



Effectiveness of Police Reforms: Merging of Administration, Police Service and Regular Police in Kenya: A Case of Nakuru City County

John Ndungu Kungu¹, Regina Wairimu Kamande²

¹Lecturer of African History at Maasai Mara University

²Lecturer of Criminology and Penology at Maasai Mara University

DOI: https://dx.doi.org/10.47772/IJRISS.2025.903SEDU0269

Received: 28 April 2025; Accepted: 13 May 2025; Published: 13 June 2025

ABSTRACT

The main objective of this paper is to examine the effectiveness of police reform initiated through the merging of the Administration and the Regular police in Kenya. To understand this development, the paper seeks to analyse the historical development of the Kenya police. The evolution of police and their command structure can be traced to colonial and post-colonial regimes in Kenya. Kenya police was an alien institution established during the colonial regime after Kenya was declared a British protectorate in 1895. The precolonial African societies had elaborate systems of cohesion, sectional relations, and codes of justice, all of which contributed to the corporate polity of their social groups. The Kenyan police, established by the colonial state, was heavily borrowed from colonial India. The British pushed for adopting the Indian Penal Code, derived from English common law, which would serve as the basis of the formal criminal justice system in Kenya. This was by design to dominate and control Africans to achieve their capitalistic agenda. Human rights violations characterized the colonial and post-independence police force. This necessitated various reforms in the police service. The merger of the Administration Police Service and Regular Police focused heavily on command structure, police performance and welfare. With these well-documented reforms, there is a concern about crime mitigation goals since incorporating the community through the Nyumba Kumi initiative has not yielded the expected objective in Nakuru City County. Therefore, there is a need for proper streamlining of police operations with members of the public as the primary clientele.

Keywords: Administration Police, Crime, crime reduction, Regular police, Police reforms

INTRODUCTION

Pre-colonial Kenya consisted of several societies that were described as stateless. The majority of Kenyan people had elaborate systems of cohesion, sectional relations and codes of justice, all of which contributed to the corporate polity of their social groups. Whether they were farmers or pastoralists, centralised or decentralised societies operated on the nationwide age-set system. The generation system was the basic political and social institution. The establishment of colonial rule in Kenya and attempting to turn the country into a white settlement area had profound effects on the local African population. The group's 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. The institution of the police was foreign to be achieved by the West.

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 organisation 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. [2]

The alienation of African land (for European settler-occupation) disinherit and dislocated many Africans but the subsequent development of settler population and mixed farms created a demand for a large number of wage labourers, since no African labor force was readily forthcoming, the colonial government adopted a



ISSN No. 2454-6186 | DOI: 10.47772/IJRISS | Volume IX Issue IIIS May 2025 | Special Issue on Education

combination of financial and political measures to create the required supply[3]. The British pushed for the adoption of the Indian Penal Code, derived from English common law, which would serve as the basis of the formal criminal justice system. This was by design to dominate and control Africans to achieve their capitalistic agenda.

The process of colonial administration was very brutal as the colonial state used direct (military conquest) and indirect (taxation) coercive power. This process was accomplished through the forceful seizure of land, livestock and forceful taxation. Anyone who resisted this was treated as a criminal and had to be isolated from the rest of society. They were arrested and imprisoned. Some who were dangerous in sighting others could even be killed by the colonial police. [4] 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.) The 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. [5]

European officers filled the superior ranks. 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". A 1,800-person civilian police force was institutionalised under the local ordinance in 1906 and was governed by the Indian Criminal Procedure Code and the Indian Evidence Act and Police Ordinance. [6]

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. 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. They formed the Tribal Police, though its duties and organisational structure were defined by ordinance only in 1929. Throughout British rule, the policed zone expanded, and by 1945, there were upwards of 5,000 police officers across 59 police stations and 162 posts. 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. [7]

