and Murunga, *Kenya: The Struggle for Democracy.*
23. This section draws heavily on the report of the Truth, Justice, and Reconciliation Commission (TJRC) established in 2008 by an Act of Parliament in response to the 2007–2008 election violence and as part of a political power-sharing agreement between the opposition Orange Democratic Movement (ODM) and the Party of National Unity (PNU). The TJRC was tasked with investigating injustices and human rights violations committed by the state from Kenyan independence to the election. Every witness who testified before the Commission was asked for recommendations; thus, the final report submitted to President Uhuru Kenyatta in 2013 is a synthesis of many diverse viewpoints from across the country. While the government has done little to spread its findings and implement its recommendations, the TJRC nonetheless provides a valuable overview of Kenyan independence history, the failings of the postcolonial system, and potential avenues for development. Truth, Justice, and Reconciliation Commission, *Final Report - TJRC Report Volume 4.*

Act No. 13 of 1958. The most visible change to the Kenya Police Force during Kenyatta's presidency was the replacement of expatriate British officers by Africans in the senior ranks.[24] Overpolicing of marginalized communities and use of coercive tactics, however, continued, reaching a peak in the administration's use of collective punishment against Somali communities in the Shifta War (1963–1967) against the Somali-backed Northern Frontier District Liberation Movement (NFDLM).[25]

Kenyatta died in office in 1978 and was succeeded by his vice president, Daniel arap Moi, who stayed in power until 2002. Moi was installed at a time of great competition, as members of the Kiambu Mafia had begun to vie for power as Kenyatta's health was seen to deteriorate.[26] Initially, the public saw Moi as a leader who could tackle corruption and a political culture based in ethnic rivalry; however, many of the issues endemic to the first KANU administration continued during Moi's rule. He has been accused of presiding over massacres; economic crimes; violent suppression of protests; and silencing critics through unlawful detentions, torture, and assassinations.[27] Though he began a campaign to purge the administration of civil servants accused of corruption—which led to the resignation of the first African Police Commissioner, Bernard Hinga—Moi soon formed a new inner circle that would eventually be charged with grand corruption. He abolished multi-partyism in 1982, and Kenya became a de jure one party state.[28]

Like Kenyatta, Moi politicized the police and other security structures and ignored calls for police reform. Police were used as a weapon of the state, particularly against the Somali communities of the Northern Frontier District (NFD).[29] After his administration walked back promises to include the public on constitutional reform, instead allowing his regime full control of the process, Moi dispatched the police to crack down on the ensuing protests.[30] Police brutality was also widespread during the 1992, 1997, and 2002 elections, in which Moi and Mwai Kibaki vied for the presidency

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24. Kenya Police Service, "History of the Kenya Police Service."
25. In 1916, Britain entered an agreement with Italy that it would cede part of its colonial holdings to Italy if the latter were to exclude itself from the postwar division of German colonial territory. Following the agreement, part of colonial Kenya was incorporated into Italian Somaliland in 1924. The new boundary left about 200,000 ethnic Somalis stranded in Kenya's Northern Frontier District (NFD); after Kenya gained independence, the NFDLM pushed for secession. Kenya and Ethiopia took a hardline approach to ending the insurgency; Kenyatta's government condoned the massacre of civilians, acts of sexual violence, looting and burning of property and slaughter of livestock—the livelihood of pastoralist tribes in Northern Kenya. The villagization program, called Manyatta, used against ethnic Somalis is eerily reminiscent of the detention camps created by the British during the Mau Mau Uprising.
    Following the Shifta War, the Kenyan government enacted the 1972 Indemnity Act to protect state officials from accountability. The period would come to define animosity to ethnic Somalis in the NFD as Kenyan policy and would contribute to the formation of the Islamist militant group Al-Shabaab. Pike, "Somalia and the Shifta Conflict."
26. Versi, "Daniel arap Moi."
27. Truth, Justice, and Reconciliation Commission, *Final Report - TJRC Report Volume 4.*
28. Widner, *The Rise of a Party-State in Kenya: From "Harambee!" to "Nyayo!"*
29. United Nations High Commissioner for Refugees. "Chronology for Somalis in Kenya.".
30. "Call for Constitutional Reform Sparks Riots."

Kibaki's 2002 election ended 40 years of KANU rule. Kibaki had served as Moi's vice president for ten years before losing favor within his administration, subsequently rising as leader of the official opposition in parliament from 1998 to 2002. He would serve from 2002 to 2013. Kibaki's failure to reign in corruption and continued power struggles in his coalition led to unrest. While he did fulfill promises to draft a new constitution, when the new constitution was put to a referendum in 2005, the public voted against it. Before the 2007 election, Kibaki formed a new coalition, the Party of National Unity (PNU), which ironically included KANU. The opposition was led by Raila Odinga of the Orange Democratic Movement (ODM). There were violent clashes between ODM and PNU factions in all parts of the election cycle, and when PNU declared victory in an election that was widely perceived as rigged, chaos ensued. More than 1,100 people were killed and another 650,000 displaced.[31] The police were again implicated in large-scale abuses of power and violations of human rights, as described in the findings of the Commission of Inquiry on the Post-Election Violence (i.e., the Waki Commission) and The Truth, Justice, and Reconciliation Commission (TJRC).

In 2008, the African Union Panel, chaired by Kofi Annan, mediated a political power-sharing agreement between ODM and PNU which culminated in the signing of the National Accord. Kenya embarked on a new reform process in 2009, and a constitutional referendum was held in 2010. The redrafted constitution, which replaced the 1963 independence constitution, decentralized government and devolved power to the county level, laying the foundation for great changes in the structure and function of the police. Implementation of these changes was largely left for President Uhuru Kenyatta, party leader of the Jubilee Party and son of Jomo Kenyatta, who assumed office in 2013. The next subsection examines these police reforms and their impact today.

