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## Analysis of the Influence of Checks and Balances on Security Service Delivery in National Police Service, Kenya

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### **Abstract:**

*Security is vital for the holistic development of the human person. Insecurity hinders socio-economic-religio-political growth in different ways. These include threats to physical security, the absence of safe living environments, dangers that prevent people from achieving sustainable livelihoods, and the impact upon health and education services. As one of the main providers of security, the National police service plays a pivotal role in creating the conditions for safety of property and human being. However, all too often the National Police Service in Kenya has over the years accused of ineffectiveness. This ineffectiveness has been hungered on failure to have efficient checks and balances in the NPS. Empirical studies indicate that, despite regulating bodies providing checks and balances in National police service, little significance has been realized. Checks and balances serve several functions, especially preventing one government entity/department from consolidating extreme power, afford better policies through deliberation and precludes one government branch from going out of its constitutional mandate. In a diffuse system, checks and balances play a critical role in determining the locus of accountability and allocating power between central government organs. Previous studies haven't shade light on checks and balances enshrined in the constitutional structures for a structural association of the independent institutions. Therefore, this research sought to determine the effects of checks and balances on security services delivery by National Police Service (NPS) in Kenya. Results indicate that, checks and balances significantly influence the quality of security services delivered by NPS. However, it had a positive influence in terms of regulatory structures currently in place and oversight being carried out objectively. IPOA was not effective in its oversight responsibilities as per IPOA Act 2011 (Revised 2012) and IPOA strategic plan 2014. Thus, targeted efforts should be channelled towards re-vitalizing the spirit, mission, mandate and objectives of IPOA, community policing, NPSC and AIU as a crucial agency for police/civilian rights promotion and advocacy.*

**Keywords:** Checks and balances, national security service, national police service

## 1. Introduction

### 1.1. Background of the Study

Security service delivery, a Constitutional and primary mandate of the National Police Service (NPS) continues to pose a great challenge to the citizens and government of Kenya. With a sharp increase in the number of insecurity incidences over the last decade, numerous legislations in terms of checks and balances have been set in place to ensure effectiveness and efficiency in the delivery of security services by the NPS

Sjögren, Murunga and Okello(2014) argue that, across the globe police continue to deliver poor service despite targeted efforts by government to enhance security services. Grossman and Hoskisson (2016) indicate that, despite regulating bodies providing checks and balances, little or no significance services has been realized. Ehikioya (2010) explains, that a re-organization of corporate governance involves the establishments of formal and informal, laws, components and qualities that give a legally authoritative structure which is accessible, having inspection, checks and balances and dissemination of data that are useful after a viable resource appropriation and allocation.

Checks and balances refer to those limits constraining different parts of the government from having excessive power (Kowalski, 2017). Checks and balances serve several functions, especially preventing one government entity/department from consolidating extreme power, affords better policies through deliberation and precludes one government branch from going out of its constitutional mandate (Deeks, 2016). The primary source of solution to averting

legal and constitutional crisis, resolving arising conflicts done through the mechanism of checks and balances provided by the different government branches (Trefyak, 2018).

Checks and balances are integral in constraining power abuse within government institutions (Holcombe, 2018). This system provides the remedy to democratic deficits, facilitates participation and accountability and is also a pivotal tool of diffusing political authority (Huber, 2016). Failure to constantly conduct checks and balances could lead to democratic backsliding, risk of over-reach and erosion of civil rights (Brousseau&Sgard, 2016). Well, performing democracies are determined by impregnable checks and balances aimed at shielding citizens from government's abuse of power (Forteza&Pereyra, 2017).

In practice a pure checks and balances in terms of institutions and functions of government have never been achieved (Vandenbergh, 2019). However, one branch of government being partitioned from the other would lead to a disjuncture in the actions of government, and probably result in the breakdown of public services. Naziret *al*, (2017) also affirm that in view of the complexities characterizing modern governments, the enforcement of a rigid conception of separation of powers would make modern government impossible. Naazeret *al* (2018) also assert that the more successful varieties of the doctrine of separation of powers have endured because they were grafted with the theory of balanced government, to produce 'the multi-functionality of political structures.

In the ideal situation that all public matters in their very nature, must be regulated through flexible discretion of the executive powers (Oswald, 2018). These Executive powers may therefore be construed as the residue of the functions of government which comprises both the determination of the policy as well as carrying it into execution, the maintenance of order, the promotion of social and economic welfare and the direction of foreign policy. Munzhedzi, (2017) argues that in practice there is no clear separation of functions between the government arms and this affects their working design.

All over the world there are multiple mechanisms of exerting control over the police. These mechanisms vary from place to place, depending on the political system and the structure of the police in the country concerned (Olusola, 2012). In both Nigeria and United States of America these mechanisms can be grouped into three different levels: internal or departmental control; state or governmental control and social control or what is usually known as control by the civil society. According to Chukwuma (2003) in Olusola (2012:252), these mechanisms should also mesh together in order to be effective. Similarly, Bailey (1983) in Olusola (2012) emphasize that the best way to achieve accountability is to enlist the support of the police in disciplinary activities and for processes of external regulation to be taken seriously, the police must become convinced that they will be trusted to bear the active responsibility for ensuring correct performance.

