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**INFLUENCE OF CITIZEN PARTICIPATION ON THE QUALITY OF LAW ENFORCEMENT IN KENYA**

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**ABSTRACT**

*The central problem of this study was that despite the many government initiatives towards improving security in the country, actual law enforcement had been declining in the country. Influenced to this low quality of law enforcement in the country had not been investigated nor understood by the concerned, thus hindering democratic policing and lack of accountability to civilians in the exercise of police power by the law enforcement agency, the Kenya Police Service, who are mandated with law enforcement in the country. The consideration of the relationship between citizen participation as the independent variable in this study and the quality of law enforcement as the dependent variable was sought. The purpose of this study was to determine the influence of citizen participation on the quality of law enforcement in Kenya. The unit of analysis was the Kenya Police Service. The study used a descriptive survey design that was cross-sectional with the list of the Administrative officers of the Kenya Police Service as the sampling frame. The questionnaire and an interview guide were used to gather relevant information from the respondents. Data collected was analysed using both the descriptive and inferential statistics. The study established that citizen participation have a positive significant influence on the quality of law enforcement in Kenya. The study recommended that the Kenya police agency must adopt the principle of acting for and with the local citizen and actually take the initial step towards the achievement. The Kenyan citizens should also play a fundamental role in the designing, implementing and monitoring of policies that are implemented to provide a suitable and safe environment for living.*

**Key words:** Quality Law Enforcement, Citizen Participation, Police Service, Influence

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## INTRODUCTION

As a basic principle of state, security dates back to the birth of the modern state but, the thought of it did not develop fully until the 18th century (Agamben, 2010). Being a requisite for human society, McCrie (2008) reiterates that security has four interlocking factors which are; physical security measures, public protection forces and tactics, private security personnel and technology and individual efforts for protection and maintenance of order. Security being the pursuit of freedom from threats (Stone, 2009) is not only a human need but also a human right according to the Universal Declaration of Human Rights of the United Nations (1948). In addition, McCrie (2007) notes that without security, civilization could not have developed and that without continuance of security, future progress would be imperilled because of the uncertainty from danger of loss or harm. The world development report (2011), on the other hand states that insecurity not only remains, it has actually become a primary development challenge of present time.

According to Liao (2011), security governance is seen as a process through which security capacity can be strengthened through an effective governing mechanism. This therefore means that due to the importance of law enforcement agencies as the sole legitimate agents of the use of force in the nation-state, there is all the reason to emphasize on their good governance. Nevertheless, security governance being a relatively new concept (Hänggi, 2008), acknowledges that the functioning of law enforcement agencies requires them to be professional, service oriented and accountable to people. The importance of the governance of the security is also seen by Bryden and Hänggi, (2008) as a promotion of sustainable development, democracy and peace.

Security and insecurity are grounded in the everyday experiences of individuals, communities, and societies. Nevertheless, Schwartz (2015) notes that the inability or unwillingness of many governments to provide public-oriented,

responsive, and accountable policing and other public services can reflect a range of underlying political and institutional dispensation of the state often connected with the legacy of colonialism, and frequently characterized by severe corruption and abuse of power with impunity. These are not mutually exclusive and are reflected in the form, function, and disposition of state police organizations. Schwartz (2015) further notes that understanding the realities of peoples' security and insecurity is the most robust basis for supporting their efforts to build more effective security arrangements. Emphasis of security's importance is also laid by the World Development Report (2011) which stresses its fundamentality in poverty reduction and achievement of the Sustainable Development Goals (SDGS).

Globally, the police are persons empowered to enforce the law, protect property and reduce civil disorder thus ensuring security. They are the most visible manifestation of government authority responsible for public security in any country (Bruce, 2014). The police as such are the gatekeepers of the criminal justice system because they are the first, and often the only contact that members of the public will have with any justice system. They are the primary agency responsible for protecting civil liberties and, also responsible for turning the promise of human rights into reality (CHRI, 2007). Police officers are called on to enforce the law, observe constitutional restraint on the exercise of government power, answer individual calls for help and also respond to community demands for safety (Barnett, 2008).