Constitutional reform of 2010 to present day

After the constitution of 2010 was ratified, policymakers enacted a series of laws reflective of its changes to the police system. Their decision-making was guided by the findings of the National Task Force on Police Reforms, which had been appointed by President Kibaki after the election violence in 2007 and 2008. The recommendations in the Task Force's final report, the Ransley Report, served as the basis for acts establishing the National Police Service (NPS), the National Police Service Commission (the Commission), and the Independent Policing Oversight Authority (IPOA). This subsection provides background on these new police organizations and the laws that guide them.[32]

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31. Human Rights Watch, "Kenya: Post-Election Killings, Abuse."
32. For a more extensive overview of these laws, refer to Release Political Prisoners Trust (RPP), *Your Guide To: The National Police Service Act.*

Constitution

Following Article 243 of the new constitution, the Kenyan Police Force was renamed the National Police Service. Article 244 defined its objectives as follows:

> *(a) Strive for the highest standards of professionalism and discipline among its members;*
>
> *(b) Prevent corruption and promote and practice transparency and accountability;*
>
> *(c) Comply with constitutional standards of human rights and fundamental freedoms;*
>
> *(d) Train staff to the highest possible standards of competence and integrity to respect human rights and fundamental freedoms and dignity; and*
>
> *(e) Foster and promote relationships with the broader society.* [33]

Article 245 established the office of the Inspector-General (IG) of the National Police Service, the most senior officer in the state police force. Article 246 established the National Police Service Commission, responsible for police recruitment, training, conditions of employment, and discipline.

National Police Service Act

The National Police Service Act of 2011 is an Act of Parliament that further clarified the new structure and role of the police. One of the most critical changes it made was to bring the Kenyan Police (KP) and the Administration Police (AP) under one system, the National Police Service. The roles of the two major arms of the Police Service have significant overlap. According to Section 24 of the National Police Act of 2011, the Kenyan Police Service is tasked with

> *(a) Provision of assistance to the public when in need;*
>
> *(b) Maintenance of law and order;*
>
> *(c) Preservation of peace;*
>
> *(d) Protection of life and property;*

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33. *The Constitution of Kenya.*

(e) Investigation of crimes;

(f) Collection of criminal intelligence;

(g) Prevention and detection of crime;

(h) Apprehension of offenders;

(i) Enforcement of all laws and regulations with which it is charged; and

(j) Performance of any other duties that may be prescribed by the Inspector-General under this Act or any other written law from time to time.[34]

According to Section 27, the Administration Police Service (APS) also must assist the public, maintain law and order, preserve the peace, protect life and property and apprehend offenders, and perform other duties prescribed by the IGP, but is also tasked with

(a) Provision of border patrol and border security;

(b) Provision of specialized stock theft prevention services;

(c) Protection of Government property, vital installations and strategic points as may be directed by the Inspector-General;

(d) Rendering of support to Government agencies in the enforcement of administrative functions and the exercise of lawful duties; and

(e) Coordinating with complementing Government agencies in conflict management and peace building.[35]

The NPS is also guided by the Criminal Procedure Code, Evidence Act, Penal Code, Service Standing Orders, and international law.

Another critical provision of the National Police Service Act elevated the importance of community policing through County Policing Authorities and Community Policing Forums.[36] The new policing system's emphasis on effective community engagement reflects the 2010 Constitution's goal of devolution. Section 41 of the National Police Service Act requires each of the 47 counties in Kenya to establish its own County Policing Authority, which is to be responsible for training and overseeing community policing

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34. *Kenya: Act No. 30 of 2011.*
35. *Kenya: Act No. 30 of 2011.*
36. Commonwealth Human Rights Initiative, "How Do I Get Involved?"

projects.[37] The authority's leadership body is to include the governor, the chairperson of the County Security Committee, two members nominated by the County Assembly, as well as county representatives appointed by the IG, comprising the heads of the National Police Service, the National Intelligence Service and the Directorate of Criminal Investigations at the county level.[38] Additionally, six members appointed by the governor are to serve as representatives of various groups including women, youth, and religious and business organizations. The funding for the authority is to be provided by the NPS. Police officers are also mandated to set up a Community Policing Forum in their area of work in partnership with the community, which is to report to the County Policing Authority. This forum's membership is to include the police station commander and local leaders representing the community; their agenda includes electing a Community Policing Committee to represent them.

National Police Service Commission Act

The National Police Service Commission Act of 2011, following Article 246, established the National Police Service Commission. This independent government commission is made up of nine members: a chairperson, who is a lawyer qualified to serve on the High Court; the IG of the Police; the Deputy Inspectors-General of the AP and KP; two retired police officers, one from the AP and the other from the KP; and two other distinguished, experienced specialists. Three of the commissioners must be women, and no member of the commission can hold office or act for political gain. The main responsibilities of the Commission are recruiting and training officers, monitoring daily operations, and launching investigations into misconduct and administering disciplinary measures. The Commission takes complaints from the public, but in cases of serious misconduct, it refers the cases to the Independent Policing Oversight Authority, the Kenya National Commission on Human Rights, the Director of Public Prosecutions, or the Independent Ethics and Anti-Corruption Commission.

