

# Effectiveness Of Independent Policing Oversight Authority In Enhancing Police Performance In Starehe, Nairobi County, Kenya

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**Abstract-** The purpose of this paper is to examine the effectiveness of the Independent Policing Oversight Authority (IPOA) in enhancing police performance in Starehe Division in Nairobi County, Kenya. The paper seeks to understand the role of IPOA and analyze how this citizen oversight body monitors police performance with a view of ensuring effectiveness and professionalism among police officers. Among the specific issues addressed in the paper are; first whether the measures used by IPOA influences work performance in the National Police Service (NPS). Secondly, the paper analyzes the effectiveness of the strategies that IPOA uses in enhancing the work performance of police officers. Thirdly, and finally, the paper analyzes how IPOA has promoted accountability among police officers in the NPS. The paper, which is based on a descriptive survey research design, targeted about 500 police officers working in Starehe Division within Nairobi City. The key respondents were drawn from the Kenya police service, IPOA, and internal affairs unit. A stratified sampling technique was employed to select the respondents from the selected categories. From the sample, data was collected using questionnaires and structured interviews. Secondary data for the paper was gathered from the various libraries around Nairobi. From the findings of the study, the paper reveals that the existence of IPOA enhanced performance of the police by holding them accountable for their actions. It was further noted the strategies adopted by IPOA have been effective in enhancing police performance through the continuous monitoring of their activities. Finally, the paper reveals that IPOA has been experiencing challenges, which if addressed will improve the institution's relationship with the NPS.

**Index Terms-** Effectiveness, IPOA, Police, Relations, Starehe

## I. INTRODUCTION

Many countries have tried different methods and approaches to enhance and restore public confidence in the police. However, it remains a great challenge since countries have not quite succeeded in achieving their intended objectives and goals. Law enforcement officers require a high level of an oversight mechanism to perform their duties satisfactorily (Harris, 2005;

Bailey, 2002). Without checks police officers can misuse and abuse their powers, therefore there is a need to have an oversight Authority to hold them accountable for their actions. This is to ensure those police officers are held accountable for any action in the line of duty (Chokprachakhat, 2011). In any community, living in a dangerous and chaotic environment stifles a country's diverse socio-economic and political development.

The police performance is about the efficiency or effectiveness of action by police officers, other than the task of pursuing, arresting offenders, and other related offenses to ensure the safety of the citizens. In order to decrease and eliminate social disorders, police officers are also obliged to handle numerous conflicts in their communities. In any culture, living in a dangerous and disruptive environment stifles a country's diverse progress (Coleman, 2012). There is no measure that will be remotely close to gauge the performance of everything that the Police do. However, it is still very important that police perform their work effectively and are accountable for their action even if this is a mere perception. This is because police officers are mandated worldwide to ensure security for all people and their property. And they need to be trusted hence the legitimacy of their work as custodian of safety. Notably, the mandate comes with immense power bestowed on the national police service that should be checked to hold the officers for their actions. Police accountability entails an important element in the level of police discipline; it encompasses regulation of police conduct, control of behavior, orderliness in Police operations, and responsibility among police officers for effectiveness in performance. According to Browning, (2012), for the police to fulfill their purpose of lawfulness and legitimacy, efficient accountability systems are required.

Towards this end, The United Nations (2011) which is a body that regulates global Security has set in place a code of conduct to ensure responsibility of police officers. The United Nations Code of Conduct for Law Enforcement Officers is a key set of principles for police officers to follow. Article 8 states that any infringement of the Code requiring police officers to perform their responsibilities professionally must be referred to higher authorities accountable for policing. Every law enforcement agency should be demonstrative, responsive, and accountable for

the community as a whole, according to the Assembly decision establishing the UN Code of Conduct. The United Nations (2011), goes on to say that an effective structure should be put in place to maintain internal discipline as well as external oversight and control of law enforcement officials. It is perhaps from this perspective that many UN member countries worldwide have constitutionally come up with oversight bodies to oversee the day-to-day activities of the police services.