Munzhedzi, (2017) argues that in practice there is no clear separation of functions between the government arms and this affects their working design. In a diffuse system, checks and balances play a critical role in determining the locus of accountability and allocating power between central government organs (Craig, 2017).

Despite the many security initiatives, the actual security service by NPS has been diminishing, hence the quest to determine the influence of checks and balances on security services delivery by National Police Service in Kenya.

### 1.2. The National Police Service

The Kenya police service was evolved since its establishment as British colonial force in 1907. The current name of police service came to effect in 1920 with newly created British Kenya colony (Ministry of Interior and Coordination of National Government, 2015). During colonial force system was mainly made up of British and recruits from India. After independency, police service unity replaced the British system. Since then, police service has undergone different levels of evolution. The system was developed into regional police commandant incoming of province to County Police Commander in charge of County Formations. Sub-County Police Commander in charge of Sub-Counties and lastly officer Commanding Station.

According to a study conducted in Kenya, police had been accused of impunity, excessive use of force, brutality, disregard for human rights and corruption (Githinji, 2017). All these malpractices necessitated reforms tailored increasing Police accountability to the public, enhance their professionalism and empowerment, strengthen operational, preparedness and logistical capacity, and strengthen the Institutional, legal and policy instruments governing the police service in Kenya.

National police Security services has been enshrined and stipulated clearly in the constitution with its conceptual framework independently from politics in COK 2010 Chapter Fourteen 239.(1) (c) part 4. However, Police blame interferences of politics in their failure and poor delivery of security services. Further, despite a significant and the increasing scope of politics in service delivery, there is still inadequate understanding of the associations between the different aspects of political context and governance and the delivery of security services, and their effects on security policy and practice (GOK, 2014). It is against this background that this study seeks to investigate political influence on security service delivered by National Police Service in Kenya.

Omeje and Githigaro (2012) noted that over the years, the NPS has had immense pressure to improve the quality of security service and are usually critiqued by both the international community and members of the public over how they have delivered their services. Different reports have evaluated the integrity, performance and structure of NPS. A spot check on the performance of Police was conducted to provide evidence-based challenges and inadequacies facing the NPS. The inadequacies majorly included how oversight is conducted in NPS.

The NPS has undergone many reforms, all directed towards, strengthening operational preparedness, strengthening institution policy and legal instruments governing the police (Police Reforms Implementation Commission Report, 2010). Although significant development efforts have been made over the years as Githinji (2017) notes, excessive use of force, impunity, contempt for human rights, brutality and corruption. Security threats continued to transmute and

metamorphose leading to more pressure on the NPS to surpass public expectation (Revised Police Reforms Program Document, 2015-2018).

Despite the many security initiatives, the actual security service by NPS has been diminishing, hence the quest to determine the influence of checks and balances on security services delivery by National Police Service in Kenya.

### 1.3. Statement of the Problem

The NPS has undergone many reforms, all directed towards empowerment and enhancement of their professionalism, improving logistical capacity, strengthening operational preparedness, strengthening institution policy and legal instruments governing the police

Although significant development efforts have been made over the years as Githinji (2017) notes, excessive use of force, impunity, contempt for human rights, brutality and corruption. Security threats continued to transmute and metamorphose leading to more pressure on the NPS to surpass public expectation, and citizens continue to lose their properties and lives daily (Revised Police Reforms Program Document, 2015-2018).

Therefore, despite the many security initiatives, the actual security service by NPS has been diminishing, hence the quest to determine the influence of checks and balances on security services delivery by National Police Service in Kenya.

### 1.4. Objective of the Study

To determine the influence of checks and balances on security services delivery by National Police Service in Kenya.

### 1.5. Hypothesis of the Study

- $H_0$  There is no significant effect of checks and balances on security services delivery by the National Police Service in Kenya.

## 2. Literature Review

### 2.1. Empirical Review

#### 2.1.1. The concept of Security Services Delivery

Delivery of security service has become a major concern for most governments besides the provision of traditional essential goods and services, such as railway services, electricity supply, water, housing, public education and sanitation that were previously the predominant concerns (Ali, Shrestha, Chatfield & Murray, 2020). Modern services and changing demographics demand transformed security service delivery (Spicer, 2010; Biygautane, Hodge & Gerber, 2018). Effective security service delivery is fundamental to easier access to basic services, which not only increases individual but also aggregate production (Palmer, 2019).

According to Gidey (2017), security guarantee people and communities' peace and safety, freedom, enjoying the protection of fundamental rights and property, participating fully in the governance of their countries. Also, it warrants them access to basic resources and necessities of life (Abbas, 2019). The public security service provider is a fundamental international human right as highlighted in Article 3 of the Universal Declaration of Human Rights (Virmani, 2018). Although many institutions both in the government and private agencies are involved in the provision of security services, the police service play a critical security role. Police oversee different activities and operations to ensure the rule of law and the provision of public safety are enforced (Allan & Heese, 2015).

