

**Towards a Coordinated Security
Approach between Private Security
Firms and the Police Service in Kenya**

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KIPPRA in Brief

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Abstract

Insecurity in Kenya has increased due to rising crime incidents and terror attacks. In response, the government has centred on, amongst other measures, additional police recruitment in an effort to increase the number of police officers. There is need to tap into the capacity of private security in order to ensure security for all. As this study shows, informal partnerships exist between the Kenya Police and private security firms within their operations. However, these partnerships are not based on any official accord, but are simply 'gentleman-agreements' on a need basis. Through an analysis of the security functions of both the Kenya Police and private security firms and their amorphous interactions in their duties, this study shows that both institutions can benefit from an official coordinated security approach. Using the Nodal Governance approach, this study explores the strengths of the two institutions and proposes the areas that would necessitate inclusion in the coordination framework on security. These include intelligence information sharing, technology and resources.

Abbreviations and Acronyms

AP	Administration Police
CRS	Congressional Research Services
GDP	Gross Domestic Product
GoK	Government of Kenya
IPOA	Independent Police Oversight Authority
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KNBS	Kenya National Bureau of Statistics
KPS	Kenya Police Service
KSIA	Kenya Security Industry Association
MTEF	Medium Term Expenditure Framework
MTP	Medium Term Plan
NCVS	National Crime Victimization Survey
OCPD	Officer Commanding Police Division
OCS	Officer Commanding Station
PS	Private Security
PSC	Police Service Commission
PSFs	Private Security Firms
PSIA	Private Security Industry Association
RECSA	Regional Centre on Small Arms
SAP	Structural Adjustment Programme
UK	United Kingdom
UN	United Nations
UNODC	United Nations Office on Drugs and Crime

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1. Introduction

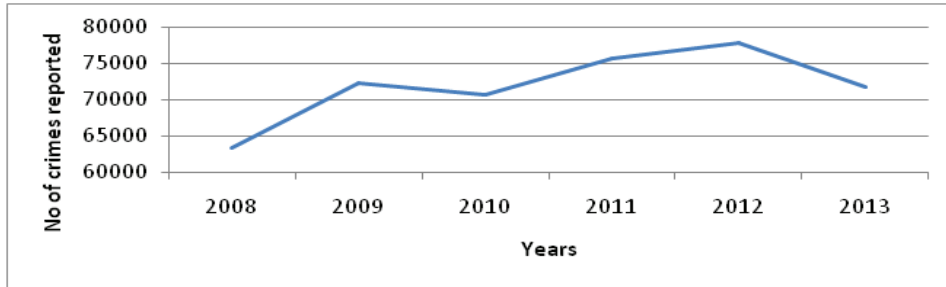
Security is an area of global concern. Perceived as a public good, security has become a defining feature of contemporary public and political discourse, permeating the war on terror and problems of everyday crime and disorder (Wood and Shearing, 2007). Ensuring the security of people and property is one of the fundamental responsibilities of a well-functioning state. Security is no longer understood in terms of external threats posed to nations, but has increasingly encompassed internal threats that cause threat to human life and property. Human Security Centre (2005) observes that exposure to such threats could cause death and injury, and destruction of a nation's social and economic infrastructure that is essential to human development and prosperity.

Although the concept of what security is and how to achieve it is contestable, what is uniformly agreed upon is that security denotes the condition of being 'without threat'. Zedner (2003) describes security as the condition of feeling safe. Thus, crime becomes the central referent of framing the insecurity problem (Wood and Shearing, 2007). According to Harrendorf, Heiskanen and Malby (2010), terrorism and crime statistics show a sudden spike in the overall number of incidents that have occurred globally within the last decade. While no single region has been spared from terrorist attacks, crime and terrorism incidents have become increasingly intertwined and continue to negatively impact the global economic outlook. Since the 11 September 2001 terrorist attacks in New York, Madrid railway bombings in 2004, and London subway bombing in 2005, insecurity as a result of terror attacks has preoccupied global security concerns and has considerably defined new practices in the security domain.

Africa faces an emerging threat of Al-Qaeda factions such as Boko Haram in West Africa, Al-Shabaab in East and Horn of Africa, Al Qaeda in the Islamic Maghreb, and Ansar al-Sharia in the Sahel, which continue to carry out attacks within the continent (Congressional Research Services - CRS, 2014).

Figure 1.1 shows that many crimes are reported annually to the police in Kenya. The growing incidents of crime and terror attacks have negatively affected sectors of the Kenyan economy such as tourism and trade, leading to loss of jobs and reduced economic activity. For instance, in 2013, growth of the tourism sector as a share of Gross Domestic Product (GDP) was negative 4.5 per cent in hotels and restaurant industry alone (KNBS, 2014). In order to mitigate the rising insecurity incidents in the country and achieve the Kenya Vision 2030 development targets, the Government of Kenya has embarked on measures to improve the capacity of the national security organs to combat crime and insecurity. Such measures include recruiting more police officers and availing motor vehicles at police stations/

Figure 1.1: Number of crimes reported nationally, 2008-2013



Source: KNBS (2014)

posts for patrols and rapid response use by the police, creation of an Independent Police Oversight Authority (IPOA), and the Police Service Commission (PSC) and using the Kenya Defence Forces to respond during terror incidents. However, these measures have not adequately addressed insecurity concerns. This gap may explain the fast growth of formal and informal private security companies in rural and urban areas.

Kakalik and Wildhorn (1971) define private security (PS) as all types of private firms and individuals providing all types of security-related services, including investigation, guard, patrol, manning alarms and armoured transportation. Private security in Kenya may also include neighbourhood associations that provide security services, community home guards, private security firms, vigilante groups and community policing initiatives. While recognizing the importance of all these broad categories, this study focuses on the formally registered private security firms. Likewise, the Kenya Police Service collectively refers to all categories of the Kenya Police that provide law enforcement and internal security. While private security firms (PSFs) are spread across the country, the scope of this study will be narrowed down to their operations within Nairobi County.

The increasing prominence of private security firms (PSFs) is not only evident in Kenya but in many countries across the globe. In fact, a comparative study drawing from countries in North America, Africa, Europe, East Asia and Latin America has placed the number of private security guards as five times that of public police (Abrahamsen and Williams, 2011). However, many countries in North America, Asia and Europe have embraced the Nodal Governance framework to ensure a formal coordinated mechanism between the security provision operations of the police and private security. In some European countries, coordination includes private security doing clerical duties in police stations and patrolling train/metro stations and neighbourhood (Bayley and Shearing, 2001). In Africa, only South Africa (Wood and Shearing, 2007) and Uganda (Kirunda, 2008) have instituted a coordinated working mechanism between the police and

PSFs. Kenya, however, lacks a coordination framework to harmonize PSFs and the police service in security provision roles (UNODC, 2014). Therefore, as PSFs increasingly become the forefront of interaction with the public during screening of entrants to public and commercial buildings, it becomes important to consider coordinating the activities of the sector with those of the Kenya Police for synergy in security provision for all citizens.

1.2 Problem Statement

Despite the increased number of police officers in Kenya, insecurity is on the increase as evidenced by the high number of crimes reported annually and terror attacks. Seemingly, there is low institutional capacity of the state to deliver physical security for citizens and property. This vacuum is increasingly being filled by PSFs in Kenya in response to genuine demands for protection by the citizens.