## II. CASE STUDIES OF POLICE OVERSIGHT INITIATIVES

Oversight mechanisms are aimed to empower police to deliver professional services and realize the expectations of citizens and provision of a reliable means of achieving a fair investigation (Walker, 2005 & 2010). Miller and Merrick (2015) observed that civilian oversight is a way of involving citizens to hold police answerable to the public for their activities. He describes a system for public to supervise and evaluate complaints made against the police and find explanations to problems regarding misconduct by police officers and the use of excessive force. Many countries have ratified the UN laws and have put in place oversight bodies to ensure that the cops must account for their acts.

According to Mawby & Wright (2005) the United Kingdom (IPCC) is mandated to investigate police complaints and police misconduct by holding them accountable for their actions and omissions. However, other than the investigation of police actions and misconduct, the Scholars did not show whether the role had been achieved or not. On the other hand, the study was not very clear on whether the investigation carried out on the police conduct effective and whether it promoted police accountability, in this research, the researcher shall explore in details to fill the knowledge gap.

In the United States, civilian oversight evolved in various form as early as the 1940s, but later in 1970s after the blames of excessive forces, unjustified shooting, as racial prejudice and a lack of accountability became more prevalent, statistics show that three-quarters of 16-year-olds in the United States described their encounter with the police as abusive. (Hyland, Langton, & Davis, 2015). Throughout, high-profile people are mentioned who have persisted to emerge despite the facts. Police officers maintain order, which is governed by a deteriorated system that appears to have a lessened ability to maintain work proficiency in the United States. Civilian's oversight is a way of involving citizens to hold police answerable to the citizens for their actions, as described concerning the US police oversight there is a need for an effective structure and a system for people to supervise and review complaints made against the police and solve problems of police misconduct and the use of brutality. From this information it is clear that even the civilian's Oversight experience some shortcomings. There is a need for a continuous review of the mechanism in place, in this study, the purpose is to determine the effectiveness of the IPOA mechanism employed to enhance accountability among police officers.

The requirement for an independent and impartial investigation of criminal charges allegedly committed by police officers prompted the establishment of an Independent Complaint Directorate (ICD) in South Africa. The South African Oversight has evolved from the Independent Complaints Directorate (ICD)

to the Independent Police Investigation Directorate (IPID). IPID has been able to execute its mandate by cooperation with the other key stakeholders, including the police themselves. IPID is established to perform the same functions as those of IPOA in Kenya. IPOA, in their mandates, the IPID does not interfere with the police responsibility of investigating crimes and the internal systems of dealing with police misconduct. Even with such a mechanism in South Africa, there are still reports of abuse of police power and misconduct, according to (Browning, 2012), there is a need for continuous examination to understand what contributes to this misconduct. The authority should receive complaints from the Public (PART1, B3 a). Without checks and balances, the law enforcers may become prone to acting unlawfully and abuse their powers without proper mechanisms that are in place. In this research, the researcher will Endeavour to investigate and understand how the IPOA has progressed in addressing police misconduct.

## III. EAST AFRICA AND IPOA WITHIN THE KENYAN CONTEXT

Regionally in East Africa, particularly Kenya, the utmost referenced incident is the impunity witnessed in 2007/2008 post-election violence. The United Nation committee against torture UNACTAD (2011) observed that dealing with Human rights violations by the police was hindered by corrupt individuals within the police service. The Kenyan Police has topped the lists of the most corrupt institution on many occasions, Transparency international, Kenya (2011) reported that the cases of violations and abuse of power after the 2007 election had risen. When the results were announced, violence erupted and as a result, 1,133 people died, 3,561 sustained injuries, and 350,000 persons were internally displaced.

Waki (2008), Ransley (2009) and Alston (2009) observed that the police systems gave room for arbitrary arrests, engagement in crimes, and other related misconduct, their reports claimed that the police were to blame for the death and disappearances of youth, they further recommended for the establishment of an autonomous Authority that would investigate police actions and offer civilian's oversight. Similarly, Alston (2009) resolved that the police in Kenya regularly execute individuals making extra-judicial impunity to prevail.