According to Musikic and Mirkovic (2017) security include 'human security', a critical foundation for sustainable development. This implied protection from systemic human rights abuses, physical threats, violence, and extreme economic, social, and environmental risks, territorial and sovereignty threats. Security should be given utmost attention as it ensured that corporate existence of the country as an entity that devised a viable and efficient alternative for social, political and economic growth and development within the limited resource at its disposal (Milner & Baldwin, 2019)

Koh, Ruighaver, Maynard and Ahmad (2014) observed that security is not a one-step, easy-to-identify issue; rather, it requires an in-depth process that must be continually refined, revised and monitored in order to keep up with evolving business strategies and dynamically changing environments. Without proper monitoring procedures in place, these security controls risk becoming obsolete and redundant. Hence, the challenge becomes understanding checks and balances in security and how security decision-making process can aid organizations to effectively adapt and cope with the dynamically changing environment.

However, in spite of the significance of security services, Cai, Xu, Zhang, Guo and Zhang (2018) as cited by Milner and Baldwin (2019) underpinned that the concept of security remains both down and troublesome, especially in Africa. In addition, these scholars insisted that this distinctive history of pro-imperialist coercion and anti-locals disposition was what significantly shaped the institutional character and functions of most African police forces, including the National Police Force in Kenya. There is therefore the need for extensive change in terms of the provision, management and oversight of security in Africa. Checks and balances provides an inseparable association concept to support the rooting out of old instincts and attitudes required for the transformation (Milner & Baldwin, 2019).

In most occasions, poor checks and balances lead to poor security service delivery, yet executive powers exerted by the government should not undermine the mandate of police service but, instead, enhance service delivery through

sound policy formulation as well as execution. Munzhedzi (2017) adds that in practice there is no clear separation of functions in matters of governance and this affects police working design

### 2.1.2. The Concept of Checks and Balances

Şaramet, (2018), Obiora, and Akpunonu, (2019) argue that the doctrine of the separation of powers presupposes the existence of three main branches of government, namely, executive, legislature, and judiciary, each of them vested with constitutional powers. Examining the concept of checks and balances, these studies further provide that power should be centralized and accumulated in one branch of government and that the role of each branch should be strengthened and enhanced and that no branch should exercise the functions of the other. Nazir, Ahmad and Khan (2017) affirm that, given the complexities in modern governance, such that enforcement of the separated powers is perceived to be rigid, causing under functioning in the contemporary government. The power separation doctrine's successful diversities have survived due to grafting processes to give multi-functionalities in the structures of governance with balanced government theory (Naazer, Kundi & Farooq, 2018).

Munzhedzi (2017) carried out research titled 'The Role of Separation of Powers in Guaranteeing Public Accountability in South Africa'. The study concluded that the separation of powers principle emphasize specific functions and powers to the three arms of the state, each with its responsibilities and duties. The significance of power separation is for one arm to serve as a 'check and balance' on another. Munzhedzi (2017) concludes that, there is no distinct functional separation in three arms of government in practice, which in turn influences their working design.

A report by the Organization for Security Cooperation in Europe (OSCE) prepared in 2006 by Stodiek carried out in 2006 established that police forces in the Balkans of multi-ethnic nature, including UN police, police instructors and police officers, lack checks and balances in oversight resulting to policing challenges in responsibilities and duties. However, this study explored how working, enfeebled checks and balances' influence on security services by NPS.

Amuhaya, Namusonge and Nthigah (2018) carried out a study on power separation in Kenya. The research investigated the influence of numerous power separation procedures and the influence of numerous terms of office. It found out that proper separation of power ensures judicial progression. Nevertheless, the research did not indicate how security service delivery separation of powers influenced service delivery. Attard and Olson (2013), as quoted by Kamau (2017), stated that oversight in law enforcement happens in response to recurring problems within an agency, such as widespread use of excessive force or response to a particular incident of high-profile police misconduct.

Oswald, (2018) notes that all public matters in their very nature, must be regulated through flexible discretion of the executive powers. These Executive powers may therefore be construed as the residue of the functions of government which comprises both the determination of the policy as well as carrying it into execution, the maintenance of order, the promotion of social and economic welfare and the direction of foreign policy. Munzhedzi, (2017) argues that in practice there is no clear separation of functions between the government arms and this affects their working design. This study will attempt to explore whether the checks and balances systems adopted by the Kenyan government are effective, efficient and bona fide and analyze how they influence security service delivery in NPS.

In a report by the World Bank (2009), on police oversight & accountability with a focus on linkages and reform issues outlined that, political checks and balances are very crucial in realizing police reforms. However, these observations were not made with specific reference to Kenya and there has not been empirically published literature how political checks and balances influence security service delivery in Kenya.

Murunga (2014) commended government efforts at objective structural and organizational reforms in the police service in Kenya. He made reference to the institution of the Independent Police Oversight Authority, the National Police Service Commission and the recruitment of the Inspector General of police and his two deputies. Murunga, however, cites that there is continued poor service delivery by the police despite the government efforts to improve security services. In additional report by Amnesty International (2013), on police reform in Kenya indicted serious weakness on checks and balances in the three offices (executive, judiciary and legislature) and that hardly anything substantial had been realized beyond recruitment of office holders and legislation which in turn affects security service delivery. Their report is not however backed by empirical data as the remarks were largely commentary in nature and thus the current study sets out to engage relevant actors in the National police service for firsthand information on how checks and balances impact security service delivery.

The above studies did not shade light on checks and balances enshrined in the constitutional structures for a structural association of the independent institutions, which this research addressed.