Insecurity lowers the productivity of people and hampers economic growth because lives are lost and scores are injured or maimed. The Medium Term Plan (MTP) II has acknowledged that insecurity in Kenya is a key challenge that, if not addressed decisively, could slump sustained growth in the long-term. For instance, the GDP figures for three quarters in 2014 show that tourism, a key foreign reserve earner for Kenya, has reduced significantly, directly contributing to loss of 21,000 jobs at the coast alone.¹ Thus, it becomes important to boost investor confidence, and the number of tourists visiting Kenya by enhancing the security environment in the country.

Kenya lacks a coordination framework to harmonize PSFs and the police service in security provision (UNODC, 2014). Monitoring to ensure PSFs in Kenya adhere to the international code of conduct for private security is also lacking. Therefore, there is need to formulate a coordination framework that would effectively incorporate partnerships between the Kenya Police and PSFs. Without a strategy on security for strengthening coordination between the two, insecurity is likely to continue rising and hinder socio-economic growth in Kenya. While previous studies have acknowledged a gap in security coordination, this study seeks to propose a coordination framework between PSFs and the Kenya Police.

¹ See Kenya National Bureau of Statistics, quarterly GDP 2014 reports at http://www.knbs.or.ke/index.php?option=com_phocadownload&view=category&id=111:gdp-2014&Itemid=599. Also see Foreign Policy <http://foreignpolicy.com/2014/12/19/insecurity-is-destroying-kenyas-economy-al-shabab/> Both links accessed 04/02/2014. Also see IMF October, 2014 Kenya. Country report, <http://www.imf.org/external/pubs/ft/sr/2014/cr14302.pdf> No.14/302. Accessed 04/02/2014.

1.3 Study Objectives

The main objective of this study is to find out what coordination framework would enhance synergy in security provision between private security firms and the police service. Specifically, this study seeks to:

- (i) Identify the functions of PSFs and the Kenya Police Service in fighting crime; and
- (ii) Propose a coordinated security framework to enhance the operations between the PSFs and the Police Service for synergy in security provision in Kenya.

1.4 Research Questions

- (i) How do the Kenya Police and the private security firms respond to crime incidents?
- (ii) What form of a coordinated security framework can enhance operations between the PSFs and the Police Service for synergy in security provision in Kenya?

1.5 Rationale of the Study

Ensuring adequate security for people and property is one of the key issues that is promoted in various legislations and policy frameworks in Kenya. Article 28 of the Constitution of Kenya acknowledges the right to freedom and security of the person as a sacrosanct right. Further, the Kenya Vision 2030 economic blueprint projects security as a vital foundation for socio-economic transformation in Kenya. The Medium Term Plan MTP II (2013-2017) is also cognizant that improving security in Kenya would contribute to a better environment for doing business, and boost not only tourism, but also encourage foreign direct investment into the country. The government has acknowledged that while security is the preserve of the state, private security actors also have a role towards improving security in Kenya. While cognizant of the contribution the PSFs play in complementing the efforts of the Kenya Police in enhancing national security, there is need to be aware of the risk of their unfettered development. In this regard, coming up with a coordination framework would ensure that the activities of the PSFs are coordinated with the Kenya Police for synergy in security provision.

2. Literature Review

2.1 Overview of the Private Security Industry in Kenya

Various studies documenting the growth of private security firms in Kenya (KIPPRA, 2004; Wairagu, Kamenju and Singo, 2004; Abrahamsen and Williams, 2005; Mkutu and Sabala, 2007; KIPPRA, 2010; and Kaguru and Ombui, 2014) show the increasing importance that scholars are according the security industry. These reports and many others outline factors that have driven the need for private security firms in Kenya. These factors include, among other things, fear of crime, inability of the state to provide adequate security, inefficiencies in law enforcement agencies, expansion of private property ownership, and low public confidence in the police service. The functions provided by PSFs include but are not limited to protection of commercial premises, embassy/mission and dignitaries, humanitarian workers, surveillance and investigation, risk assessment and analysis and mundane activities such as static guarding and frisking entrants in buildings. Private security may also be meeting the need for customised security services such as manning private premises and escorting civilians, a role that regular police are not mandated to undertake.

Currently, PSFs in Kenya are registered like any other business, under the Companies Act Cap 486 of the Laws of Kenya. Owners of these companies, their employees and activities are not vetted. This is why many 'briefcase companies' that do not operate by the book are in operation and are increasingly faced with accusations of undercutting, sexual harassment of female guards, and subjecting employees to long work hours without overtime pay or holidays. Only a small number of private security companies in Kenya are duly registered, train their staff well as per international standards and pay minimum wages (Mkutu and Sabala, 2007). As a result, PSFs in Kenya have elicited criticism due to misconduct and involvement in criminal activities within their spheres of operation (Omeje and Mwangi, 2007). While the misconduct is attributed to inadequate regulation, Berg (2010) and Abrahamsen and Williams (2011) disagree with that aspect, having observed that instances of misconduct are also evident in countries with a highly regulated private security sector. Nevertheless, UNODC (2014); Abrahamsen and Williams (2011); and Bearpark and Schulz (2007) agree that in the absence of adequate regulation, or in circumstances where regulations are poorly enforced, there may be no control over the quality of services provided by PSFs, which may undermine security provision.

Private security providers have made strides towards self-regulation. Within the last decade, there have been developments in the private security sector as shown by growth from unstructured operations towards more formal and

unionized structures. This is positive growth, which has not been documented in recent studies, but warrants our attention. Two main associations have been formed, namely the Kenya Security Industry Association (KSIA) (an umbrella body of foreign-owned PSFs), and the Private Security Industry Association (PSIA) (whose membership comprises locally-owned PSFs). Currently, it is estimated that over 2,000 private security firms are registered and operating in Kenya with about 400,000 registered security guards.² The private security workers have also unionized under the Kenya National Private Security Workers Union with over 50,000 registered members.³

Several studies acknowledge that security provision by both private security and the Kenya Police is largely unstructured and uncoordinated resulting in inefficiency in security provision (KIPPRA, 2010; Government of Kenya, 2009). In addition, the PSFs' standards of service and professionalism in relation with the police vary considerably (Mkutu and Sabala, 2007). In response to the calls for regulation of the industry, at the time of writing in June 2015, the government had tabled the Private Security Regulation Bill 2014 in the National Assembly. Among other things, the Bill calls for the registration of all security firms, monitoring to ensure compliance with industry regulations and rule of law and adequate training of personnel and proper remuneration for all private security guards. Of utmost importance, Part VI of the Bill makes it mandatory for all private security providers to cooperate with the national police in the maintenance of law and order. To operationalize this clause requires a subsidiary legislation to develop a coordination framework between the national security organs and other private security actors.

The question of whether or not to arm PSFs has overshadowed the critical aspect of regulating the private security industry in Kenya.⁴ Core arguments against arming private guards include concerns that untrained staff with questionable

² Interview with Isaac Andabwa, Chairman of the Kenya National Private Security Workers Union on 11/08/2014. Also see Kenya Security Industry Association link <http://www.ksia.co.ke/index.htm> and Protective Security Industry Association link <http://www.psiasecurity.com/> both links accessed on 15th January 2015.

