Cops and Crime in Kenya

A Research Report

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NUPI Working Paper 794

Department of International Economics

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Abstract
This paper presents and analyzes most empirical research about crime and police corruption in Kenya that has been based on vicitimization statistics. It shows the wide variation in outcomes and draws implications of this for the potential use of this approach for police and crime policy. This is used as a background for the researcher's own victimization study which combines this information with a survey of police officers' attitudes and experiences. In a more theoretical section it discuss how officer rotation, crime registration procedures and citizen mobility controls may work when crime policies are considered as a set of collective action games where both police officers and community members are engaged.

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1. Introduction[1]

It is early Sunday morning in a village in western Kenya. It is still fairly cool and fresh. We, a group of three researchers, are sitting outside the local police station on a bench with a table – on the courtesy of the new commissioner seated in Nairobi. He has ordered that such public amenities should be available at all police stations in the country. On the shaky table there is nicely coloured tablecloth – on the courtesy of the new local police chief. We are waiting to get access to one of the ten police stations chosen for our project. According to the standing order from the commissioner's office that paved the way for our research, each has to be visited by 9 o'clock in the morning.

At our left a group of youths are congregated, sitting on their motorbikes. How come they are here that early? Rural surroundings and rural work rhythms are not the complete explanation. It may also have something to do with the police and the fear of crime in the community we are about to discover.

Behind us a male chorus is singing Christian hymns, underlining the peacefulness of the early Sunday morning. How come that a small village may present this kind of entertainment at that point of time of the week? Here the explanation again has something to do with the police and the fear of crime as well as its reality. It is the Sunday stock of male prisoners in the local police station jail who are singing.

Later we are given access to the police and talk with our assigned quota of five officers. The impression of rural idyll is reinforced. True enough, the police station has only one car that often has to be repaired or lack gasoline, but the local population is helpful and lend their cars or give gasoline when needed and crime scenes visited.

When we talk with a cross-section of the local population, however, a different impression emerges: the police rarely emerge when needed,

they requisition transport without paying, and often perform arbitrary arrests. How may so different views emerge from the same experience? Are the police lying or is it the local respondents complaining for nothing? Will the incompatibility of perceptions create a policy space for better mutual understanding?

This paper is based on an explorative research venture where we visited ten police stations located in rural and urban areas in Nairobi, Central, Nyanza, Western and Coast Provinces in July 2010. At each station we asked five officers about their professional experiences and views on corruption and crime. Similarly, we asked twenty five citizens in their neighbourhoods about their experiences with police corruption, with crime and their eventual economic consequences. It is mainly by this *combination* of police and citizen responses to two different questionnaires on related issues that we may bring some new empirical insight compared to existing victimization surveys. In addition we ask more about the direct *economic* consequences reported by the respondents than in research of this kind. Particularly in the case of crime these may become surprisingly large for a significant number of respondents. Some of the theoretical analyses are quite new.

The disposition of the paper is as follows:

1) In a background section we first outline a few general characteristics of police activities that expose them to corruption risks generally, and not only in Kenya. These risks appear particularly high in low income countries.
2) Then present some of the *historical* background to policing and crime in Kenya, indicating that the behaviour pattern of the police today not only reflect general patterns, but is also be influenced by the particulars of Kenyan history.
3) We outline some of the statistical information and results from a number of already published studies that deal with police corruption and crime in Kenya.
4) We conclude the background part with outlining the rough consequences for the police activities and crime numbers for the whole country if the various survey results apply
5) In a separate section we describe the procedures and results from our own surveys project and present results both in an aggregate and
6) A community-based form.[2] In the latter we also summarize our own more subjective impressions from the field.

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[2]   While we don't believe that we will supply much confidential information in the following, in order to be on the safe side, we will not supply the name of the police stations in the community-sorted data presentation part of the report.

7) Finally we explore the usefulness of victimization data for police reforms and discuss a few police policy instruments as vehicles for explaining police and criminal behaviour.

The style of this paper is in the manner of a research *report*. For one thing it is much too long for being a regular paper. The reader will find a considerable number of cases where judgments and observations are simply repeated. For this we simply make an excuse. The different parts are not tied together in any explicit logical order. Even regular make-up is missing. For example, we reproduce in an appendix the questionnaires we actually had to use with all their typos and language defects. Those were at least partially caused by a mix of low budgets and the suddenly granted permission from the Commissioner's office to visit the police stations, at a specific set of dates only. We had to run.

Part A: Backgrounds

Chapter 1. Police characterized – activities and tasks

The police in Kenya as elsewhere may be considered to have three major tasks. Two of them, the service functions, are highly visible: a) to assist the citizens by preventing or resolving *crimes* against persons and property and to arrest the perpetrators, b) to assist the public in resolving *interpersonal conflicts*. The third, c), is mainly latent, but will receive priority when conflicting with any other; that is to *protect the elite* against potential insurrections or other small and medium scale violent threats directed against its political authority. This be-came highly visible in Kenya during the post 2007-election violence. To contain large-scale threats is mainly the task of the military, however.[3]

The legitimacy of the political task is likely to have strong spill-over effects on how the first two tasks are performed and the legitimacy of the police itself, but will not be highly visible in the kind of data we present. Hence, it will not be the focus in this paper. The issues of le-gitimacy will appear briefly in our perception data, but perhaps more interestingly when we look at the crime reporting processes and the related policy issues. Here we will argue that many crime reporting situations may arise as collective action problems that involve both crime victims and the police where each in isolation may have only weak incentives in reporting while both the police and the rest of community together may reap considerable gains.

To a higher degree than for other public bureaucracies the police's task rely on *visual* monitoring of different forms of social and eco-nomic spaces and systematic information gathering from them. Unlike most other branches of the public bureaucracy, the main input and output from police activities don't consist in written information, but is based on visual inspection. In addition, the application of or threats of using *instruments of violence* is a distinguishing characteristic. To solve their tasks the police have to move more freely around in the social and economic space within its geographic area of responsibility. This gives the police larger freedom of what to inspect, register or act on compared to other groups of bureaucrats, as does the geographical

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[3] The tension between the two tasks is reflected in the recent change of the name of Kenyan Police from the former 'Kenya Police Force' to the present 'Kenya Police Service' (cf. the motivation for the name change in the Ransley Commission, or Republic of Kenya (2009: 214).

and thematic spread of the interpersonal conflicts, criminal (or rebellious) act they are supposed to handle.

They have to handle situations that often are inaccessible (at the moment of handling) to superiors. Hence, it is even more demanding to create a disciplined police force and monitor it than it is to achieve that in most other public organizations.[4] On the other hand many of its actions – but by all means not all – are open to visual inspection by the public. What the police are doing become a kind of visual advertisement for the characteristics of the state.

An equally important characteristic – and a more generally recognized one – is that most tasks demand that the police are allowed and able to handle *instruments of violence*. Together with the military are the police the major public institution that is allowed to apply means of physical force. Instruments of violence are obviously needed for elite defence, but are also important when solving interpersonal conflicts and for bringing suspected criminals into prisons and from prisons to courts. The combination of visual monitoring, free movement across space and access to instruments of violence allow the police to possess the everyday control of a geographical space on behalf of the public authorities. The degree of control may vary, however, depending on the properties of the social and economic space involved and the characteristics of the police. This combination of visual monitoring of an area by with the right to use instruments of violence for control by a public institution I will define as the *policing* of the area. Note also that there is also a greater kind of freedom of choice from the side of the public to decide when it needs to interact with the police or not compared to most other citizen-state interactions –arrests of course excepted. If you need an id-card, you need to have it and you may only get it at a predetermined office. If you have been victim of a crime, you may or may not report it to the police.