The effective enforcement of law, the maintenance of public safety, and the guarantee of the protection of life and property are fundamental to economic growth and the creation of an enabling environment for private sector-led growth and development (Kenya police plan 2003-2007). This is however no longer a simple task rather as McGraw Hill (2013) says, the police officers' roles in today's democratic society are extremely significant and complex. Law enforcement and its connection to

governance therefore becomes a ripe area for research.

Different countries have different strategies in an attempt to ensure quality law enforcement. Canada, which according to the Global peace index (2015) is rated among the most secure countries appearing at number seven in the charts with a score of 1.287, can be cited as a country whose governance structures have positively impacted on the quality of law enforcement. In Canada, the public-sector police forces are associated with and commissioned to the three levels of government: municipal, provincial, and federal where most of their urban areas have been authorized by the provinces to maintain their own police force. Their police are often challenged to make the shift from reactive to proactive models which has resulted in crime rate to be far lower than that of the U.S (Karn, 2013). The law enforcement agency otherwise known as the Royal Canadian Mounted Police (RCMP) for many years earned excellence reputation in its policing. Its officers are alleged to have been fully trained in important skills of law enforcement like conflict management and community relations.

These unique skills together with the belief in justice is what is seen to have made the RCMP the pride of Canada and one of the highly respected police forces worldwide. These security governance factors are what contribute to quality of their law enforcement, including the number of police officers and in general the resources invested therein, whereby in 2012, there were 69,505 police officers (Statistics Canada, 2014). The majority citizens of Canada as such believe the police are approachable, respond to calls appropriately and provide information on crime prevention (Grant; Johnson & Sacco; 2016). Furthermore, according to these authors, surveys tend to give police forces consistently high ratings. Their governance allows Citizens to advocate for changes in the regulatory law governing the use of force by police Support for Civilian Oversight. This is important because as Avdija (2010) states, the context of the police-

citizen interaction is much more important in determining an individual's attitude towards the police.

Closer home is South Africa where according to a study done by Gavin Cawthra (2010), in the almost ten years since the establishment of South Africa's first inclusive, democratic government, an ambitious, extensive and systematic process of reform has been carried out in the governance of security. What the governance of security has meant can be summed up as establishing political control, demilitarizing the police; introducing less confrontational public order policing; establishing mechanisms for accountability to communities and for civil control and oversight; integration and restructuring; and ending human rights violations and torture.

Despite its importance however, Omeje and Githigaro (2010) support that the concept of state security remains both fuzzy and problematic, especially in Africa given the historical diversity of states as political units with a considerable proportion of them derogating from the Westphalia benchmark. In addition these scholars support that this peculiar history of pro-imperialist coercion and anti-locals disposition is what preponderantly shaped the institutional character and operations of most African police forces including the Kenya police force. This brings about the need for comprehensive change that radically alters the status quo of power relations in terms of the provision, management and oversight of security in Africa. The concept of security governance provides an indivisible companion concept to support the rooting out of old reflexes and attitudes necessary for the transformation. Human and institutional capacity building is an essential component of an operational agenda (Bryden and Olonisakin, 2010). While recognizing that security is also a shared responsibility with other government and public agencies, the police nevertheless have a central role in its attainment. National security requires the police to operate as part of a shared, networked

and ideally integrated system of agencies (Schwartz, 2015).

The Kenya Police service is the national body in charge of law enforcement in the East African state of Kenya. It traces its foundation on the Imperial British East Africa (I.B.E.A.) Company, and a businessman Sir William McKinnon, who in the interest of his business found it necessary to provide some form of protection (security) for his stores along the coastline of Kenya between 1887 – 1902, (the Kenya police strategic plan 2003 - 2007). Since its inception up to 1907, the Kenya Police was organized along military lines and the training was military in nature until 1906, when it was legally constituted by a Police Ordinance. In order to improve police performance, the then Governor, Sir Hayes Saddler appointed a committee to look into the affairs of the Kenya Police Force (the Kenya police strategic plan, 2003 - 2007). Since then, attempts to further improve the police force have a fairly long history without adequate change in the structure and attitude to match particularly values of democratic policing, and accountability to civilians in the exercise of police power (APCOF, 2014). Despite all these the law enforcement agency has been characterized by very limited, resources an issue which has led to weak operational preparedness, and a lack of equipment and logistical capacity coupled with low salaries with poor housing and working conditions (Amnesty International, 2013) allegedly negatively affecting the performance of the police service.