The remuneration of Police officers was poor, no training and the paramilitary origins of the force led to a reactive approach. Police approach to crime varied depending on the population in which they were embedded. The police circumvented existing indigenous systems of authority and created alliances, and, in addition to tax collection and mobilising labour for settler requirements, they were responsible for maintaining law and order. The police dealt mostly with major offenders. The colonial administration encouraged brutal tactics such as hostage-taking of family members, confiscation of property, and corporal punishment. These colonial strategies created public distrust, public dissatisfaction even hatred for the provincial administration and police. The police force was characterised by racism. The settlers, Asian Africans, did not have equal access to police services and were treated unequally by design. [8]

There was the classification of police in that Lower-ranked police officers were black, while their superiors were mostly white, and the British favoured the recruitment of certain ethnic groups above others. The Kikuyu and Kama occupied positions in the security structures, which furthered the British policy of divide and rule. Many white settlers, especially those with vast landholdings, 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. [9]

The Second World War and the rise of nationalism in Kenya were the culminating response to colonial rule. This led to the rise of the Mau Mau uprising. The colonial administration enforced policing and British authority in the Kenya Colony. Kenya was experiencing an economic downturn and resentment began to grow among the quarter of a million Africans who made up the farm labour force in the White Highlands.



ISSN No. 2454-6186 | DOI: 10.47772/IJRISS | Volume IX Issue IIIS May 2025 | Special Issue on Education

The Mau Mau uprising and its oath-taking activities caused a lot of insecurity in Kikuyu reserves. The climax of insecurity led to the declaration of a State of Emergency after the assassination of Senior Chief Waruhiu, a British loyalist. By 1953, over 10,000 British troops, 15,000 police, and 20,000 home guards had been deployed to fight the insurgency. [10]

State of Emergency led to violation of human rights by police, detention without trial and the Kikuyu districts became a police state. After Kenya gained independence in 1963, each successful regime promised police reforms, including changes in the criminal justice system. There has been debate among scholars and policy reformers about whether these reforms have been a success in making the Kenya police fairer and just. Some academicians have argued that these reforms have been "cosmetics" others see improvement, with the growth and support of civil society, opposition leaders, and their freedom to challenge police misconduct.[11]

The post-independence regimes continued with colonial relics and colonial modus operandi: protection of the ruling class. Political dissidents are the first casualties for criticising the government. President Kenyatta consolidated and personified power, which he used to suppress

dissent and arbitrarily detain political opponents, wielding the police forces as a political tool to serve his interests and the elites in his government. Government officials have promoted violence and interfered with investigations into police brutality, extrajudicial killings, unprofessional conduct, and torture, leading to a culture of impunity within the police force. [12] This led to continued mistrust of the police among the public. Poor pay and conditions, as well as inadequate training, compound the problem.

The post-independence regimes continued to use the Police Act of 1960 and the Police Standing Orders of 1962. These were colonial instruments that led to political domination, although minimal improvement in that the Tribal Police Force was rebranded as the Administration Police Force by the Administration of Police Act No. 13 of 1958. The most significant reform under the Kenyatta regime was the replacement of expatriate British officers by Africans in the senior ranks. [13] Over policing of marginalised communities and the 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).

President Jomo Kenyatta passed on in 1978 and was succeeded by President Daniel Toroitich Arap Moi until 2002. President Moi was seen as a leader who could tackle corruption and negative ethnicity, unfortunately, these ills continued to manifest. Moi popularised his regime under the Nyayo slogan, which meant following the footprints of his predecessor. He has been accused of being the architect of massacres, economic crimes, violent suppression of protests, and silencing critics through unlawful detentions, torture, and assassinations. [14] Like Kenyatta, Moi politicised the police and other security structures and ignored calls for police reform. Police were used as an instrument of the state, particularly against the Somali communities of the Northern Frontier District (NFD). Police brutality was also widespread during the 1992, 1997, and The 2002 elections, in which Moi and Mwai Kibaki vied for the presidency Kibaki's 2002 election ended 40 years of KANU rule.

President Mwai Kibaki failed to reign on corruption and continued power struggles in his coalition led to unrest. The unrest arose from the PNU party of Kibaki and the ODM led by Raila Odinga. 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 were displaced. 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 Post-Election Violence (i.e., the Waki Commission) and The Truth, Justice, and Reconciliation Commission (TJRC). [15]

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, decentralised government and devolved power to the county level, laying the foundation for great changes in the structure and function of the police.