The economic and social characteristics of the space in question, including its crime and violence propensities will influence the nature of its policing including its potential for generating corrupt income opportunities for the policing institutions. Here we may usefully distinguish between urban and rural space that is a key distinction for our field work and a number of other kinds of space not analysed here: through-roads with their traffic, country borders, sea- and airports, railways, coastal waters with their traffic, and more recently, the virtual space with its special needs for policing. Some policing activities are done by organizations that are not considered as a police organiza-

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4   New technology, such as GPS, is likely to ease the monitoring of police in most countries, as it has done with truck-drivers, but this is not likely to be part of most present police reforms in poor countries yet.

tion in the narrow sense. Custom officials, for example, do a number of policing tasks.

The further specifications of police tasks will, of course, differ according to the crime and violence characteristics of the space controlled as well as its social and economic properties, but will in addition be influenced by the rules that define actions to be criminal or not. This variation across countries will be less for victim crimes that we have to focus on than for non-victim crimes where the legal definition of whether a set of market transactions (such as gambling, sexual services and drug trade) is legal or not, may define a transaction to be a crime. Illegality of market transactions often creates the economic basis for organized crime (through increasing returns to scale, they give rise to), which may cause significant changes in the crime space the police will monitor, including its violence characteristics. The latter may also change from political events, as it did in Kenya during the 2007-2008 election violence. It is possible, however, that a significant share of the police corruption data reported in our survey may be non-victim crimes as they tend to be when the bribes paid are voluntarily.

Some crimes vary systematically with the kind of social space in which they are taking place other seem to be of a more spontaneous, exogenous nature. It is, for example, difficult to explain the high crime and high violence levels in many African and Latin American countries compared to Asian ones on the basis of economic differences between the spaces monitored alone (cf. Andvig and Shrivastava, 2009). So far, any satisfactory explanation of this 'spontaneous' difference is missing.[5] Here we may note that Kenya belongs to a high crime/corruption area and take this as determined by a number of exogenous factors from a contemporaneous point of view. We will argue in the following, however, that some of the most important factors have been shaped by colonial history and are endogenous to the country's historical development.

The ease by which the police may control a space will also hinge upon the general strength and impact of other public apparatuses in the area: Efficient schools will as a side effect of its normal activities monitor families, collect information about children who are likely to get in-

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[5] Glaeser et al (2006) seek to explain the large variation in crime rates across US. cities through social interaction mechanisms between the criminals. They may vary between cities. If all are susceptible to what the others do, they argue, the variation in crime rates generated by the resulting multiple equilibrium models will still be too narrow. To permit such variation in their model a sufficient number of agents will have to be non-susceptible (either die-hard law breakers or law abiding) with mixes varying across populations. When considering the continent-wide variation in criminal acts the question then remains why there should be any systematic difference in the fraction of non-susceptible and their distribution between die-hard criminals and law-abiding types? We are led back to some unexplained exogenous – to present criminal interactions – factors. Several are likely to be influenced by colonial history, some maybe from even older cultural inheritance.

volved criminal activities when they reach the high crime risk age, and sometimes intervene. Even when not having the capacity or inclination to do the latter, the behaviour of citizens is likely to be somewhat modified, knowing about this monitoring. Similar side effects arise from the workings of local medical institutions, but to a smaller degree. The weaker the other parts of state, the harder will the policing tasks become, but as we have already suggested, the police itself are likely to be among its weakest parts. The most direct factor is, of course, the 'strength' of the police itself.

For reasons outlined, such as its roaming characteristics, the police are a part of the public apparatus where it is extraordinary difficult to create a disciplined, efficient organization. A higher degree of commitment among executive officers as well as among their monitoring superiors is needed to circumvent these difficulties. That is, if the public employees in general are less committed, that is that the public apparatus has a low *internal* legitimacy, the police are among the most exposed, but any weakness will be reinforced by the other parts of the bureaucracy. Any missing *external* legitimacy due to a generalized lack of trust of the state may also be exposed through the police-citizens interactions since both the police's methods for information collection as well as the amount of information reaching the police hinge on cooperation with the public. More violence is needed to implement arrests and less information will be collected – information needed for crime prevention – the lower the legitimacy of the police, we have reasons to believe.

Crime levels will also be influenced by various forms of informal policing and forms of cooperation among community members that don't involve the state. These forms of policing can sometimes assist; sometimes compete, with the work of the police. While we focus on the police citizen relationships only and have not asked about these other forms of crime control, they are clearly important and more so in the case when the reach of the state is narrower and less firm than is the case in most developed countries.[6]

Chapter 2. Police corruption – classified and risk assessed

A number of the interactions among the police and the public are generally considered corrupt. Roughly the main forms of such interaction consist in bribes, extortion and position-related theft. *Extortion* occurs when the police arrest or otherwise threaten someone who has not

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6   When presenting our results we will outline some other formal public and non-formal community forms of crime control possibilities, but we will not investigate them since we have not collected the relevant data. We will, for example, note one community case where the elders appear to play a significant role wherein youthful vigilante groups appear to play that role in another, but similar community.

done any crime (for example has not in fact been speeding) and releases him from the threat against payment. *Bribing* occurs when 1) someone has done a punishable act (such as drunken driving) and pay a bribe to avoid a fine or another form of punishment or 2) has to pay the police for a service that is supposed to be free, such as the registering of a crime.[7] Position-related theft occurs when police officers use their position-related information or decision-making power to steal from the public. In addition police corruption includes forms of behaviour that are internal to the police, such as embezzlement, illegal selling and buying of police positions or tampering with evidence against payment. Like any other organization, bribes may arise in connection with its procurement.

Although organized crime is likely to grow into larger complexes in countries with weaker public apparatuses, the eventual corrupt interaction with organized crime is a relatively greater temptation (relative to police corruption grown from regular crime) in developed countries due to its higher and less risky income potential. Since the agents involved all have incentives to keep the transactions secret, they will remain secret – most of the time and it may become less risky to receive bribes.[8] The same low risk applies to forms of corruption that Prenzler (2009: 5) denotes 'process corruption', i.e. the tampering with evidence in order to get results in bribe payer's favour, Internal corruption in form of the selling of positions on the other hand appears to be more common in developing countries, maybe because their value hinge upon the collection of petty bribes.

As pointed out in an earlier work (Andvig and Fjeldstad, 2009), it is striking that the police appear to be the most corrupt and the least well regarded part of public bureaucracies in most developing countries while it may often be highly regarded in developed countries and considered not more corrupt than any other public organization there. This may be partly explained by the fact that while some corrupt transactions made by the police are highly visible and semi-public, others are not. Naturally, visible, petty corrupt transactions have stronger impact on opinion and they are more frequent in low income countries.[9] Among those, the police apparently dominate, as shown in

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[7] A more extensive classification of corrupt police acts is presented in Andvig and Shrivastava (2009).

[8] Particularly in low corrupt environments, any involvement with organized crime may expose a police officer to additional risks. While ex ante to detection, they may both have interest in keeping the transaction secret. Ex post the criminal may well gain from exposing or threating with exposure of the transaction since their reputation loss will be lower.