In response to growing security issues, the government of Kenya has had many initiatives all geared towards improving security in the country like; The creation of the Kenya National Focal point on small weapons (KNFP) in 2006, The Kenya National Task force on Police reforms (2009), Establishment of National steering Committee for peace building and conflict management, and most recently the security bill (2014) all anchored on policies, legislations and legal frameworks, pragmatic interventions, and institutional arrangements. Nevertheless, with all this growing

body of security initiatives, the actual law enforcement has been declining in the country which is a clear manifestation of governance issues in the security sector requiring a critical examination of the approach of the same.

### **Statement of the Problem**

Security governance has taken on increasing importance in the development discourse in the last 15 years, and is regarded as a prerequisite for contemporary development around the world (Mark, S. (2010). It draws from the tenets of good governance and the quality of law enforcement of the state with a critical characteristic being quality law enforcement which in any government is the role of the institution of police (Bryden, 2008). This was reinforced by the World Bank (2015) report which indicated that security governance recognizes the respect for human rights, effective enforcement of the rule of law, and guarantees faster economic growth of a nation.

Despite these obvious relationships between security governance, law enforcement and development of a nation, it is notable from a report by the Kenya human rights (2014), that Kenya has witnessed a sharp increase in the number of insecurity incidences over the last four years. The ICTJ (2010) notes that security governance challenges in Kenya play out in the local and international levels, increasing in intensity and incidence. A report by the CHRI (2014), notes that Kenya has suffered from a number of internal security challenges that amount to weak law enforcement and administration.

Consequently, there has been a resurging trend in insecurity around the country, which has resulted to loss of lives and destruction of property with crime figures rising from 63,476 in 2008 to 77,852 in 2012 (Kenya Bureau of Statistics, 2014), decline in returns from the tourism sector (World Bank, 2015 and the Kenya Economic Update, 2014), reduced new donor investments, increased unemployment, fear and loss of confidence in the police by the Kenyan public (Keringa 2009).



The Commonwealth Human Rights Initiative (2014) noted that despite the many steps Kenya has taken towards reforming governance in the security sector, there still exist many challenges relating to the quality of law enforcement in the country thus contradicting the arrays of empirical evidence that explains the relationship between security governance and law enforcement. This study sought to examine the influence of citizen participation on the quality of law enforcement in Kenya being an element of governance of the police service.

### **Objective of the Study**

The general objective of this study was to establish the influence of citizen participation on the quality of law enforcement in Kenya. The specific objectives were;

- To determine the influence of law development on the quality of law enforcement in Kenya
- To establish the influence of enforcement activities on the quality of law enforcement in Kenya
- To analyse the influence of feedback mechanisms on the quality of law enforcement in Kenya
- To determine the influence of information gathering on the quality of law enforcement in Kenya

## **LITERATURE REVIEW**

### **The Governance Theory**

Governance theory was developed by the United Nations Council in the 1990's and emphasizes sound public sector management, accountability, exchange and free flow of information and a legal framework for development. Although there have been many debates on the concept of governance with different groups coming up with different definitions, this theory refers to measures that are designed to improve the overall governance of an organization leading to its increased effectiveness and legitimacy. It advocates for the establishment of a solid foundation for management structures, policies and procedures which help organizations to fulfill their individual set goals.

Applying the governance theory in the management the law enforcement agency (Kenya Police) will ensure full participation of citizens with sound governance by the relevant sectors and actors. This research was based on the premise that there are various roles of governance in the management and administration of the Kenya Police service. The study had a management focus, and identified five roles of governance that once well addressed, will ensure the effective and efficient management of the Kenya Police service for quality law enforcement. These roles are; Law development, Enforcement activities, Feedback mechanisms and Information. This theory was considered relevant to the study because a number of the characteristics of good governance discussed such as accountability, efficiency, effectiveness, equity, rule of law and service delivery directly apply in the management of law enforcement agencies. Therefore, there is a need to develop governance structures that will ensure the delivery of quality law enforcement that is based on the good governance ideals.