Independent Policing Oversight Authority Act

The Independent Policing Oversight Authority Act of 2011 created the Independent Policing Oversight Authority. The IPOA provides civilian oversight of the NPS; its mission is to conduct investigations into police misconduct, as well as to audit and monitor the police. Its function is similar to that of the Internal Affairs Unit (IAU) of the NPS, which was operationalized in 2013. However, the IPOA holds the NPS more accountable, as it can take over IAU investigations and publicize the failure of the IG to implement

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37. Githinji, "The Role of the County Policing Authority."
38. *Kenya: Act No. 30 of 2011.*

its recommendations.[39] The IPOA is overseen by a board of directors: a chairperson who, like that of the National Police Service Commission, is a lawyer qualified to serve on the High Court; the chairperson of the Kenya National Human Rights Commission; and seven specialists with the experience and qualifications to serve on the board.

The next section will discuss the consequences, implications, and relative success of these reforms, prioritizing the insights of the specialists interviewed for this study.

39. Commonwealth Human Rights Initiative, "Overview of Police Accountability Mechanisms."

Consequences of Reform: Policy is Not Practice

According to many of the specialists interviewed for this publication, the 2010 Constitutional referendum and subsequent legislative changes have had a positive impact on Kenyan society. However—and this is especially true of changes to the police—that impact has been superficial in many areas. There have been problems in implementation of policy changes and divergences between policy and practice.[40] As a legal specialist at DOJ told the author, "The constitution in Kenya is actually much "better" than the one in the U.S. in terms of what is written down. But the problem is not the letter of the law, but the follow-through." Corruption, a politics based in ethnic division, and a lack of executive accountability continue to be cited as barriers to change.

The 2010 Constitution devolved the national government and established semiautonomous county governments. Devolution was envisioned as a more effective way to distribute power, bring funding to the local level, and reflect the needs and demands of the public. The reform increased the number of constituencies and introduced the new roles of Governor and Members of the County Assembly, bringing some powers closer to citizens, but also adding layers of representatives between citizens and the national government. To complement these structural changes, there was a campaign to educate the public on the referendum and make citizens more aware of their rights and of how to hold institutions accountable.[41]

In the wake of these reforms, Richard Omari Onyancha and Gedion Kennedy Juma of the international development organization PACT report that more resources are, in fact, being allocated to counties and invested in social infrastructure, from hospitals to roads. However, both caution that officials do not fully understand their new roles, too much of the county budget goes to salaries, and corruption has only intensified as "now there are even more representatives to pay off."[42] There is a sense that the referendum was highly politicized and that, while the new laws are better designed, their improvements are largely cosmetic due to uneven implementation. As Onyancha lamented, "Kenyan citizens are far ahead of the government in terms of embracing the changes that are expected. The government is a bit old-school, a bit stuck in the pre-2010 and pre-2011 years. Hopefully, over time, the government will catch up with its citizens."[43]

These frictions—between policy and practice, government and community expectations, as well as increased spending and effectiveness—are exemplified in the police reform effort. According to academic specialists, including Daisy Muibu, and several State Department officials, there has been progress, but challenges remain. Rebranding the "police force" as a "police service," merging the Administration Police (AP) into the National Police (NP), creation of police oversight mechanisms (IPOA and IAU), better

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40. Interview with DOJ Official on June 18, 2020.
41. Interview with Richard Omari Onyancha on June 17, 2020.
42. Interview with Gedion Kennedy Juma on June 16, 2020.
43. Interview with Richard Omari Onyancha on June 17, 2020.

remuneration, and the creation of community policing initiatives have all started to slowly change the way the police interact with the public. Newly formed units, such as the U.S.–trained Special Program for Embassy Augmentation and Response, have made counterterrorism operations more professional, as clearly seen in the evolution of responses from the Westgate Mall attack (2013), to the Mpeketoni attack (2014), to the Garissa attack (2015), up to the most recent DusitD2 complex attack (2019). The police are not the same political tools they were from the colonial period through the Moi era.[44] The observations of specialists support the government line on police reform.[45] However, excessive force and impunity for police perpetrators are still pervasive within the police service and public fear and mistrust of the police remains widespread.

It is critical to understand why police reforms have not achieved more extensive change. There are several factors at play:

1. New policies have been challenged or subverted by actors that stand to lose power. These include local political leaders, businessmen, and members of the police force, especially those at the senior level who benefit from the status quo.

2. Not enough time has passed since the reforms were introduced for the cultural and systemic changes to be made that are needed to reinforce each other.

3. Reforms are incomplete and need to be supplemented and further guided by development organizations.

This third point will be further discussed in the section on the role ICITAP could play in development. Reform is hard to effect and maintain. The specialists interviewed frequently cited AP and NP integration; community policing; accountability mechanisms; and remuneration, working conditions, and training as areas that still need a lot of work.

AP and NP integration

The Kenyan government's goals in integrating the Kenya Police and Administrative Police were to simplify command and control, as well as to enhance accountability and performance. It was also intended to begin erasing the colonial-era divisions between the two formations, which left the National Police as a full-service police organization and the Administrative Police a limited organization working for the provincial governors.[46] However, there has been uneven buy-in to the merger among senior law

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44. Interview with Daisy Muibu on June 18, 2020.
45. According to the President of Kenya's official website, reforms almost doubled the allocation to the NPS (to KSh100 billion, about $1 billion), increased the number of NPS vehicles to 5,000, and filled the ranks of the police with more officers. The Head of State reported on other improvements that were meant to increase efficiency and morale: changes in structure and command, change of uniform, rebranding of colleges, and the introduction of housing allowances for junior officers that would raise living standards. Office of the President of the Republic of Kenya, "New Dawn for Kenya Police."
46. As previously mentioned, the AP's predecessors, the Tribal Police, operated in the Reserves, while the NP's forerunners, the KP, were more prominent in the White Highlands.