[9] This judgement is based on citizens' or households' reported experience with so called petty corruption, corruption that citizens encounter in their daily interactions with bureaucracies. Since this form of corruption is quite rare in most developed countries in any part of the bureaucracy, it is impossible to explain any cross-country and cross agency variation for this group of countries on this kind of statistics. According to Weber Abramo (2007), a shift in the levels of reported petty corruption appears to take place for countries when their average level of income crosses around 10 000 US$ per capita.

general in Andvig and Fjeldstad (2009). The low social esteem as well as the high rates of corruption related to the police has been confirmed for Kenya in several surveys that we will present and analyse later. Our own exploration confirms this impression. The exact incidence varies considerably across the surveys, however. That together with the limitations on crime victimization data that make them inappropriate for revealing non-victims crime actions and thereby the effects of organized crime, leave a large area of uncertainty regarding the crime and police corruption incidence in Kenya. By bringing the different data sets together, however, including our own, we hope to narrow the area of uncertainty down. They all leave no doubt that both police corruption and crime hit Kenyans regularly in their daily life.

In order to really explain the relatively high incidence of corruption among the police compared to other public organizations in poor countries, some general explanation should be sought since it reappears in countries as divergent as Cambodia, Ghana or Kenya. We have already suggested three lines of inquiry: 1) the relative difficulties in establishing police organizations in poor environments compared to other parts of the bureaucracy, 2) whether there are different characteristics between social and economic spaces in developed versus developing countries, or 3) in the kind of interactions that may develop between police forces and social spaces with slightly different characteristics, interactions where somehow mutual degree of trust is likely to become important.

This relative high incidence of corruption among the police compared to the other public sectors certainly characterizes the Kenyan police too. It is embedded in a public apparatus where corruption levels in general are high. But given this background of generally high street-level corruption in developing countries, it is of course not satisfactory to explain the high level and structure of public sector corruption in Kenya from specific Kenyan history and circumstances only. The fairly high Kenyan crime level is also shared by a number of countries in its region and is also asking for some general explanations. Nevertheless, the police and crime behaviour observed in Kenya must basically have evolved through *Kenyan mechanisms*. Models like the ones developed by Glaeser et al (1996) suggest how the specifics of a country may be fed into some general interaction patterns. Moreover, both police corruption and crime rates appear to have been somewhat higher than in neighbouring countries. We consider it helpful to look briefly into their specific history in Kenya.

Chapter 3. Kenyan police – colonial behaviour patterns transferred?[10]

The ambition in this section is to recover historical events, behaviour patterns and situations that show some structural similarity with those we observe today. They may lead us to understand the present situation and behaviour better. Some of these suggested historical residues may work mainly through the citizens' attitudes to the police and the state; others are likely to work mainly through the police organization themselves. The ambition is *not* to trace the actual empirical paths from historical events to present day police behaviour and crime densities, however, structural similarity is all we may hop for. If at all possible, such historical tracing will demand detailed historical investigations into archives and diverse secondary sources far beyond anything presented here.

The major historical sequence of events that once shaped both the Kenyan police organizations as well as citizens' attitudes towards them was of course the colonisation of the Kenya area itself. Traces of that history are likely to remain. After all, it took place only about hundred years ago and had at the outset to be a foreign implant for a population that for the most part had not experienced the operation of anything like a police or other repressive state machinery – such as prisons – before the British arrived.[11] At the outset most of the territory had to be conquered and kept by force. Moreover, in order to rule the colonies in a European-like manner a number of unpopular rules and arrangements had to be introduced. Taxes had to be imposed not only to finance the new and for the Kenyan population then unknown public apparatus, but as a way to develop labour markets by force. In this situation the repressive aspect of the state had to come into the foreground as policing and military activities shaded into each other, and it was quite 'natural' that policing in Kenya – as in most other African countries – acquired several military attributes.

While most of Kenyan policing today is made by smaller units, the need for the police to coalesce into larger military-like fighting units was persistent during the early colonial occupation period with the Nandi rebellions as the largest. The need for military-like operation by the Kenyan police was confirmed at times throughout the colonial period, most strikingly so in the Mau Mau rebellion. It is now an exception at the national level (the 2007 election is an exception to this exception, however) although the need for military-like police in the Northern border areas is persistent. The military tasks of the police

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10 An attempt to link recent more general forms of corruption to Kenya's colonial experience is Kibwana et al (1996: 139 – 142). We only incidentally touch what was probably the major historical transmission mechanism – land distribution.

11 The shock effect of introducing prisons is discussed interestingly in Branch (2005).

have mainly been taken care of by a special police unit (GSU), and a few units of the Administration Police. For the police in general military ways of thinking has been more persistent, although it has not many military-like units to be embodied in. The Kenyan Police Force (Service) is not a gendarmerie. From that point of view are the military ideals reflected in the Kenyan Police's training a vestige of old tasks.[12]

While this form of colonisation with variations occurred in most African countries during the 19th century, the repressive aspects were reinforced and made more extensive in Kenya as Kenya appeared more amenable to European settlement and a considerable share of the best agricultural lands was taken from the indigenous population and transferred to European settlers. Naturally, this created a continuous tension that reinforced and increased the continuity of the colonial style of policing compounded by the effects of the Mau Mau rebellion in the 1950s.[13]

Among its so far lasting characteristics has been a military style where a large share of police officers still lives in *separate police camps.* Police officers may often still not be able to live with their families when on duty. The curricula have at least until recently been military-inspired, and influence the thinking of a significant share of the present stock of officers. Another characteristic that the Kenyan police appear to have inherited from the British rule is its policy preference for making 'strangers do the policing of strangers'.[14] When partly Africanised, this governance ideal was often achieved by a skewed tribal recruitment to police where most police officers were recruited from tribes not considered threatening to the regime.[15] The likelihood of local police heading violent rebellions then was reduced.[16] Today the

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[12] In northern Kenya active policing is more commonly done in larger units due to high levels of organized violence mainly between some of the pastoralist tribes. Moreover, the gendarmerie latency may be needed to be awaked by threats to the political elite. Scare of terrorism is a recent stimulant for keeping the military style of policing awake.

[13] The Mau Mau rebellion speeded up the political independence of Kenya, but for the majority of the incoming Kenyan political elite it signaled not only the vulnerability of the British, but the precariousness of its own political survival. Extensive use of force may be needed to prevail. Hence, the rebellion became another stimulant to heavy handed policing.

[14] Deflem, 1994: 58. Being part of a colonial system it was also expected that higher officers, the British, should rotate geographically from the outset of their careers. In Kenya some Indian police officers could also be used, knowing policing from India, but due to the racism of the time, the Indians could not reach the higher ranks.

[15] Deflem (1994: 55 – 56) reports that in1954 the Kikuyu – a 'rebellious' tribe – with about 20% of the population had only 2% of the African police force, while the Kamba, for example, had 18% of the police force and only about 12% of the population. We find no such skewed distribution of police officers across tribes in our own material from 2010, but our sample is too small to be statistically significant.

[16] This is not the situation today in Kenya, but much of the same is achieved through the actual rotation policy. This practice appears to us as inconsistent with any meaningful form of community policing. It may reduce corrupt practices, but increase the use of violent policing methods. We return to the matter when reporting our results. We discuss it in the last policy chapters.

ruling by strangers appears rather to achieve through more random shifting around of officers across provinces assisted by the camp structure. Unlike India, the rotation policy in Kenya is not restricted to higher level officers, however, but applies throughout the ranks and the police officers' careers. When located in police camps, the officers remain more estranged to the local communities than they would otherwise have been. Moreover it is less risky to follow harsh policies when there are smaller retaliation risks against their families.[17]

Finally, a striking feature of present day Kenyan police is its excessive *centralism*. It is likely to have spread through the police's own organisational culture. At the time of colonial occupation it was unavoidable and not to be explained by the military style alone. Occupying a large share of global space in a short time, the lack of higher level British officers with relevant education and values was acute. To spread their impact widely, centralism was almost unavoidable. The locals would need to go through a long educational process before they could enter the duties allocated to positions in a police organization as part of a 'modern' state apparatus. The almost absence of indigenous hierarchic systems, did not make this process any easier.

