

## **Transitional crime, colonial economy and the police force in colonial Kenya (1887–1963)**

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#### **ABSTRACT**

*This study explores the process of police reforms in Kenya, spanning from 1895 to the present day. It is noted that the inaugural police station in Kenya was founded in Mombasa in 1896, a year subsequent to the proclamation of the Protectorate. Subsequently, a contemporary police force was established in 1920 with the primary objective of ensuring security. Consequently, the police force was predominantly employed as a "punitive citizen containment squad." The colonial era established the groundwork for the establishment of the police force, and many aims from that period persisted in Kenya during subsequent periods. The Kenyan police force has undergone certain modifications in its structure and efficacy. Nevertheless, further substantial reforms are required, together with the enhancement of the legislation governing these improvements, in order to achieve greater effectiveness. The absence of substantial advancements in implementing the reform agenda gives rise to the potential for infringements of human rights and hampers the police force's capacity to address such violations in an equitable and efficient manner. The primary aim of this research study is to analyze the characteristics of policing and the process of reform in Kenya throughout the colonial era, spanning from 1887 to 1963. The study utilized Lewin's three-step transition model as the conceptual framework for interpreting the data. The approach employed in this study was grounded in a historical research strategy. The research primarily centered on conducting interviews with law enforcement personnel operating inside Kisumu County. Interviews were conducted with officers of various ranks, encompassing both senior and subordinate positions. The researchers employed snowball and intentional sampling strategies in order to select the participants for the study. The outcomes of this study can be utilized by scholars to further their investigations and gain deeper insights into the development of the police force in the colonial era, with the aim of proposing essential reforms in Kenya. Policy makers have the potential to employ the gathered information in order to enhance service delivery within the police force, while also addressing challenges such as corruption, low morale, and insufficient housing provisions for police personnel.*

**Key words:** *Crime, economy, village headman ordinance, tribal police, police force*

#### **Introduction**

Article 3 of the Universal Declaration of Human Rights asserts that the entitlement to physical safety holds paramount importance among the array of fundamental human rights. The police, together the military and private security corporations, constitute the primary entities responsible for upholding law and order. According to a 2000 publication by the United Nations, police officers bear the responsibility of upholding law and order, and are expected to do their tasks with professionalism, integrity, and a sense of responsibility. The police department, being a governmental entity, acts under the authority of the national government, within the framework of national sovereignty. Given their prominent role as representatives of the state, it is common for individuals to make generalizations about the attitudes of the police force in a particular region, assuming that they are indicative of the overall sentiment throughout the state. A police system that embodies these ideals in its interactions with the public and provision of services is imperative for a nation grappling with elevated levels of corruption, alcohol misuse, physical aggression, favoritism, and various forms of human rights transgressions. The responsibility for upholding and promoting human rights primarily falls upon the state, which poses a challenge for law enforcement (Walker, 2010). During the process of police reform, there is a significant focus on the necessity of altering the underlying concepts that guide domestic security services and establishing a fresh and improved public perception. According to Bayley (2001), effective police reforms encompass various elements such as the modernization of the police force, adoption of new tools and technology, structural redesign, delegation of power within the organization, and decentralization of decision-making.

In order to prioritize key principles such as community policing and the protection of human rights, it is imperative to undertake a comprehensive reassessment of the school curriculum. Ultimately, the formulation

and execution of policies and procedures yield a law enforcement agency that possesses an understanding of the expectations set forth by institutions and the broader populace (Walker, 2010). The governing ideals encompassed in this context are accountability, integrity, nondiscrimination, impartiality, fairness, and professionalism. It is imperative to uphold and honor the rights of both individuals and groups, as emphasized by Bayley (2001).

Democracies such as the United States initiated the process of reforming their police services in response to a significantly protracted history of political misconduct. According to Walker (2010), the utilization of force by American police officers during their duties lacked any discernible pattern or effective management strategies. Abuse and corruption are prevalent phenomena within the police service. According to Alpert (2004), there exists a prevailing unfavorable perception of law enforcement among the general populace. According to Alpert, an adjustment implemented in the United States involved enhancing the systematic nature of the police force. Additional modifications included the implementation of regulations pertaining to the utilization of force and the establishment of an internal control framework.

According to Carey (2001), this enhancement resulted in an elevated standard of the services provided. According to Ungar (2012), the efficacy of the region in addressing transnational crime has been enhanced due to changes implemented in five key domains of law enforcement in Latin America. According to Ungar (2012), organizations that were formerly centralized have undergone a process of division into zones based on the objectives of investigation and prevention units. A comprehensive restructuring was performed with the aim of optimizing the organizational framework of the military. The enhanced efficacy of control mechanisms has resulted in an increased impact of general ombudsmen and internal affairs authorities on the conduct of police officers. Over the course of about six to seven decades, Africa has experienced many episodes of societal unrest, civil strife, and military coups, as documented by Gambino (2008). According to Bayley, Africa's post-independence political history has been characterized by the prevalence of authoritarian governments and institutions, including the frequently observed one-party state and military dictatorships. The prevalence of military dictatorships is a notable characteristic of several authoritarian organizations and administrations. Police agencies have fulfilled their obligations under a given political environment. Several police units did not commence receiving training on human rights until the early 1990s, coinciding with the period when several African nations initiated the implementation of democratic changes.

According to Mazrui (1980), Kenya is characterized by the presence of two discrete law enforcement agencies. The establishment of the Kenya Police was initiated by the enactment of the Police Act, marking its status as the inaugural police force in the country. The appointment of a Commissioner of Police, who is selected by the President in accordance with the provisions outlined in the Constitution, grants the President authority over this position. The Administration Police, governed by the Administration Police Act and overseen by the Minister of Internal Security, constitutes the secondary category of law enforcement agency. The Administration Police are under the jurisdiction of the Commandant. The historical narratives of both military services are intricately intertwined with the colonial legacy of the nation. Historically, the Kenya Police Department was responsible for addressing matters related to civil law, whereas the Administration Police was tasked with handling instances according to customary law. Nevertheless, the traditional legal framework has been discarded, and presently, both entities are responsible for similar duties and jurisdictions in the realm of law enforcement.

Despite Kenya's long-standing efforts to democratize both its police force and society, it is evident that the desired outcomes have been minimally realized, despite several transformations inside the nation. Despite the theoretical regulation of the police by the Constitution and the rule of law, their practical implementation is heavily influenced by political factors. Two instances of police reforms and legislative measures enacted in Kenya include the National Police Service Commission Act of 2011 and the establishment of the Independence Police Oversight Authority (IPOA). The 2010 Kenyan Constitution encompasses both of these aspects. Nevertheless, numerous studies issued by reputable organizations such as Amnesty International, Human Rights Watch, and prominent Kenyan daily newspapers provide extensive evidence of the pervasive occurrence of police violence. This concept elicits conjectural notions, such as the subsequent: political elites exhibit resistance towards the implementation of police reforms, and the absence of progress can be attributed to the benevolent intentions of the police force. Alternatively, it is possible that the deficiency lies in the conceptualization of the scope and nature of democratic and human rights policing, as well as the absence of pertinent contextual understanding. The suggested improvements for the police force are likely to have derived their significance from external sources or contemporary ideas, rather than being rooted in the local culture (Mukaria, 2018).

The introduction of this factor may have posed challenges in the process of comprehending police notions within the specific local context. According to Mazrui (1980), it is advisable for African states to reassess their progress in relation to their own aims. The individual aimed to communicate the notion that African nations have to reframe the concept of development within the framework of their own "contextual language" so as to address the distinct requirements of their indigenous populations. Is there a need for a more regionally grounded and knowledgeable African standpoint to augment law enforcement and police services? The prevailing situation in Kenya serves as evidence of an enduring trend characterized by instances of violent crime and instances of

police abuse. This inclination is associated with social disparity, racial dynamics, and enduring patriarchal and authoritarian traditions prevalent in numerous societies. Whether Kenya was previously governed by an authoritarian regime or is currently under a democratic government, individuals in positions of power have consistently employed a combination of police enforcement and other forms of physical coercion within the existing framework of decision-making. The prevailing cultural norms in Kenya have been identified as a significant contributing factor to the persistent issues of police corruption, unchecked extrajudicial violence, and instances of executions, despite repeated efforts to eliminate these problems (Mukaria, 2018).

For several decades, the involvement of police in party politics has served as a motivating factor for their engagement in arbitrary imprisonment, torture, and killings. The actions of law enforcement professionals in exploiting the trust of the public have resulted in a significant rise in both public skepticism and apprehension towards the police force, reaching an unprecedented magnitude. The police are sometimes referred to as "mbwa," a Swahili term meaning "dog," by individuals in positions of authority and political influence. The Kenyan population has attributed a new meaning to the metaphor of "seri-kali" (referring to the police or government) and the notion of the "fierce dog" (mbwa-kali) in light of instances of authorized police and state brutality (Mukaria, 2018). Hence, the figurative suffix '-kali' (signifying fierceness, violence, and ugliness) is a perspective that is attributed within the specific context of government authority, magistrates, parliament, and police, perceiving them as a unified external power that perpetuates a culture of suppression and repression. Despite the democratic transformations that have transpired, there has been a lack of significant reforms and realignments aimed at aligning the Kenyan constitution and regional as well as international human rights standards with the operations of the police force. According to Mendes et al., the establishment of a proficient police force is deemed essential for the maintenance of a robust democratic system (Lee, 2018). The strong relationship between improved policing, democracy, and respect for human rights necessitates the assertion that enhanced policing ideally leads to a heightened regard for human rights. The operational mechanisms of such a system in Kenya have not been addressed in the study

#### **The 1884–1885 Berlin Conference and IBEAC, 1885–1902**

The current designation of the Kenyan Police Force was officially bestowed upon it in the year 1920. Nevertheless, the origins of this organization may be traced back to the year 1885. According to Peacock (1958), the convening of the meeting by Otto Von Bismark, the German chancellor during that period, was motivated by his desire to achieve a peaceful partition of Africa. After the conclusion of the meeting, the process of colonizing Africa commenced, and Kenya was not exempted from this prevailing phenomenon. The division of a substantial area of Africa into "Interest zones" was facilitated by the General Act agreement of 1885 and the Anglo-German agreement of 1886 (Kivoi & Mbae, 2013). These two agreements were concluded with a time gap of one year. The European colonial powers, through the allocation of present-day Tanzania to Germany and present-day Kenya to Britain, established formal foreign governance and imposed arbitrary territorial delineations within the region. The British government made the strategic decision to employ the services of the Imperial British East Africa Company, a prominent entity in the area that subsequently underwent a name change to the East Africa Trading Company, in order to effectively promote British economic objectives without the need for direct allocation of national resources (Kivoi & Mbae, 2013). The regional commissioner was bestowed with the power to mobilize a police force or other security professionals in order to ensure the safeguarding of the protectorate. According to Kivoi and Mbae (2013), the outcome of this endeavor was the establishment of the armed forces.

In 1887, under the leadership of Sir William Mackinnon, the Company made the decision to employ Indian Police and watchmen with the purpose of ensuring the security of its installations and goods. The utilization of Indian legislation, such as the Police Act, the Evidence Act, and the Criminal Procedure Code, was employed to accomplish this objective (Foran, 1962, p. 6). By 1889, the Company had experienced a substantial growth in its domination over the caravan route connecting Mombasa and Uganda. The Company adhered to the trajectory of the caravan-constructed trading posts that were staffed by askari, or indigenous employees, who operated under the jurisdiction of the postmaster overseeing the respective post. According to Foran (1962), the Askari were frequently assigned responsibilities related to construction and maintenance, and their appearance and role were more like to that of armed guards rather than police officers (p. 4). The establishment of the inaugural police station in Mombasa was authorized by the British Foreign Office around one year subsequent to the declaration of the Protectorate in 1896. The inception of law enforcement in British East Africa can be traced back to this pivotal event. However, it is important to note that the term "askari" was extensively employed at this particular period in history. In both Arabic and Swahili, the designation "soldier" is employed to denote indigenous military personnel who were enlisted in the armed forces of European colonial nations in the regions of East Africa and the Middle East. The aforementioned phrase can also be employed to characterize individuals who are responsible for maintaining security and enforcing the law (Foran, 1962).