Waki and Ransley commissions recommended the establishment of an authority that would investigate police actions and offer civilian oversight citing that, the investigations carried out by the police on their colleagues who had committed acts of misconduct were not effective and were faced with many challenges. The panel of eminent African Leaders was invited to oversee the mediation process between the Kenyan leaders, and on 28<sup>th</sup> Feb 2008, an agreement was reached by signing the Kenyan National Accord and Reconciliation Act (2008).

Following the Waki and Ransley commission's recommendations, the creation of the National Taskforce on police reform was formed, the report recommended for the establishment of IPOA to monitor the performance of the police and enhance its effectiveness in service delivery (Ransley, 2009). On 18 November 2011 the President assented to the IPOA Act of 2011, which established the Authority with the mandate of investigating any complaints related to police misconduct and also investigate any complaints against the police, other mandates include

monitoring and investigating policing operations which affect the citizens, the mandates of IPOA are spelled out in Article 244 of the Kenyan Constitution.

Despite the government effort to establish IPOA, not much appear to have been changed in the Kenyan policing methods and styles. For example, according to IPOA reports on preliminary investigations, the identified 30 cases out of 97 complaints received, the Oversight Authority monitored, processed, and recommended for the prosecution of the police officers involved.

Human rights groups argue that even with the presence of IPOA, police remain a force that perpetuates injustice arising from a closed disciplinary system and it has not changed into a modern police service accountable to the general public as recommended by Ransley Taskforce, the Police organization still faces allegations of inhuman treatment of suspects and use of excessive force and extrajudicial killings (HRW (2017).

The death of a 13 year old Hussein Mayo who was shot at his parent’s house balcony, (Daily Nation, Thursday the, June 2020). On 2<sup>nd</sup> May 2018 in its annual reports, IPOA accepted that for six months they had only managed a conviction of three cases, despite having fully completed the investigation of over 100 cases and closing of a total of 9878 cases recoded by them (Daily Nation, May 2020) this, therefore, beg the question whether the strategies employed by IPOA are effective to hold officers accountable and redeem the organization image.

**Focus of the Research**

Following an act of parliament (IPOA, Act, 2011), IPOA was created as a civilian oversight body to address police misconduct and to ensure liability of the police to the public. Despite its establishment, human rights abuse and Police involvement in Crimes continue to be reported in many parts of Kenya. However, there has been little focus from scholars to establish if the strategies of IPOA are efficacious in holding police officers accountable.

The studies on police accountability have come from human rights groups who have demonstrated that the police continue to abuse their power. For example, the Kenya National Commission for human rights (KNCHR) reported 37 people murdered in 2017 by Security officers, police were accused of misuse of force against protestors resulting to death and injuries. Similar reports came from the European Union reports 2017 general elections which revealed that police misconduct was experienced in forms of deliberates provocations by the police in the opposition strongholds whereby there were violations of human rights, use of violence, extrajudicial killings, rapes, and torture among other related crimes. These are against the code of conduct as exposed by the UN codes of conduct and the constitutions of Kenya 2010. Given the immense powers the Police have, this can undermine the rights and freedom of citizens, therefore police service ought to be accountable to the civilians. In addition to the normal disciplinary measures being undertaken through the police chain of command, civilian institutions outside the police systems are necessary to make the police account for their organizational procedures and actions, However, there is the dearth of empirical knowledge on how IPOA has responded to these accusations or how they hold police accountable for their actions and how this affects national police performance.

The problem that underpins this study and paper is that although IPOA was created as an oversight Authority to hold the police accountable for their actions and therefore encourage and instill professionalism in the organization, human rights abuses continue to be witnessed among the service personnel in the line of their duty. This study, therefore, endeavored to find out the effectiveness of IPOA in enhancing police performance in Starehe Sub-County, Nairobi City County.