### **Empirical Review**

A crucial element in any enforcement activity is the interaction level between the governor and the governed through a process that provides private individuals an opportunity to influence public decisions which has long been a component of the democratic decision-making process. The roots of citizen participation can be traced to ancient Greece and Colonial New England and was institutionalized in the mid-1960s with President Lyndon Johnson's Great Society programs (Cogan & Sharpe). According to East & Kaustinen (2014), citizen involvement is a means to ensure that citizens have a direct voice in public decisions. Any successful system of performance management in a police department needs to measure partnership relations between the department and the community Jason (2015). No significant progress toward safer, friendlier neighborhoods can be made without citizen participation (Neighborhood Watch Training Manual). Public expectations help shape

the context of the security governance of police in variety of ways like public opinion as well as expectations and evaluations whereby favorable public perception suggests acceptable police behavior and ready public support whereas an unfavorable image spells trouble (Terpstra, 2005).

Police effectiveness is therefore derived from external focus on how the community perceives their activities, and their willingness to help in enforcing the law. It is therefore important that good police-community relations be nurtured, as this will increase community involvement in crime prevention and control processes. The United Nation's Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order urge that, community participation in all phases of crime prevention and criminal justice should be promoted and strengthened. Similarly, the United Nations Code of Conduct for Law Enforcement Officials states that every law enforcement agency should be representative of, and responsive and accountable to, the community as a whole (UNODC, 2006). Weisburd & Eck (2004) support these statements by adding that the strongest evidence of police effectiveness in reducing crime and disorder is found in the case of geographically focused police practices, such as hot-spots policing. They however caution that community policing practices are found to reduce fear of crime, but community policing cannot be effective when it is implemented without models of problem-oriented policing which affects either crime or disorder. The increased flow of citizen intelligence can also increase police effectiveness at crime prevention through problem-solving strategies.

Police administration refers to the organization and management of policing. The administrative structure defines the roles and responsibilities of the members of the department, work group, or organization. According to Punch, (2006), the structure of an organization is designed to breakdown the work carried out and the tasks into discrete components which comprise individual

businesses, divisions and functional departments. Fischer (2006) also observed that a good organizational structure allows people and groups to work effectively together while developing hard work ethics and attitudes. Police organizations that are well structured with good leadership and effective human resource management that devoid of illegitimate interference are effective in ensuring the safety and security of their citizenry. Police organizations with poor administrative structures may have demotivated staff and poor leadership hence insecurity and lack of confidence from members of the public coupled with low economic growth for their countries.

Good leadership at all levels within an organisation is a very important part of improving and providing quality performance; it is crucial in supporting a force to be more efficient, effective and legitimate. In the context of an increasingly complex policing environment that includes significant financial cuts, rapid advances in technology and shifting demographics, it has never been more important for the police service to identify and develop capable leaders. They must have the flexibility and skills required to meet not just current demands on services, but to respond effectively to demands in the future (PEEL: Police leadership, 2016).

According to the (United Nations Conference on Trade and Development, 2012), Human resource management is an organizational function that deals with issues related to people, such as acquisition, development, motivation and management of human resources. It includes: Recruitment and Selection whose objective is to attract people with the right qualification (as determined in the job analysis) to apply for the job. They should be designed to ensure that the police will be representative of the people they serve, be transparent, fair with a selection criteria aiming to achieve a representative police agency, in which officers fulfill predetermined criteria based on the candidates' merit rather than on their ethnic or political background with a neutral and objective process aiming to establish a police agency that is

skilled, professional, and representative and of high integrity (Hansen, 2011).

## METHODOLOGY

This study adopted a descriptive survey research design which was also cross-sectional in nature due to its in-depth analysis of the role of governance in the law enforcement in Kenya. In this type of research design, a structured questionnaire and interview guide was used to collect information (Cooper and Schindler, 2011). The reasons advanced for the particular option is that as Cooper and Schindler(2011); Mugenda and Mugenda, (2012) indicate, with a combination of statistical probability sampling for selecting participants,

survey findings and conclusions are projectable to large and diverse populations. From a total population of 751 senior police officers, 254 were selected as the sample using Fischer’s model, from where stratified and simple random sampling were applied to pick the particular officers. Questionnaires were administered and interview guides used to reinforce them. Cronbach's Alpha was used to check the reliability of the instrument. Statistical Package for Social Science (SPSS) was used to screen, code and capture the data. Regression analysis was computed to determine the relationship between citizen participation and the quality of law enforcement in Kenya.