³ Interview with Isaac Andabwa, Chairman of the Kenya National Private Security Workers Union on 11/08/2014.

⁴ For instance, see Rajab Ramah, Sabahi, 7 August 2014, Kenya debates arming private security guards, from http://sabahionline.com/en_GB/articles/hoa/articles/features/2014/08/07/feature-01. Also see Securex Kenya Report on 6th Oct, 2011 from <http://www.securex.co.ke/government-unveils-licence-to-guard-but-not-to-kill/both> links accessed on 13th Jan 2014.

backgrounds may be able to access weaponry and use force in an illegitimate way. Kirunda (2008) contends that arming of private guards in Uganda has not resulted into a better security outcome, since there have been numerous complaints that guns in circulation have been lent to criminals and used to perpetrate crime. Nonetheless, Richards and Smith (2007) and Mandel (2002) propose that due to uniqueness of individual states, the use of firearms by private security ought to be a prerogative of states to decide. The authors caution that if arming private security is favoured, then legislation must be created in accordance with international best practices detailing the minimal use of force by PSFs.

2.2 Theoretical Literature

There are three theories that relate to security privatization and linkages between state and non-state actors in security provision. These are: Neo-liberalism (Holmqvist, 2005; Johnston and Shearing, 2003); Network Society (Castells, 2000); and Nodal Governance (Wood and Shearing, 2007; Burris, Drahos, and Shearing, 2005). As a theory, Neo-liberalism is mostly associated with less government control. To this end, the state is required to “create and preserve an institutional framework appropriate to such practices” (Harvey, 2005:2). In the early 1980s, two governance theorists, Clifford Shearing and Philip Stenning wrote of ‘a quiet revolution in policing’ that had taken place largely in the West, reducing the state dominance in the governance of security (Stenning and Shearing, 1980). Over the years, as the sweep of neoliberal policies alters global economies, the privatization of security has steadily grown and indeed scholars now talk of privatization in the governance of security. In this neoliberal order, the state has not been displaced, nor is it in a confrontational competition with the private security actors.

Neo-liberalism has heralded a shift from hierarchical, vertical and state-centred structures of security provision to a diversity of horizontally-linked complex of actors (Abrahamsen and Williams, 2009). Within this framework, security governance scholars (Burris, Drahos and Shearing, 2005) have suggested that a useful approach to understanding security governance is what has been called a Nodal Governance approach.⁵ Largely informed by Network Society theory, Nodal Governance provides the analytical tools, language and framework for thinking

⁵ On a detailed analysis of Nodal Governance, see, Scott Burris, Peter Drahos and Clifford Shearing (2005), “Nodal Governance”, *Australian Journal of Legal Philosophy* 30: 30-58.

and examining the governance of security within a context about the pluralized arrangements that are now the empirical reality in Kenya and elsewhere.

Network Society theory was advanced by Castells (2000) at the beginning of the millennium, when technology rapidly spread to reach many people. As a result, the theory predominantly views technology as a layer of society's social structure, key in coordinating social interactions to produce desired outcomes. The author argues that information technology has enabled 'networks', which have increased due to neo-liberal tendencies to retain adaptability and also achieve superior levels of coordination. Network Society theory is important in security privatization because it puts into perspective how networks coordinate functions between various security actors to achieve results. While Castells recognizes 'nodes' as sites where networks interact, his theory fails to acknowledge the importance of nodes as governance sites that exert influence across networks. It is this gap evident in Castells's theory that Nodal Governance framework builds on.

Building on Castells' Network Society theory, Nodal Governance framework posits that global security privatization is not about the "transfer of previously public functions to private actors" but a pointer to "important developments in the relationship between security and the sovereign state."⁶ Nodal Governance endeavours to capture transformations in security governance where the state's monopoly in security provision has been weakened and some aspects are taken over by private actors. Wood and Shearing (2007) advance that the reality of Nodal Governance is much messier than the neo-liberal narrative would suggest, given that it consists of hybrid arrangements and practices in which different sets of institutional arrangements coexist in security provision.

As expected, Neo-liberalism has not been without its critics. A large body of literature critical of Neo-liberalism exists and spans various disciplines.⁷ A significant critique of Neo-liberalism is posited by Loader and Walker (2007:131-132) for following the Hayekian claim that states lack knowledge and capacity to deliver security, and thus "failing to privilege the state in either their explanatory or normative register among multiplicity of bodies that may contribute to security, whether as provider or regulator." Burris, Drahos and Shearing (2005) also fault Hayek's Neo-liberal approach for only looking at the aspect of coordination of knowledge and capacity at the macro level, but failing to provide a basis for understanding the processes that produce outcomes. Therefore, the authors

⁶ For a detailed analysis of these linkages, see Rita Abrahamsen and Michael C. Williams (2009), "Security Beyond the State: Global Security Assemblages in International Politics" *International Political Sociology*, 3: 1-17.

⁷ See for instance, Saad-Filho and Johnston (eds) (2005), *Neo-liberalism: A Critical Reader*, London: Pluto Press.

advance the Nodal Governance theory as it brings particularization to Hayek's general concept.

Notwithstanding the Neo-liberal theory criticism, Abrahamsen and Williams (2011) proffer Neo-liberalism as one aspect of late modernity, which is directly responsible for security privatization and the resulting Nodal Governance linkages. Loader and Walker (2007) have also supported Nodal Governance argument that the state today still remains pivotal in steering the governance of security by either collaborating with, competing against, or supporting a range of security actors from the private sector. This argument is also backed by Johnston and Shearing (2003), who advance a Nodal Governance structure where the state has become one 'node' among several engaged in the governance of security. Bayley and Shearing (2001) have also argued that though policing is essentially a state role, governments have contributed to the current security arrangements by creating a permissive environment and actively encouraging private actors in policing activity. These arguments set up Nodal Governance as the conceptual framework for analyzing this study.

2.3 Theoretical Framework

While many theories can be used to explain the privatization of security as seen in theoretical literature, analysis for this study will apply the Nodal Governance framework, which puts into perspective the interconnectedness of private and public security actors in safeguarding human life and property. According to Burris, Drahos and Shearing (2005), Nodal Governance places emphasis on the way in which security services provision is steered by both private and public actors. Wood and Shearing (2007:27) describe nodes as "sites of knowledge, capacity and resources that function as governance providers... and are often institutional." The authors add that "the concept 'governance of security' are actions designed to shape events so as to create 'spaces' in which people can live, work and play" (p.7). This analysis sets the stage for this study's interpretation of the Kenya Police and private security firms as institutional nodes that interact in security provision in Kenya. In the Nodal Governance framework, security provision has evolved from being primarily a sacrosanct preserve of the state to include interactions between the police and private actors as posited by Abrahamsen and Williams (2011).