Another way British manpower was saved, and famously so, was the evolution of the so called *indirect rule system*. The colonial masters divided the occupied space into two main spheres; one operating according to principles close to the ones applying in their home country, in this case mostly 'modern' British law, but with modifications.[18] Another geographical sphere was to be governed by laws closer to the rules that had been operating before the colonial occupation, but codified by the British and based on local 'customary law.' Also in this case the modifications were substantial, but not more so than the system could be ruled by a few local specialists, the 'chiefs.' By giving them sufficiently strong incentives it was possible to control a large tribal population through the control of a fairly small number of chiefs. While the direct payments to them were modest and did not put strong financial strains on the colony, their 'result'- based rewards gained through their manipulation of the two rule systems could be considerable in terms of accumulation of rights to land and cash on hand through bribes.[19] These chiefs were allowed to use some force in terms of local unarmed strongmen, a rudimentary form of local policing.

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[17] Today the officers are *allowed* to live outside the camps and to bring with them their families. Our impression is that while many live outside the camps, few bring with them their families when not stationed in one of the larger cities.

[18] This included inter alia rather draconian laws for the operation of the labour market that had been lifted long time ago in the UK. (Cf. Anderson, 2000). Much of the British laws that were introduced in Kenya had already been codified in India.

[19] It was particularly manipulation of the two set of land rights that could become profitable. An analysis of the possibilities may be found in Glazier (1985).

If considerable use of force was needed, the formal police had to be drawn in from outside the tribal area. As just mentioned, most of the indigenous groups had operated without formally established hierarchies and most of the chiefs could not rely on formerly established legitimacy. They were appointed by the British and considered as such. Hence, the chief-led policing also would have to rely on a relative high degree of force.

Most of the tribes in Kenya had operated with a mixture of farming and cattle holding, using age sets when collective actions, such as war-making, were needed. The older age sets were most involved in judicial matters; particularly their most highly regarded members, the 'elders'. Hence they were instrumental in community 'policing', but could recruit members of younger age sets when more active use of force was necessary for enforcing punishments in the pre-colonial judicial system.[20] In the colonial tribal policing both community representatives and British representatives were involved.

While the tribal areas are gone, vestiges of the old forms may be found today, particularly in slums and rural areas. *Chiefs* are still chiefs, but the local chief today is wholly professional and don't *have* to rely on result-based remuneration, although they may still collect bribes. The vestige of the former local strongmen may be found in the present day *Administration Police*, although the latter are allowed to carry weapons, and are in many ways not distinguishable from the regular national police. They miss some arresting rights, however and appears to only have weakly stronger ties to the communities they monitor than the regular police. Finally, the *elders* who unlike the chiefs are not appointed by the state (but who may have some formal state recognition) may still carry some responsibilities for crime control.

The actual distribution of roles in crime and conflict control is undergoing changes, however. In particular, the role of the elders is in flux and is in many places declining. The reason is not only the internal expansive inclinations of the state institutions of force, but the increased demands of communities for the application of external force to solve internal interpersonal conflicts, of which some may evolve into crime.[21] At present the police's application of force is not only considered in negative light, as vestiges of unwanted colonial powers,

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[20]   A description of the age set organizations for a large number of different tribes in Kenya may be found in Ng'ang'a (2006)

[21]   In an important case study of a community in the mainly pastoralist Orma tribe, Ensminger (1990) shows how the council of elders voluntarily let their power to police the prevailing allocation of property rights be reduced and shifted over to the local state-appointed chief as the system of property rights shifted with the move of many members toward a sedentary lifestyle. The community member demanded in particular the chief's ability to command force through his access to the police and the courts.

but blunt instruments for creating present order, carrying both desired and unwanted attributes.

Returning to colonial history: The coexistence of a 'modern' and a 'tribal' legal and economic areas meant that they together constituted a kind of 'bipolar' (Mamdani, 1996: 109) legal system. This had important consequences for the policing of Kenyan space during the colonial rule. Different policing systems for the two systems developed as implied above.

Due to the impact of European settlers, the 'modern' rules were not only confined to urban areas in Kenya, but embraced a significant part of the more fertile parts of Kenya's rural space, the White Highlands. This increased the strain of policing.[22] To police the overall system one had additionally to monitor the migration of the non-European subjects when they were moving from one legal sphere to another. As part of this monitoring of sphere crossing, modern policing techniques were introduced. The IDs that the African subjects had to carry from 1915 on, the 'kipande's, were from an early stage carrying their fingerprints together with the employment history for the holder. Black holes in the employment story could easily lead the holder into jail. During the Mau Mau conflict this form of migration control was reinforced. At the end of 1953 the fingerprints of close to ten per cent of the population were stored at the Criminal Records Office (Throup, 1992: 146)

While the kipandes are long gone, Kenyan IDs have remained obligatory (but now also obligatory for adult women); and they still carry fingerprints. The IDs are requested by the police in a number of situations. These requests give frequently rise to bribe demands, even thefts by the police cashing in on threats of incarceration of the subject when missing his or her ID. The ID system have been one of the institutions that appears to have kept alive some of the antagonism relationships between the police and the public that often may be observed in Kenya although the strict division of the space to be controlled between tribal and 'modern' space for the most part is gone. Nevertheless, we may – somewhat speculatively – discern some of

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22 Anderson (1991: 196 – 197) notes that housebreaking had become almost a rural phenomenon around 1930 and cattle stealing had evolved into a large area of organized crime. The strain on policing was compounded by the fact that the land rights acquired by settlers were frequently considered illegitimate by the African population and many of the rights of the settlers' squatters' were not acknowledged by the European owners. As is well known these rights' incompatibles became an important ingredient in the conflict mix that led to the Mau Mau civil war. While the Mau Mau conflict in the 1950s brought many changes, for the main part it only reinforced the historical antagonisms and the heavy-handedness of the Kenyan police. –We should also note, however, that the geographical allocation of settlers also meant an articulate demand for policing services to be spread out and to be available at a large geographical area. Indirectly, this may have contributed to the relative strength of the police that again may contribute to increase the political stability of the country.

this behaviour in our extortion data, and the tendency of the police to create a kind of unofficial post- eight o'clock rural curfew for pedestrians and bikers.[23]

What was the policing situation before the first build- up of the British occupation? According to Foran, (1962) the earliest rudiments of organized policing had their roots along the coast – protecting traders in the city of Mombasa, protecting trading caravans from the coast into the hinterland as well as the protection of the more or less centralised political structures along the coast. Elsewhere some tribes, such as the Luo, had developed smaller clusters of weakly centralized political structures, embracing rudimentary policing, but nothing like the large kingships that had ruled parts of present Uganda.[24] More potentially important for citizen-police interactions today than these rudimentary policing structures, however, was rather the general absence of police and prisons. As already mentioned, they arrived together with the colonial occupation.

A finding with potential historical transmission capability was some initial adverse selection mechanisms apparently at work in the first recruitment to the Kenyan police at both the higher and lower ranks with impact on the selection of both the Indian and European recruits.[25] Both in Mombasa and somewhat later from Kisumu, Forlan (1962) could report on two forms of behaviour that frequently have reappeared in belief and in fact from our 2010 case studies: Writing about the Mombasa police around 1900 Foran (1962:8) recounts the following observation made by a British magistrate: 'On several oc-

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[23] The ID system has been debated a number of times in the Parliament where MPs have questioned whether it allows excessive controls compared to the ID systems in Uganda and Tanzania (cf. Kenya National Assembly Official Record (Hansard, September 12 – November 23, 1972 and Kenya Gazette 4. December, 1991). That fingerprints joined to an extensive register are still in use is documented at the web page (checked August 24, 2011) of the Ministry of State for Immigration and Registration of Persons. The personal control system has recently received attention through a demand that all mobile phone accounts shall be officially registered. While also reflecting the strong desire of Kenyan authorities to control the movements of its citizens, widely divergent public order phenomena such as Kenya's last election's violence experience and the summer 2011 British looting riot only suggest the potential usefulness of ID data for controlling crime, but also their conflict-making properties.