enforcement officials and politicians, who have resisted changes that could damage their status. According to Juma, "after efforts to unify the NP and AP officially, there was internal pushback, so the two remain distinct."[47] The AP continues to be more visible in remote and rural areas, use paramilitary tactics, and focus on issues beyond routine law enforcement such as border security. The NP operate primarily at the federal level, but are also present in local communities, where they work mostly as traffic police and on criminal offenses.[48] For the public, however, the AP and NP are the same: "they are the police and the police are government".[49]

Community policing

Community policing was first launched by President Kibaki in 2005, and its legal framework was clarified in the 2010 constitution and operationalized in the 2011 NPS Act. According to the National Police Service Community Policing Information Booklet, community policing is

> [t]he approach to policing that recognizes voluntary participation of the local community in the maintenance of peace and which acknowledges that the police need to be responsive to the communities and their needs, its key element being joint problem identification and problem-solving, while respecting the different responsibilities the police and the public have in the field of crime prevention and maintaining order.[50]

It is grounded in the idea of a police service that is citizen-centered and proactive in dealing with security threats.[51] Community policing activities are broad and varied, and range from community awareness programs to sporting events, peace caravans, and crime mapping.[52] The NP booklet also lists what community policing is not: vigilantism, coercion or extortion, replacement of village elders, a spy ring, a parallel security system, a political forum, or—except for police officers—a paying job.[53]

It is important here to mention Nyumba Kumi, which began as a parallel initiative and was incorporated into the community policing initiative in 2016.[54] Nyumba Kumi is based on a similar initiative in Tanzania in which 10-house (*nyumba*=house and *kumi*=ten in Kiswahili) agglomerations would regularly share information with each other, and if needed, with the administration, serving as the "eyes and ears" of the community—roughly analogous to a neighborhood watch approach in the U.S.[55]

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47. Interview with Gedion Kennedy Juma on June 16, 2020.
48. Interview with Gedion Kennedy Juma on June 16, 2020.
49. Juma explained that the difference between the AP and NP was not common knowledge and that most of the public did not really differentiate between them. The initial reaction to both was that they were the police and fulfilled the government agenda.
50. National Police Service, "Community Policing Information Booklet," 2.
51. National Police Service, "Community Policing Information Booklet," 15.
52. National Police Service, "Community Policing Information Booklet," 17.
53. National Police Service, "Community Policing Information Booklet," 15.
54. When it was first started, Nyumba Kumi caused widespread resentment among police officers who felt it encroached on their jurisdiction and removed their control over neighborhood security. A new community policing program headed by the NPS subsumed the initiative in 2016. Diphoorn and Van Stapele, "What Is Community Policing?"
55. Diphoorn and Van Stapele, "What Is Community Policing?"

Community policing, including Nyumba Kumi, has had a mixed reception. Not all counties have been able to establish a Community Policing Authority, as national government officials and police officers have obstructed the process in some areas.[56] Some of its opponents believe policing must be maintained as a top-down institution and not be devolved; others—particularly local leaders in places where community policing initiatives did take root—have argued from the opposite position, claiming that the state uses community policing to insert itself into communities, assert control, and upset traditional approaches to preserving law and order. These leaders complain that the police are now encroaching on their jurisdictions, privileging certain ethnic groups over others and mostly looking to groom informants.[57] For example, Nyumba Kumi was largely enforced in urban centers, low-income areas, and areas at a high risk for terrorism, leading critics to denounce it as a means of enhanced state surveillance, likening it to colonial-era information-sharing arrangements between chiefs and informants.[58] More traditional areas have also expressed the belief that community policing is a poor substitute for vigilante groups such as Sungusungu, banned by the Kenyan government in 2007.[59] Thus, flawed community policing initiatives have done little to rebuild trust in the institution and in fact have only reinforced the public view of the police as disingenuous and ignorant of the local context in which they work.[60]

Accountability mechanisms

The new accountability mechanisms such as the IPOA and IAU have been widely criticized for failing to prosecute misconduct cases.[61] In the past eight years, despite thousands of complaints, the IPOA has helped convict only seven police officers for unlawful deaths.[62] Section 61 of the National Police Service Act establishes clear use of force guidelines, summarized here by the independent journalism site Reporting on Good Governance in Kenya (RoGGKenya):

1.   Non-violent means shall always be used as long as they are effective.

2.   All force used must be proportional to the objective to be achieved.

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56. Githinji, "The Role of the County Policing Authority."
57. "There is a power imbalance when it comes to sharing information. The police often cite that information is confidential and cannot be shared with the community. It is more give than a give-and-take scenario." Interview with Gedion Kennedy Juma on June 16, 2020.
58. Diphoorn and Van Stapele, "What Is Community Policing?"
59. Sungusungu originated in Tanzanian herder communities as armed groups that dealt with cattle rustling. The practice grew into a form of organized protection and served as a mechanism for punishing wrongdoers outside formal policing structures, in addition to its original focus, across Kenya.
60. It should be noted that police are recruited at the district level, trained at the national level, and redistributed across Kenya. Officers do not necessarily go back to their home communities; in fact, this is discouraged. This practice creates language and cultural differences between the police and local populations. Diphoorn and Van Stapele, "What Is Community Policing?"
61. A recent example of the IPOA's limitations is its response to police violence during the 2020 coronavirus crisis. Police have been accused of ruthlessly enforcing coronavirus lockdown, beating those still out on the street after dusk and even resorting to lethal force. According to human rights groups, there have been dozens of killings, especially in slums and other areas of extreme poverty. The heavy-handed response has led to protests, though because of police intimidation they have not been as widespread as in some countries. The IPOA has reported that it is actively collecting complaints and that it is investigating at least 15 deaths linked to police actions during curfew. It will be interesting to see if the IPOA findings will lead to any prosecutions. Zhu, "Kenya Charges Police Officer with Murder."
62. Zhu, "Kenya Charges Police Officer with Murder."