ISSN No. 2454-6186 | DOI: 10.47772/IJRISS | Volume IX Issue IIIS May 2025 | Special Issue on Education

Implementation of these changes was largely left to President Uhuru Kenyatta, the party leader of the Jubilee Party and son of Jomo Kenyatta, who assumed office in 2013.

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 organisations and the laws that guide them.

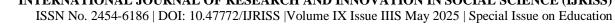
To date, security remains a top priority for the state economy and sustainable development, which includes the implementation and success of the Vision 2030 development plan. This calls for scrutiny of the continuous Security Sector Reforms as reform directly or indirectly affects the personnel, operations and structures for better responsiveness and changes in the operating environment. Security reforms are a transformative journey that requires the collaboration of both the state and non–state actors. [16] The state, as the primary duty–bearer in the promotion and protection of human rights, must meet all the requirements for delivering this transformation. While the state has taken the necessary steps in putting up the various legislative and institutional reforms as envisaged, there is still the question as to the effectiveness of these reforms regarding crime reduction within the Security Sector. [17]

Amongst many other bodies, the Kenya National Commission on Human Rights is a Constitutional body established under Article 59 of the Constitution and operationalised vide KNCHR Act No. 14 of 2011. Section 8 of this constitutive Act mandates the body to investigate or carry out research in respect of human rights and make the relevant recommendations to improve the functioning of state organs, among which the national police service is a state organ under the security docket. The police reforms have been on several occasions necessitated by the findings of various reports that include criminal police officers, the cry of the blood and several injustices perpetrated by security agencies. [18]

The Government of Kenya has initiated a several police reforms agenda. In 2002, following the appointment of a Task Force made up of state and non-state actors. Its report was not released to the public, leading to a loss of momentum. In 2007 - 2008, during and after post-election violence, the momentum to reform the police was rekindled. The Waki Commission was given a special mandate to investigate the state of security agencies and how they handled post-election violence. The recommendations of the Commission became the basis for the process of police reforms in the country. In implementing the recommendations of the Commission, the National Accord recognised police reforms as one of the items under this Reforms Package. There was a need for a comprehensive reform of the Kenya Police Force and the Administration Police in terms of constitutional, legal, policy, and institutional aspects. Consequently, a National Task Force on Police Reforms chaired by Hon. Justice (Rtd) Philip Ransley was appointed in 2009 to develop a roadmap for police reforms. The National Police Service is provided for in articles 238, 239, 243, 244, and 247 of the Constitution and operationalised with the enactment of the National Police Service Act 2011. One of the provisions of the Act was the merger of the Kenya Police Force and Administration Police to form the National Police Service and the creation of the Office of the Inspector General with two deputies, which was effected in 2015-2018.

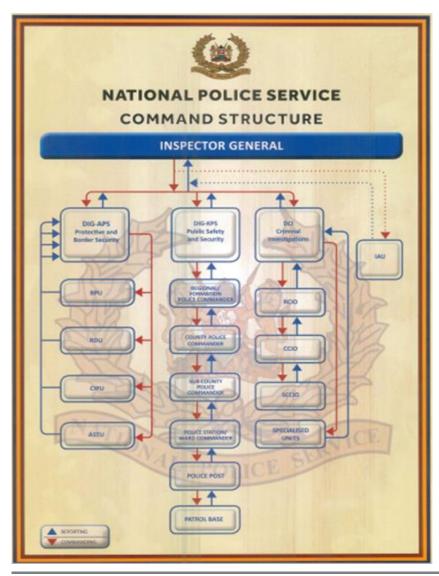
Command Structure and Performance of Police Officers After 2015-2018 Merger.