The provision of security by private providers is an important manifestation of Nodal Governance. Thus, the increasing prominence of PSFs in Kenya shows that it is embedded in and is inseparable from security transformations in global governance. This development does not necessarily mean that the authority of

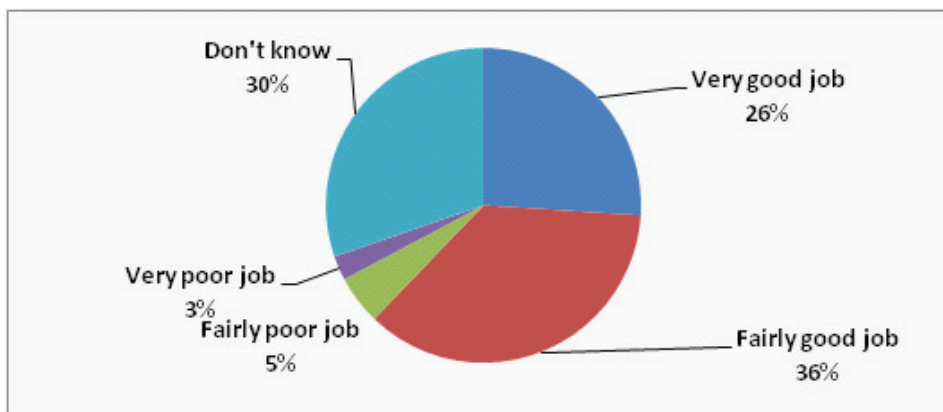
the state is eroded but, rather, it introduces a better understanding of security provision as being less state-centric particularly in the era of governance, privatization and decentralization of the state and its services (Wood and Shearing, 2007). Therefore, in the conceptual framework, Nodal Governance proffers that the role of the state in security provision has merely shifted from what Osborne and Gaebler (1992) refers to as ceding the 'rowing' role and adopting a 'steering' role. Rowing involves actual provision of security services by both PSFs and the KPS, while the steering role involves setting up professional codes of conduct, legislation, institutional and policy frameworks that guide the operations of all security providers.

2.4 Empirical Literature

Studies examining the factors that have contributed to the growth of PSFs in Kenya reveal that, among other things, fear of crime and crime itself, inability of the state to provide adequate security, inefficiencies in law enforcement agencies and expansion of private property ownership have contributed to the high uptake of private security (KIPPRA, 2004; Wairagu, Kamenju and Singo, 2004; and KIPPRA, 2010). Existing literature has also suggested that citizens' distance to police stations/posts coupled with low public confidence in the police service are factors that have ignited the demand for private security services (KIPPRA, 2010; Kaguru and Ombui, 2014). Crime victimization surveys conducted by KIPPRA (2010) demonstrate that private security officers were viewed favourably by 62 per cent of the respondents as shown in Figure 2.1. As a result, many of these studies seem to draw the conclusion that unfavourable perception of the Kenya Police has contributed to the high uptake of private security arrangements in Kenya.

The Usalama Forum (2012) examined the capacity of police officers to combat crime. Findings showed that a sizeable number of police officers in Kenya are involved in handling auxiliary duties such as clerical duties in police stations as well as driving senior government officers. For instance, out of the estimated 80,000 police officers in Kenya, about 8,000 are deployed in non-core functions to work as receptionists, bodyguards, clerks, drivers, and many other functions, such as traffic police officers manning traffic intersections (even where functioning traffic lights are installed). The assessment proposes that some of the non-core duties can be handled by civilian private security in order to free and fully use all police officers in their core mandate of protecting citizens and property. A similar assessment was conducted by IPOA (2014) on the capacity of the Kenya Police Service to respond to distress calls and terror attacks following

Figure 2.1: People’s perception of private security officers



Data source: KIPPRA (2010)

a series of attacks in Baringo, Turkana and Mpeketoni. Findings revealed that poorly coordinated police response towards crime and insecurity attacks project a police service plagued with inherent challenges: poorly equipped police posts, understaffed personnel to respond to distress calls, breakdown in command structure, which contributes to slow response and disjointed operations, failure to act on intelligence reports, lack of communication equipment, vehicle and fuel shortages and poor handling of evidence and exhibits.⁸ The report also argues that police officers are used to carry out non-core functions such as guard duties at financial institutions, dignitaries’ protection and administrative duties, which takes them away from their core policing mandate of fighting crime to be assigned to civilians and private security officers.

Lack of a regulatory framework is argued to be negatively correlated with performance of private security firms in Kenya, according to Kaguru and Ombui’s (2014) survey conducted to determine the extent to which regulatory framework affects the performance of G4S (K) Limited. A policy framework at the national level that provides specific roles for both PSFs and the Kenya Police is lacking. Similarly, Thuraniira and Munanye (2013) examine the aspect of collaboration between private security and the Kenya Police in respect to the provision of security. They demonstrate that informal collaboration exists, and propose that the collaboration between the two sectors be formalized to fully reap the benefits.

⁸ See Independent Policing Oversight Authority (IPOA), Report following the Mpeketoni Attacks on 15th and 16th June 2014 <http://www.ipoa.go.ke/images/press/Mpeketoni-Report2.pdf>. Also see <http://www.ipoa.go.ke/images/press/pressreleaseattacksonpoliceofficersatkapedointurkanaandbaringo.pdf>. Both links accessed on 21/01/2015.

However, the study fails to show how the aspect of formal collaboration can be operationalized into a policy framework.

Wairagu, Kamenju and Singo (2004) investigated the private security industry in Kenya with the aim of providing insights into the scope, dynamics and effectiveness of the sector. The private security industry is a major employer in Kenya, and while many firms are legally registered, others operate as illegal and informal entities. Findings reveal lack of professionalism in the management of the industry, which results to poor service standards. In addition, employees in PSFs are mainly the youth who brave difficult working conditions with poor employment terms and very low pay. Such poor working conditions may cause employees to collude with criminals and rob the people of property they are meant to protect. The authors further established that there is an 'informal working relationship' between the Kenya Police and the PSFs in Kenya, which is not based on any formal policy framework, but on individual goodwill.

The Regional Centre on Small Arms - RECSA (2006) investigated the Ugandan experience on the regulation of private security industry to determine the role of state-approved private agencies in assisting with law enforcement and security maintenance. Evidently, the government has an elaborate regulatory structure for the private security actors, the Control of Private Security Organizations 1997, an indicator that the government accords them necessary attention as they offer a cost effective solution to the government seeking to expand the security infrastructure, without having to invest in generally more expensive police officers. Indeed, the Ugandan case provides a lesson to other regional governments in their efforts to regulate the private security industry in order to enhance security, fight crime, and improve law and order.

Similarly, according to Button, Park and Lee (2006), the private security industry in South Korea exhibits issues and problems confronting the industry in Kenya, such as gaps in the legislative framework and the need for better regulation. Similar to the Ugandan case, the wide range of private security industry in South Korea industry provides a positive contribution to the policing infrastructure through crime prevention function of most security personnel thus playing an important part in reducing crime. However, while the private security industry is regulated under the Security Industry Act 2001, findings also advocated a system of comprehensive regulation in order to close existing gaps, mandating higher standards for employees and firms.

Ungar (2007) examined the Latin American experience of the private security industry after budget reductions, decentralization, and privatization at the centre of Latin American state policy since the 1990s opened up a large space for private security firms to operate. Similar to the case in the United States and Europe,

it is evident that some non-core policing functions such as administration of prisons have been outsourced to the private security industry. For instance, in Peru, Argentina, and Chile, bids have been awarded to private firms for the design, construction, administration, and even security of prisons. Despite criticism, many state officials openly regard private security as helpful in filling security gaps in those countries. On regulation, almost every government in Latin America has passed laws to regulate private enterprises, while almost uniformly failing to provide the resources or create the mechanisms to do so adequately. Therefore, Ungar (2007) recommends that adequate regulation of privatization needs to be accompanied by government financing the implementation of the specified functions.