3. Firearms. . . may only be used for saving lives and self-defense (not, for example, for intimidation, dispersion of crowds or for shooting fleeing suspects).

4. All use of force must be documented and opened for internal police investigation.[63]

However, prosecuting violations of these rules and other police misconduct is dependent on police compliance. Police often refuse to give evidence, share case files, or appear in court.[64] According to a European academic studying police misconduct, this obstruction often comes from the top down: "There are amazing police officers who spearhead initiatives at local police stations, but if their superiors are unsupportive, in a very hierarchical institution, change will be slowed or stopped."[65] Senior officers have been accused of pressuring subordinates to take bribes, posting officers to "the bush" as punishment, and encouraging excessive use of force.[66] These allegations of retaliation reflect poorly on the IAU, which has been accused of covering up misconduct.[67] Thus, while the existence of official bodies that can complement the accountability work of civil society organizations is a significant push forward compared to previous decades, concerns remain that they are weak and too easily bend to the will of powerful actors.[68]

Remuneration, working conditions, training

Police spending has increased since the 2011 reforms; it is unclear, however, whether this increase has gone to the rank and file. While some police officers in Nairobi reported improvements to housing and training after the reforms, salaries and access to resources were still considered very low.[69] Outside Nairobi, the situation is likely no better.[70] Among police, the perception is that "officers are not paid well, their housing situation and allowance are not good, and the medical care and aid they should be receiving is insufficient. There is not enough training. You do not have a lot of community support. When officers

63. Schauen, "Police Use of Force Rules in Kenya."
64. Fick, "Amid Claims of Police Brutality."
65. Interview with European academic on June 23, 2020.
66. Interview with European academic on June 23, 2020.
67. Lucas Kivoi, "Why Violence Is a Hallmark."
68. "There are a lot of organizations working on issues of police misconduct and accountability: The Police Reforms Working Group (a coalition of various organization both linked to the state and not), the Kenyan National Commission for Human Rights (government), the Kenyan Human Rights Commission (nongovernment), International Justice Mission (provide training, mentoring and support to local law enforcement and community leaders), Transparency International (focus on corruption and had an initiative to run trainings for police officers and help the internal affairs unit set up an anonymous line so that police misconduct could be reported), International Transitional Justice (wrote a lot about vetting police officers when The National Police Service Commission vetted police officers two years ago as a crucial part of reform), International Justice Mission (set up legal training for police), Mathare Social Justice Center (document police extrajudicial killings), Social Justice Center Working Group (document police violence and train human rights activists to do the same), Missing Voice Project (track enforced disappearances), Human Rights Watch (highlight systemic abuses during police and military operations), Haki Africa (focus on people who have gone missing in the name of violent extremism (VE))." Interview with European academic on June 23, 2020.
69. Interview with European academic on June 23, 2020.
70. Interview with European academic on June 23, 2020.

die you do not hear much about it."[71] Outside the police, the assessment is harsher: "the police service is for failures."[72] Both perceptions arguably create negative feedback loops, as the police act the way the public expects them to.[73]

It is clear that not only laws, but the mindsets and culture of the police service need to change. Examining the shortcomings of police reform provides an opportunity for government, development agencies, and civil society in Kenya to review what changes still need to be made, and how they can work together to achieve them. Policies must still be tested, guidance and support developed for their implementation, and extensive data collected to track their progress. Assistance efforts overseen by agencies such as ICITAP can add value to law enforcement development in Kenya. The next section offers recommendations for the role ICITAP can play in Kenya based on the findings of this desk study, ICITAP's projects in other countries, and the feedback received from U.S. government officials on ideas for an ICITAP pilot project in Kenya.

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71. Interview with European academic on June 23, 2020.

72. Interview with Richard Omari Onyancha on June 17, 2020. Onyancha added, "Most of recruitment is based on athleticism and not intellectual capacity. I do not think the recruits understand the responsibility of the police or its mission. They go overboard on people they arrest and do not understand the context in which they work."

73. As the European academic noted, "The understanding of who the police are, what is wanted from them and what role they play in society is still very much influenced by colonial style policing. There are a lot of citizens that support the use of excessive force. There is a famous video of a police officer shooting someone in broad daylight that civil society refers to when discussing police misconduct. Bystanders in the video were clapping. A lot of people weren't, but there is support for the use of force and the mentality that as long as the police were able to catch the guy, they did a good job." Interview with European academic on June 23, 2020.

What Role Can ICITAP Play?

The U.S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) was founded in 1986, with a mission "to work with foreign governments to develop professional and transparent law enforcement institutions that protect human rights, combat corruption, and reduce the threat of transnational crime and terrorism."[74] ICITAP is funded by various departments of the federal government. ICITAP programming is guided by the idea of practical designs for practical results, and the agency has tested a wide variety of project design and implementation methodologies. In sub-Saharan Africa, microtraining and coordinated justice development have been especially promising.