**IV. STUDY FINDINGS**

This study set out to assess the effectiveness of the IPOA as a Civilian Oversight Authority in monitoring Police to enhance performance in Starehe Division within Nairobi, Kenya. The results of the study are presented in line with the set objectives as shown below

**Whether the measures used by IPOA have influence Police work performance in Starehe Division, Nairobi**

In relation to this objective, respondents were asked several questions regarding their views on the measures used by IPOA and their influence. The respondents were given multiple choices in which they were to choose on whether they 1. Strongly disagree 2. Disagree 3. Not sure 4. Agree 5.

The findings are shown in table 1.

**Table 1: Various response rate on effective measures in place to enhance police performance**

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	14	18.7	18.7	18.7
Disagree	10	13.3	13.3	32.0
Fairly agree/Not sure	19	25.3	25.3	57.3
Agree	32	42.7	42.7	100.0
Total	75	100.0	100.0	

**Source: Field Data**

From the table above it can be deduced that 25.3% of the total number of respondents fairly agreed/ were not sure whether there were effective measures in place to enhance police performance. While on the other hand 42.7% of the total number of respondents who were the majority agreed that there were measures in place to enhance effective police performance. Equally, 18.7% of the total number of respondents strongly disagreed that there were measures in place to enhance police performance. Those who disagreed that there were no measures in place to enhance police performance comprised of 13.3% of the total number respondents. Therefore, it is important to note that 42.7% being the majority agreed that there were measures in place that enhanced effective police performance.

In relation to the question whether there are effective measures in place to enhance police performance, 42.7% or the majority agreed that there were measures in place that enhanced effective police performance. From the indicated data, this can be attributed to the police reforms in which The National Police

Service Act (2011) governs the IGP and DIGs, the Kenya Police Service, the Administration Police Service, and the Directorate of Criminal Investigations' administration, activities, and powers. It gives the police a clear mandate, promotes internal accountability, and attempts to limit government influence in police operations (Amnesty International January 2013) while those who disagreed that there were no measures in place to enhance police performance comprised of 13.3% of the total number respondents. This could have been informed by the fact that even as a few measures had been undertaken, the various maximum vital reforms haven't begun to be carried ahead elevating worries of a loss of political will to put in force the reform agenda (Amnesty International January 2013)

**The effectiveness of the Strategies that IPOA uses to ensure discipline among Police Officers in Starehe Division, Nairobi County.**

In relation to objective two which sought to examine the effectiveness of strategies that IPOA uses to ensure discipline among Police Officers in Starehe within Nairobi City County, the findings are as presented in table 2 below.

**Table 2: Response rates on effectiveness of IPOA strategies**

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	20	26.7	26.7	26.7
Disagree	18	24.0	24.0	50.7
Agree	28	37.3	37.3	88.0
Strongly agree	9	12.0	12.0	100.0
Total	75	100.0	100.0	

Source: Field Data

From the descriptive analysis of table 2 above it can be deduced that 26.7% of the total number of respondents strongly disagreed that IPOA strategies of enhancing effective police performance were aligned with their constitutional mandates. Those who disagreed represented 24% of the total number of respondents. Equally important from the field data represented by the table above was that 37.3% of the total respondents were of the opinion that IPOA strategies were aligned with their mandate while 12% of the respondents strongly agreed that IPOA strategies were aligned to their mandates.

It is therefore important to note that majority of the respondents were of the opinion that IPOA strategies of enhancing effective police performance were not aligned with their mandates. Corroborating data from respondents also revealed that IPOA officers sometimes breached the law and acted against their mandate in the process of enhancing effective police performance. They opined that IPOA should work hand in glove with police officers to ensure that there was effective service delivery.

The highest number of those who strongly disagreed on the with the statement that IPOA strategies of enhancing effective police performance were aligned with their constitutional mandates could be attributed to fact that in August 2017, When Kenyan police stormed into their one-room home in the western city of Kisumu, Pendo was sleeping in her mother's arms. After the government's opponents challenged the election results that month, the riot officers were collecting up suspected

troublemakers. Pendo died from her injuries days later when the police sprayed tear gas and repeatedly beat her father. During the brawl, an officer struck the infant on the head, and Pendo died as a result of her injuries (Fick 2018).