Diphooorn and Berg (2014) investigated the types of policing partnership between private security and the police in urban South Africa. The study found that various forms of partnering, ranging from competitive and collaborative, simultaneously take place due to a range of factors, such as the nature of information-sharing, personal perceptions and networks. While South Africa's private security industry is highly regulated and regulations are enforced, there are common instances of ad hoc and unstructured partnering between police officers and armed response officers, shaped by personal perceptions and experiences. They conclude that since private security officers are increasingly operating in public spaces and encroaching on the traditional domain of the police, certain factors are crucial to the partnering. These include sharing information to gather crime intelligence, a shared policing perception with a unified goal and a clear division of labour.

Outsourcing key service areas to the private sector in the United Kingdom (UK) has been prompted by a range of radical new budget-reducing policies, including forcing many police forces to explore such options. In this regard, White (2014) analyses the largest outsourcing of security contract in the UK to date: the £229 million Lincolnshire Police–G4S strategic partnership that involved outsourcing frontline operations namely, manning the force control room, custody suites and police station front counters. Such experiences would provide a basis for the Kenya Police on mechanism and the approach on operationalizing partnership and coordination with PSFs.

2.5 Overview of Literature

Literature reveals that PSFs can significantly contribute towards crime containment and enhance security within our communities. Within the last decade, PSFs in Kenya made strides in self-regulation as exemplified by the formation of associations and a union. Similarly, the government's attempt to standardize the private security

industry is an indication that it recognizes the industry's contribution towards enhancing security in Kenya. Studies of the capacity of the Kenya Police project a police force with challenges of inadequate number of officers needed to fight crime because many of them are assigned non-core policing duties. The studies also noted that challenges include but are not limited to poorly equipped police stations, breakdown in command-structure, which contributes to slow response and disjointed operations, inadequate communication equipment, vehicle and fuel shortages and poor handling of evidence and exhibits.

Previous empirical studies on private security industry in Kenya have largely focused on roles, structure, legislation, challenges, and effectiveness of the industry. A few studies reviewed have highlighted the lack of coordination between the Kenya Police and the private security industry that could be hindering mutual linkages in carrying out security enhancing roles for synergy in security provision in Kenya. The literature shows that partnerships and information sharing between the public, police and PSFs exist, albeit informally. However, no study has examined how the envisaged formal coordinated security approach will work and what is needed to operationalize it. In order to fill this gap, this study proposes the areas where coordination between the Kenya Police and PSFs can be of benefit the fight against crime. In addition, it provides a framework of operationalizing the coordination.

3. Methodology

This study uses gap analysis to compare the functions of PSFs and the Kenya Police in responding to crime and insecurity incidents in Kenya and how these functions can be coordinated.

3.1 Data Type and Sources

This study used information derived from 16 key informants from both the private security industry and the Kenya Police. The key informants' affiliations include: the Kenya Security Industry Association, Private Security Industry Association Kenya National Private Security Workers Union, officers from private security firms, Kenya Police, Administration Police, Directorate of Criminal Investigations and National Intelligence Service. KIPPRA (2010) data on the National Crime Victimization Survey is used to supplement the information derived from key informants' discussions.

3.2 Conceptual Framework

The focus of this study primarily lies in the enhanced security outcome that can be generated by a more efficient partnership between PSFs and the police. In examining the interaction between the Kenya Police and private security nodes, the study therefore explores the key principles advanced in theoretical and empirical literature, which any form of coordination framework between the state and private security actors must take into account. Burris et al. (2005) describe a "node" as another way of referring to an auspice under which security is governed. This research looks at PSFs and the Kenya Police as nodes and their relationship in as far as enhancement of security is concerned. As Burris et al. (2005) note, nodes are "A site [also institutions] where knowledge, capacity and resources are mobilized to shape the flow of events." The authors proffer four essential characteristics deemed as principles that aid in structuring coordination between the Kenya Police and PSFs, namely:

- (i) A way of thinking (perceptions) in the security narrative used by the actors to explain the security scenario. People view private security more

Benoit Dupont, Peter Grabosky and Clifford Shearing point out that auspices "are groups (and sometimes individuals) that explicitly and self-consciously take upon themselves the responsibility for organizing their own protection." See, Benoit et al (2003).

See Burris et al (2005).

favourably than the police, and are thus inclined to share information on crime with any private security arrangements and not the police. Therefore, the police can leverage on this aspect and use private security as informants to gather intelligence information on crime in the localities they inhabit.

- (ii) A set of methods (technologies) for exerting influence over the flow of events. What sort of technology does each node possess? For instance, the Kenya Police are armed while private security officers are not armed.
- (iii) Resources to support institutional operations. Equipping every institution is crucial for them to perform. Resources go beyond the funding to include human resource aspects such as the number of employees, skills and the training they possess.
- (iv) Institutional structure that enables directed mobilization of resources, technologies, and perceptions over time (here there are different levels of formality). How is the institution organized? What is the legal and policy structure guiding their operations?

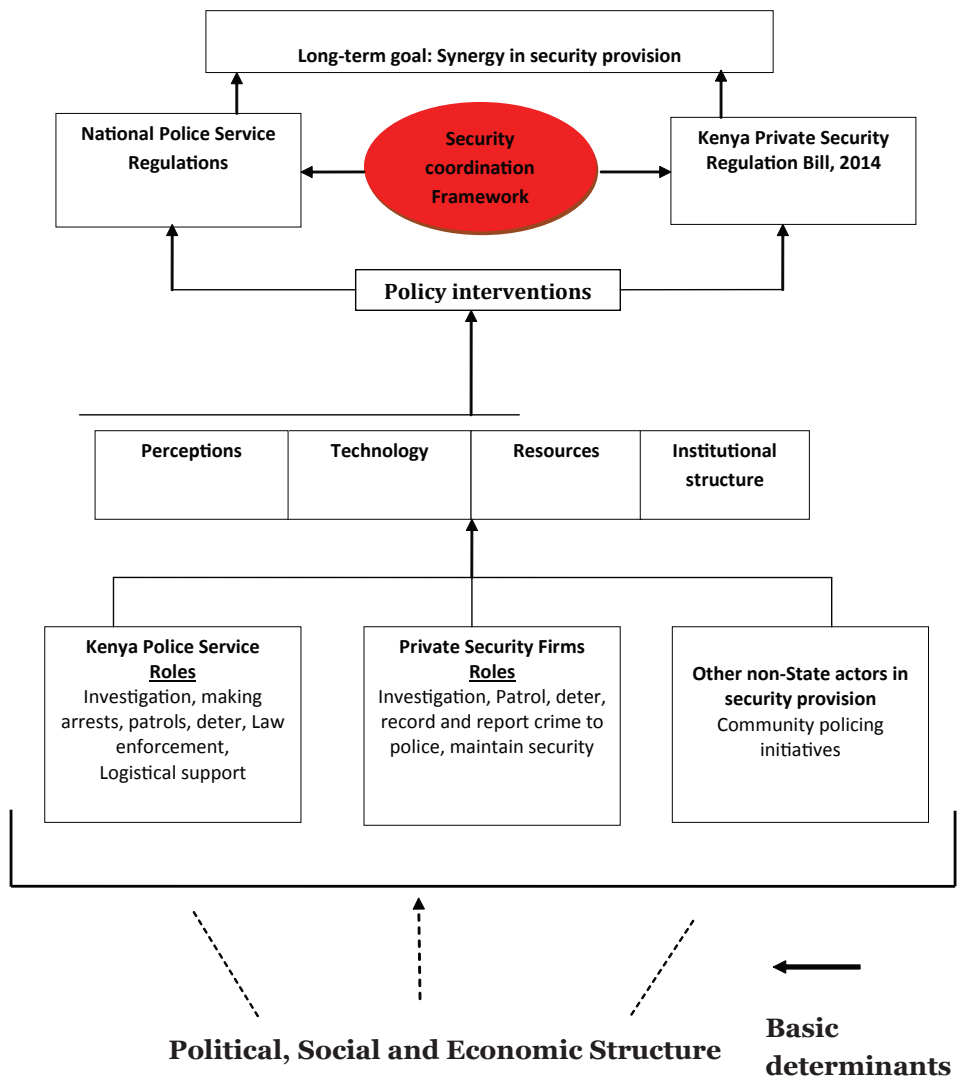
Perceptions are about how people perceive each node and how the nodes perceive each other. Various nodes will explain the security narrative differently. For instance, people perceive private security and other non-state actors in security provision more favourably than the police. As a result, people are more inclined to report crime incidents to private security or even tip them of criminal elements within their midst. In this regard, it becomes necessary for the police to tap into that goodwill of information passed on to PSFs by the public. Each node possesses different forms of technology which, when shared, can enhance the security outcome in Kenya.