Microtraining originated in the roll-call trainings originated by the Los Angeles Police Department in 1948.[75] Each training module is about 15 minutes long. Topics range from "investigating robbery, theft, domestic violence, and sexual violence, to defensive tactics, interview techniques, handcuffing techniques, and community engagement."[76] Microtraining is meant to be more digestible than longer in-service trainings, and more easily incorporated into daily activities. ICITAP has successfully used microtraining as an implementation methodology for an election security program in Sierra Leone, partnering with the Sierra Leone Police to develop nine microtraining modules covering the following topics:

1. Understanding the new election laws

2. Proper conduct at polling places

3. Prosecuting electoral offenses

4. Tolerance and respect during the election period

5. Gender discrimination in elections

6. Persons with disabilities and vulnerable persons around elections

7. Police neutrality around elections

8. Police/community communication

9. Stress management[77]

The Sierra Leone Police have a morning parade, like the roll call used by U.S. police departments, during which police microtraining could be administered. ICITAP trained 10 "master-instructors" (MI) who then trained 733 police division supervisors and station supervisors. The MIs also trained over 130

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74. ICITAP home page, https://www.justice.gov/criminal-icitap.
75. Murphy et al., *A Review of the USAID-ICITAP Election Security Program.*
76. Murphy et al., *A Review of the USAID-ICITAP Election Security Program,* 7.
77. ICITAP, *Promoting Sustainable Institutional Law Enforcement Development,* 89.

community leaders, such as imams, priests, civic community policing leaders, paramount chiefs, and a community radio editor, to serve as microtraining instructors. The 733 new police instructors and 130 new community instructors then disseminated the training widely across the country, creating a domino-effect.[78] A microtraining lesson plan should be one and a half to three pages long; it can be developed in the colonial language—such as English, French, or Portuguese—and then presented in the local or regional language. In Sierra Leone, the original lesson plans in English were presented in Krio, Mende, Temne, Mandinka, Fula, and other local languages. This is the key reason why microtraining is such a valuable grassroots development tool: lesson plans are compact enough that they can be easily translated into local languages, and in low literacy areas, their enactment and subsequent broadcast could reach more people than other delivery methods. ICITAP made a point of pairing microtraining with community outreach, including music and art events and community radio broadcasts, to inform citizens about their rights, available services, and ways of getting involved in peace and security activities.

Coordinated justice development involves strategies to improve coordination and efficiency between police, prosecutors, magistrates, and local leaders, and to build their capacity to serve the communities in which they work. To explain the concept, ICITAP Coordinator for Strategic Partnerships and Training Eric Beinhart described a successful effort in Lira, Uganda.[79] ICITAP organized a lunch meeting with local police, prosecutors, NGOs, UN officials, and magistrates to analyze a difficult case—the rape of a six year old girl—which had already been adjudicated. All names were removed and participants were asked to analyze the case. After initial finger-pointing over each others' perceived failures in bringing perpetrators to justice in such cases, the participants came together to learn more about each other's roles and constraints. They developed a Memorandum of Understanding (MOU), later signed by Lira's Chief of Police, Chief Prosecutor, and Chief Magistrate, to facilitate collaboration in a number of investigative activities. A lack of coordination between stakeholders is endemic in the Ugandan criminal justice system; by strengthening relationships and cooperation among them, the efficiency of the entire criminal justice system was improved.[80]

In Kenya, ICITAP is considering using microtraining and coordinated justice development as part of a pilot project that would involve two experimental and two control police stations and courts, identified through random controlled trial techniques. In this pilot program, microtraining could be introduced

78. ICITAP, *Promoting Sustainable Institutional Law Enforcement Development.*
79. Phone call with Eric Beinhart on June 11, 2020.
80. Beinhart described several ICITAP accomplishments in Lira that were made possible due to this increased coordination between different criminal justice actors. First, ICITAP teams were able to help prosecutors develop microtrainings for police to improve knowledge of the criminal investigative process. Second, ICITAP helped develop an informal community service program for juveniles by partnering with local Catholic and Episcopal priests. Third, ICITAP provided assistance in developing a solution to the problem of isolated communities seeking justice. People in outlying villages around Lira had to appear in person at the courthouse, up to 20 miles away, to file a criminal complaint; in the absence of reliable access to transportation, this distance created a huge obstacle to justice. A motorbike was donated to allow the prosecutor's office to collect evidence and deliver it to Lira. This, along with the introduction of digital photography to document crime scenes, increased complainants' ability to substantiate their complaints; four additional motorbikes donated to the police department have been used to transport witnesses to Lira to testify. The increased mobility has increased villagers' access to justice.

in recruit training and continued as part of daily operations to enhance basic skills, such as handcuffing, defensive tactics, and interviewing techniques. Inviting civil society leaders to develop and administer microtraining modules—for example, on holding community forums, collaborating with committees, or de-escalating conflicts without using force—could also improve public relations. Police need to become more reliable and effective to build trust and respect, but can only increase reliability and efficacy through a trusting relationship with the community. The dual-track approach, of coordinated justice development reinforced and disseminated through microtraining, has the potential to advance both these "hard" and "soft" skills simultaneously and use them to reinforce each other.[81]

The experts interviewed for this publication responded favorably overall to the plan of using connected microtraining and coordinated justice development initiatives to professionalize the police and improve collaboration within the criminal justice system. As a DOJ official with several years of experience working in Kenya commented,

> *Microtraining that is embedded into police culture makes a lot of sense. Prosecutors training police is a very good idea and could be expanded past prosecutor training to guest speakers coming in to give talks in that time slot. Formalizing liaisons with court users' committees,[82] widespread in much of Kenya, and encouraging them to periodically meet with police and prosecutors could be beneficial.[83]*

The same could be said of other relevant committees in Kenya, including Community Policing Committees and Local Peace Committees[84] that integrate traditional and modern conflict intervention mechanisms. However, before launching trainings and bridging connections between groups, ICITAP officials need to devote themselves to understanding the context in which they will work. This will mean engaging in extensive discussions with Kenyan government officials and citizens to gain buy-in for the concept of microtraining. These methods will only be effective if they are vetted and promoted by change agents at the local level.