## FINDINGS

**Table 1: Citizen Participation**

Statement	SD %	A %	N %	A %	SA %	Total
A crucial element in any enforcement activity	3.2	3.2	7.1	42.9	43.5	100
Public involvement is a means to ensure that citizens	3.2	2.6	5.2	42.9	46.1	100
Significant progress toward safer, friendlier neighborhood	5.8	1.9	0.0	30.5	61.7	100
Feedback from citizens on law enforcement is crucial	5.8	1.3	5.2	26.6	61.0	100
Interaction of the law enforcement agency and the	8.4	26.6	17.5	27.9	19.5	100
Citizen participation strengthens information	5.6	0.0	4.2	22.9	67.4	100
The Law enforcement agency should initiate the interaction	6.9	5.6	5.6	29.2	52.8	100
Feedback from the members of the public captured	4.2	1.4	.7	34.7	59.0	100
<b>Average</b>	<b>5.4</b>	<b>5.4</b>	<b>5.7</b>	<b>32.3</b>	<b>51.2</b>	<b>100</b>

SD= strongly disagree; D= disagree; N= neutral; A=Agree; SA= strongly agree

The findings showed that officers were of the view that Citizen Participation makes positive contribution to the overall quality of law enforcement which includes enhancing public safety and security. The highest scores were for the statement that Public involvement is a means to ensure that citizens have a direct voice in public decisions, followed by a crucial element in any

enforcement activity is the interaction level between the governor and the governed while the worst scores were on the statement that that Interaction of the law enforcement agency and the citizens is done at all levels of enforcement in the country. These findings also resonated with observations the by U.S. Department of Justice that, building and maintaining community trust is the



cornerstone of successful policing and law enforcement whereby the local law enforcement agencies can be accountable to their citizens by engaging them in any number of trust-building initiatives, including citizen input for Internal Affairs determinations and discipline.

### Correlation

The correlation technique was used to analysis the degree of relationship between the variables Citizen Participation structures and quality of law enforcement. The computation gave the Pearson Moment correlation coefficient  $r$  of 0.835 signifying a positive relationship between citizen participation and quality of law enforcement. This means an improvement in Citizen Participation will lead to improved quality of law enforcement (Kothari 2008).

The test of significance revealed the  $p$ - value of 0.000 which is less than the level of significance of 0.05, hence the test is statistically significant. Findings of this study agree with those of East & Kaustinen (2014), who attest that citizen involvement is a means to ensure that citizens have a direct voice in public decisions and that, any successful system of performance management in a police department needs to measure partnership relations between the department and the community Jason (2015). No significant progress toward safer, friendlier neighborhoods can be made without citizen participation (Neighborhood Watch Training Manual).

### Regression Analysis

The coefficient of determination  $R^2$  explains the extent to which variations in the dependent variable performance can be explained/predicted by the changes in the independent variable, Administrative structure. The  $R^2$  in linear regression relationship also tells how the regression line fits the data. The regression gave a calculated  $R$  value of 0.835 and  $R^2 = 0.698$  which means that 69.8% of the corresponding variation in the quality of law

enforcement in Kenya can be explained by changes in Citizen Participation. This was an important indicator of the predictive accuracy of the model equation fitted as shown below:

$$Y = \beta_0 + \beta_5 X_5 + e$$

Where  $Y$  = Quality of law enforcement

$\beta_0$  = Constant;  $X_5$  = Citizen Participation;

$e$  = Uncontrolled factors /Experimental errors,

$\beta_1$ ; = Is the model parameter

Tests in table 2 on the constant revealed that the constant is significant implying the Kenya police service officers have to perform their duties even when Citizen Participation are not favourable. This was explained by the fact that this is a disciplined service and so orders must be followed and all officers are accountable for how the day is spent. This was also attributed to the sensitivity of law enforcement which the country cannot do without, hence even with poor Citizen Participation officers are obligated to serve the citizens. The United Nations Office on crime Drugs and Crime (2006) observed that Police functions, powers and procedures are usually defined and limited by statute. Relevant legislation may also include a Police Act, a Code of Criminal Procedure and/or a Criminal Code.