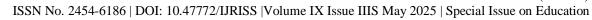
In different countries, the social-cultural and historical context primarily shapes police organisations. Organisational redesigning directly or indirectly influences the performance of an organisation's staff. Personnel perception of organisational support influences performance when the organisation's policies consider the employee as a valued and useful member and when solid employee-supervisor relations exist [19]. This could lead to a drop in the number of serious crimes reported, clearance rates, response time, and the number of arrests made as some of the measures of police performance. Consequently, this gives citizens satisfaction and confidence in the police sector. The survey is an alternative to obtaining a response in the manner in which citizens rate the performance of police. [20]



The National Police Service (NPS) command structure is under the authority of the Inspector General (IG) deputised by the Deputy Inspector General-Kenya Police Service (DIG-KPS) and Deputy Inspector General-Administration Police Service (DIG-APS). Article 245(2)(b) of the Constitution of Kenya on Independent Command and Section 10(f-h) of the National Police Service Act, 2011, mandates the IG to reorganise the command system to realign it with dynamism inside the society. The NPS Policy Framework and Plan for Reorganisation (2018) outlines its approach to achieving the most desirable quality and effectiveness for the general population of Kenya in the performance and delivery of police services. It recommends that the command and control structures within the National Police Service be reformed and that resources be used in the best possible way. Reorganised NPS has harmonised command structure and strengthened formed-up units and a clear hierarchy of command to enhance the performance of police officers. DIG-KPS is to focus on Public Security and Safety, DIG-APS on Protective and Border Security, and the Director of Criminal Investigation on Criminal Investigations. 36680 General Duty KPS and 24572 APS officers were merged to form the General Duty Police under DIG-KPS. APS is to comprise formed-up units, namely Rapid Deployment Unit (RDU), Border Police Unit (BPU), APS Stock Theft Prevention Unit (APS-ASTU), and Critical Infrastructure Protection Unit (CIPU).

Reorganisation modifies the way an organisation conducts itself, in a reorganised command structure, popular police culture, attitudes, principles and actions, enhanced supervision, transparency, and shared workload presumption could produce adequate results. This was not different from the ideology of merging the APS to regular police service, as it was presumed that this merger could enable smart, responsive changes in the operating environment, which could effectively reduce crime rates. The framework of the organisation includes the creation of structures by which all police command levels are organised to warrant successful ties between police officers and the members of the public. [22]







Professionalism, Terms and conditions of services

The new training period from 9 to 15 months with a new training curriculum in basic training and an additional 6 months for cadet training for university graduate recruits was meant to standardise both KPS and APS. However, it was later revised to 9 months. Currently, there is ongoing collaboration with universities to provide tailor-made courses to middle-level police officers to obtain degrees. In addition, an interim Police Service Examination Board has been established, Police Code of Conduct has been developed but not yet launched. In addition, police recruitment continues to proceed in the usual style, with limited transparency and biased criteria, e.g. the disqualification of candidates based on physical attributes such as brown or missing teeth and the over-emphasis on physical as opposed to technical attributes. The vetting process has gone on with complaints and compliments. The audit established that it has wide support, especially among the junior officers, but is frowned upon by most highly ranked officers. [23]

Administrative, Operational Preparedness and Logistics

In terms of housing, the audit established that 1534 housing units were completed, 31 office blocks were constructed, 2140 housing units were leased, and 520 projects on housing are ongoing. In total, 10983 officers are now housed within the police estate. Additionally, the revision of police housing allowance enabled police officers to rent houses outside the police camps. In terms of vehicles, Police Service Fleet Management Guidelines are now operationalized. Many vehicles are now leased, repaired, and fueled due to enhanced budgetary allocations. There are noticeable improvements in maritime police, tools and equipment, police air wing, ICT, and infrastructure. A Group Insurance Cover with Pioneer Insurance Company is now operational, and the officers' benefit. However, all these investments are yet to translate into quality policing as the public remains alienated from the police and organised crime is on the increase. [24]