## *2.2. Theoretical Review*

### 2.2.1. Regulatory Capture Theory

The Regulatory Capture theory is credited mainly to George Stigler, an economist Nobel laureate (George, 1971). Regulatory capture concept is a manner of state failure that happens when regulatory agencies, conventional to safeguard public interest, avert and act in a way that favors the activities of industries they basically regulate (Dal Bo, 2006). This theory does not emphasize the interest of the public but helps understand the process by which private interest are propagated by interest groups (Carpenter & Moss, 2013).

Government agencies have been created to safeguard and benefit the community, these agencies while performing their duties, sideline towards industry benefit. Actually, these agencies are 'captured' by the industry players they regulate. The Capture theory of regulation indicates that the regulator from government is the decision 'head' in a monopolistic industry (Monnet, Pagliari & Vallée, 2014).

A research by Bayley and Perito (2011) on police democratization in the developing countries depict that government's independent players, keeps the government in check by pointing abuse of office from senior police officers, whistle blowing and facilitating the discharge of police mandate and adherence to the rule of law, thus police become very efficient in security services provision.

The government habitually establishes agencies (commissions) to regulate and oversee specific industries. A problem arises as the commissions charged with regulation, act not in the interest of the general public but at the interest of the regulated organizations (Carpenter & Moss, 2013). The organizations are also pressured and affected by the regulatory body. Although these regulatory agencies were deliberately created to safeguard public good beside the organizational activities, often that protection intuition never is achieved. Implying a state of capture on the regulator by the regulated organization.

In this study, this theory informs the way government is structured with organs mandated by the constitution, to provide checks and balances on government institution so as to propel nationalism, dispense the rule of law in a just and humane way to the Kenyan citizens by the NPS.

### 3. Methodology

This study utilized pragmatism research philosophy as an integrated, coherent paradigm. Pragmatism presents the potential to provide a logical combination of quantitative and qualitative methods paradigms continuum in realizing the set objectives (Brierley, 2017; Mitchell, 2018; Kaushik & Walsh, 2019). Creswell (2014) and Hall (2013) argue that pragmatism is oriented in plurality of methods for resolving real problems in the real world rather than sheer assumptions about the nature of knowledge. Besides providing a defensible and practical scientific philosophy, pragmatism fosters a transparent platform for justifying beliefs and an array of concepts and practices for inference (Suter & Cormier, 2013). Pragmatism philosophy was useful to this study for it informed and allowed the researcher in utilizing integrated multiple and mixed research designs, data collection methods, data analysis approaches, and multiple models for modeling and testing the variables taking care of respondent's opinions and experiences.

This study employed explanatory and descriptive survey designs, which were purely cross-sectional to achieve the best results. The descriptive research design enabled the researcher to produce an accurate profile of factors, events and situations since the data gathered was holistic, contextual and rich in details to test variables (Njoroge, 2015; Eriksson & Kovalainen, 2008).

On the other hand, explanatory research design provided the cause-and-effect associations between variables. It attempted to explain and strengthen the significance, nature and direction of the relationship between two or more variables (Bryman & Bell, 2007; Cooper & Schindler, 2008). The design also provided information concerning the degree of relationships between the variables being studied (Kothari, 2004; Mugenda & Mugenda, 2008).

The site of the research was NPS and NON police agencies headquarters located in Nairobi City County. Targeted the NPS officers, comprising of Administration Police Service, Kenya Police Service and Director of Criminal Investigation officers and also Non police agencies at different management levels. 274 Kenya national police service officers, 121 administration police service officers, 241 officers in the DCI's office, 21 staff from IPOA, 34 staff of the NPSC, 24 leaders of community policing and 25 IAU officers, totalling to 742 become the target population, from whom 260 eventually formed the sample size.

The computations for sample size adopted Yamane and Taro (1973), as illustrated below.

Yamane and Taro (1973) formula calculated the overall sample size.

$$n = \frac{N}{1 + N(e)^2}$$

Such that;

n: Sample

N: Population

e: Margin of error, at  $\pm 5\%$ .

$$n = \frac{742}{1 + 742(0.05)^2} = 259.89 \cong 260$$

The sample size was 260 respondents.

Within the strata, the proportional allocation was employed to capture the different cadre in NPS and management levels in Non-Police agencies. Cochran (1977) formula for proportional allocation (Kotrlik & Higgins, 2001) below:

$$n_i = \left( \frac{n}{N} \right) N_i$$

**Where**

n: Sample size from the first formulae

N: Sample population from the first formulae

$n_i$  is the sample size from stratum  $i$ .

$N_i$  is the target population for stratum  $i$ .

That target population for NPS was stratified into Gazetted, Inspectorate, Non-Commissioned Officers/Constables and Non-Police were categorized into top, middle and lower management level officers. That target population for NPS was stratified into Gazetted, Inspectorate, Non-Commissioned Officers/Constables and Non-Police were categorized into top, middle and lower management level officers.

A combination of Stratified, purposive and random sampling techniques was employed to select the required sample as proposed by Teddlie and Yu (2007), Suri (2011) and Sharma (2017). The researcher, with the help from two researches who were trained then equipped with data collection techniques, administered data collections instruments to the respondents.

The researcher considered using electronic questionnaires to those respondents who, out of convenience, preferred this medium. Soft copy of the questionnaire through Google forms and Kobo Collect platforms were sent to the respondents.