During that period, the European colonial powers governing East Africa recruited Askari fighters from the indigenous population to serve in their military forces. The individuals in question played significant roles throughout the initial stages of colonization, actively participating in the conquest of many colonial territories.

Subsequently, they assumed the roles of garrison forces and were entrusted with the responsibility of upholding internal security. The Askari forces actively engaged in military operations in regions beyond their respective home territories over the course of the First and Second World Wars. The IBEAC, or International Business and Economic Advisory Council, recruited and deployed its inaugural cohort of law enforcement personnel to conduct patrols within a select number of retail establishments, storage facilities, and banking establishments. This action was undertaken as a response to the growth of the economy (Foran, 1962). In 1896, the I.B.E.A. Company implemented an administrative system that incorporated a security force equipped with firearms and fortified stations. The primary objective of this initiative was to safeguard the company's trading routes, infrastructure, stocks, and personnel. Subsequently, the squad's composition expanded to encompass over 150 agents, comprising individuals from diverse backgrounds such as Comorans, Somalis, Swahilis, and Indians. The Imperial British East Africa Company possessed constant access to police officers. The Company possessed the opportunity to seek affiliation with the East African Rifles and the Uganda Rifles, two military entities that would subsequently merge to establish the King's African Rifles, with the aim of safeguarding its commercial and trading endeavors (Wolf, 1973).

The establishment of a police force in Mombasa was initiated in 1896, marking the initial endeavor towards organizing law enforcement in the region. Kapur Singh, who had prior experience serving in India, was among the initial individuals to join the newly founded police force. The individual's birthplace was a small village in close proximity to Amritsar, where he initially joined the local police department. The individual in question was initially appointed to serve in Balochistan, but was subsequently transferred from the India Police Force to the Kenya Police Force in 1895. In addition to his extensive tenure as a police officer in the Protectorate, Kapur Singh garnered considerable admiration for his other notable achievements. Following his retirement, he returned to India, where he subsequently deceased (Wolf, 1973). Satbachan Singh, the son of an individual, was hired by the Nairobi Police Department. However, he was then sent to several locations across the country and received employment opportunities in multiple locations. The individual primarily resided in Nairobi for the majority of the duration. The urban landscape of Nairobi during its initial years of development did not encompass the entirety of the territory. During the period of the Settlers, he would occasionally encounter lions while performing his duties. During the First World War, he was deployed to Lamu with the specific task of monitoring the activities of potential enemy spies, particularly those of German and Italian origin. The individual was entrusted with the task of halting the continuous illegal hunting of elephants for their ivory in the Voi region subsequent to the conflict (Wolf, 1973).

Mr. Singh vehemently expressed his opposition towards all manifestations of poaching, as he ardently assumed the role of a staunch guardian of the natural environment. The individual dedicated a substantial amount of time and exerted much effort exploring the surrounding forested area prior to ascertaining the identity of the perpetrator engaged in illicit hunting activities. In addition to his employment with Nairobi's Criminal Investigation Department, he provides assistance to his elder brother Laxman, who had previously resigned from the police force, in managing the family farm. Following the conclusion of the Second World War, Satbachan Singh opted for retirement but subsequently resumed his role as the manager of the family estate. However, his presence was requested due to the exigency of the circumstances in 1946. Satbachan Singh played a significant role in the establishment of the Wildlife Society in Kenya, as documented by Wolf (1973). The corporation recognized that it had assumed a financial burden and responsibility that well above its financial capabilities as it proceeded to expand its sphere of influence. In anticipation of the potential departure of the Company from East Africa and Uganda, the British Foreign Office assumed administrative authority over Uganda and the surrounding territory in the years 1893 and 1895, respectively. The completion of this task was undertaken in anticipation of the potential decision by the Company to withdraw from certain regions. In 1896, the Foreign Office enlisted the services of R. M. Ewart with the objective of establishing a police force in Mombasa (Foran, 1962, p. 8). According to Foran (1962), the Uganda Railway Police were founded in 1897 and were strategically stationed at recently constructed railway stations with the primary objective of providing security measures throughout the construction of new rail lines (p. 7).

Multiple historical investigations have revealed that the initial kind of colonial control implemented in Kenya was company rule. The British established their corporate domination in Kenya by means of the Imperial British East Africa Company (IBEAC). During a conversation with an academic at a university in the Nairobi region, it was discovered that the aforementioned corporation established a security division equipped with firearms in 1896, with the purpose of safeguarding its economic activities in Mombasa. The aforementioned information was acquired through direct communication with the lecturer. Sir William McKinnon initiated this endeavor due to his own inclination to sustain the operation of his company establishments. Consequently, the establishment of a police force in Kenya was conceived as a direct outcome of this endeavor. Based on an oral account provided by a retired Kisumu chief, it was observed that during that period, the personnel composition of this unit predominantly consisted of individuals of Indian descent who were governed by Indian police regulations. During the conducted interview on May 14th, 2021, the aforementioned information was disclosed. According to the elderly gentleman's assertion, the British military's dependence on Indians as a predominant security force was predicated upon a belief in racial supremacy. This belief system posited that Indians were considered inferior to both Europeans and Africans, with the latter two groups being deemed less intellectually and culturally advanced than Europeans and

Indians. Consequently, Indians were predominantly responsible for providing security forces on behalf of the British. The officials of IBEAC made the decision to utilize and depend on the former option instead of the latter option as a consequence (KII, 14.5.2021). The notion that a significant proportion of Mombasa's police force consisted of individuals of Asian heritage was corroborated by both Wolf (1973) and Sommer (2007).

### **The Kenya-Uganda Railway**

It is imperative to bear in mind that the primary aim of the colonialists was to reinforce colonialism and exploit Africa's resources for the purpose of enhancing the economy of their respective home nations. In 1958, Peacock observed that a number of prominent firms collaborated with the Colonial Office's authorization in facilitating the process of British colonialism in Africa from 1850 to 1900. Ultimately, it was the British East Africa Company that assumed control in Kenya and Uganda. To facilitate access to the sites of raw resource extraction, as well as the port of Mombasa in East Africa, colonial powers undertook the construction of infrastructure within their respective colonies. In consideration of these circumstances, the construction of the Port of Mombasa to Uganda Railway was undertaken (Wolf (1973) and Sommer (2007)). The Uganda Railway Police was established by a railway engineer in the early 1900s. The aforementioned forces were frequently assigned the responsibility of safeguarding the commercial and territorial concerns of Mombasa in the region of Kilindini Harbour, a significant economic center for the city. The security contingent primarily consisted of Indian police officers and watchmen, with the former assuming overall leadership of the operation. Consequently, as a result of these developments, police units were established in Mombasa, Nairobi, and Kisumu. Additionally, the Uganda Railway Police and a limited number of untrained askari, who were placed directly under the Local Collector and the Assistant Collector, were also established by 1902. The aforementioned agencies were situated within the borders of Uganda (Foran, 1962, p. 8).

During an interview with a former police officer, it was revealed that the Kenya-Uganda Railway necessitated robust security measures to protect the construction materials at every stop. This observation suggests the necessity of establishing a structured security force, as stated in Operational Instruction. In addition to the construction and repair activities, the law enforcement authorities also ensured the safeguarding of the building materials. As per the account of a former chief from Nyakach, it was R. M. Ewarl's responsibility to anticipate the requirement for a police force in Mombasa, necessitating the establishment of a railway. This decision to create the railway was made in 1897. As per the statement provided by the aforementioned authority, R. M. Ewarl was assigned the responsibility of establishing the organizational framework of the Mombasa police force (O.I., 8.6.2021). In order to facilitate this process, it was necessary to build centers in urban areas such as Kisumu, Nairobi, and Mombasa. The aforementioned action serves as evidence of the expansion of colonial security and control in Kenya during the period in which it was implemented.

Wolf (1973) observed that the expansion of the train system led to an increase in the employment of police officers, including individuals of African descent, in diverse roles. By the conclusion of the 1880s, the IBEAC's dominion over Kenya had been relinquished, resulting in the establishment of British colonial governance in the region. During that period, the construction of the Kenya-Uganda Railway was underway. This event occurred concurrently with the completion of the railroad's construction. Nevertheless, it is imperative to consider that African populations in Kenya exhibited diverse responses to the arrival of colonialists, with a significant number actively resisting the establishment of colonial authority in their own territories during its earliest stages. According to an academic questioned in Kisumu, the Agiriama and the Nandi tribes resorted to armed resistance as a means to thwart the British colonial authorities' attempts to acquire their land (KII 8.8.21). In his 2005 publication titled "The Price of Freedom," Wanyiri examines the prolonged war between the Nandi people and the British colonial forces. The Nandi community expressed opposition towards the construction of the railway due to concerns regarding the potential loss of their autonomy and the transformation of their area into a domain controlled by external forces. According to Elder 'O.I. (9.12.21), it was deemed necessary by the colonial commanders to establish a police force in Mathari during the Mau Mau war. This measure was undertaken with the objective of safeguarding the commanders against military opposition and quelling any kind of resistance originating from the local people.

### **The police force and the Palm wine regulation of 1900**

During the latter half of the 19th century, palm wine emerged as a widely recognized commodity that was extensively sold on a global scale. Individuals residing in the inland regions, including certain members of the Mijikenda community, consistently engaged in journeys towards the coastal areas with the purpose of engaging in trade activities including the exchange of commodities for palm wine. Nevertheless, an increasing number of coconut palms were observed in several Mijikenda districts, with a notable concentration in the Rabai area. Individuals residing in rural areas would undertake journeys to the region of Giriyama, carrying calabashes, with the purpose of engaging in a barter system wherein they would swap these containers for wheat (Herlehy,1984)..The rapid plantation of coconut palms in the Mijikenda districts, where palm wine production thrives, can be attributed

to its significant contribution to the local economy. While juice can be extracted from a variety of palm plants, the predominant type of wine consumed is derived from coconuts. By the late 19th century, the cultivation of coconut palms in Rabai had reached a stage where local residents were allocating a growing proportion of their time to the planting and harvesting of these palms, diverting their attention away from traditional agricultural practices (Herlehy, 1984). During the 19th century, missionaries affiliated with the Church Missionary Society established a presence in the region surrounding Mombasa. These individuals expressed strong reservations over the consumption of palm wine. According to the account provided by Krapf, one of the earliest missionaries, in a paper dated 1848 and circulated among the Mijikenda community, it was observed that the state of intoxication posed a significant hindrance to the spread of the Gospel. According to the missionaries, the ubiquitous presence of palm trees and the collection of their fruit had a detrimental effect on the individuals, inducing lethargy and intoxication. Additionally, the exceptional proficiency of Rabai in producing palm wine was perceived as a source of distress rather than contentment (Willis, 1998).