Various nodes are also differently endowed resource-wise. Since it is a cardinal duty of the state to provide adequate security for her citizens, the Kenya Police Service is funded by the government. According to Medium Term Expenditure Framework for the period 2015/16– 2017/18, more resources have been allocated towards police reforms as one of the priority areas. The resources support the operation of the node and the exertion of influences. Similarly, PSFs have a lot of resources at their disposal, such as patrol motor vehicles.

Lastly, institutional structures include rules of conduct, policy frameworks and regulations that enable a node to directly mobilize resources, mentalities and technologies over time. The institutional structures also allow for coordination between the public and private security actors. Institutional structure also allows for what each node can and cannot do, the equipment that each can use and the hierarchical structure in the security pecking order.

In order to put into perspective the four aspects of coordination herein explained, and how they are derived from the functions of both the Kenya Police and PSFs, we conceptualize their relation in a pictorial depiction as shown in Figure 3.1.

Figure 3.1: Conceptual framework



4. Findings and Discussions

This section presents findings that explain the four principles of coordination that are essential between PSFs and the Kenya Police Service (KPS), namely: mentalities, resources, technologies and institutional structure.

Perceptions

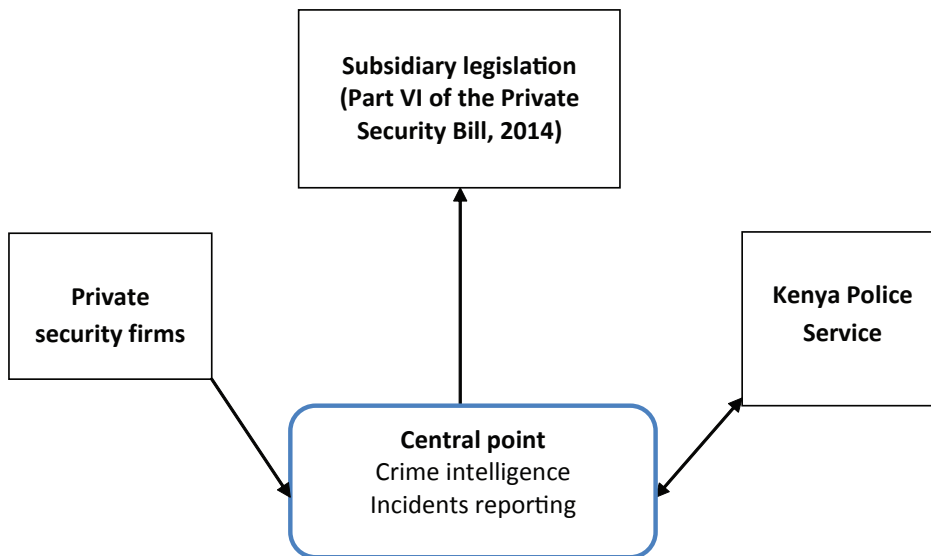
Perceptions generally refer to the acuity that each institution has towards the other, and how the public views both private security and the Kenya Police. Although citizens are not convinced that private security providers are the best alternative source of security services, many people in Kenya are satisfied with their work. The positive perception towards PSFs can be attributed to the perceived ‘unfriendly’ nature of the Kenya Police officers towards the public, which may hinder any information sharing with the police, forcing the citizens to resort to PSFs. Due to the competitive nature of their work, there is a lot of suspicion between various PSFs as each strives to emerge as the better alternative:

“...We are all competing for clients, and sometimes that can get into the way of cooperation...but we try to work together best we can in the interests of those that are paying for our services.” (Interview with an operations director of a private security firm in Nairobi, 17th February, 2015).

Allegations of corruption and participation in illegal activity thus occur in both directions as mistrust and suspicion extends between PSFs and the KPS, which to a large extent may hinder collaboration. Private security firms view police officers as slow in responding to crime and that they are involved in crimes such as carjacking. On the other hand, police officers share a common perception of private security officers as ‘criminals with a uniform’. One Police officer affiliated to the Directorate of Criminal Investigations interviewed told that “After carrying out investigations for home invasions or cash-in-transit theft, it mostly turns out to be an inside-job thing with security guards.” However, as with the public, these perceptions are often based on personal experiences.

While it is evident that the police play a major role in maintaining law and order, findings reveal that the public view it as the duty of PSFs to support the Kenya Police by sharing information and reporting incidents of crime occurring within their jurisdiction. In view of the perceptions principle, a coordination framework would entail a central point of reporting crime intelligence by private security that the Kenya Police Service can act on. More so, a subsidiary legislation to operationalize that clause as proposed in part VI of the Private Security Bill

Figure 4.1: Coordination framework on perceptions



2014 would need to be drafted to capture all the envisaged aspects as shown in Figure 4.1

Technology

The private security officers are not allowed to carry firearms in Kenya; only the members of national security organs are licensed to keep and bear arms. Informant interviews divulged that equipment used by private security is very weak *vis a vis* that used by criminals. The need for cooperation between PSFs and the Kenya Police is largely due to the understanding that police officers are armed while private security firms are not. Despite the number of private security officers allocated to an area, for instance banks or during patrol, the presence of an armed police officer is in itself a deterrent of crime. There are ‘gentleman’ agreements between police stations and nearby private security companies for a police officer to ride in private security vehicles during night patrols. As an Administration Police officer interviewed on 13th April 2015 explained:

“The firearms are our source of strength... The private security firms need us in their midst, either to respond to crime incidents at their areas of operation or even to carry out patrols because we are armed... but we also rely on them to ferry us around... As a police officer, I can approach any security firm’s patrol vehicle for assistance to respond to a distress call.”