MERGER OF APS AND REGULAR POLICE AND CRIME REDUCTION

Through the community policing initiative as a philosophy that promotes partnerships between the police and the community in policing crime management, took a new approach. Nyumba Kumi (translated as ten households) is the strategy for anchoring community policing at the household level. The audit established that the functions of community policing committees are too broad. They range from education, security, agriculture, forestry, health, water, etc. Contrary to the expectation of the Nyumba Kumi initiative toward crime management, in some areas, there exist challenges between community policing and Nyumba Kumi. In some counties, there are rival committees, merged committees, or engaged in supremacy battles, and in others, both are absent. In some counties, some committees are aligned to the KPS, APS, or County Commissioner, thereby creating a confused environment. In some counties, they undertake the role of the police to arrest and detain; in others, the police do not recognise them. Therefore, there is a need to streamline the operations of the community policing committees and Nyumba Kumi and in particular, the relationship between them. The confusion this has created has denied the public the benefits of benefiting from the role in which the police merger was geared, as far as community policing was founded. The merger was meant to create a more responsive change toward crime mitigation while using community policing as a tool to streamline crime reporting and crime mitigation strategies.

It was observed that the APS and regular police merger largely omitted to evaluate the effectiveness of this merger on crime reduction. Only a handful of studies focus on professionalism, operations, and logistics and few studies on the welfare of police officers geared toward performance. This study therefore provides a significant contribution to the existing research on the effectiveness of APS and police merger on crime reduction in Nakuru City, Kenya.

To first better understand police reform focusing on 2015-2018 APS and regular police merger and its effectiveness on crime reduction, there is a need to internalize the transition phases which must be complete, these phases include the Preparation Phase: The preparation phase lays the foundation for successful police reform transition by establishing clarity, alignment, and readiness among stakeholders. Change is anchored on restrictive powers, which give the wrong direction. [25] needed for improving service delivery to a police



ISSN No. 2454-6186 | DOI: 10.47772/IJRISS | Volume IX Issue IIIS May 2025 | Special Issue on Education

officer and members of the community must be well articulated. This could be achieved through communication and Stakeholder engagements. Resource Allocation and Capacity Building: Adequate resources, including financial, human, and technological, must be allocated to support the transition process. Additionally, police reforms invested in training and development initiatives to build the capabilities required in all cadres to implement the proposed changes successfully. The training was meant to counter conflicts between continuity and change when integrating and restructuring acquired organisations. [26]

Implementation Phase: The implementation phase involves executing the planned changes, monitoring progress, and addressing any challenges that arise along the way. It's also known as the movement phase. A comprehensive change management plan outlines the specific initiatives, timelines, and responsibilities associated with implementing the proposed changes. This plan should include contingency measures to mitigate risks, consequences of change and adapt to unforeseen circumstances. After the transition, the refreezing stage symbolises the act of strengthening and stabilising the organisation's new state to prevent people from returning to the former ways of doing things. When the new change is made permanent and the norm, reform meets its maximum potential. The implementation of the freeze stage is based on four realistic measures: embedded transition plans to maintain change, provide support, and celebrate change. The outcomes of the transition are measured against predefined metrics and celebrate successes achieved along the way. Recognising and rewarding achievements helps reinforce desired behaviours and maintain momentum for future initiatives. [27]

Institutionalising Change: Sustainable change requires embedding new processes, systems, and behaviours into the organisational culture. Leaders must foster a culture of continuous learning and improvement, where employees are empowered to embrace change and drive innovation.

To understand the effectiveness of APS and regular police mergers in crime mitigation, the study adopts the ADKAR Model which is a goal-oriented approach to change management that focuses on the individual as the key to successful police performance change. It stands for Awareness, Desire, Knowledge, Ability, and Reinforcement. Each element represents a stage that individuals must progress through to effectively adapt to change. [28] Example: Implementing New Technology in police work Awareness. At this stage, police will become aware of the need for change. For instance, the police service decided to implement a new technology system to streamline operations and improve efficiency. For example, digital occurrence books.

Desire: In this stage, both members of the public and police officers develop a desire or willingness to participate in the change process. The police sector conducts public rallies to communicate the benefits of the reforms in crime reduction, highlighting how it will make their jobs easier, increase productivity, or provide growth opportunities, any concerns or resistance, must be addressed through effective communication and support.