As per the account of a missionary, the Rabai community discovered that engaging in the palm wine trade offered a lucrative means of sustenance, hence leading them to allocate minimal effort towards other economic activities. Consequently, the palm wine industry experienced notable growth and expansion. The initial endeavors to establish regulations on the selling of palm wine were not undertaken until the year 1900 (Chibundu, 1997). During that particular year, the instructions referred to as the "Palm Wine Regulations" or the "Native Liquor Regulations" were issued by Her Majesty's Commissioner. According to the regulations, it is explicitly prohibited to sell palm wine, pombe, fermented asali (honey), and any other indigenous alcoholic beverages in the designated areas mentioned in the attached Schedule, unless specific conditions outlined in these Regulations are met (Willis, 1998). Assuming responsibility for coastal matters in the year 1907, he exhibited apprehension on a multitude of concerns that necessitated resolution. One notable concern faced by aspiring entrepreneurs throughout Europe was the labor market, which posed a persistent challenge. It was widely held that the Rabai community, along with other individuals, would be compelled to seek new means of generating revenue to fulfill their tax obligations in the event of a decline in profits from the sale of palm wine. The labor scarcity is a consequence of Wagiryama's illicit tembo trade. Moreover, it has been asserted that certain Arab landowners residing along the coastline maintained their workforce through the provision of palm wine, thereby conferring an unjust advantage upon European planters (Chibundu, 1997).

Control, as a significant aspect, emerged as a prominent problem. The administration of Mombasa Town exerted significant efforts in upholding law and order within a populace characterized by mobility and diversity. The island's densely populated and disorganized settlements underwent a transformation, resulting in the development of a well-structured metropolis with a more manageable population. The purpose of this action was to enhance the ease of navigation within the urban area of Mombasa (Chibundu, 1997). Intoxicated males who engaged in aimless lingering within marketplaces and other communal areas posed a potential disruption to the established social structure. The itinerant cohort of unlicensed vendors, who perpetually traversed various locations and sustained their livelihood through the sale of at least a portion of palm wine, exhibited analogous behavior. In a 1906 editorial concerning public intoxication, the East African Standard asserted that the issue of alcohol abuse had firmly ensnared the most marginalized segment of the indigenous population residing in the Mombasa District (Chibundu, 1997)..

According to historical accounts, the enactment of the Palm Wine Regulations in 1900 is widely regarded as a pivotal development that conferred notable domestic responsibilities upon the police force. Under the provisions of this legislation, anyone engaged in the sale of wine or the distillation of alcohol were mandated to get a license from the District Collector. There was a prevailing belief among individuals that the unrestricted movement of wine would enable Africans, whose economic sustenance relied on wine production and trade, to circumvent the necessity of engaging in contractual labor arrangements imposed by the British colonizers (Willis, 2017).

There was a belief among certain individuals that the unrestricted availability of wine had adversely affected the employment prospects of Africans within European corporate entities. Furthermore, the use of wine was actively discouraged due to the prevailing belief that alcohol had a detrimental effect on the quality of goods manufactured by African laborers. The police exerted a direct influence on the legislation pertaining to wine because to their role in initially raising awareness about these matters (Willis, 2017). Due to economic limitations, the African population was compelled to fulfill tax obligations on their dwellings. Due to the requirement of paying taxes in currency, individuals of African descent were compelled to engage in wage labor under the authority of their European superiors. In order to exert authority over the African labor force, law enforcement agencies rigorously enforced regulations pertaining to vagrancy. The legislative aspects are taken into consideration (Deflem, 1994).

#### **The village headman ordinance of 1902–1928**

The adoption of the Village Headman Ordinance in 1902 can be attributed to its historical roots in the formation of the Administration Police. The primary objective behind the creation of this ordinance was to facilitate the

integration of the local population into the existing financial system. Additionally, it aimed to enforce taxation policies, regulate agricultural practices, control the movement of employees and animals, and establish other social and economic standards (Mbuba & Mugambi, 2011). During that historical period, the leaders were commonly known as village headmen. The Colonial Government would often employ the Native Police, consisting of young men from the local community, to enforce unpopular laws on a regular basis. Several policies were implemented, including as taxation without representation and the release of criminals without recompense.

Killingray (1986) asserts that inside each colony, two distinct legal systems were observed: "alien law," which derived from the prevailing legal framework in England at that period, and "customary law." Accordingly, Killingray (1986) asserts that the primary concern of indirect rule was not the adherence to legal principles, but rather the preservation of the colonial framework (p. 413). To clarify, the colonial African police force did not perform duties akin to those carried out by contemporary police forces in Europe or the United States. According to a particular narrative, during the colonial period in Africa, the police functioned as tax collectors, resorting to the confiscation of individuals' possessions and the destruction of villages in cases when payment was not made. During periods of armed conflict, it was common practice for authorities to conscript civilian personnel into military service (Killingray, 1986). Consequently, the central government lacked authority over extensive regions of colonial Africa, leading to the delegation of law enforcement responsibilities to local tribe police groups, albeit to a limited extent. Moreover, according to Killingray (1986, p. 426), there was a lack of effective oversight by the central authority over significant portions of colonial Africa. This also serves as the historical foundation for the contemporary manifestation of the Administration Police. The Administration Police was previously responsible for the maintenance of peace and order in rural regions. The responsibility of preserving order in metropolitan areas, near railroads, and in settlements with white population was bestowed upon the Kenyan Police.

The village headman ordinance played a vital role in the establishment of the rule of law, specifically rule by law. The British commissioners made the decision to enhance security measures subsequent to their discovery of the Kenyan population's hostile sentiments, as revealed during an interview conducted with a former police officer residing in Kisumu. According to the officer, the enactment of the Village Headman Ordinance in 1902 was motivated by the British colonial rulers' perception of the imperative need for maintaining law and order over the entire nation. The establishment of the administrative police unit was a direct consequence of the enactment of the aforementioned Act in the year 1902. The objective of this ordinance was to establish a centralized authority that the British could consistently depend on. According to Trench (1993), the primary aim of this regulation was to facilitate the assimilation of the local population into the capitalist framework, so enabling them to oversee labor activities and the mobility of individuals and livestock. The purpose of this action was to facilitate the inclusion of the indigenous population in the existing financial infrastructure (Killingray, 2017).

According to Bogonko (1980), the adoption of the Village Headman Ordinance took place in 1902. The leaders were bestowed with the duty of tax collection, preservation of public order, and guaranteeing a consistent labor force for employers in Europe, as per this statute. During the colonial era, the village chief assumed the role of the government's representative to the reserve. In 1974, the local leader found it necessary to seek support from individuals with aggressive tendencies within the community, as the general population held a negative sentiment against the policies implemented by the colonial administration. The colonialists employed these strategies in order to attain economic benefits from the African population's economy. While the Kenyan officials who were already in attendance focused their endeavors on urban areas, these indigenous criminals assumed the role of the local law enforcement agency.

The increasing assumption of law enforcement responsibilities in indigenous communities by tribal police may be observed, as they gradually superseded the village toughs, who were commonly referred to as the chief's retainers. During a focus group conducted in Katito, it was observed that the group comprised of elderly males, some of whom held positions of authority as chiefs or were descendants of chiefs. Notably, these individuals exhibited a strong allegiance and loyalty towards the colonial ruler. According to their statement, the main objective behind the recruitment of these local loyalists was to enable them to carry out patrols within African reserves. According to a testimonial provided by an elderly individual who had previously served as an AP officer for the colonial administration in Kisii, the security personnel teams of that era were commonly known as "chief's retainers" (O.I. 3.11.21).

Following a deliberation between the provincial commissioner and district officials representing the central province, the former asserted that the chief retainers would eventually undergo a transformation into tribal police, as stated in the Official Intelligence report dated 3rd November 2021. In 1904, the Railway Police became part of the recently established British East Africa Police. (Foran, 1962, p. 10). The administration of the force was regulated by two key legislative acts, namely the Indian Railway Act of 1890 and the Indian Police Act of 1861. The Kenya Police had a significant development with the enactment of the Police Ordinance in 1906. An additional noteworthy advancement occurred with the establishment of the Kenya Police in 1899 (Trench, 1993). The organizational structure and training of the British East Africa Police during that period bore a striking



resemblance to that of a military corps. In essence, it may be stated that the training program of the Royal Irish Constabulary Course, designed for European officers, prioritized military instruction to a larger extent than police instruction. In response to the perceived deficiency in police training provided by the Royal Irish Constabulary Course, the establishment of the Training Depot in Nairobi took place in 1911. Despite this, the individuals received training in a way consistent with military protocols, as the British East Africa Police retained a partially militaristic role, most evident during the First World War when they were deployed to actively engage in combat alongside Kenyan troops. This phenomenon was particularly evident throughout the battle (Foran, 1962, p. 40).

Furthermore, the British East Africa Police were frequently assigned a diverse range of other duties. The individuals were tasked with extinguishing fires within communities to the best of their abilities, as there was an absence of a dedicated fire department. Furthermore, the police implemented nocturnal urban surveillance, actively pursued cases of property infractions, enforced labor restrictions pertaining to settlement farms, carried out capital punishment, and, notably, prioritized the protection of Europeans and their assets. A significant portion of the police force's resources was allocated towards the investigation of very minor infractions. In the year 1937, a significant number of Africans, totaling more than 6,000 individuals, were charged with the offense of dwelling in townships without sufficient authorization or a valid pass. Additionally, more than 3,000 individuals were accused of engaging in crimes against property, while over 4,700 individuals faced charges related to the failure of paying hut taxes. Furthermore, the legal system also dealt with over 1,000 cases involving individuals accused of lacking a place of residence (Foran, 1962).

Notwithstanding these remarkable statistics, the law enforcement authorities failed to comply with multiple requirements due to their exemption from colonial legal frameworks. The law enforcement agency continued to be referred to as the British East Africa Police until the termination of the British East Africa protectorate, except for a narrow coastal area measuring 10 miles in width. The institution came to be known as the Kenya Police, marking the inception of the present-day Kenya Police (Foran, 1962). The establishment of a police force had a pivotal role in the development of a comprehensive legal framework. The Indian Penal Code, derived from English common law, served as the paradigm that the British aspired for the formal criminal justice system to adhere to. The establishment of common law by the English royal court was predicated upon the utilization of preceding court decisions as a foundational framework. Initially, the denizens of the nation possessed a distinct set of societal conventions. The majority of these narratives were transmitted orally rather than being documented in written form.

The establishment of the conventional legal system can be attributed to the formulation and implementation of these rules. The regulations of this entity are based on a long-standing tradition (Salamone, 1983). The utilization of conventional problem-solving approaches persisted even with the arrival of the British. Customary law was predominantly employed as a means of resolving conflicts pertaining to group rights, specifically those involving parties who were not British nationals. For example, it was utilized in the resolution of compensation claims for injuries and fatalities among indigenous communities (Joireman, 2006). However, during periods when the British held a direct interest in a conflict, colonial law was the dominant legal framework. The establishment of colonial law facilitated the construction of a comprehensive legal system that effectively supported the British colonizers. The utilization of English property law as a means of territorial division in other nations, along with the implementation of a racial capitalism system to effectively communicate a distinct message, serves as a notable demonstration of this phenomenon.

The concept of ownership and the act of appropriating what is not rightfully one's own significantly influence an individual's opinion of their own worth, their ability to seek justice, and their legal status. The acquisition of land by Europeans in the context of colonial expansion was facilitated by the implementation of the Crown Lands Ordinances of 1902 and 1915. Additional laws were implemented to maintain control over the local population, including the implementation of the Vagrancy Ordinance, which imposed limitations on the movement of Africans after 6:00 p.m. Furthermore, the Witchcraft Ordinance of 1925 was enacted to prohibit cultural practices that were deemed uncivilized.

### **Nairobi Police (1907)**

The adoption of the Police Ordinance took place in the year 1906. This development facilitated the establishment of a new police force in the subsequent year. The Nairobi Police, under the jurisdiction of the East Africa Protectorate, was responsible for overseeing this section. The inception of the British Kenya Colony coincided with the official establishment of the army in the year 1920. The current name was bestowed upon it during this period. The colonial military predominantly consisted of senior officers who were recruited from both Britain and India. According to Hyde and Pallister (2015), individuals of African descent were assigned roles within the lower echelons of the organization.