Table 4.1: Areas of informal cooperation between KSIA and the Kenya Police

The Kenya Security Industry Association (KSIA) is a registered federation of 30 private companies whose core business is the supply of security products and services.

For informal cooperation between the Kenya Police and KSIA members, KSIA's:

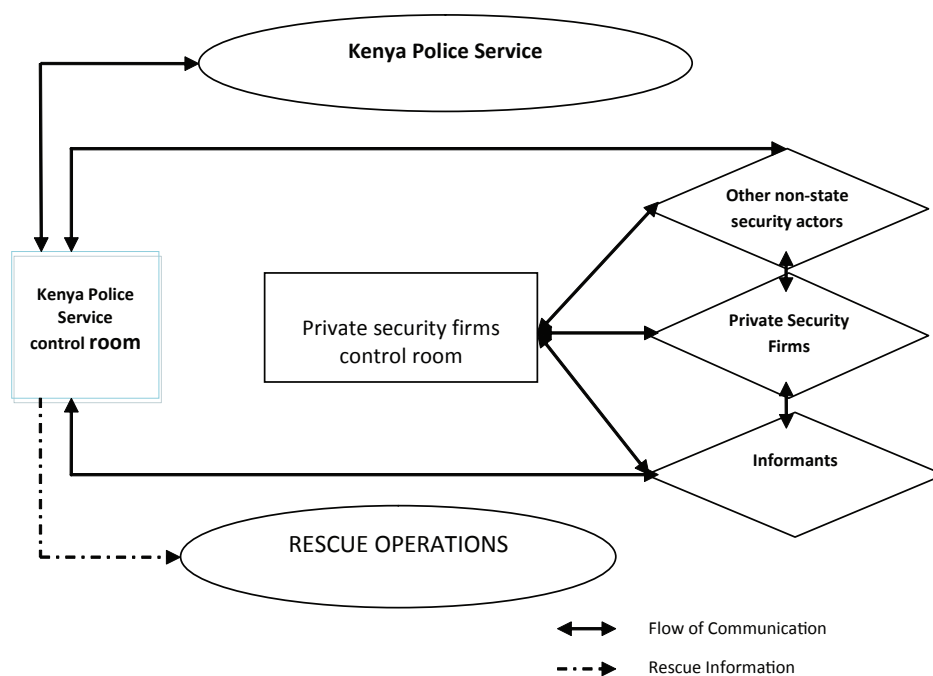
1. Control room is linked with the Nairobi Area Police control room
2. Members possess about 200 rapid response vehicles in various neighbourhoods where they have clients and are available for use by the nearest police station/post and for patrol
3. The KSIA is assigned a radio frequency by the Kenya Police
4. Control room has emergency lines linked to major hospitals
5. Control room has personal telephone numbers for most Officers Commanding Station (OCSs) and Officers Commanding Police Division (OCPDs) who may to facilitate rapid emergency response.

[Interview with aKSIA official on 21st January, 2015]

While the Kenya Police possess the advantage of being armed, it emerged that PSFs also have an advantage of having motor vehicles for patrols and faster crime incidents response that the Kenya Police utilize. Other areas of technology coordination as shown in Table 4.1 reflect existing informal collaborations in sharing of technology between the KPS and PSFs.

The KPS have come up with ways of collaborating with PSFs, albeit informally. An example is where an armed police officer rides with private security officers in the PSFs' patrol vehicles. It would be much more beneficial if the KPS would attach an armed police officer to patrol security vehicles belonging to PSFs for the two forces to complement each other and improve response rate. Informants revealed that KSIA control room is highly equipped and is linked to the Nairobi Area Police control room.

The control rooms in PSFs use technology to link up with the police and other private security companies in sharing of information. Findings from KSIA interviews reveal that the informal coordination between PSFs and the Kenya Police is of a mutually fulfilling working relationship manifested in two ways: First, PSFs are fairly well equipped and possess response vehicles, surveillance systems, alarms, and communication equipment linked to a fully functioning control room manned round the clock. Second, PSFs are aware that working closely with the

Figure 4.2: Coordination framework depicting use of technology

Source: Author's slight modification of schematic flow of communication via technology use (Kipkorir, et al., 2014: 208)

Kenya Police enhances their success and safety. Criminals will often be better armed than the private security officers. Therefore, communication flow using control room technology would be as shown in Figure 4.2.

Resources

The Government of Kenya allocates funds to the National Police Service as an institution instead of directly funding specific functions that the police embark on at the grassroots level. This may explain why some basic yet crucial functions such as fuelling and repairing of motor vehicles are under-supported, leading to grounding of vehicles. This causes lagged or no response to crime incidents. A Kenya Police officer interviewed on 14th April 2015 acknowledged that the government has scaled up allocation of funds towards security, but lamented that this has not translated to allocation of enough funds directly to support key functions at the grassroots, such as fuelling and repairing of patrol vehicles in police stations.

Resources also imply skills and manpower strength. While the Kenya Police are formally trained to combat crime and insecurity, the training of security personnel in PSFs is as per the discretion of the recruiting security firm. Since there are no government regulations or minimum standards for qualifications and training for private security personnel, an informant interview conducted on 21 February 2015 with an operations director of a PSF operating in Nairobi revealed that training varies widely because it is left to individual PSFs to implement.

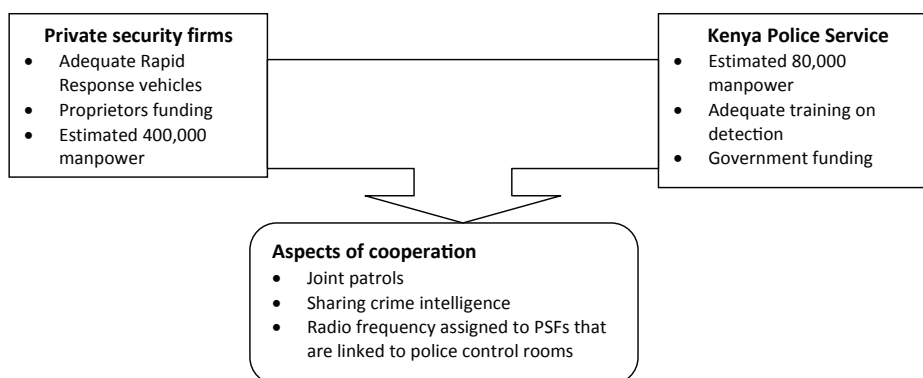
This causes discrepancy in skills imparted to the members as evidenced in some cases where private security officers fail to detect harmful and dangerous equipment when frisking building entrants as evidenced by a media feature that aired on K24 television channel on 21st December 2014. A private security officer also had a different view on the duration and nature of training that they undertake as one of them confirmed that:

“Training duration varies... it can be for a day, a week or a month. It depends on how urgent you are required to report to your duty station... Like me, I was trained for a day and then posted. If you ask all of us guards stationed here for how long each of them underwent training, each will give you a different answer.” (Interview on 27 February 2015 with a private security officer stationed to man a corporate building in Nairobi).