A Police Act encompasses organizational elements as well as the relevant powers of a police force, particularly in the public order realm. The police powers relating to interaction with its citizenry are likely to be found in the domestic criminal procedure code. Any successful system of performance management in a police department needs to measure partnership relations between the department and the community Jason (2015). No significant progress toward safer and friendlier neighborhoods can be made without citizen participation (Neighborhood Watch Training Manual).

**Table 2: Coefficient for citizen participation**

Model	Unstandardized Coefficients		Std. Error	Standardized Coefficients Beta	t	Sig.
	B					
(Constant)	0.922		0.170		5.423	0.000
Citizen participation( $X_5$ )	0.745		0.40	0.835	18.725	0.000

**a. Predictors: (Constant), Citizen Participation**

Further tests on the beta coefficient of the resulting model suggested  $\beta=0.922$  which was significantly different from 0 at p- value of 0.000 which was less than the level of significance of 0.05. The implication was that the coefficient  $\beta$  of the resulting model is significant. The constant  $\alpha=0.922$  at the test of significance p - value of 0.00 was less than the level of significance of 0.05. This meant that the constant in the resulting model is significant .This also meant that the model fits the

data/goodness of fit. The model performance  $=\beta$  (Citizen Participation) held as suggested by the tests above. This confirmed that there is a positive linear relationship between Citizen Participation and the quality of law enforcement in Kenya.

**Analysis of Variance for citizen participation**

The study used analysis of variance (ANOVA) to check how well the model fits the data and the results were presented in table 3.

**Table 3: ANOVA for citizen participation**

Model	Sum of Squares	df	Mean Square	F	Sig.
Regression	54.797	1	54.797	350.632	0.000
Residual	23.755	152	0.156		
<b>Total</b>	<b>78.551</b>	<b>153</b>			

**a. Predictors: (Constant), Citizen Participation****b. Dependent Variable: Quality of law enforcement****CONCLUSIONS AND RECOMMENDATIONS**

From the descriptive analysis, a majority (83.5%) of the respondents were in agreement on the importance of citizen participation for quality law enforcement in Kenya. From the qualitative statistics, 65% of the respondents indicated that the involvement of citizens in law enforcement would assist in crime reduction because the offenders are best known by the communities where they live. However, this was despite the fact that, from these analysis, the study established that the Kenya police service did not involve citizen in their day to day law enforcement activities because such structures did not exist and that the police service thought that the involvement of the citizens was only to the benefit of the later. A positive linear relationship was also established between citizen participation and the quality of law enforcement in Kenya at an average of 83.5%. From the analysis citizen

participation was statistically significant in explaining the change in the quality of law enforcement in Kenya with a p-value =0.000. A majority of 83.5% the respondents pointed out that various activities such as the interaction level, involvement of citizens in law enforcement, ensuring safer neighborhoods, interaction done at all levels, participation, initiation of interaction, and capturing of feedback influence reasonably on the quality of law enforcement in Kenya. The findings resonated with the literature reviewed that the increased demands for safety require greater involvement of a wider variety of players and changes to social regulation mechanisms. These findings showed that the research which sought to establish the influence of citizen participation on the Quality of law enforcement in Kenya was achieved because it established that citizen

participation influence the quality of law enforcement in Kenya.

This study recommended active citizen participation of both the Kenya police agency's officers and the civilians. This would lead to crime reduction, ensuring security always through the local dynamics of dialogue, partnership and closeness. The study as such recommended that the Kenya police agency must adopt the principle of acting for and with the local citizen and actually take the initial step towards the achievement. The Kenyan citizens should also play a fundamental role in the

designing, implementing and monitoring of policies that are implemented to provide him a suitable and safe environment for living.

#### **Areas for Further Research**

Further research should be conducted to establish other influences that were not covered in this study. Such a research should be conducted among other law enforcement arms like the Administrative police service and the Criminal investigations Unit all which are part of the Kenya National police service so that the unique influences can be realized for harmonization.

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