The ranks of British officers were filled by Kenyans who were born and bred in Kenya upon the country's successful attainment of independence from the United Kingdom. The establishment of a dedicated police force, today recognized as the Nairobi Police, was deemed necessary for the city of Nairobi in response to its growing



significance and population. In order to ensure the efficient functioning of the city, measures were taken to maintain operational continuity. In 1887, Ewart was appointed to the position of heading the Mombasa Police Department. In April 1902, shortly after the establishment of the township of Nairobi, he assumed the position of Assistant District Superintendent and assumed authority over the police (Foran, 1962).

The highest ranks of the Nairobi police force were overseen by a small contingent of Indian inspectors or deputy inspectors, numbering two or three. Individuals of African, Somali, and Indian descent comprised the lower strata. During the initial stages of Kenya's colonial period, there existed a lack of stringent enforcement of discipline, resulting in a relatively ineffective Kenyan Police Force. This phenomenon transpired due to a lack of strict compliance with colonial restrictions. Hyde and Pallister (2015) believe that police officers primarily acquire their professional expertise through a process of experiential learning, wherein mistakes serve as valuable opportunities for growth and knowledge acquisition.

The Nairobi police were confronted with the disruptive conduct exhibited by intoxicated individuals of European descent who sporadically came in Nairobi from South Africa. Individuals who were in such a state of intoxication invariably engaged in physical altercations. Despite the potential violation of legal statutes and the solicitation of law enforcement intervention under the Distressed British Subjects Act, certain individuals were compelled to seek avenues for financial gain due to their destitute circumstances and aversion to employment (Hyde, 2015). Individuals found to have contravened this legislation were then sent to Fort Jesus Prison, where they fulfilled their penal obligations before to repatriation to India. This practice was also extended to Native Americans, who were incarcerated subsequent to being convicted and subsequently repatriated upon completion of their sentences. The prevailing proportion of additional criminal incidents that required police intervention during that period consisted of minor thefts perpetrated by unscrupulous individuals of African or Asian descent who operated as retailers (Throup, 2017).

Both male and female sex workers were commonly observed at the Nairobi Railway Depot. The Nairobi Police apprehended a group of individuals engaged in prostitution and subsequently repatriated them to their respective places of origin, accompanied by a firm admonition against re-engaging in such activities within the city. In addition to male visitors, a significant number of women were present at the Nairobi Railway Depot. In 1902, the colonial administration of Kenya amalgamated the three separate police divisions in Kenya to establish the British East Africa Police. Subsequently, this particular agency would acquire the designation of the Kenya Police Service (Marshall, 2017). The year 1906 witnessed the enactment of a statute that served to establish the Kenya Police Department, so marking its distinction as the first organization of its nature. Sir James Hayes Sadler appointed a group of individuals to create a commission with the purpose of scrutinizing the activities of the police force and providing suggestions on how they may enhance their performance in a more efficient manner (Marshall, 2017). In the year 1910, the group consisted of a minimum of 2,000 members. The task of upholding peace within the confines of the interior Native Reserves was entrusted to the Tribal Police, who were not equipped with firearms. According to Marshall (2017), the day-to-day operations of the Tribal Police were under the jurisdiction of the local chiefs, despite the presence of many District Commissioners who held authority over the tribal troops inside their respective regions.

### **Kenya Police Force, 1920**

In adherence to a municipal regulation, a civilian law enforcement agency with 1,800 personnel was founded in the year 1906. The legislative framework governing this force comprised of the Indian Evidence Act, the Indian Criminal Procedure Code, and the Police Ordinance. By the year 1920, it was proposed that Kenya may potentially be partitioned into districts that were either under police surveillance or lacked such oversight. The initial category comprised several African Reserves, whereas the subsequent group encompassed the peripheries (Waller, 2010). Both the Kenyan Police Force and the Tribal Police Force have originated and developed inside the policed region. The Kenya Police maintains a central headquarters in Nairobi, which serves as its primary administrative hub, alongside smaller satellite outposts dispersed across several locations within the country. The indigenous leaders who were appointed to govern the reserves were accompanied by security personnel who played a crucial role in upholding the authority of the colonial administration.

According to Wambugu (2010), these retainers commonly established connections with the chief and shown loyalty to the provincial authorities. The establishment of the Tribal Police occurred, however, it was not until the year 1929 that an ordinance was introduced to delineate its responsibilities and establish its organizational structure (Gatheru, 2005). The initial substantial alterations to the operational procedures of law enforcement agencies commenced in the approximate period of 1920. Additional police stations were erected, and the Railway Police was integrated into the British East Africa Police, which served as the officially recognized police agency of the colony. Starting from the 1920s, the designation of Kenya shifted from the East Africa Protectorate to the Kenya Colony. The current designation of the police force encompasses the Kenya Police Force as well. The purpose of this action was to establish the police force's subordination to state authority and its compliance with the policies set forth by the British government (Bunei & Akinlabi, 2022).

### **Tribal Police Ordinance and the creation of administration Police**

The establishment of the Tribal Police Ordinance occurred in the year 1929. According to Deflem (1994), the Village Headman Ordinance obtained legal backing to operate in accordance with its intended purpose. In the year 1958, the legislation previously referred to as the Tribal Police Ordinance underwent a renaming process. Simultaneously, a comprehensive training program for police personnel was initiated in the locality of Ruringu in Nyeri (Mbuba & Mugambi, 2011). It is imperative to bear in mind that tribal police personnel persisted in their service to the British colonial authority, despite enduring frequent mistreatment and the government's inclination to downsize the force for financial reasons.

In order to facilitate cost reduction for the colony, this action was undertaken. However, it is noteworthy that the year 1958 played a significant role in the advancement of Kenya's Tribal Police. Based on an interview conducted with a former tribal police officer, it was revealed that the colonial authorities made a decision to minimize the expenses associated with the establishment of training facilities for tribal police officers throughout the country. This decision was reached during a conference held in September, under the guidance of the provincial commissioner (O.I. 12.9.21). Hence, the individual asserted that there was a unanimous consensus regarding the paramount need of establishing a solitary training facility in Nyeri, specifically in the locality of Ruringu. The establishment of the training facility in Ruringu was elucidated by a retired chief, who provided a comprehensive explanation of the underlying rationale. According to a retired chief, the primary source of local violence was attributed to the Mau Mau combatants. According to historical accounts, it has been documented that the inaugural display of the Mau Mau flag and the declaration of war against the colonial authority took place in 1952 within Ruringu, which served as the initial bastion of the Mau Mau movement. Furthermore, the individual asserted that Kenyatta delivered the aforementioned speech during the culminating political gathering prior to his apprehension in Ruringu, a location in close proximity to the training facility (Retired chief: O.I. 14.12.21).

As to Dutto's (1975) account, it is noted that Kenyatta delivered his concluding speech at the Ruringu stadium located in Nyeri town prior to his detainment. Prior to his incarceration, this constituted Kenyatta's ultimate public appearance. Furthermore, it is widely recognized that a significant proportion of the Mau Mau movement's key figures, such as Dedan Kimathi and General China, originate from the Nyeri (Waruhiu Itote) locality. The British colonial administration held the belief that the region necessitated heightened security measures due to its inherent risks. Consequently, he created a training camp in close proximity. The aforementioned occurrence can be attributed to the active participation of the Mau Mau in notable regional occurrences during that period. Consequently, a modification occurred in the operational procedures of the administrative police in the year 1958.

During a discussion with a colonial chief in Maseno, it was revealed that there has been a transition in the nomenclature of the police force from the tribal police to the administrative police this year. The aforementioned event transpired consequent to the enactment of the Administration Police Act, which superseded the Tribal Police Ordinance (O.I. 8.6.21). The Colony and Protectorate of Kenya Ordinances, which were enacted by the Kenya National Assembly (XXXVII) in 1958, express identical provisions. This exemplifies the establishment of the administration's law enforcement agency during that specific timeframe. According to Mukaria (2018), the Tribal Police Ordinance was replaced by the Administration Police Act in 1958. This incident transpired during a critical situation, which mandated the enlargement of the structure. In the same year, the training of the force in Ruringu, located in Nyeri, came under the supervision of Her Majesty's Service.

The transfer of the Provincial Administration and the Administration Police from the Ministry of Native Affairs to the Office of the Prime Minister and subsequently to the Office of the President occurred following Kenya's attainment of full independence in 1963, and these entities have been under the purview of the Office of the President ever since. Previously, they had been under the jurisdiction of the Ministry of Native Affairs (Killingray (1986)). The Ministry of Native Affairs had historically exercised autonomy in the execution of their responsibilities. During the period of colonial administration, the Administration Police were perceived as a tribal police force that provided support to the chiefs in carrying out their administrative duties. The genesis of this notion can be traced back to the period of British hegemony. According to Killingray (1986), there was no initial intention for it to evolve into an autonomous entity operating independently from the Kenya Police or the government.

However, in contrast, although maintaining a close collaborative relationship with the executive branch, the Government Police ultimately decided to separate and establish an independent police force. The Administration Police had a gradual process of development, evolving from a localized force in 1958 to its present status as a national police agency. However, it is still capable of fulfilling local law enforcement responsibilities inside the community (Killingray 1986). The utilization of this technology was initiated in the year 1958. A comprehensive framework has been implemented on a national scale to govern the Administration Police Force. This process of transformation occurred gradually over a span of several years and decades. There exists a considerable overlap in the responsibilities assumed by the Kenya Police and the Administration Police. According to Killingray (1986), three essential aspects include the preservation of law and order, the cessation of criminal behavior, and the apprehension of individuals involved in unlawful activities.

According to a conversation with a former education officer, it can be inferred that the administration police can trace its origins back to the tribal police. It was communicated to him that the establishment of the Tribal Police occurred in 1929 subsequent to the enactment of the Tribal Police Ordinance of 1929. According to the information provided on April 7, 2021 (O.I. 4.7.21), The aforementioned document, KNA PC/CP8/4B/3, provides evidence of the convening of District Commissioners from multiple districts for the purpose of deliberating on the New Tribal Police Bill, and conveys a consistent message. A focus group was convened at Katito, whereby elders from multiple clans assembled. As per the assertion made by the clan elder during the focus group discussion on October 20, 2021, it was contended that the colonial authorities established the tribal police force with the primary objective of upholding law and order within the colony. The tribal police in Kenya served as a means of surveillance for the colonial rulers. In adherence to the regulations set forth by the colonial political economy, steps were implemented to guarantee the apprehension and penalization of individuals who neglected to fulfill their obligations of paying the poll tax and hut tax.

According to an old informant from Pap-Onditi in Nyakach who had served as a colonial tribal police officer in the early 1950s, one of the responsibilities of these officers was to enforce the labor rules imposed by the white colonial authorities among the African population (O.I. 24.4.22). The sentiment expressed by Africans towards tribal police personnel was characterized by a strong aversion, primarily because to the officers' unwavering allegiance to their white leaders. The perception of Africans towards the tribal police was shaped by the understanding that these institutions prioritized the economic, political, and social benefits of white individuals, while disregarding the lives and overall welfare of the native African population. Consequently, Africans regarded the tribal police as their opponents. The reason for their intervention was motivated by their desire to provide support to individuals of Caucasian descent. According to Muriuki (1974), the advent of British colonial rule posed challenges for Africans in fostering harmonious relationships among themselves.