[24] In some Luo organizations one may have discerned some police-like structures according to Ng'ang'a (2006: 461-462) He mentions that 'In addition to the existence of the leaders' tribunal, every clan had a standing force of policemen, *Ogulmama*, consisting of junior elders. The people who acted as the tribunal's *askaris* (police) were those who had retired from senior military service – and not young men'. How extensive their policing duties were is unclear from Ng'ang'a's description, but apparently the guarding of people confined suspects of criminal behaviour when waiting for judicial decisions, was a key task. Hence rudimentary jails may also have been in use.

[25] Regarding the Indian recruits Foran (1962: 24) tells: 'We subsequently heard from reliable sources in India that the Agent of the Protectorate had sent out his clerk to enlist men in the bazaars in Bombay, and no check had been made on their past records. We learned later that all of them, except Harnam Singh, had bad criminal records in India.' His description of the abilities of the first Europeans employed at the higher ranks was not flattering either.

casions I had to convict policemen of robbery from people at night, and in other cases to order them punishment for …arresting unoffending people and then charging them…' – Similar behaviour of false arrests but now against payments for release, was in fact one of the most frequent form of police corruption in our case material.

When Foran himself became a police officer and stationed in Kisumu, he got across extensive organised forms of cooperation between the police and local criminals (ibid. p. 24) – the same behaviour frequently suspected by many of our informants more than hundred years later when it comes to cooperation between corrupt police officers and committed criminals in performing serious and mutually profitable crime. -- While Indians were recruited to most urban forms of crime policing including the policing of the construction and running of railways, the policing of the countryside where the potential of larger scale rebellions made the approach more military-like, had to rely on Africans from the beginning. Also here there were signs of adverse selection and Muriuki (1974: 143 -146) recounts how discipline was considered to be loose among the askari, who frequently engaged in theft, harassment of women and brawls among themselves.

The latter kinds of behaviour described by Foran and Muriuki points more directly to present day forms of police corruption than the violence related ones we have discussed so far, but in this case the similarity of behaviour appears more likely to be accidental from an historical point of view: officials when they do similar work also discover similar ways to earn income on the side. Moreover, we have found less of historical evidence suggesting actual transmission mechanisms. Regarding the propensity to choose excessively violent solutions, however, a historical transmission of behaviour through a lasting organisational culture built up during colonial times looks more plausible and more extensively historically documented.. The same applies to the citizens' distrust of the police. While none of this leads directly to high levels of police corruption, they are likely to contribute.

Chapter 4. Kenyan crime and police corruption – a mapping of survey-results

Most studies on crime and corruption in Kenya (including police corruption) are based on snapshot surveys based on victimization reports where respondents are either enterprises or individual citizens or both. To a large extent the research agenda has been driven by foreign donors. They are naturally mostly interested in the present situation and the question: Which feasible policies at the moment may drive corruption and crime rates down?

– One should expect that both corruption and crime rates are slowly moving variables. In a country like Kenya citizens experience both crime and corruption quite frequently. Hence, we should expect that when asked about this experience in questionnaires using almost identical questions, the crime and corruption rates reported should not vary much across the different surveys. This is not the case. Even when sample sizes are large and with good sample designs, the variation in outcomes is too large to present the solid and consistent picture of the underlying phenomena we would expect. We will describe this in the following when we survey this survey-based research.

While we will not present any systematic, empirical explanation of this variation, which has been underreported in most presentations of questionnaire-based research in this field, we will point to a number of plausible factors at work.[26] The *identity* of the organizer is one candidate. For example, any survey made by an anti-corruption NGO may drive the reported rates upwards. A government sponsored survey on the other hand may tend to move it in the opposite, downwards direction; the respondents sensing some risks by admitting they have bribed a government official. Only by using the sampling frames of the Central Bureau of Statistics, a survey may become perceived as controlled by the government whether the survey has been performed by an NGO, a foreign research institute or the state itself.

What about the *preceding media situation*? Even when asked directly about their *experience,* that may not be what many of the respondents in fact do. Verbal responses in the context of a questionnaire are 'cheap' in the sense that an incorrect answer may not result in any negative feedback. While not having any strong incentive to give an incorrect answer in this situation, the incentives to give a correct answer are not strong either. A respondent may tell about robbery experiences in order to make herself important, or in a belief that it may please the interviewer, or that she should have since her neighbours have told that they have had such experience, or as part of her strategic motivation in moving the authorities towards pursuing crime-reducing policies, and so on. This individual fragility in verbal responses in a questionnaire context may be expected to cancel each other out, but in fact it allows a strong impact from media situations or any preceding social interactions even on reported *experience.*[27]

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[26] Azfar and Murrell (2009) seek to explain some of this erratics as due to the prevalence of respondents who are reticent when asked sensitive questions, and have devised methods to identify these reticent respondents in order to questionnaire outcomes. While interesting, it is difficult to see how the fraction of reticents may vary enough to explain the variation in outcomes.

[27] Although seemingly private, to respond to a questionnaire has public aspects. At the very least, the respondents are likely to discuss the questionnaire and their responses with family and neighbours and may fear to be identified by authorities and take all this into account before responding. A study of these processes where private beliefs are influenced by private opinions have received considerable interests among economists recently

Hence, it is conceivable that all these pieces of information seemingly about reported experience may have been so strongly influenced by public opinions in Kenya *believing* that crime and police corruption rates are exceptionally high that the reality in fact is quite different from the reported rates.

But this is the kind of research we in practice have got. We are not aware of any information on these subjects in Kenya based on thorough fieldwork where the respondents' signals may be cross-checked against field observations or against long historical time series. In Kenya, like elsewhere, it is – as we will see – impossible to gain anything close to a correct picture of crime levels based on police statistics, the so far only existing alternative. Official statistics on police corruption does not exist. So questionnaire-based crime victimisation reports are all we have. Since our own empirical observations are collected the same way, but with some modifications, the questionnaire-based research is also the kind of research that it is natural to relate to our own mini-survey.

Despite the fragility of results from each survey in isolation, we don't believe the questionnaire-based results to be so wide off the mark that they may not assist us in reining the phenomena in and give us plausible upper and lower limits for crime and corruption occurrences in addition to ideas about their likely impact. After all, we find these efforts with all their variance to get closer to reality than the alternative of the smoothed general governance indicators such as the Transparency International's Corruption Perception Index, (CPI), the WBI's control of corruption index (Kaufmann et al, 2008) or the lesser known Organised Crime Perception Index (van Dijk, 2008).[28] Nevertheless, we present some of these indicators for a number of African countries as a matter of comparison in an appendix.

4.1 What is the relative importance of crime vs. corruption as perceived by the Kenyans?

In the Kenyan media we meet a steady stream of news about spectacular crime events and police misconduct. Police corruption and crime clearly receive considerable public attention. Among international donors Kenyan corruption in general (not police corruption as such) has been a

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ranging from stock market values to participation in social revolutions (Kuran, 1995). A text book treatment is Chamley (2004). We are not aware of any study that applies these ideas to the validity of outcomes from questionnaire-based research.