Knowledge: Knowledge involves equipping police officers with the information and skills necessary to adapt to the change. Training sessions, workshops, and resources are provided to help employees understand how to use the new technology effectively. This stage ensures that individuals have the knowledge required to perform their roles within the new system.

Ability: Ability focuses on the individual's capability to implement the change successfully, police officers are given opportunities to practice using the new technology in a supportive environment. Feedback and coaching are provided to help individuals overcome challenges and build confidence in their abilities.

Reinforcement: Reinforcement involves sustaining the change over the long term. The police officers and members of the public should celebrate milestones and successes related to the implementation of the new police reforms. Continuous support, recognition, and incentives are provided to encourage ongoing adoption and integration of the change into everyday practices.

By following the ADKAR Model, organisations can effectively manage the transition process, ensuring that employees are adequately prepared, motivated, and supported to embrace change. This example



ISSN No. 2454-6186 | DOI: 10.47772/IJRISS | Volume IX Issue IIIS May 2025 | Special Issue on Education

demonstrates how the ADKAR Model can be applied to facilitate successful transitions within organisations, ultimately driving positive outcomes and organisational growth. [29]

The Model of Community-Oriented Police Reform:

Community-oriented policing (COP) is a philosophy that emphasises collaborative efforts between law enforcement agencies and the communities they serve. Rather than merely reacting to crime, this model focuses on proactive engagement, problem-solving, and building sustainable partnerships with residents and organisations. A notable example of successful implementation of COP is the Camden County Police Department in New Jersey, USA which was Facing escalating crime rates and strained community relations, the city of Camden disbanded its police force in 2013, opting for a new countywide police department with a strong emphasis on community-oriented policing. This led to the establishment of CCPD with a mission to prioritise community engagement, crime prevention, and accountability, which have the following components.

Community Engagement: The CCPD prioritised establishing meaningful connections with the community through various initiatives such as neighbourhood patrols, community meetings, and youth outreach programs. Officers were encouraged to interact positively with residents, bridging the gap between law enforcement and the community they serve. Problem-Solving Approach:

Instead of solely relying on traditional law enforcement methods, the CCPD adopted a problem-solving approach. Officers worked closely with community members to identify and address the root causes of crime, such as poverty, substance abuse, and lack of educational opportunities. [30]. This collaborative effort led to the implementation of targeted interventions aimed at preventing crime before it occurred as achieving less crime is interchangeable with realising community safety. [31].

Accountability and Transparency: Recognising the importance of accountability and transparency in rebuilding trust, the CCPD implemented measures to enhance oversight and accountability. This included equipping officers with body cameras, establishing civilian review boards, and conducting regular community feedback sessions. By holding officers accountable for their actions and decisions, the department demonstrated its commitment to fairness and integrity.

Results and Impact:

The transformative reforms implemented by the CCPD could yield the following significant positive outcomes:

Crime Reduction, including violent crimes and homicides. This decline will be attributed to the proactive approach to policing, targeted interventions, and improved community relations. Trust and Collaboration: The CCPD could succeed in rebuilding trust and fostering collaboration between law enforcement and the community. Residents felt more empowered to report crimes and cooperate with police investigations, leading to increased crime clearance rates and a safer environment for all. Community Well-Being: Beyond crime reduction, the CCPD's focus on community-oriented policing contributed to overall improvements in community well-being. By addressing underlying social issues and engaging with residents in meaningful ways, the department played a vital role in enhancing the quality of life for Camden's residents. [32]

CONCLUSION

The APS and regular police reforms could bring effective transformation in crime reduction if geared towards the potential of community-oriented reform within a police service. By prioritising community engagement, problem-solving, and accountability, the merging could rebuild trust, reduce crime, and improve the well-being of the community it serves. Using this model serves as a compelling example for law enforcement agencies worldwide seeking to enhance their effectiveness and strengthen ties with the communities they protect. This could address contemporary crimes such as banditry, femicide, human trafficking and road traffic accidents. A society-centred security where police agencies are only facilitators.



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FOOTNOTES

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ISSN No. 2454-6186 | DOI: 10.47772/IJRISS | Volume IX Issue IIIS May 2025 | Special Issue on Education

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