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81. Phone call with Eric Beinhart on August 3, 2020.
82. Court users' committees are "forums that bring together actors in the administration of justice as well as users in the justice system to address problems within the sector by all agencies and stakeholders concerned." In line with the Judicial Service Act of 2011, court-user committees were to be established at the county level. The National Council on Administration of Justice, *Court Users' Committee.*
83. Interview with DOJ official on June 18, 2020.
84. The term local peace committee is an "umbrella title for a variety of organizations operating at district, municipality, town and village level in Kenya" to resolve conflicts. They are composed of members of the community and do not typically include the police, but they can choose to cooperate with the police on specific cases and pass them information. Selection of members is guided by local officials, but the process is often quite informal. After the 2007-2008 election violence, the government attempted to "standardize" certain aspects of customary law and legitimize a hybrid governance arrangement through peace committees. Actors like USAID, Mercy Corps, and PACT have strengthened District Peace Committees (placed under the authority of the District Commissioner's office) on a case by case basis. Khabure, "Committed to Peace or Creating Further Conflict?"

To better understand the realities at implementation sites and minimize the risk of amplifying negative dynamics, ICITAP would benefit from conducting a needs assessment and mapping stakeholders. This process should be done in-country and prioritize local voices, and could help establish connections, bring together the right change agents, and incentivize buy-in.[85] It is critical to engage a wide range of actors to identify in-groups and out-groups, form perceptions of formal and informal criminal justice actors, and understand their previous experiences with international donor initiatives. Both bottom-up and top-down engagement are important in each stage of the pilot project: from the beginning, ICITAP should expand its network beyond government counterparts and their contacts to include local development institutions, universities, and civil society groups. Working as part of a consortium with local organizations could enhance local capacity for security maintenance and make the project more sustainable over time.

Becoming well-versed on the realities on the ground will give ICITAP a stronger position from which to co-design the program with local actors. Daisy Muibu advised ICITAP to involve the community, not just government officials; stay flexible; and test and adjust activities in real time.[86] This will allow them to tailor activities to specific problems, create a sense of ownership, and ensure the continuation of activities after ICITAP leaves. Failing to engage the community leaders and members from the beginning could lead the project to marginalize vulnerable groups and fail to gain their support. Participatory action research (PAR) is a method that could be highly effective for this type of work. PAR is a "systematic learning process" that promotes "collaboration among those directly and indirectly affected by the research at hand" and facilitates the "deconstruction and test of ideas."[87] An example of the method's implementation would be facilitating a meeting between community representatives and the police in which the participants identify breakdowns in their relations and develop solutions together—perhaps even developing content for microtraining modules.

Several of the experts interviewed for this publication have direct experience overseeing development projects in the field, and it is worth highlighting some of their general recommendations. It is imperative to collect baseline, midline, and endline data, and to have a strong monitoring and evaluation system to measure progress. These will, however, be useless unless the project design defines outcomes that are

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85. Discussing PACT's work in heavily Somali areas at the Ethiopian border, Gedion Kennedy Juma gave examples of actors that could stand to lose from peacebuilding project activities and advised ICITAP to develop a clear strategy for incentivizing stakeholder cooperation. "Peacebuilding is very contentious, and there needs to be a strategy to get buy-in, i.e., giving those who stand to lose alternatives so they would support the success of the project. In Somali-dense areas near the border, stakeholders that stand to lose are the seers (witch doctors, prophets) that bless the youth who raid neighboring communities and do this because they have a stake in the raid. They get compensated in cows. Herders also stand to lose, as many believe raiding is cultural and a rite of passage to manhood. Politicians and businessmen also stand to lose, as they rely on imperfect systems to manipulate demarcation of land and the way it is purchased, as well as the pursuit of justice resolution in land conflicts. If reform affects how they conduct dealings, they will push back, especially at the local and country level. Politicians and businessmen can create a narrative that development projects are a means of spreading foreign ideologies that poison the minds of the people." Interview with Gedion Kennedy Juma on June 16, 2020.
86. Interview with Daisy Muibu on June 18, 2020.
87. Oudshoorn, "Participatory Action Research."

measurable and demonstrate progress toward achieving the project's objectives. Devoting enough time to a project in-country is important for sustainable results, as is building accountability mechanisms that will remain in place after the project is over. Localizing funds and delegating work to local institutions also increases a project's sustainability. Finally, while formal training of adults is a good delivery method for factual information, youth mentorship programs through schools and religious groups, as well as community service projects between police and citizens, have had positive results for both CVE and community engagement.[88]

ICITAP could also consider building from the 2011 police reform efforts and spreading awareness of their content. There are persistent implementation problems with AP and NP integration; community policing; accountability mechanisms; and remuneration, working conditions, and training. Understanding local partners' priorities for reform and developing solutions to its drawbacks could be a valuable framing for ICITAP activities. It is imperative that ICITAP carefully balance government and community interests when evaluating the impact of reform at the implementation sites.

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88. Interview with Gedion Kennedy Juma on June 16, 2020.

Conclusion

This study provides an overview of the history, politics, and legal framing of Kenyan policing, from colonialism to present day, and assesses the role ICITAP could play in law enforcement development in the country. The institution is still greatly affected by its colonial foundations and the repression of the post-independence period, and much of the public questions its efficiency and commitment to respecting human rights and remains distrustful of police officers. The reforms that took place after changes to the constitution in 2010 have suffered from uneven and problematic implementation, and there is much contention surrounding key reform efforts, including AP and NP integration, strengthening community policing, creating accountability mechanisms, and improving remuneration and training conditions for recruits.