[28] According to this index Kenya have less organized crime than Nigeria, but more than Uganda and considerably more than Tanzania or Ghana. The difference here is more striking (but has the same sign) than their difference in aggregate corruption rates measured by CPI, (ibid: 160). But whether we here really are considering corruption compared to organized crime is an open question. They may just prove to be words associated with two complex aggregates composed of a mixed bag of expatriates' expectations, experts' opinions and citizens' experiences and perceptions and opinions.

major concern for almost three decades. It has also driven a major part of the research agenda on Kenyan governance. While certainly concerned about corruption, it is an open question how serious Kenyan citizens considered the issue compared to other social and economic ills.

When, as part of the *Afrobaromet*er research programme,[29] the researchers were asking people: 'what are the most important problems facing the country that the government should address?' both crime and corruption receded somewhat in the background. Compared to more traditional economic issues like poverty and unemployment, crime and corruption appear to play second fiddle in Kenyan minds. In its latest 'Round 4' survey (Institute of Development Studies and Michigan State University, 2008: 29) only 2% considered corruption to be the most important issue for the government while 6% considered crime and security to be so. 27 % considered the management of the economy to be the most important, followed by unemployment (14%), poverty/destitution (9%) and food shortage/famine at 7%. Crime was ranked as the 5th most important problem among the 31 alternatives outlined, a rank shared with roads/infrastructure. Sixteen issues were considered less important than corruption, however, including gender issues and civil wars that no one considered to be the most important. This relative position was roughly the same as the one they held under 'Round 3' and 'Round 2' of the Afro barometer surveys for Kenya.[30]

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[29] The Afro barometer is a research programme that was initiated by the Department of Political Science at Michigan State University with a varying number of African research partners. The first survey round was initiated in 1999 and the so far last one, the 4th, in 2008. The focus of the surveys so far has been attitudes towards political institutions and forms of public governance, but the surveys also contain questions about corruption and crime *experiences*. The number of countries in each round has increased to 20 in the last one. Kenya was not included in the first round, but in all the rest. Institute of Development Studies at the University of Nairobi is at the moment the Kenyan partner. This research effort receives financial support from a number of sources, different for each country surveyed. Typical sample size is 1 200 for each country. The samples are drawn so they should be representative for the total population in each country. The major aims of the research effort are academic in nature. In addition to present and analyse the survey results the Afro barometer web page publishes a large number of research papers on political science and economic governance that apply African data.

[30] In round 3 of the Afro barometer from 2005 (Afro barometer network, 2006 : 35 – 36) 6 % of the respondents again ranked crime and security as the most important issue, while 3% considered corruption to be so. In round 2 (Afro barometer network, 2004: 29) – (Kenya case performed in August/September 2003) – again 6% of the respondents considered crime and security the most important issue while this time 4% of the respondents considered corruption to be so. These shares are surprisingly stable given the large fluctuations in answers to the same question compared to other presumed stable underlying issues. For example, in 2008 27% of the respondents considered the management of the economy as the key issue while only 9% considered it to be so in September 2005. While twice as many considered unemployment a more serious issue than management of the economy in 2005, it was the other way around in 2008. One should however note that the questions contain two components: a respondent may consider one issue as inherently the most important, but something that the government can do nothing about. Then one may easily switch ranking depending on which component that will be uppermost in mind at the moment. For example, if one considers corruption as mainly a characteristic of government itself that the government can do nothing about it may come far down the list although the respondents may consider corruption a key problem. Then corruption is some-

4.2 Crime and police corruption in Kenya – compared to other African countries

Some scattered questionnaire-based research addresses this comparative issue head-on,[31] and will be discussed in this sub-section while most research is focused on Kenya with comparison as a side issue that we will discuss later. Among these the Afro barometer surveys referred to above represent the largest research effort.

One of the most striking results from the Afro barometer surveys regarding *crime* is that the fear of crime in Kenya is exceptionally high while its experience of crime is closer to the Sub-Saharan African average.[32] While 60% of the respondents in Kenya reported that they had experienced crime fears at least once last year only 39.8% had done so for the African average. Regarding the close neighbours, only 38.2% in Tanzania and 40.0% in Uganda had experienced such fears. On the other hand regarding reported, experienced crime Kenya was close to the average. 33.5% of Kenyan respondents reported that they had something stolen from their house while 16.6% had experienced a physical attack. The corresponding African average was 34.0% and 13.2 %. Looking at the neighbours, the Ugandan response was exceptionally interesting. Here 46.6% had experienced a theft from the house and 21.1% had been physically attacked the last year. Hence, we see while twenty per cent more feared crime in Kenya than in Uganda, five per cent more had been physically attacked and more than ten per cent had had something stolen from the house among the Ugandan respondents. Looking at Tanzania the experienced crime was more in line with the fears: 27.2% reported something stolen and only 6% reported an experienced physical attack.

Regarding police corruption the situation is somewhat similar. The Kenyan *perceptions* are also in this case exceptionally dark: 45.1% of the respondents in Kenya told that they 'had not at all' trust in the

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thing only non- government (NGOs, church, foreign donors) eventually may be able to contain.

31 We will not discuss systematically the rankings of such perception indexes as TI's CPI index or the World Bank's Institute's index that embrace practically all countries in the world. Some of the reasons why are indicated in Andvig (2008), but the WBI outcomes for 1996 and 2006 for every country in Sub-Saharan Africa are presented in Andvig (2008b: 13), reproduced here as appendix 1. According to the WBI result the perceived corruption level was somewhat higher than the African average (-0.89 against -0.66) And the African average of -0.66 indicates that corruption levels are considerably higher than the World average that is defined to be 0 in this index.

32 The countries for which the Afro barometer average for the 4th round that we have reported on in the following are Benin, Burkina Faso, Ghana, Kenya, Liberia, Malawi, Mali, Nigeria, South Africa, Tanzania, Uganda and Zambia. The criteria for including a country is either that GDP/per capita levels are similar to Kenya, or that it like South Africa is perceived to have high crime levels. Since we did not seek to make any statistical analysis, it made no sense to bring in all the countries included in the Afro barometer rounds. The numbers used here are mostly collected from the Afro barometer web page visited September 2, 2011 where we used their facilities for creating tables at http:/www.jdsurvey.net/afro/OutputPrinter.jsp

police while the African average was 25.2%.[33] Looking at the neighbours again; in Tanzania only 13.5% of respondents were completely without trust in the police while 24.0. % of Ugandans was equally distrustful. Regarding the *reported experience* the difference is also pronounced: While 25.6% reported that they had paid a bribe last year to avoid the police in Kenya, about the same, 24.3% had done so in Uganda. In Tanzania, however, the situation was better than the African average; 9.9% against the African average (with the Afro barometer selection of countries) of 10.8%.[34]

In the Round 3 edition of the Afro barometer surveys a number of hypothetical situations are outlined. One is the following: ʻWhat will you do under a wrongful arrest?ʼ [35] While most answer it in some ethically ʻcorrectʼ way in all the countries; such as lodging a complaint in the right channels, there were two ʻcorruptʼ alternatives: one to was to use *connections*; the second was to *bribe*. Regarding connections (surprisingly) Kenya was far below the African average (note that the composition of countries in the 3rd Round differed from the 4th) when it comes to suggesting influence, 5.3% against 9.9%, while far above in suggesting bribes in cash: 11.7% against 4.5%. Again somewhat surprising, Tanzania was the only country with a pattern close to Kenya.