Private security officers in Kenya are estimated at about 400,000. The number of Kenya Police officers has also improved and currently stands at about 80,000. While this number shows that Kenya is on the verge of meeting the United Nations (UN) ratio of 1:450 (one police officer per 450 population number), the actual number of police officers tasked to combat crime and insecurity is greatly reduced because police officers are assigned non-core policing duties that can be performed by private security officers. In addition, private institutions such as banks need to come up with other ways of securing their facilities, such as installing panic buttons and leasing armoured vehicles to transport cash. Given each institution's area of strength, a coordination framework would reflect aspects presented in Figure 4.3.

Institutional Structure

While the Kenya Police Service is well regulated in their operations under the National Police Service Act 2011, PSFs lack regulation to monitor their activities and to ensure they adhere to international codes of conduct. Save for the required registration of a company under the Companies Act Cap 486 of the Laws of Kenya, there is no clear criterion for assessing license applications, and the law provides

Figure 4.3: Coordination framework on resources aspect

Source: Author

no specific duties or penalties for PSFs and employees reported to engage in criminal activities.

“It is time the government considers regulation of the private security sector in order to streamline this industry... I would wholeheartedly welcome such a move. At present, we self-regulate as per the umbrella association each company belongs to...If passed into law, the Private Security Bill 2014 would curb a lot of ills within the sector” (Interview with a Private Security Firm owner in Nairobi on 27 February 2015).

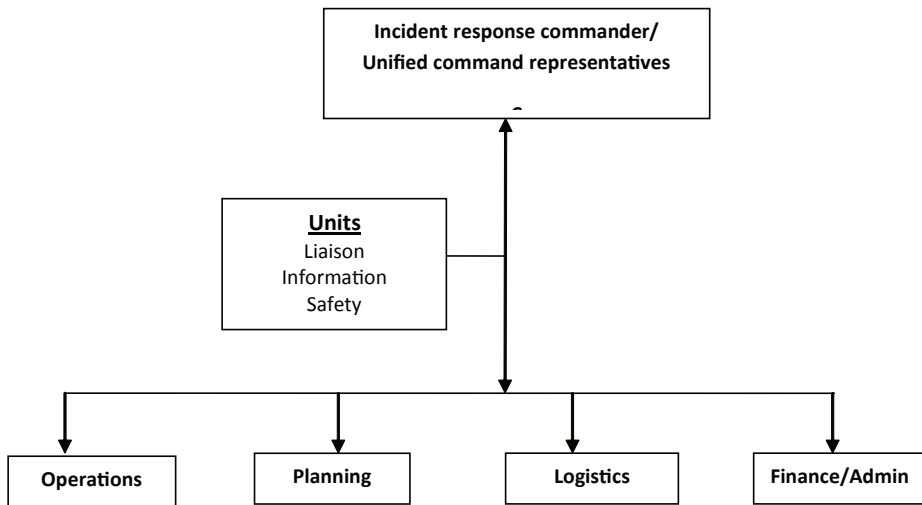
Within the private security industry, adherence to regulations on pay and working conditions also varies widely. There is evidence of significant exploitation of guards in terms of both pay and work hours, which undermines the reliability of PSFs. To ensure that security guards are sufficiently remunerated, the Ministry of Labour must enforce labour laws for all PSFs duly registered and operating in Kenya.

There is need to establish a clear incident response structure that takes into account the vital contribution of various units in combating crime and crisis response. According to police officers interviewed, the Kenya Police emergency response and extraction mission lacks a clear command structure on who is in command, and the expected role of other state security organs in carrying out a rescue mission. At present, there seems to be some level of distrust among the various divisions within the Kenya Police Service. The rivalry and distrust permeates routine operations, hindering effective policing work as explained by one senior police officer during an interview that took place in Nairobi on 17th March 2015:

“Different divisions of the KPS undergo diverse training after recruitment. This may perhaps explain our varied approach in similar situations... and yes, I will not deny rivalry exists as incidents that have happened for instance at the Westgate, Mpeketoni and Baringo shows a lack of clear command structure in response missions. You see, the APs are answerable to their commander and same for the Kenya Police. So you can imagine the confusion on the ground.”

In view of this finding, perhaps a unified command structure that uses officers from various divisions would reflect a command arrangement, as shown in Figure 4.4.

Figure 4.4: A framework on incident response structure



Source: Author using information derived from interviews

5. Conclusion and Policy Recommendations

5.1 Conclusion

This study focused on the functions of private security firms and the Kenya Police in fighting crime. It has also widened the lens that routine and common place commercial activities provided by PSFs belie the sector's vital contribution towards security provision. Each of the two institutions perform different roles that are vital in fighting crime. Each also possesses diverse capacities that can be coordinated to ensure synergy in security provision for all citizens. Findings from this study have narrowed down areas essential to a coordinated security approach between the Kenya Police and PSFs to four, namely: perceptions, resources, technology, and institutional structure.

Findings on perceptions reveal that while the public has a low level of confidence in the state security agencies, they view private security favourably. Therefore, the public is more inclined to share crime-related information with private security who can in turn share it with the police. As such, a coordination framework would entail a central point of reporting crime intelligence by private security that the Kenya Police Service can act on.

Findings on technology show that PSFs are poorly armed in comparison to the police who are licensed to carry arms. In this regard, informal agreements exist between police stations and PSFs for an armed police officer to ride in private security vehicles during night patrols as a deterrent to criminals. Therefore, the need for a coordination framework linking communication flow by using control room technology would enhance information sharing between the two actors.

Findings on resources reveal that the Kenya Police does not direct fund allocation towards specific functions. This may explain why some basic yet crucial functions such as fuelling and repairing of motor vehicles are under-funded, leading to grounding of vehicles, which causes lagged response to distress calls. On the contrary, PSFs have numerous rapid response motor vehicles that the Kenya Police use in crime response incidents.

Resources also encompass skills and training, which is largely lacking in private security as training is left to the discretion of the recruiting security firm. Given each actor's area of strength, there is need for a coordination framework reflecting those aspects.

Lastly, on institutional structure, PSFs lack a clear criterion for assessing license applications, and the law provides no specific duties or penalties for PSFs and employees reported to engage in criminal activities. Findings on the institutional structure of the Kenya Police Service also reveal that the police

emergency response and extraction mission lacks a clear command structure on who is in command, and the expected role of other state security organs in carrying out a rescue mission. Therefore, harmonizing the command structure for the police in crime response incidents will streamline their response strategy.

5.2 Policy Recommendations

Based on the above findings, this study recommends a coordinated security framework to ensure that:

- A central point of reporting crime intelligence by private security that the Kenya Police Service can act on is instituted. For this to be realized, subsidiary legislation to operationalize that clause as proposed in part VI of the Private Security Bill 2014 would need to be drafted to capture all the envisaged aspects.
- A control room that links up and streamlines timely communication flow between the Kenya Police and PSFs is put in place. This would ensure faster exchange of information such as incident reporting and well-coordinated response.
- A liaison office between the Kenya Police and PSFs is set up. This would coordinate mutual sharing of security-related resources such as equipment and specialized skills as and when security situations demand coordinated response.
- Private institutions such as banks need to come up with other ways of securing their facilities, such as installing panic buttons and leasing armoured vehicles to transport cash instead of solely relying on the physical presence of the Kenya Police officers.
- The command structure especially during emergency response and extraction missions is harmonized. For this to be operationalized, a centralized incident response command structure that involves the various divisions of the Kenya Police Service would ensure that state police agencies' incidents response is not disjointed.

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