During this historical period, certain individuals collaborated with the British authorities, and others vehemently resisted colonial governance. The chiefs and their retainers played a pivotal role in the implementation of colonial policies, hence eliciting widespread disapproval. When inquired about the recruitment process for tribal law enforcement personnel at Sondu, a former chief who had previously served in that capacity responded that it was highly discerning in light of the nature of their duties. As per his account, the selection of officials was conducted from a pool of individuals who were the offspring of the chiefs (O.I. 20.8, 21). In parallel to the aforementioned younger individual, an elderly gentleman residing in Sondu asserted that, throughout the era of colonialism, a significant proportion of personnel within the tribal police division were appointed based on their familial ties to colonial chiefs or their allegiance to the colonial provincial administration (O.I. 15.3.21).

Consequently, a former police officer who later served as a chief expressed, "Upon my enlistment in the tribal police in 1945, the area chief played a pivotal role in facilitating my recruitment by virtue of his exceptional allegiance to the chief, which distinguished him from other individuals of similar age." An officer, who served as a member of the tribal police since 1945, explained that the recruitment procedure was contingent upon the applicant's affiliations and allegiance to the colonial leader. The responsibility of authorizing was vested with the colonial governor, while the recruitment process fell under the purview of the District Officers. Based on the information provided in KNA PC/CP8/4A/9, it can be concluded that this statement is factually correct. Nevertheless, it was also shown that the primary determinants in the selection procedure were the candidates' loyalty and affiliations to the colony.

The recruitment procedure was informed by the rational choice theory, and the chief possessed knowledge about the presence of loyalists residing in the villages who could assist in the successful execution of colonial aims. In response to inquiries on his interest in joining the tribal police force, a former chief expressed that his deceased father, who held the position of a colonial chief, had communicated that prospective recruits would be provided with a registration certificate and a uniform. According to retired chief (O.I. 2022) the attires included brass badge, the blanket, the shuka, and the shorts. The shuka, had an embroidered provincial letter, serving as an insignia to signify the officer's rank. According to an elderly member of the clan, this particular attire was only reserved for significant events, such as when the officer was engaged in official duties or required to fulfill responsibilities within the district offices (O.I.4.3.21).

Upon joining the tribal police force, an officer was issued a registration certificate. The aforementioned information is corroborated by the document KNA PC/CP8/4A/9, which additionally indicates that the distribution of these items occurred on a biannual basis. Through a careful analysis of the inscriptions included on the brass numerical insignia affixed to the left arm, it was possible to ascertain the officer's hierarchical position. It is mandatory for a police officer to don their uniform consistently during their assigned job hours. According to an elderly individual who had previously served in the tribal police force and was interviewed in Kisumu, it was asserted that the training process followed the selection of new recruits. The training session provided guidance to the tribal police officers regarding their responsibilities, including demonstrating respect towards the colonial rulers, as well as effectively apprehending community offenders and reporting such incidents to the chiefs (O.I. 12.9.21). The speaker proceeded to state that the duration of the training program spanned a total of one and a half months.

As per the testimony of a retired chief who was interviewed in Nyabondo, the significance of training for tribal police officers lies in its ability to confer ranks, instill obedience and discipline, and elucidate their duties and jurisdiction. The events described occurred under surveillance of some kind (O.I. 14.5.21). According to the ex-chief, it is asserted that the superintendent officer, responsible for supervising the training programs, along with the tribal police officers, used to dwell at the police depot. During the Nyabondo interview, an elderly individual with prior experience in the tribal police asserted that a significant proportion of the supervisors were African males who possessed military backgrounds. The individuals were directed to observe the conduct of the ex-military personnel and ensure their adherence to the prescribed protocols. Each assembly, also known as a parade, necessitated his responsibility to take attendance, and he was obligated to report any inappropriate behavior exhibited by tribe law enforcement officials to the district authorities (O.I. 24.3.21).

It is imperative to bear in mind that the tribal police squad consisted exclusively of male members. There was a conspicuous absence of initiatives aimed at actively enlisting women in the military. According to the elderly individual who was interviewed at Pap-Onditi, this phenomenon could potentially be attributed to traditional African cultural norms, which impose restrictions on the presence of women in public spaces (O.I. 14.5.21). Nevertheless, a retired chief concurred with this viewpoint, noting that even the colonial authorities themselves did not hold the belief that Kenyan women, or African women in a broader context, possessed significant capabilities to contribute to the police force. The retiring chief provided an explanation in response to the inquiry (O.I., 5.5.21). According to a former education official, it might be argued that Kenyan women experienced a dual burden during the colonial era, as they were subjected to discriminatory treatment based on both their African heritage and their gender. European colonizers demonstrated a lack of regard for the dignity and rights of African women during the transatlantic slave trade as they engaged in the purchase and ownership of these individuals. According to the source (O.I.I. 13.3.17), it was suggested by the speaker that this observation could potentially be discerned from the writings of the initial explorers who visited the coastal regions of Kenya.

The scholarly contributions pertaining to Africa were solely generated from a perspective that predominantly centered on masculinity. The warped perspective held significant importance in the eyes of the colonial ruler, to the extent that it influenced the selection process for tribal police officers. Following the conclusion of the hiring process, a conduct sheet was generated for the tribal officer in response to the discovered outcomes. An interrogation was conducted on a colonial leader in Kisumu. The individual asserted that the information provided by the law enforcement officials on the document outlining his behavior corresponded with the details found on his identification card. Additionally, it encompassed his remuneration and, when relevant, any records of endorsements or sanctions. According to the retiring chief, the conduct document was exclusively held by the district officer.

It is worth mentioning that the tribal police division has undergone many developments (Elder, O.I. 14.4.22). The speaker emphasized that other factors, such as an individual's proficiency in reading and writing, their fluency in English and Kiswahili, and their level of intelligence and discipline, collectively influenced the likelihood of their promotion. He made a comment that,

Due to my proficiency in reading and writing in Kiswahili, I was afforded the opportunity to progress from the role of constable to that of sergeant. Due to the absence of formal education among a significant proportion of my colleagues, the prospects of their advancement within the tribal law enforcement agency were considerably hindered. Furthermore, due to my proficiency in the English language, I have been exempted from engaging in arduous jobs on multiple instances. As an illustrative instance, an individual of Caucasian descent would frequently request my assistance in laundering his garments and relaying communications to fellow members of the tribe law enforcement agency. This opportunity was considered highly uncommon and held in high regard throughout that period (Elder, 4.4. 2021).

The tribal forces were under the direction of the District Commissioners in their respective territories, while the local chiefs exercised a relatively high degree of autonomy in the management of the Tribal Police on a daily basis. Criminal activity was not solely confined within the jurisdictional limits created by British colonization. Consequently, individuals had the opportunity to do unlawful acts in one location and thereafter seek refuge within a Native Reserve, where the local chief would refrain from enforcing legal measures. In the year 1910, a minimum of 2,000 individuals belonging to the aforementioned group were in attendance. However, they conducted a significant volume of law enforcement activities within urban regions. A training depot was created shortly after 1911. The task of maintaining peace and order within the Native Reserves located inland was assigned to the Tribal Police, who were not equipped with firearms (Opolot, 1992). Despite the fact that the tribal forces in different regions were under the authority of several District Commissioners, the operational management of the Tribal Police was entrusted to the local chiefs. The establishment of the Police Service

Battalion was undertaken with the primary objective of countering the German occupying forces in the geographical area commonly referred to as German East Africa, during the course of the First World War. After the conclusion of the war, the civil police's duties were restored, and efforts were made to augment the strength of the police force (Opolot, 1992).

The enactment of the Stock and Produce Theft Ordinance in 1913 aimed to foster more collaboration between federal and tribal law enforcement agencies. In the event that the local chief and the tribal police fail to collaborate in apprehending criminals, the legislation permits the implementation of collective sanctions. The establishment of the Police Service Battalion took place in the context of the First World War, with the primary objective of engaging the German foe located in close proximity within German East Africa. After the conclusion of the war, the duties of civil law enforcement were resumed, resulting in an expansion of the police force (Deflem, 1994). By the year 1945, the number of police employees had reached over 5,000, who were distributed across 162 postings and 59 police stations. However, there were still places lacking in law enforcement, where the local population depended on their traditional leaders for direction, self-defense, and direct engagement with criminals (Crow, 1971). The composition of the rank and file consisted exclusively of individuals of African origin, whilst the inspectors and deputy inspectors were exclusively of European ancestry. According to Deflem (1994), the size of the force had reached a minimum of 2,000 individuals by 1910. However, it is important to note that their primary focus remained on law enforcement activities within metropolitan regions, thereby leaving the responsibility of overseeing the inland Native Reserves to the unarmed Tribal Police.

Following the conclusion of the First World War, there was a notable surge in the influx of European settlers into the region of Kenya. Notwithstanding the adverse impact of the expanding development on the indigenous community that had been forcibly relocated, they were granted land concessions and demonstrated resilience. The European colonizers conveyed to the governing authorities their expectation of enhanced security measures, hence requesting increased funding for the law enforcement agency. The establishment of the present-day Kenya Police Force dates back to the year 1920. In the year 2010, as documented by Waller. During the period of British occupation, there was a notable expansion in the territory that fell under police supervision. By the year 1945, the number of police personnel had increased significantly, with over 5,000 individuals being deployed across 59 police stations and 162 posts. The establishment of additional police stations was crucial in achieving this objective. Nevertheless, several regions remained unregulated, prompting individuals to take matters into their own hands, confront wrongdoers directly, and seek counsel from indigenous leaders within their communities (Anderson, 2017).

### **Kenya Police**

The territorial scope requiring policing saw expansion during Britain's period of governance. By the year 1945, a total of 5,000 police employees were enlisted throughout 59 stations and 162 postings. To facilitate this process, the construction of new police stations was undertaken. Nevertheless, several regions remained devoid of law enforcement, prompting individuals to rely on traditional leaders for both authoritative guidance and protection, as well as engaging in direct confrontations with criminals (Anderson, 2017). Despite being employed, individuals of African descent were predominantly assigned to lower-ranking positions within the military hierarchy, wherein their primary responsibilities involved providing support to officers originating from Europe and Asia. To ensure the safety of the settlers in Nairobi, the police force was tasked with maintaining control over the criminal activities and disorder resulting from the presence of unlawfully living Africans in the slum regions of Nairobi's Eastlands. The aforementioned action was undertaken in order to ensure the settlers' ability to reside in a state of tranquility (Waller, 2010).

Based on statistical data from 1937, a minimum of 6,000 individuals of African descent were charged with the offense of staying in townships without proper authority or a valid pass. A total of over 3,000 individuals of African descent have faced charges related to property offenses, while more than 4,700 have been punished for non-payment of hut taxes. Additionally, over 1,000 individuals have faced charges specifically related to homelessness. The police force has the opportunity to engage in self-reflection over its performance and implement measures for improvement. During the pre-World War II era, there was a notable rise in the occurrence of organized and professional criminal activities. In response to this trend, the police department undertook measures to address the situation by extending its infrastructure and augmenting its workforce through the recruitment of extra law enforcement personnel.

The establishment of the Criminal Intelligence Unit (CID) in 1926 was a response to the expanding investigative capabilities of the police, as indicated by continual developments in their operations. The primary purpose of this system was to collect, organize, and document information pertaining to individuals deemed unwanted, criminal, or suspicious. The process of transforming the police force into an investigative agency was a time-consuming endeavor. According to Anderson (2017), individuals in lower socioeconomic positions saw an enhanced likelihood of accessing educational opportunities. Over the course of time, law enforcement authorities were assigned with the responsibility of resolving a growing multitude of traffic-related matters,

encompassing parking violations and motor vehicle collisions. The local law enforcement authorities were also summoned to address incidents of cattle theft occurring in rural regions. In anticipation of World War II, police trainees were deployed to the Northern Frontier Districts with the objective of addressing the potential challenges arising from Italian Somaliland and Ethiopia. In addition to engaging in combat alongside conventional military personnel, Kenyan police officers fulfilled the roles of translators and guides, as well as conducted reconnaissance operations within areas controlled by hostile forces (Throup, 2017).