The lower income, French-speaking countries were at the opposite end. In Benin, for example, 22.6% would use influence and only 4.5% cash. We will return to this observation when we discuss the rotation pattern in Kenyan police.[36] It is also interesting that in other hypothetical situations, Kenyans are not exceptional regarding the fraction who proposes cash bribing compared to influence. When the respondents are asked about what they would do in case a permit is unreasonably delayed, 26% in Benin would use a cash bribe to speed up the process while 16% would use influence. Only 9.4% of Kenyans would use bribes in these situations and even fewer would apply influence, 5.8%. . Here Kenya was close to the African average regarding cash bribes (9.4% against 8.6%) and below the average again with respect to influence (5.8% against 9.3%). – Are these differences accidental? Why

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[33]   The only country that was close was Nigeria with 44.5% complete distrust.

[34] This difference has been fairly stable. For the Third Round (Afro barometer network 2006, Table 5.3)), the difference between Kenya and Uganda was somewhat larger: 29.2% vs. 17.7%; for Tanzania it was then 9.4%. In the 2nd round (2002): Kenya 28.3%, Uganda 18.2%, and Tanzania 11.8%. Given Nigeria's reputation it may have interest to note that Nigeria's incidence of this kind of bribe reporting was slightly below Kenya's in all these three rounds.

[35] This was a very common occurrence according to our respondents as will be evident when we present our mini cases.

[36] Statistically these differences between how to respond to police are likely to be significant Assuming that these differences between the countries are not created by some unexplained framing in the questionnaire situations, we may look at explanations either along the ways the public sectors operate in the different countries, or through differences in the size and coherence in their family structures.

is the fraction of cash bribers to influence peddlers only exceptionally high in Kenya when it comes to interactions with the police, but not when it comes to other parts of the public administration? Does it mean anything that the difference is most striking when we compare Kenya to former French colonies at approximately the same economic level? We believe the answers to these questions may prove significant, but here our main focus remains Kenya and we are not in the position to do the necessary detailed multi-country research to answer these questions here.

The Afro barometer surveys are based on samples of *individual citizens*. The World Bank has developed several surveys that use samples of *enterprise respondents* instead where questions regarding crime and corruption are embedded. An underlying motivation is that their potential effects on enterprises are likely to have stronger effects on the allocation of investment across countries and thereby also stronger and more immediate effects on economic growth.

Clarke (2011) makes use of some of these data, two surveys of Sub-Saharan enterprises made in 2006-2007 as part of this World Bank's Enterprise Survey programme. Kenya was one of the countries covered with a sample of 646 enterprises. In addition to the substantial comparative results regarding African crime and corruption that we will refer to below, he demonstrates a specific fragility in questionnaire outcomes due to a seemingly slight variation in the formulation of questions. A characteristic of these rounds of the enterprise survey is that the enterprises could *choose* whether they reported bribe costs (and security and crime costs in addition to a number of other items) as per cent of sales or as actual monetary expenses. About 2/3 of the enterprises choose the former representation; which is the one that has been most commonly used for comparative purposes.

Clarke shows it is a dramatic difference between cost of corruption when reported as per cent of sales and when reported as an absolute amount and then calculated as per cent of sales: On average, for the enterprises that reported it in the latter way corruption constituted only 1/10 of the share of costs compared to the per cent report! In addition to the general substantiation of our questionnaire fragility claims, the most interesting result of Clarke for us is that for the whole African sample, bribe costs reported as a percentage of sales were higher than for security costs as well as for crime costs when reported this way, while the opposite was the case when reported in absolute amounts. If our hunch that the absolute value reporting may be closer to the actual incidence holds (since it makes the respondent to think more carefully about what expenses they really are) the security/crime complex may

in fact on average be a substantially more serious economic issue for African enterprises than corruption.

Looking at the data for Kenyan enterprises that are given in Clarke's article, Kenya is at the upper end when it comes to the fraction of firms that report paying bribes (79%) while their average bribe costs are around the African average (2.7% of sales). For the Kenyan enterprises that report bribe expenses as percentage of sales, Kenya is at the lower end (4.2%)[37]. For comparison we may take Rwanda as an extreme case at the other end.[38] There only 20% of the firms reported that they had paid bribes, but when they did, they paid a large percentage, 11.3 %, of sales.

The World Bank Enterprise Surveys are also used in Iarossi (2009) where Kenyan enterprises' experience and perception of crime and corruption are part of his report on investment climate. He compares the 'investment climate' in Kenya to China, India, South Africa, Senegal, Tanzania and Uganda. Regarding the firms' subjective assessment of the importance of crime and corruption as 'major or very severe constraints', 38% of Kenyan firms considered corruption to be so while 33% considered crime a major constraint. That is, corruption is considered to be more serious than crime. Compared to the other six countries only Senegal held similar widespread concerns for corruption and only South Africa had so for crime.[39]

Interestingly, while more firms located inside Nairobi feel constrained by corruption, the opposite is the case regarding crime: while 28% of Nairobi firms feel constrained by crime, 41% of firms outside Nairobi do so. This is particularly intriguing when looking at the (slightly) more objective cost reports: Here it is told that crime costs for Nairobi firms constitute 4.8% of sales values, but only 2.7% of sales for non-Nairobi ones.[40]

 Returning to the comparison between Kenya and the six comparator countries, but looking at the reported objective costs of crime and se-

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[37] For the Kenyan firms that were reporting bribe values, they constituted only 0.6% of sales.
[38] We choose the comparison with Rwanda because of the extremely low police corruption reported in TI Kenya's latest East Africa survey.
[39] Regarding crime, Kenyan worries were just a little above the African average. For example more than fifty per cent of the firms in countries like Benin and Ivory Coast and Jamaica held such concerns. In Kosovo, DRC, the Dominican Republic this share increases above sixty per cent. Regarding corruption considered as constraint, Kenya is at Sub-Saharan average that again is below both the Middle East and Latin America average (cf. http:www.enterprisesurveys.org/ExploreTopics/?topicid=3, assessed September 1, 2011). The sample size of Kenyan firms is about the same as in Clarke (2011).
[40] When comparing the relative importance of crime versus corruption, the costs of crime are higher than corruption for both Nairobi and non-Nairobi firms, a result that is reinforced when we combine crime and security costs. If we add all these cost items; corruption, crime and the protection against it, they cost Nairobi firms 12.3% of the value of their sales.

curity, the costs are considerably higher in Kenya than in the other countries. While Kenyan enterprise reported 3.9% loss due to crime (security expenses 2.9%) the nearest one was Tanzania with 1.1% (2.3%).[41] Regarding the 'objective' bribe costs they were 3.6% for Kenya, but here Uganda was above (3.7%) and Tanzania close (3.4%). When discussing these as 'objective' costs we should of course have Clarke's warning in mind; the sensitivity of the estimates to the exact formulation of the questions in the questionnaire. When looking at this specific selection of countries we may also note when comparing that perceived high crime country, South Africa, with Kenya, the enterprises' concern with crime were almost at par (29% of the enterprises in South Africa perceived crime as a major constraint against the 33% in Kenya, Iarossi: 24), the reported cost difference was substantial: 3.9% in Kenya against 0.6% in South Africa, that is more than six times larger as share of sales (World Bank, 2009: 3).[42]

In these surveys the expenses due to police corruption are not sorted out, but as we will see, in the cases where police corruption are specified together with the other agencies' petty corruption income, police corruption constitutes a major share and tend to follow the aggregate levels. In any case, bribes paid to the police will be lower than aggregate bribes, so if the enterprise expenses on bribes are lower than the ones induced by crime, then certainly the expenses on police corruption must be lower too.

Summing up this research, it appears that both corruption in general, police corruption and crime levels in Kenya are at the higher end compared to most other Sub-Saharan countries according to the Afro barometer rounds and World Bank' enterprise surveys, but not exceptionally so. Somewhat surprisingly, influence peddling is less in use in Kenya, particularly regarding the police, than in comparable African countries.