**How IPOA has promoted accountability among police officers in Starehe, Division, Nairobi County.**

On whether IPOA has promoted accountability and promoted police performance, the findings are as indicated in table 3 below:

**Table 3: Various response rates on whether has promoted accountability and promoted police performance**

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	16	21.3	21.3	21.3
Disagree	25	33.3	33.3	54.7
Fairly agree/Not sure	19	25.3	25.3	80.0
Agree	15	20.0	20.0	100.0
Total	75	100.0	100.0	

Source: Field Data

The research findings from the table 3 above showed that 33.3% of the total respondents disagreed that measures employed by IPOA have enhanced accountability and promoted police performance. On the same note, 25.3% of the total number of respondents fairly agreed/were not sure whether measures employed by IPOA had enhanced police performance. 21.3% of the total number of respondents strongly disagreed on measures employed by IPOA enhanced police performance. While 20% of the total number of respondents agreed that measures employed by IPOA had promoted police performance. Hence, majority of respondents that is 33.3% disagreed with the measures employed by IPOA promoted police performance.

The above responses could be due to the fact information is not well protected on cases between officers and civilians (Probert et al. 2020) states that while Kenya has a legal and institutional framework in place to oversee inquiries into potentially unlawful police killings, there are a number of practical deficiencies that allow for the manipulation of the investigative process to support impunity. Several respondents noted that whereas there was increased enhanced in the police performance, it was very difficult for the citizen to receive justice before the court of law.

**Assessment of the relationship between IPOA and the NPS in Starehe Division, Nairobi County.**

The researcher wanted to establish whether there was a good working relationship between IPOA officers and National Police Service. The results from this objective are presented in table 4 below:

**Table 4: Relationship between IPOA and the NPS**

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	12	16.0	16.0	16.0

Disagree	21	28.0	28.0	44.0
Agree	27	36.0	36.0	80.0
Strongly agree	15	20.0	20.0	100.0
Total	75	100.0	100.0	

**Source: Field Data**

From the findings in table 4 above, the respondents who agreed that police cooperates with IPOA were 27 representing 36% of the total respondents. Those who strongly agreed represented 20% of the total number of respondents. In addition to that, those who disagreed on the statement above represented 28% of the total number of respondents while 16 of the total number of respondents strongly disagreed with the statement above. Therefore, it can be deduced that more than half of the respondents agreed that there was cooperation between IPOA and national police service.

It can be revealed that it is very difficult to investigate a police officer and most of them are very uncooperative in giving information and thus keep delaying the process to waste time so that they can have time to destroy the evidence or distort the evidence. This thus resulted in poor working relations between IPOA and the National Police Service.

**V. CONCLUSION**

The aim of this paper was to present the findings from a study that sought to establish the effectiveness of IPOA in monitoring Police to enhance performance in Starehe within Nairobi, Kenya. In connection with objective one, which sought to establish whether the measures used by IPOA influenced the police work performance in Starehe, the findings revealed that majority of the respondents agreed that there are now effective measures to enhance police performance. These measures, as the paper showed have enhanced police performance.

In regard to the effectiveness of the strategies that IPOA uses to ensure discipline among Police Officers in Starehe, the paper revealed that majority of the respondents strongly disagreed to the statement that monitoring police by IPOA was effective. Therefore, it was concluded that monitoring the police by IPOA was not effective.

In terms of objective three that sought to analyze how IPOA has promoted accountability among police officers in Starehe, the paper showed that majority of respondents were of the opinion that IPOA inspection of police facilities did not improve police performance. Therefore, it was concluded that IPOA has not improved the police performance.

In connection with the objective on whether there is an improved relationship between IPOA and the National police service in Starehe, the paper revealed that the majority of respondents were of the view that indeed there was no need of having IPOA dealing with police matters. Therefore, based on this, it was concluded that IPOA has challenges in improving the relationship between itself and National police service

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