The expansion of specialty divisions was observed, notably the establishment of the fingerprint bureau. Initially, a compact group including ex-law enforcement personnel from South Africa and Britain was convened to undertake this endeavor. During the post-World War II period, the Kenya Police assumed control over the majority of responsibilities previously carried out by the Tribal Police forces. At that time, the police force in Kenya consisted of approximately 5,000 personnel. The majority of individuals were of African descent, specifically from Kenya (Throup, 2017). During the early period in Kenya, the colonists played a significant role as the primary beneficiaries of the police force. The principal duties of the police encompassed various tasks such as performing nocturnal urban patrols, investigating property offenses, enforcing labor restrictions on settlement farms, executing death penalties, and providing security for Europeans and their assets. This particular division within the police force has been colloquially labeled as a "punitive citizen containment squad." The primary focus of the police officers' activities were around apprehending individuals who had engaged in relatively minor transgressions.

The official motto of the Kenya Police Force is "Salus Populi," which may be translated as "Let the welfare of the people be the supreme law." The adoption of the policy occurred in the year 1929. In December 1929, the Kenya Police Review incorporated the force's slogan on its cover for the first time. The statement was inscribed below the emblem of the organization (Waller, 2010). Despite the aforementioned slogan, the colonial authority consistently labeled the early Kenya Police as a "punitive citizen containment squad," employing them as a means to achieve their objectives (National Task Force on Police Reform, 2009, p. 14). Based on statistical data from 1937, a minimum of 6,000 individuals of African descent were charged with the offense of staying in urban areas without proper authority or a valid pass. A total of over 3,000 individuals of African descent have been formally accused of property offenses, while more than 4,700 have faced charges related to non-payment of hut taxes. Additionally, over 1,000 individuals have been charged with the offense of homelessness. The police force has the option to engage in introspection over its performance and implement enhancements. During the pre-World War II era, there was a notable surge in the occurrence of organized and professional criminal activities. In response to this trend, the police department undertook measures to address the situation, including the expansion of its facilities and the recruitment of extra law enforcement personnel.

The establishment of the Criminal Intelligence Unit (CID) in 1926 was prompted by the police's continuous transformation into an investigative entity. The primary purpose of this system was to collect, organize, and document information pertaining to individuals deemed unwanted, criminal, or suspicious. The process of transforming the police force into an investigative agency was a time-consuming endeavor. According to Anderson (2017), individuals in lower socioeconomic levels experienced improved opportunities for education. Over the course of time, law enforcement agencies were entrusted with the responsibility of resolving a growing array of traffic-related concerns, encompassing matters such as parking violations and motor vehicle collisions. The police were additionally tasked with addressing incidents of cattle theft occurring in rural regions. In anticipation of World War II, police trainees were deployed to the Northern Frontier Districts with the objective of addressing the potential challenges presented by Italian Somaliland and Ethiopia. In addition to engaging in combat alongside conventional military personnel, Kenyan police officers fulfilled the roles of translators and guides, as well as conducted reconnaissance operations into areas under enemy control (Throup, 2017).

This phenomenon can be attributed to the establishment of new offenses during the colonial era, primarily consisting of violations against the administrative structure imposed by the colonial authorities (Killingray, 1986). In the Kenyan context, the strategy employed to ensure the safety of the settlers residing in Nairobi was the implementation of measures aimed at managing and containing the perceived crime and disorder attributed to the African population. According to Killingray's analysis in 1986, the imperative for colonial administrations was to uphold law and order by adopting decisive measures against any challenges to the British governance framework. The underlying objective was to safeguard Kenya's reputation as a nation characterized by tranquility (Killingray, 1986). Conversely, the British encountered a preexisting social framework in Africa that was significantly dependent on familial connections.

The criminal justice system of the country has been influenced to some extent by both indigenous and foreign legal traditions, despite the notable linguistic and cultural disparities among the many legal frameworks present in Kenya. The Indian Penal Code, rooted in the English common law tradition, played a crucial role in establishing India's official criminal justice system. However, the British administration sought to make alterations to this legal framework. The development of common law can be attributed to the actions of the English royal court, wherein judges have historically played a crucial role (Throup, 2017). The transmission of social conventions among the indigenous population of the region predominantly occurred through oral means,

with knowledge being passed down from one generation to the next. The establishment of the conventional legal system can be attributed to the formulation and implementation of these rules. The governing principles of this system are rooted in customary practices, a profound respect for historical traditions, and a collective sense of responsibility. The responsibility of upholding these norms lies with the family, and in more significant instances, with judicial bodies composed of elders from many lineages. These entities are tasked with the resolution of conflicts and the dispensation of justice. In general, older individuals tend to prioritize rectifying situations over exacting punishment onto individuals. The utilization of conventional dispute resolution methods persisted even upon the arrival of the British (Throup, 2017).

The utilization of customary law was a common practice in the resolution of disputes pertaining to rights, excluding cases involving British citizens. For example, it was employed to ascertain the party accountable for the occurrence of harm and casualties within and among indigenous communities. The present-day urban areas and industrialized regions, historically referred to as the White Highlands, are the primary locations where the "formal" legal system flourishes. The utilization and preference for "traditional" conflict resolution methods remain prevalent in rural areas and peripheral regions, despite the various efforts made by the state to establish connections between these methods and formal systems in recent years. Subsequently, a more comprehensive examination of this topic will be undertaken. Notwithstanding the occurrence of numerous new propositions in the recent years subsequent to the outbreak of violence during the 2007–2008 elections, the situation remains unchanged (Anderson (1993).

However, the dominance of colonial law was evident at periods when the British held a direct vested interest in the conflict. Colonial law, as a prevailing practice, was utilized to construct a comprehensive structure of legal principles and regulations that effectively facilitated the objectives and interests of the British colonizers. The aforementioned outcome can be attributed to the legislative actions undertaken by the British authorities in the colonies. This is exemplified by the establishment of a racially discriminatory capitalist system, which effectively sent a distinct message, and the utilization of English property law to divide and allocate territories of other nations. The implicit communication sent was that an individual's perception of their own value, ability to seek justice, and legal status were interconnected with their perception of possession and ability to appropriate from others. The implementation of the Vagrancy Ordinance posed challenges for Africans in terms of their freedom of movement beyond 6 o'clock. The Witchcraft Ordinance of 1925 was implemented to regulate the conduct of the local population, prohibiting the engagement in practices that were deemed uncivilized within their cultural context (Anderson (1993).

The regulations pertaining to the acquisition of land by Europeans were established in the Crown Lands Ordinances of 1902 and 1915. The laws that are encompassed are included (Anderson, 1993). During the post-World War II period, the Kenya Police assumed control over the majority of responsibilities previously carried out by the Tribal Police forces. At that time, the police force in Kenya consisted of approximately 5,000 personnel. The majority of individuals were of African descent, specifically from Kenya (Throup, 2017). The alteration in the ethnic makeup of the Kenya Police is of particular interest, considering that Kenya was home to 42 tribes, as well as Asian immigrants and European settlers, in the past. In 1887, the Imperial British East Africa Company enlisted individuals of Indian descent to assume the role of police authorities. Subsequently, the Kenya Police augmented their workforce by recruiting extra personnel from the Asian community as well as indigenous African populations. The recruitment of Africans, in accordance with the indirect rule strategy, undoubtedly aimed to curtail the potential dominance of the Asian minority, which held a significant presence in trade and commerce, within the region (Throup, 2017).

The process of selecting African tribal groups for recruitment was significantly shaped by the notion of the "martial race". In the year 1949, the number of African sergeants and constables exceeded 5,500, while there were 22 Asian sergeants, 269 British inspectors, 41 Asian inspectors, and 115 African inspectors. Additionally, there were 84 British officers. The data demonstrates the operational mechanisms of these notions. In 1954, the Kikuyu constituted 20% of the population, although their representation among African police personnel was only 2%. Conversely, the Kamba, accounting for around 12% of all Kenyan tribes, comprised 18% of the African police force (Throup, 2017). In 1946, the jurisdiction over the police force was transferred to the office of the Attorney General. In response to the current situation, the government has developed a newly designated police training facility to ensure that police officers possess the requisite training to effectively carry out their responsibilities. In the year 1948, the Force underwent several noteworthy enhancements. The Kenya Police Reserve was founded as a supplementary element of the Kenya Police Force. The aforementioned detachment was deployed to volatile regions within the urban landscape and operated heavily fortified motorized vehicles. The establishment of a dog section in 1948 was undertaken with the aim of enhancing the efficacy of crime control measures. In addition, the General Service Unit was founded during the same year with the purpose of effectively addressing emergency situations in challenging geographical locations. Both of these acts were executed (Hills, 1996).



In June 1947, during Jomo Kenyatta's leadership of the Kenyan African organization, a formidable labor organization was created. Kenyatta and several other leaders were expeditiously apprehended by the colonial British authorities. A mass strike was organized in Kenya, with the participation of over 100,000 workers. Nairobi experienced a disruption in its routine functioning for a period of nine days. Following a span of two days, no discernible alterations were observed within the vicinity of the docks or the harbor of Mombasa. In 1947, Mombasa had episodes of labor strikes. In order to mitigate the labor unrest, the government implemented the establishment of an emergency company (Hope, 2015). The Kenya Police Reserve was founded in 1948 as a subdivision of the Kenya Police Force. The responsibilities of this entity encompassed offering aid during critical situations and involving the concerned settler communities in security operations. In response to emergency situations, designated spaces for canines and the General Service Unit have been incorporated. The establishment of the Police Air Wing, which aimed to enhance communication and provide medical transportation services, occurred in 1949. The police have experienced a significant increase in workload this year due to various variables, such as a rise in the number of vehicles, an upsurge in traffic accidents, and the introduction of new traffic regulations, all occurring concurrently. In January 1953, the addition of the regular Police service was formalized. According to Hope (2015), on a daily basis in the year 1951, the Nairobi Traffic Court dealt with a range of 30 to 40 instances of traffic violations.

The police force's militaristic lineage has contributed to their proclivity for aggression and promptness in addressing criminal activities. Due to inadequate compensation and insufficient training, law enforcement personnel had a greater propensity to resort to physical force. The behavior of police officers varied depending on their location and the individuals present in their vicinity. A significant proportion of European settlers chose to establish their residences in the White Highlands, a geographical area presently situated in the southwestern region of Kenya. The Kenya Police conducted a visit to the site due to its lofty topography, regular precipitation patterns, and generally cool climate. In the specified geographical area, law enforcement authorities effectively upheld public order by employing a diverse range of strategies to capture individuals involved in criminal activities. These measures included regular patrols, as well as the investigation of both small and major offenses (Hope, 2015).

In the African Reserves, particularly in places such as the Northern Frontier that shared a border with present-day Somalia, the police exhibited a greater emphasis on security concerns and the utilization of force. The responsibilities of the police encompassed the preservation of societal order and the enforcement of legal regulations, alongside supplementary tasks such as tax collection and facilitating work in order to attend to the settlers' requirements. Through the establishment of strategic alliances, law enforcement officials were able to circumvent the existing power structures within the local community. The provincial government and law enforcement agencies were subject to a lack of trust and, in some instances, even faced public disdain. The allowance of techniques such as hostage-taking, property confiscation, and physical violence by the colonial authority, along with the tendency of the police to focus on the most egregious perpetrators, contributed to this situation (Njuguna & Achilles, 2015).