This research focused on obtaining quantitative and qualitative data, thus used integrated mixed analysis method. Analysis of quantitative data used descriptive as well as inferential analysis while qualitative data used qualitative analysis that followed a content, narrative and framework analysis approaches. Ultimately, Binary Logistic regression provided cause-effect model association.

## 4. Research Results and Discussions

### 4.1. Response Rate

The sample size for this study was 260 respondents, where 166 questionnaires were issued to the sampled Non-commissioned officers and constables. 94 interviews were issued to the sampled gazetted officers, Inspectorate and Non-Police agencies. From the 166 administered questionnaires, 12 were partially filled, and 12 were wholly unfilled. The 12 partially filled questionnaires, after follow up to ensure completeness, were filled, which cumulatively gave 154, accounting for a response rate of 92.77%. From the 154 dully filled questionnaires, 101 questionnaires were from the hardcopies, while 53 questionnaires were filed electronically. However, the 12 questionnaires that were wholly unfilled even after follow up efforts were regarded as incomplete and not suitable for inclusion in the analysis, as guided by Kothari (2004).

Research Instrument		Duly Filled		Unfilled	Expected Count
Questionnaire	Hardcopy	101	154 (92.77 %)	12 (7.23%)	166 (63.85%)
	Electronic copy	53			
Interviews		85 (90.43 %)		9 (9.57%)	94 (36.15%)
Total		239 (91.92%)		21 (8.08%)	260 (100%)

Table 1: Response Rate  
Source: (Survey Data, 2021)

From the interviews conducted, 85 interviews were successful, giving a response rate of 90.43%, while the 9 (9.57 %) weren't successful. Dominantly, the 9 unsuccessful interviews were caused by respondents' workload and fears about job security. Cumulatively, from a sample of 260 individual, 239 respondents entirely gave their responses to the two data collection instruments. This represents a response rate of 91.92% that is adequately satisfactory to allow for further data analysis (Saunders, Sivo, Chang, & Jiang, 2016). A response rate of 50 per cent is adequate, 60 per cent is good, and 70 per cent is excellent (Mugenda&Mugenda, 2003; Saunders et al., 2007). Hence, the response rate of 91.92% is excellent and acceptable for analysis of the study.

### 4.2. Descriptive Analysis

On checks and balances, 92.2% of the Non-Commissioned Officers and Constables believe that checks and balances are important in security services delivered by NPS, contrary to 7.8% who did not believe in the importance of checks and balances in NPS. On the significance of the current checks and balance, 57.1% of them believe that the current checks and balances has significantly influenced security services. In comparison, 42.9% did not believe that the existing checks and balances has significantly influenced security services delivered by NPS.

For the Non-Commissioned officers and Constables (57.1%), who believed that the current checks and balances had influenced security services, attributed the significant influence to the following: progressive improvement in quality, additional support from advanced ICT surveillance equipment and accessories, refresher courses and capacity building programmes all of which were as a result of checks and balances. On the side of those who disagreed (42.9%), attribute the current dismal working conditions in many police stations in different part of the country, unlawful dismissal and slow pace in cases involving police done by IPOA and the constant compromise on professionalism from senior officers were among the reasons for the respondents not to believe in the influence of checks and balances for the common good. As cited by Kivoi and Mbae (2013), despite IPOA's strides in ensuring the prosecution of Officers involved in crimes, the inertia over the cases have been unnecessarily slow and occasionally compromised. Therefore, in ensuring that police reforms take roots, targeted empowerment and sustainability of the institutional structures in NPS should be supported (Njuguna, Ndung'u& Achilles, 2015).To determine the respondents' perceptions of the checks and balances in NPS, respondents were expected to indicate their level of agreement or otherwise on the statements in Table 4.2.

Statement on Check and Balances	Responses										Mean	Std. Dev.
	SD 1		D 2		N 3		A 4		SA 5			
	F	%	F	%	F	%	F	%	F	%		
Regulatory structures are crucial in the day-to-day delivery of security services in NPS.	0	0	0	0	0	0	77	50	77	50	4.50	0.50
Oversight in NPS is carried out objectively.	0	0	53	34.4	25	16.2	49	31.8	27	17.5	3.32	1.13
Regulatory structures serve to guide, direct and even ensure accountability in security services in NPS.	0	0	0	0	0	0	131	85.1	23	14.9	4.15	0.36
Current Judicial and legislative systems are sufficient for quality security service delivery in NPS.	1	0.6	39	25.3	21	13.6	81	52.6	12	7.8	3.42	0.97
Checks and balances which are in place have not reduced crime and prevent further induction into criminal activities.	4	2.6	48	31.2	16	10.4	77	50	9	5.8	3.25	1.05
Checks and balances accord too much control to NPS.	1	0.6	51	33.1	15	9.7	76	49.4	11	7.1	3.29	1.03
Officers in NPS are comfortable with checks and balances which are already in place.	3	1.9	73	47.4	24	15.6	44	28.6	10	6.5	2.90	1.04
All agencies responsible for checks and balances perform their duties diligently.	3	1.9	76	49.4	24	15.6	41	26.6	10	6.5	2.86	1.04
The regulatory structures of the Kenya police service do not interfere with the daily running activities of the National Police Service.	4	2.6	80	51.9	19	12.3	48	31.2	3	1.9	2.78	0.99
The independent police oversight authority is effective in its oversight responsibilities.	9	5.8	75	48.7	25	16.2	42	27.3	3	1.9	2.71	0.99
Aggregate score											3.32	0.91
Do you believe checks and balances are important in security services delivered by NPS?	Yes		142 (92.2%)									
	No		12 (7.8%)									
Do you believe the current checks and balances has influenced significantly security services delivered by NPS?	Yes		66 (42.9%)									
	No		88 (57.1%)									
Has Checks and balances succeeded in security services delivered by NPS?	Yes		65 (42.2%)									
	No		89 (57.8%)									