ICITAP has a role to play in law enforcement development in Kenya, and several experts interviewed acknowledged that microtraining and coordinated justice development could prove advantageous. However, all emphasized that ICITAP should directly partner with local actors to design and implement the pilot project, including both government counterparts and community members. It is imperative that officials on both sides fully understand the local dynamics and stakeholders at the implementation sites to co-design a program that works best for the targeted population and builds on existing frameworks, rather than imposing its own.

Appendix. Interview Subjects

Richard Omari Onyancha, Program Manager for the Selam Ekisil (SEEK) project at the international development organization PACT. SEEK is a cross-border management program being implemented at the border of Kenya and Ethiopia. Founded in 1971, PACT is a recognized global leader in creating social impact, with expertise in capacity development, public health, governance, the environment, energy, livelihoods, women's empowerment, mining communities, microfinance, and more.

Gedion Kennedy Juma, Evaluation Officer for the Selam Ekisil (SEEK) and Regional Approaches for Sustainable Conflict Management and Integration (RASMI) projects at PACT. SEEK and RASMI seek to build cohesion between cross-border communities and strengthen local peace structures in the Horn of Africa.

Daisy Muibu, PhD, Assistant Professor at the University of Alabama at Tuscaloosa. Her research is focused on local police response to terrorism and how police legitimacy and the perceived obligation to obey the law are conceptualized and measured in Kenya and Somalia.

Eric Beinhart, Coordinator for Strategic Partnerships and Training at ICITAP.

Ian Platz, Programs Office of the Counterterrorism Bureau at the Department of State, Eastern and Southern Africa Programs Manager.

Officer at the Department of State Bureau of African Affairs 1, confidential interview.

Officer at the Department of State Bureau of Africa Affairs 2, confidential interview.

Senior Officer at the Department of State Bureau of Africa Affairs, confidential interview.

State Department Special Agent 1, confidential interview.

State Department Special Agent 2, confidential interview.

European Academic specializing in Kenyan policing, confidential interview.

UK Academic specializing in African security, confidential interview.

Department of Justice official, confidential interview.

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About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources.

Community policing begins with a commitment to building trust and mutual respect between police and communities. It supports public safety by encouraging all stakeholders to work together to address our nation's crime challenges. When police and communities collaborate, they more effectively address underlying issues, change negative behavioral patterns, and allocate resources.

Rather than simply responding to crime, community policing focuses on preventing it through strategic problem-solving approaches based on collaboration. The COPS Office awards grants to hire community policing officers and support the development and testing of innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders, as well as all levels of law enforcement.

Since 1994, the COPS Office has invested more than $14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing. Other achievements include the following:

- To date, the COPS Office has funded the hiring of approximately 130,000 additional officers by more than 13,000 of the nation's 18,000 law enforcement agencies in both small and large jurisdictions.

- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office–funded training organizations and the COPS Training Portal.

- Almost 500 agencies have received customized advice and peer-led technical assistance through the COPS Office Collaborative Reform Initiative Technical Assistance Center.

- To date, the COPS Office has distributed more than eight million topic-specific publications, training curricula, white papers, and resource CDs and flash drives.

- The COPS Office also sponsors conferences, round tables, and other forums focused on issues critical to law enforcement.

COPS Office information resources, covering a wide range of community policing topics such as school and campus safety, violent crime, and officer safety and wellness, can be downloaded via the COPS Office's home page, https://cops.usdoj.gov.

About ICITAP

What is ICITAP?

The International Criminal Investigative Training Assistance Program (ICITAP) is a law enforcement development organization whose mission is to work with foreign governments to develop effective, professional, and transparent law enforcement institutions that protect human rights, combat corruption, and reduce the threat of transnational crime and terrorism, in support of U.S. foreign policy and national security objectives.

ICITAP is situated organizationally within the Criminal Division of the U.S. Department of Justice (DOJ).

Since its creation in 1986, ICITAP has become an internationally recognized leader in law enforcement development worldwide and has worked in more than 100 countries.

Authority and funding

ICITAP's programs are funded and authorized primarily by interagency agreements between ICITAP and these U.S. Government (USG) partners:

- U.S. Department of State
- U.S. Department of Defense
- U.S. Agency for International Development

Support of the DOJ mission

As ICITAP works within the framework of the USG's foreign assistance strategy, it focuses on key DOJ concerns: international terrorism and transnational crime. DOJ efforts to protect the United States require effective international law enforcement partnerships, and strengthening national security calls for the promotion overseas of democracy, regional stability, and rule of law. ICITAP supports DOJ and USG missions through its development activities and its participation in foreign assistance planning efforts.

Global reach and program scope

Programs vary in size and cover a range of functions including police, corrections, security, and forensics.

Large, full-time programs are managed in the field by ICITAP federal personnel, and small programs are managed by regional assistant directors in ICITAP headquarters.

Development strategy

ICITAP focuses on long-term comprehensive, sustainable reform. When possible, ICITAP and its sister agency, the DOJ's Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT), integrate their programs and work with other federal law enforcement agencies to develop all three pillars of the criminal justice system: police, courts, and corrections.

For further information regarding this publication, please contact:

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This publication presents the results of a desk study conducted to help the International Criminal Investigative Training Assistance Program (ICITAP) of the U.S. Department of Justice (DOJ) engage with Kenyan government officials to design a coordinated justice development project. The study analyzes the colonial and recent history of Kenya's criminal justice system, with a focus on the structure of the state police and their response to reform efforts in the wake of the passage of the 2010 constitution. Microtraining is recommended as a vector for sustainably building police capacity and legitimacy.