The primary determinant contributing to the inequities observed in policing is the pervasive presence of deeply ingrained racism, which has become normalized inside the police institution. African individuals and white settlers were subjected to disparate treatment and experienced varying levels of access to police services. A purposeful differentiation in therapeutic approaches was established. Within the police force, there existed multiple classes, mirroring the existence of diverse classes outside of this institution. The racial composition of lower-ranking police officers was predominantly black, although their superiors were predominantly white, as a result of the British authorities' prioritization of employing individuals from specific ethnic backgrounds over others. The security staff consisted primarily of individuals belonging to the Kikuyu and Kama ethnic groups, a strategic arrangement employed by the British colonial administration to implement the "divide and rule" policy (Njuguna & Achilles, 2015). A significant number of white settlers, especially those who possessed extensive property, held the belief that they were exempt from legal constraints and often relied on self-defense, akin to persons residing in areas lacking law enforcement presence. This was especially applicable to individuals who possessed extensive land holdings. The settlers exhibited considerable collective power, possessed ample resources, and maintained amicable relationships with influential law enforcement officials. According to Sitienei (2015), a significant proportion of legal violations were addressed through informal means or remained unresolved.

### **The emergency period (1952-1960)**

Significant events that brought about changes in the organizational and operational aspects of the Kenya police were observed during the emergence and progression of the Mau Mau movement in the early 1950s. An exemplary demonstration of the role of policing in the Kenya Colony in upholding British authority may be observed through the armed Mau Mau Uprising. This momentous event occurred between 1952 and 1960 and marked the culmination of resistance against colonial governance. The occurrence transpired during the specific temporal interval. The economy of Kenya experienced significant setbacks as a result of the Second World War and the Great Depression, leading to a notable increase in anger among the 25,000 African individuals who were

employed as farm laborers in the White Highlands of the country (Njuguna & Achilles, 2015). The aforementioned religious-political entity employed acts of terrorism, arson, and targeted killings against individuals of European and African descent who collaborated with the British authorities, with the aim of subverting British governance. The technique employed involved preventing law enforcement authorities from acquiring knowledge about criminal activities involving individuals of African descent.

The issuance of warnings by the Special Branch of the police regarding the potential threats posed by the Mau Mau movement to British rule had commenced around 1947. Nevertheless, the British authorities originally refrained from taking any measures in response to these allegations due to their perception of the movement as a religious entity devoid of political affiliations. In October 1952, a state of emergency was officially established in response to the discernible revolutionary political aspirations of the Mau Mau movement. Consequently, the focus of political activity shifted back to the police force (Sitienei, 2015). Whenever the Mau Mau movement achieved a certain objective, the police promptly responded. The colonial government, including the army and police, implemented a three-pronged offensive strategy against the Mau Mau, necessitating a shift from conventional police work to semi-military operations. By 1954, the campaign had led to the apprehension of 78,000 individuals who were considered detainees. Various measures were implemented to enhance police operations during this period. These included the establishment of the Special Effort Force, a specialized police agency created in 1953 to address the Mau Mau movement. Additionally, efforts were made to expand the Special Branch, increase the number of British-trained police officers, appoint District Military Intelligence Officers, establish approximately 200 Police Signals stations for information exchange, deploy radio-equipped vehicles, and utilize two aircraft (Njuguna & Achilles, 2015).

In the year 1954, there existed an approximate number of 14,000 law enforcement personnel who were assigned the responsibility of ensuring the safety and security of an estimated population of 5 million individuals. The diligent efforts of the police led to the successful cessation of the Mau Mau's activities. Despite previous unsuccessful attempts by the authorities, the Mau Mau movement had been effectively suppressed by 1957. Subsequently, law enforcement personnel were able to recommence their routine responsibilities, thereby reinstating the perception of national security. According to Sitienei (2015), it was permissible for political gatherings to be arranged in Africa in the latter part of the 1950s, provided that they received authorization from the British administration. Over time, there has been a progressive increase in the representation of African individuals within police forces, with the aim of enhancing the relationship between law enforcement agencies and the general public. Nevertheless, the duration during which law enforcement actions were subdued and focused on upholding public order was very short. At the onset of the 1960s, the nation experienced heightened levels of tension mostly attributed to elevated rates of unemployment, an ailing economy, and escalating racial unrest. In order to facilitate the implementation of African majority rule, it was necessary to establish a pathway for progress. As the prospect of independence loomed, there was a rapid surge in the representation of Africans within the police force, accompanied by a deliberate restructuring of the force to better align with the ethnic variety of the nation. Kenya achieved independence in 1963 subsequent to the elections held in 1961. Regular police actions were reinstated in the newly established state, a development that was perhaps unexpected but not entirely surprising considering its colonial history. In order to provide support to the newly established African leaders, the police force initiated the collection of political intelligence as well (Foran, 1962).

The Kenya property and Freedom Army (KLFA) was composed of disgruntled Kikuyu individuals who were live on property that was controlled by European immigrants. Following the demise of Senior Chief Waruhiu, a prominent British ally, Governor Evelyn Baring promptly proclaimed a state of emergency. Jomo Kenyatta, the leader of the African Union in Kenya, along with his followers, were subjected to detainment as a consequence. The demise of Senior Chief Waruhiu precipitated the proclamation of a state of emergency. By the year 1953, the number of British troops involved in the war exceeded 10,000, while the police force had approximately 15,000 personnel. Additionally, the fight saw the participation of approximately 20,000 home guards. Furthermore, it is worth noting that the number of house guards approached nearly 20,000. According to a prominent scholar specializing in African studies, during the peak of the conflict, the Kikuyu regions in Kenya underwent a comprehensive transformation into a state characterized by extensive police control and surveillance. According to Sitienei (2015), a significant number of Africans adhered to traditional systems of justice and expressed a lack of interest in conforming to the notion of "equality" as defined by the legal framework established under British colonial governance.

A state of emergency was declared in October 1952. The military assumed the responsibilities of law enforcement previously held by the police. In response to the emergence of rebel organizations in October 1952, which caused concern among the white settlers, Kenya declared a state of emergency. Consequently, the relationship between the Kenya Police and the indigenous Kenyan populace experienced a decline. Due to the emergency declaration, the responsibility for maintaining public order has been transferred from the police to the military. Colonial justice served to exacerbate and expedite the existing gaps between urban and rural regions, as well as across different racial, ethnic, and social groups. A considerable number of individuals were subjected to detention without formal charges in response to the declaration of a state of emergency. Additionally, a

significant population of Africans was incarcerated, and further infringements upon individuals' rights were observed. Kenya achieved its independence in 1963 following the Mau Mau Uprising, as documented by Foran in 1962. (Foran, 1962) (Foran, 1962).

The Kenya Police played a prominent role in the adoption of torture as a means to get confessions from individuals suspected of participating in the Mau Mau movement. This demonstrated their unequivocal support for the government's agenda (CHRI and KHRC, 2006, 4). Moreover, a substantial proportion of the means by which individuals were compelled to allegedly undertake Mau Mau oaths involved the utilization of torture by the Kenya Police. Multiple security units were deployed during the course of the event. The entities involved in the aforementioned activities encompassed the Kenyan police force, the Home Guards, the British military, and various volunteer military groups. In response to the Mau Mau movement, a specialized police unit called the Special Effort Force was established in 1953. The majority of cases were being handled by the Criminal Investigation Department and the Kenya Police Reserve. According to Foran (1962), the Police Department employed approximately 14,000 officers in the year 1954.

In response to the challenging circumstances, a comprehensive strategy was implemented, which included the establishment of 200 Police signal stations, the recruitment of additional police officers who had received training in the United Kingdom, the integration of wireless communication technology into police vehicles, and the deployment of District Military Intelligence Officers around the nation. By the year 1960, the nation had ceased to be in a state of emergency. In 1963, the British administration was compelled to withdraw from the province and transfer authority to a cohort of more moderate African leaders in response to the insurrection and the potential for further uprisings. According to Sitienei (2015), Kenya achieved independence in the same year. Upon the declaration of a state of emergency in 1952, additional personnel were promptly deployed to address the problem and manage the Mau Mau uprising. In order to effectively respond to the given circumstances, appropriate measures were taken. In 1953, a commission was established with the purpose of evaluating the prospects for development, structure, and management of the Force. However, while undergoing reorganization and the recruitment of new people, the operational methods employed by the Police remained unaltered. However, the Police continued to function as an instrument of the colonial administration. There existed notable disparities between the police officers and the indigenous population. The emergency phase, spanning from 1952 to 1960, underwent a transformation into a state characterized by obnoxiousness. The emergence of rebel organizations like as the Mau-Mau during the late 1940s and early 1950s instilled a sense of apprehension among European settlers. The Rift Valley and the central region of Kenya constituted the country's most prominent geographical areas. The aforementioned actions in Mombasa served as notable indicators of the emerging resistance against the colonial legislation that enforced control over the coastal region (Kithure, 2014).

The Police Headquarters' present architectural configuration was officially established in the year 1957. In 1959, a merger occurred between the Police Force and the Ministry of Defense. The Kenya Police Department played a vital role in upholding peace and order during political rallies and the time leading up to Kenya's independence, particularly during the voting process. Following Kenya's attainment of independence from British colonial rule on December 12, 1963, a notable transformation in the management of the Administration of the Force became imperative. As a result, individuals of African descent occupied the most prestigious positions among the expatriate officer workforce. Since that period, the Force has demonstrated exceptional performance in several operational areas (Kithure, 2014). In direct response to the surge in criminal activity, a range of specialized teams have been developed. The police department has developed a comprehensive plan aimed at mitigating potential hazards to public safety and effectively diminishing crime rates to levels deemed acceptable. This organization comprises several units, including the Presidential Escort Unit, the Anti-Terrorism Police Unit, the Tourism Police Unit, the Anti-Corruption Police Unit, and the Anti-Stock Theft Unit. At the onset of the 20th century, both Nairobi and Kisumu were allocated distinct administrative divisions. The location of these headquarters was in Kenya. The transportation route linking Nairobi and Kisumu is characterized by a significant presence of police checkpoints. Subsequently, additional colonial security forces were deployed to the aforementioned location.

## **Research Findings**

This chapter primarily examines the evolution of the Kenya Police Force during the period spanning from 1885 to 1957 and 1963 to 1977. Based on the findings of the study, it can be established that the establishment of Kenya's police force can be traced back to the year 1885. In the year in question, Kenya came under British sphere of influence due to the outcomes of the Berlin Conference, which led to the partitioning of Africa. The International Bureau for Emergency and Crisis (IBEAC) acknowledged the imperative need for safeguarding measures and accordingly established security units predominantly of individuals of Indian nationality. In contrast, according to the legislation known as the Village Headmen's Law of 1902, it was stipulated that Kenya would serve as the designated site for the establishment of the administrative police headquarters.

The Tribal Police Ordinance was enacted in 1929, leading to the abolition of the Village Headman Code, in compliance with the newly established tribal police code. The major purpose of the tribal police force was to

safeguard the financial interests of the colonial master. The attainment of their purpose was facilitated through the apprehension of individuals who demonstrated noncompliance with payment obligations. Additionally, during the colonial era, they were often hired as court guards. In order to enlist in the force, individuals were required to demonstrate obedience to the colonial chiefs and possess proficiency in both the English and Kiswahili languages. Nevertheless, being the ability to comprehend and communicate effectively in both languages was deemed useful, especially in the context of seeking career advancements.

The paper chapter also illustrated the selectiveness of tribal police officers, with a significant proportion of them being individuals who were descendants of colonial allies and chiefs. The aforementioned information was supplied inside the contextual framework of the chapter. Furthermore, it was revealed in this chapter that inhabitants of GEMA communities exhibited reluctance in enlisting in the indigenous law enforcement agency. Especially in the aftermath of the Mau Mau insurrection that emerged in the late 1940s, there was a notable display of a profound aversion towards individuals of white ethnicity. The training program spanned a duration of two weeks, during which each newly enrolled participant was promptly provided with an individualized document containing their personal information. Additionally, each individual was provided with a blanket, shorts, and a badge. A significant proportion of individuals dwelled within law enforcement facilities overseen by individuals with prior military experience.