Table 2: Checks and Balances  
Source: Survey Data, 2021

In **Error! Reference source not found.**, the Non-Commissioned Officers and Constables indicate that the regulatory structures in the day-to-day delivery of security services in NPS are crucial (100% agreed). It guided, directed and ensured that accountability is realised in NPS' security services (100% agreed).

Although 34.4% of the Non-Commissioned Officers and Constables disagreed, 49.3% agreed that oversight in NPS was carried out objectively and that the current judicial and legislative systems were sufficient for quality security services in NPS (60.4% agreed). Further, 55.8% of the Non-Commissioned Officers and Constables agreed that the checks and balances currently in place have not reduced crime and prevented future induction into criminal activities on top of according too much control to NPS (56.5% agreed). This indication of non-declining crime incidences in the face of a sufficient judicial and legislative systems framework triggers concern for the future of national security in Kenya as it pocks holes into the implementation of the frameworks.

Moreover, 64.9% of the Non-Commissioned Officers and Constables were in disagreement that officers in NPS were comfortable with the checks and balances already in place, 51.3% disagreeing that all agencies responsible for checks and balances performed their duties diligently. 54.5% also disagreed that the regulatory structures of the Kenya police service did not interfere with the daily running of activities and that the Independent Police Oversight Authority (IPOA) was not effective in its oversight responsibilities (54.5% disagreeing). Also, 57.8% of the Non-Commissioned Officers and Constables opined that NPS checks and balances had not yet succeeded towards quality security services. The aggregate scores in **Error! Reference source not found.** above, shows that the Non-Commissioned Officers and Constables were also neutral on whether checks and balances are at the expected levels as revealed by a mean of 3.32 and standard deviation of 0.91.

Institution	Rank: Effectiveness of Checks and Balances				Mean	Std	Total
	1 -25%	26 - 50%	51 - 75%	76 - 100%			
National Police Service Internal Affairs Unit (IAU)	0	14.3	81.8	3.9	2.90	0.41	100%
Kenya National Commission on Human Rights (KNCHR)	0	14.9	81.2	3.9	2.89	0.42	100%
National Police Service Commission (NPC)	7.8	26.6	58.4	7.1	2.65	0.73	100%
Independent Police Oversight Authority (IPOA)	5.8	30.5	54.5	9.1	2.67	0.72	100%
Community policing	7.1	23.4	59.1	10.4	2.73	0.74	100%
Aggregate Score					2.77	0.60	

*Table 3: Ratings of the Effectiveness of Checks and Balances  
Source: (Survey Data, 2021)*

In terms of the ratings on institutions tasked with checks and balances, table 3 above shows the ratings on a scale of 1% to 100%. Notably, from a majority of the Non-Commissioned Officers and Constables, all the institutions scored between 51% to 75% in their effectiveness in checks and balances. This 51% to 75% rating is further emphasized by a mean aggregate score of 2.77. Conversely, 26.6%, 30.5% and 23.4% of the respondents' rate NPC, IPOA and community policing at between 26 to 50% effective. This raise concerns as even 7.8%, 5.8% and 7.1% lowly rated NPC, IPOA and community policing at below 25%. However, IAU was rated by a majority (81.8%) at between 51% to 75%. On the measures, the Non-Commissioned Officers and Constables suggested that integrity checks and cases in IPOA should be fast-tracked in order to increase public confidence on both the NPS and IPOA's reliability.

From qualitative analysis on the interviews from the Gazetted, Inspectorate officers and Non-Police agencies, among the importance of checks and balances mentioned concerning security services delivered by NPS, is to tame excess power that may allow abuse, to ensure the independence of NPS, to promote accountability and improve efficiency and effectiveness of security services. However, checks and balances has subtly positively influence security service delivery in NPS. The Gazetted, Inspectorate officers and non-Police agencies were also expected to indicate the level of involvement in



the formulation of regulatory structures of NPS as represented in

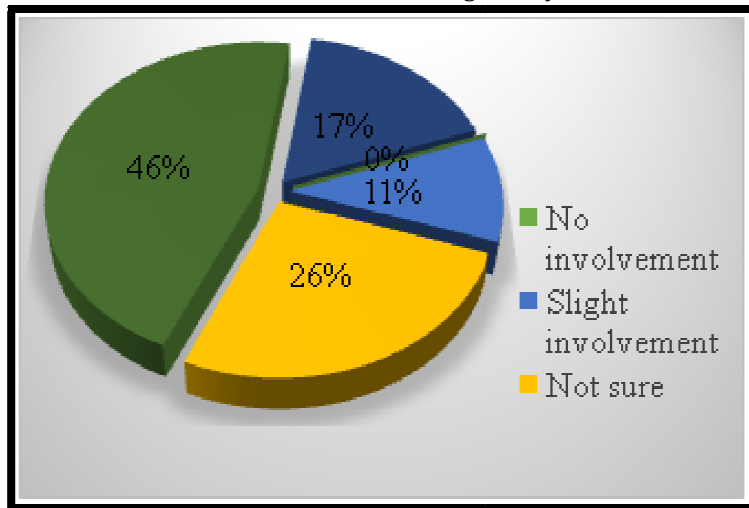


Figure .

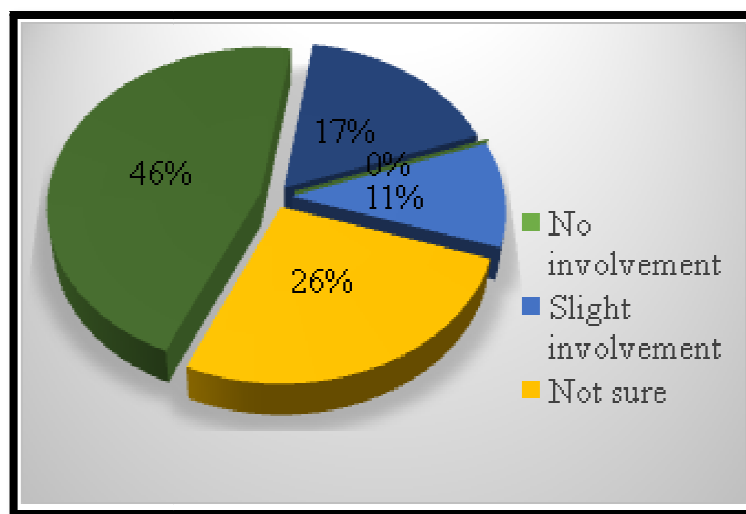
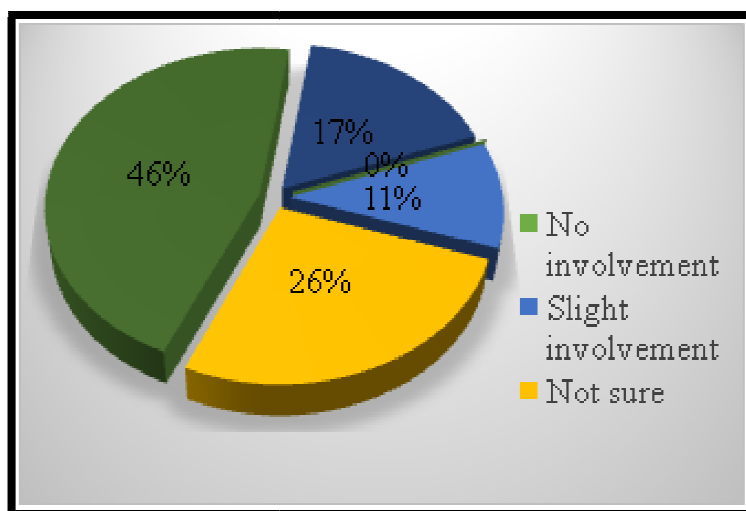


Figure 1: Level of Involvement in the Formulation of Regulatory Structures



From the Figure above, 46% and 17% of the Gazetted, Inspectorate officers and non-Police agencies indicated a partial and holistic involvement in the formulation of regulatory structures of the National Police service, respectively. However, 26% of them were not sure whether there was involvement in the formulation of regulatory structures in NPS. This implies that the involvement processes are not transparent, and as such, the inclusivity of all officers is yet to be realised.

On the statements on other arms of government that influences the structure of NPS, the legislature is largely mentioned by the Gazetted, Inspectorate officers, the National police service Internal Affairs unit officers, National police service commission, IPOA and Community policing officers. The level of objectivity on oversight in security services is between 51% and 75%, as supported by 58.3% of the Gazetted, Inspectorate officers and Non-Police agencies. Although, cumulatively (85.7%), the level of objectivity on oversight was above 51%, as supported by 58.3% and 27.4% of the

Gazetted, Inspectorate officers and Non-Police agencies and 14.3% of them rated the level of objectivity on oversight at between 26% and 50%. This implies that objectivity on oversight still needs redress for it to realise over 75% rating. As set out by Coffee (2011) while studying contingent capital and the need for regulation strategies beyond oversight, ratings over 75% imply that the service quality is at a satisfactory state.

Additional insights from the respondents shows that, non-Police agencies are currently below the expected effectiveness and efficiency level in oversight responsibilities. Therefore, targeted efforts anchored in law should be formulated towards revitalizing the spirit and mission of IPOA, community policing, NPSC and AIU towards the delivery of their mandates so that they may not be captured in the discharge of their mandate. Moreover, on the areas that need improvement towards quality law enforcement, prompt provision of funds to facilitate quick response, facilitate deployment and more importantly provide decent housing, clean environment which officers have to contend with in their vicinity are a necessity. Basing on the experience of the Gazetted, Inspectorate officers and Non-Police agencies officers, among the measures that could be put in place to improve or deal with influential effects of checks and balances on security services, are the advocacy of professionalism that is accountable and which harbours a sense of common purpose in NPS among the cadres. These findings are in agreement with proposed amendment bill 2020 that there must be changes of mandate and performance of these Non-Police agencies. Especially on NPSC, in Clause 67 of the Bill proposes to amend Article 246 (National Police Service Commission) to harmonise certain functions of the Commission with the function of the centrality of command by the Inspector-General of Police.