The results also indicated that these law enforcement officers underwent training in a diverse range of competencies, encompassing the organization and management of public processions, firearm handling, and the apprehension of those involved in criminal activities. In addition, participants were instructed on the proper protocol for saluting their supervisor during the training session. The nature of the instruction bore a resemblance to the foundational aspects of paramilitary training. An increase in the recruitment of tribal police officers occurred during the second resistance struggle in Kenya, spearheaded by the Mau Mau, specifically between the late 1940s and 1953. Especially as the decade drew to a close, this assertion held veracity. During this period, the main responsibility of tribal police officers was to apprehend those affiliated with the Mau Mau movement, particularly warriors and members who were engaged in coercive activities aimed at compelling others to take oaths.

As a consequence, they faced significant opposition and encountered negative perceptions from indigenous populations who were actively opposing the process of colonization. The chapter elucidated the enduring collaboration between tribal police personnel and chiefs, as well as other forces, despite prevailing enmity. This collaboration persisted until 1958, when the colonial government convened a meeting to determine the future trajectory of the force. The determination of the destination for the force was made during the aforementioned conference. During the aforementioned discussion, a decision was reached to establish a single tribal police training center in Ruringu, in close proximity to the site where the Mau Mau flag is currently preserved. This choice was made based on the belief that it would yield more cost-effectiveness compared to the alternative of establishing multiple training centers in each province. The nomenclature of the force was altered to the Administration Police concurrent with the enactment of the Administration Police Act in the corresponding year.

In 1961, the Kenya Police, which constituted a significant Colonial Police Force, had a personnel of over 700 European officers. Senior officers were recruited from the police forces of Malaya, Palestine, and other colonial police agencies. A considerable portion of the persons who enlisted in the Royal Military Police (RMP) subsequent to their prior employment had previous experience inside the United Kingdom's police forces or the RMP itself. A significant number of Kenyans who were either native to Kenya or had established residency in the United Kingdom voluntarily joined the armed forces during the period commonly referred to as the Emergency. All individuals in question were enrolled in the esteemed Kiganjo Police Training School, renowned for its rigorous requirements applicable to all levels of rank.

This chapter examines the establishment of the Kenya Police, which was initiated by the Imperial British East Africa (I.B.E.A.) Company and spearheaded by Sir William McKinnon, a prominent businessman. Sir William McKinnon recognized the significance of implementing security measures to safeguard his commercial establishments situated along the coastal region of Kenya. The genesis of the proposal to establish an authentic police force in Mombasa may be traced back to this point. Law enforcement activities principally centered around ensuring the security and smooth functioning of the I.B.E.A. Company, which predominantly employed individuals of Indian origin, alongside a minority group of Africans referred to as "Askaris." During that period, the tasks of the small police force were limited. From 1908 to 1922, Brigadier General F.S. Edward held the position of Colonial Commissioner of Police. He was succeeded by F.D. Thysen, R.C.A. Cavendish, A.J. Kingsley-Heath, Mr. W.M.G. Sandwith, C.H. Ward, Mr. M.S. O'Rorke, Mr. D.M. McGoun, OBE, and Mr. M.S.

The maintenance and enforcement of law and order in Kenya during the colonial period played a significant role in shaping the country's present status as a relatively stable nation within the African continent. This outcome can be attributed, in part, to the establishment of rigorous standards of discipline, training, and service during that era, which were subsequently inherited by the Kenya Police following independence. This assumption is generally valid, with the exception of one tragic instance. Corruption has become a pervasive issue inside the Kenya Police, permeating all levels of the organization. Instances range from constables succumbing to petty bribery at traffic checkpoints to the lack of efforts in addressing high-level corruption within the government. In the colonial era,

instances of corruption within the ranks of the Kenya Police were exceedingly rare. While the Kenya Police Association's members can be attributed for the commendable performance of the Kenya Police during the colonial era, this recognition is not currently acknowledged within Kenya.

### References

- Alpert, G. P. and Dunham, R. G. (2004). Understanding police use of force. Officers, Suspects, and Reciprocity. Cambridge University Press.
- Alpert, G. P. and Dunham, R. G. (2004). Understanding police use of force. Officers, Suspects, and Reciprocity. Cambridge University Press.
- Anderson, D. M. (2017). Policing, prosecution and the law in colonial Kenya, c. 1905–39. In *policing the empire* (pp. 183-200). Manchester University Press
- Bayley (2001), *Democratizing the Police Abroad*, National Institute of Justice, US Department of Justice, Washington pp. 40-41
- Bayley, D.H. (2001). *Democratizing the Police Abroad. What to Do and How to Do It.*
- Bunei, E. K., & Akinlabi, O. M. (2022). Policing Rural Kenya. *Policing and the Rule of Law in Sub-Saharan Africa*.
- Carey, M. (2001) *Infancy, adolescence, and restorative justice: Strategies for promoting policing*, in G. Bazemore and M. Schiff (eds.), *Restorative and community justice: Repairing harm and transforming communities*, Cincinnati, OH:
- Chibundu, M. O. (1997). Law in Development: On Tapping, Gourding, and Serving Palm-Wine. *Case W. Res. J. Int'l L.*, 29, 167.
- decolonisation (pp. 127-157). Manchester University Press.
- Deflem, M. (1994). Law enforcement in British colonial Africa: A comparative analysis of imperial policing in Nyasaland, the Gold Coast and Kenya. *Police Stud.: Int'l Rev. Police Dev.*, 17, 45.
- Deflem, M. (1994). Law enforcement in British colonial Africa: A comparative analysis of imperial policing in Nyasaland, the Gold Coast and Kenya. *Police Stud.: Int'l Rev. Police Dev.*, 17, 45.
- Dutto, C.A. (1975). *Nyeri Townsman Kenya*. East African Literature Bureau.
- Foran, W. R. (1962). *The Kenya Police, 1887-1960*. R. Hale.
- Gambino, A.W. (2008). *Congo. Securing Peace, Sustaining Progress*. New York: Council on Foreign Relations.
- Gatheru, R. M. (2005). *Kenya: From colonization to independence, 1888-1970*.
- Gatheru, R. M. (2005). *Kenya: From colonization to independence, 1888-1970*.
- Herlehy, T. J. (1984). Ties that bind: Palm wine and blood-brotherhood at the Kenya coast during the 19th century. *The International Journal of African Historical Studies*, 17(2), 285-308.
- Hills, A. (1996). Towards a critique of policing and national development in Africa. *The Journal of Modern African Studies*, 34(2), 271-291.
- Hope Sr, K. R. (2015). In pursuit of democratic policing: An analytical review and assessment of police reforms in Kenya. *International Journal of Police Science & Management*, 17(2), 91-97.
- Hyde, S. D., & Pallister, K. (2015). Election administration, election observation, and election quality. In *Routledge handbook of comparative political institutions* (pp. 255-271). Routledge.
- Joireman, Sandra Fullerton. (2006) "The Evolution of the Common Law: Legal development in Kenya and India." *Commonwealth & Comparative Politics* 44:2 (2006): 190–210, doi: .1080/14662040600831636
- Killingray, D. (1986). The maintenance of law and order in British colonial Africa. *African Affairs*, 85(340), 411-437.
- Killingray, D. (2017). *Guardians of empire*. In *Guardians of empire* (pp. 1-24). Manchester University Press.
- Kithure, S. K. (2014). *Police reforms in Kenya, case of National Police Service Commission* (Doctoral dissertation).
- Kivoi, D.L. and Mbae, C.G. (2013), "The Achilles' heel of police reforms in Kenya". *Social Sciences*, Vol. 2, No. 6: 189-194.
- Lee, C. (2018). Reforming the law on police use of deadly force: De-escalation, pre-seizure conduct, and imperfect self-defense. *U. Ill. L.Rev.*, 629.
- Marshall, Y. (2017). *The Bleaching Carceral: Police, Native and Location in Nairobi, 1844-1906*. Columbia

- University.
- Marshall, Y. (2017). *The Bleaching Carceral: Police, Native and Location in Nairobi, 1844-1906*. Columbia University.
- Mazrui, A. A. (1980). "Beyond dependency in the Black World: Five Strategies for Decolonization" in A.Y. Yansane (ed), *ecolonization and Dependency: Problems of Development of African Societies*, 84-97, Westport: Greenwood Press
- Mbuba, J. M., & Mugambi, F. N. (2011). Approaches to crime control and order maintenance in transitional societies: The role of village headmen, chiefs, sub-chiefs and administration police in rural Kenya. *African Journal of Criminology and Justice Studies: AJCS*, 4(2), 1.
- Mukaria, A. R. (2018). Police Brutality in Kenya: is it "utumishi kwa wote ama utumishi kwa wanasiasa" (service to all or to politicians)? (Master's thesis).
- Mukaria, A. R. (2018). Police Brutality in Kenya: is it "utumishi kwa woteama utumishi kwa wanasiasa" (service to all or to politicians)? (Master's thesis).
- National Task Force on Police Reforms (2005), Draft Report 4, Kenya, 4February 2005
- Njuguna, E., Ndung'u, J., & Achilles, K. (2015). Institutionalizing policereforms in Kenya: Lessons from 2012-2015. *SAFEWORLD preventing violent conflict, building safer lives*.
- Opolot, J. S. (1992). The resilience of the British colonial police legacies in East Africa, Southern Africa, and West Africa. *Police Stud.: Int'l Rev. Police Dev.*, 15, 90.
- Salamone, Frank A. "The Clash between Indigenous, Islamic, Colonial and Post-Colonial Law in Nigeria."
- Sitienei, E. (2015). Appraisal of the nature and scope of Kenya police reforms between 1995and 2013 (Doctoral dissertation, University of Nairobi).
- Throup, D. (2017). Crime, politics and the police in colonial Kenya, 1939–63. In *Policing and decolonisation* (pp. 127-157). Manchester University Press.
- Trench, C. C. (1993). *Men who ruled Kenya: the Kenya administration, 1892-1963*. IB Tauris.
- Ungar, M. (2012). *Police Reform and Organized Crime Collaboration in Latin America*. United Nations (2000). Report of the Panel on United Nations Peace Operations. Brahimi
- Walker, S. (2010). Making Police Reforms Endure. The key for success. US department of justice. U.S.A.
- Waller, R. (2010). Towards a contextualisation of policing in colonial Kenya. *Journal of eastern African studies*, 4(3), 525-541.
- Waller, R. (2010). Towards a contextualisation of policing in colonial Kenya. *Journal of eastern African studies*, 4(3), 525-541.
- Waller, R. (2010). Towards a contextualisation of policing in colonial Kenya. *Journal of eastern African studies*, 4(3), 525-541.
- Wambugu, Gladys Kirigo. Transformation in the Administration Police Service in Kenya, 1958- 2010. Master's thesis. Submitted to Kenyatta University, May 2019.
- Wambugu, Gladys Kirigo. Transformation in the Administration Police Service in Kenya, 1958- 2010. Master's thesis. Submitted to Kenyatta University, May 2019.
- Willis, J. (1998). Soured wine: the development and suppression of the palm wine economy in Kenya, c 1850-1960. *Kenya Past and Present*, 30(1), 35-39.
- Willis, J. (2017). Thieves, drunkards and vagrants: defining crime in colonial Mombasa, 1902–32. In *policing the empire* (pp. 219-235). Manchester University Press.
- Wolf, J. B. (1973). Asian and African Recruitment in the Kenya Police, 1920-1950. *The International Journal of African Historical Studies*, 6(3), 401-412.