4.3. Test of Hypothesis

- $H_0$  There is no significant effect of checks and balances on security services delivery by the National Police Service in Kenya.

The study sought to investigate the association between checks and balances and security services delivery by NPS. A null hypothesis  $H_{02}$  was formulated with the assumption that there is no association between checks and balances and security services delivery by NPS.

Governance Mechanisms	Tests	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)	Point Probability	Conclusion
Checks and Balances (CB)	Pearson Chi-square	2.052	1	.023	.033	.007		Factor was significant
	Fisher's Exact Test				.033	.007		
	Linear-by-Linear Association	2.038	1	.013	.033	.007	.005	Significant
Variable Coefficient								
Equation		$\beta$	S.E	Sig. (P-values)	Exp ( $\beta$ ) and implication		Conclusion and Decision	
Equation 4.1	Constant	1.256	.590	.033	3.512	-	Significant.	
	Checks and Balances (CB)	.577	.376	.025	1.782	78.2%	Checks and Balances had an influence on Security Service	

Table 4: Hypothesis Testing and Variable Coefficient

$SS = e^{(1.256 + .577CB)}$  ..... Equation 4. Error! Bookmark not defined.

From the summary in **Error! Reference source not found.** the  $p$ -values for Fisher's Exact test, linear-by-linear association and Pearson Chi-square correlation were all 0.033. Comparing the  $p$ -values to the standard  $\alpha = 0.05$ , the null hypothesis is rejected. The rejection implies that the effects of checks and balances on security services delivery by NPS is significant. These checks and balances were also linearly associated with security services delivered by NPS, as evidenced by the linear-by-linear association's statistic. Regarding the nature and magnitude of the association, the odds also indicate a strong positive association ( $odds = 1.782$  from equation 4.1). The findings by Grossman and Hoskisson (2016) who investigated checks and balances' influence on governance and found out that it had little or no significance on service

delivery, is contrary to the findings of this study. However, the findings are consistent with Munzhedzi (2017), who concluded that, if there is no clear separation of roles between the government arms in practice, then it influences their working design; Oswald (2018) and Fiedler, Glöckner, Nicklisch and Dickert (2013), who contended that all public services should be regulated through an oversight body to influence performance and on the role of checks and balances on police security service performance (Şaramet (2018); Obiora & Akpunonu, 2019).

## 5. Summary, Conclusions and Recommendations

### 5.1. Summary

The objective was to determine the influence of checks and balances on security services delivered by NPS in Kenya. There was evidence against the null hypothesis, which imply that there was evidence of significant effect of checks and balances on security services delivered by the NPS. The findings indicate that for a unit increase in checks and balances, NPS's quality of security services was 78.2% more likely to improve. This positive association can result from regulatory structures currently in place and oversight that is carried out objectively, the current judicial and legislative system, and checks and balances already in place. However, Non-police agencies were not effective in their oversight responsibilities. The findings are consistent with findings by Kamau (2017), who found out that both external and internal regulatory structures were critical in the day-to-day running of any law enforcement agency. Also, the findings are consistent with Mbele (2017), who in his study in Tanzania recommended that, at the National level, government must establish independent regulatory bodies to assess PSCs in regions and bar them from exercising monkey freedom within the field of security.

However, as Oswald (2018) contends on the same, he posits that, executive powers should regulate all public matters through an oversight body. However, the findings contradict Awino (2015), whose results showed that 71% of his respondents agreed that IPOA investigation is to a great extent effectively. However, it was only in misconduct of police which findings did not implicate the implementation. In this regard, the study findings support a research on policy democratizing Policy in the developing world by Call (2016). The study indicates that when the different government independent players oversight police by whistleblowing, isolating office abuse by senior police officers, ensuring that police according to their mandate discharge security duty in compliance with law and provide more effective security services. As recommended by Mohamed(2018), for the success of policing in community, police service that is responsive, professional, accountable and representative should works with the public. This has not been achieved. Also, the community works for free, which may compromise security issues; therefore, the government should create a remuneration policy to motivate the community policing members who currently are working on frontier basis

### 5.2. Contribution to Knowledge

This study examined the association between checks and balances and security services delivered by NPS. In doing so, the study established that the sub-constructs for checks and balances; oversight objectivity, judicial and legislative support and technical support in the reform process, were strong predictors towards quality of security services.

### 5.3. Conclusion

Checks and balances influence the quality of security services delivered by NPS significantly. Although it had a positive influence in terms of regulatory structures currently in place and oversight being carried out objectively, IPOA was not effective in its oversight responsibilities as per IPOA Act 2011 (Revised 2012) and IPOA strategic plan 2014. This indication leads this study to conclude that targeted efforts should be channelled towards re-vitalizing the spirit, mission mandate and objectives of IPOA, community policing, NPSC and AIU as a crucial agency for police/civilian rights promotion and advocacy.

### 5.4. Recommendations

Non-police agencies analysed in this study are currently below the expected effect and efficiency level in its oversight responsibilities; therefore, Regulatory body should be strengthened and mandated to work independently thus well stipulated in the law with clear mandate and resources.

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