4.3 Crime research with focus on Kenya; Survey results
It is striking that while Kenyans themselves appear to consider crime as a more serious issue than corruption; fewer surveys have addressed it. Nevertheless, several interesting surveys of the crime victimisation type have been published:

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[41] World Bank (2009: 3). This publication builds on the same original World Bank report 'Kenya Investment Climate Assessment', World Bank, Washington D.C to which we have not gained assess at this time of writing. There are some minor discrepancy between the Iarossi (2009) and World Bank (2009) numbers that need to be clarified.

[42] The main explanation here may simply be that the South African firms are larger and some of the security and crime costs are likely to be of a fixed-cost type. A similar argument may apply when Kenyan and Rwandian firms are compared where the Kenyan ones may be larger..

- We have already presented some of the more telling results from the crime research embedded in the *Afro barometer surveys* as part of a comparison of Kenya with other African countries. So far we have three Afro barometer surveys with data from Kenya (collected in 2003, 2005 and 2008, each with a sample size about 1 200). It is the only survey we are aware of where academic research and not policy aims have been the major motivation.

- The largest survey where crime and corruption questions have been combined was made as part of the efforts to implement the so called 'Governance, justice, law and order sector (GJLOS) programme'. GJLOS was an expensive, extensive and complex attempt to reform the whole judicial sector of Kenya. We will call its benchmark for the *GJLOS survey*. A large number of international donors, NGOs and Kenyan public organisations have been involved. While the survey was performed by a private consultancy firm (the Steadman Group, now Synovate) the context was quite official. The sampling frame used was the one already developed by the Central Bureau of Statistics. The sample size was exceptionally large (12 442 respondents) and great efforts were made to make the sample representative of the whole Kenyan population. The sample was composed of sub-samples from each province large enough to claim statistically significant results also at the provincial levels.[43] The major aim of the survey was to make an empirical baseline so one later could study the effects of various policy actions as causing deviations from this base line.[44] As part of this base line a number of questions on both crime, and police behaviour and corruption were formulated.

- The most recent one to cover the whole Kenya has been a crime victimisation survey organised by UNODC (UNODC, 2010) and implemented by the Kenya Institute for Public Policy Research and Analysis (KIPPRA). The sample size is about 3 000 households. It is part of a large international effort to make comparable crime victimisation data that has lasted more than two decades (see Van Dijk, 2008: 20). The crime classification is finer than in the other surveys and follows with some modifications the fixed UNODC/UNICRI -nomenklatura that has been applied in a number of studies the last two decades (see Van Dijk, 2008) in order to make the results comparable across time and countries. This Kenya survey has some unique features, however, as it ask respondents about crime experiences in three different periods 2005

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[43] Tentatively the results were also presented at the district level. Due to the low number of respondents in each district the results here were presented by percentage ranges, not unique numbers.

[44] Hence it should have been followed up by a number of later surveys. To our knowledge such studies have never been made, however. Hence no attempt to study the empirical effects of different policy reforms in the judicial sector has in fact been made.

– 2008, 2009 and the first two months of 2010. It also used the sampling frame of the Kenya National Bureau of Statistics.

- In addition to the surveys that cover the whole country a few have focused on Nairobi only. Here a crime victimisation survey of Nairobi organised by UN- Habitat (Stavrou, 2002) has been important by bringing the everyday presence of crime to life, but it contains less information about police corruption. We will call it the *Stavrou survey*. It consists effectively of four parts. One is a rapid survey of individual respondents sampled mostly from public places, the 'scan'. While efforts were made to make it representative[45], it could not claim to be wholly random, but it was a large sample (7 954 individuals) and it was used to improve the subsequent second part, the 'main' survey that has greater claims to being representative, also using a more detailed questionnaire (size: 1 500). Similarly there was a rapid 'scan' of enterprises' crime experiences (size: 667) developed into part of the main survey (size: 300). Here we may also mention a study by Ngugi et al (2004) – later called the *Ngugi report* that deals with a wide range of crime and security issues in Nairobi.[46]

   Since Stavrou's survey, as mentioned, only focuses on Nairobi it cannot properly be compared with the Afro barometer, but the citizen part may be compared with the GJLOS survey's Nairobi results (and its enterprise part with the World Bank enterprise survey -since that was split into a Nairobi and non-Nairobi part.[47]

The Stavrou citizen scan was fairly detailed with respect to crime forms. Among the crimes listed in the Stavrou scan we find that 37%

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[45] Only 13% of the respondents were from a slum area according to Stavrou (2002: 28), so slums appear to be underrepresented since about half of Nairobi's population may live in slum-like areas. The traditional number is 60% but after the dramatic scaling down of the population size in Kibera to about 1/4th of the traditional 1 million (*Daily Nation*, September 3 2010), there are reasons to doubt the traditional estimate of the share of slum population of Nairobi as a whole too, but in any case it is larger than 13% however one defines 'slum.'

[46] This study has collected samples from households, individuals, enterprises, NGOs and security workers (except the police (who the researchers were unable to get to respond despite efforts). It is more specific about the spatial crime distribution in Nairobi. For this reason we have been unable to use it as much as we would have liked to, since they have combined the different respondents group to a kind of spatial cluster view that makes it difficult to compare most of its results with the other surveys. Moreover, it is sometimes unclear which group respondents the tables actually refer to.

[47] We are only aware of two major efforts in studying crime in Kenya that seek to cover the whole country that is not based on survey data. One relied mainly on official records from the police, prison and courts, Muga (1975). Its main interest today is that it combines fairly detailed crime nomenklatura with tribe nomenklatura of the offender, but the author has refrained of trying to ask whether there is significant difference in arrest rates across tribal identities. Arrest rates across tribes obviously may hinge upon eventual criminal propensities, police discrimination and a number of structural economic differences. Later the police's crime statistics become unavailable till 2001. Partly to compensate for this information gap a series of publications based on content analyses of stories from the leading newspapers were collected and presented by Augusta Muchai at Security Research and Information Centre around 2000. While the number of cases were below 1 000 and could hardly be considered representative for the crimes experienced by Kenyan citizens, they make an interesting and representative view of what kind of crimes that reached the newspaper columns (e.g. Muchai, 2002).

of Nairobi's residents had been a victim of robbery, 29% of house burglary, 22% of theft and 18% of physical assault during the last year. This was results that did not differ much from the Afro barometer results. If one could assume that everyone was hit by only one crime, everyone would be hit by a crime every year.[48]

According to the GJLOS survey the situation is not quite so serious.[49] It included Nairobi as a separate sub-sample so the citizen part of the Stavrou survey is in principle comparable with it. Regarding the basic simple question of whether any member of the household has been a victim of a crime last year 16% of the respondents answer yes. Nairobi is clearly more exposed to crime. The GJLOS survey reports that 30% of the Nairobi sample respondents claim at least one crime experience the last year. The urban clusters generally report a higher crime incidence than the rural ones – 23% against 14% according to the GJLOS survey. Rift Valley and North Eastern province have clearly lower crime rates, 7% and 4%. When aggregating the different forms of violent crimes (murder excepted, since they for obvious reasons are difficult to include in any victimization survey) they constitute 25% of the crimes; that is 4% of the respondents in Kenya and 7.5% of the respondents in Nairobi are exposed to a violent crime during a year, according to this survey. This is significantly lower than the 17.5% that had been 'physically attacked' according to the Afro barometer (round 3) result[50] and also lower in the case of Nairobi compared to the Stavrou's 18%.

The reported crime frequencies in the *UNODC report* of Kenya are higher than in the GJLOS report but lower than in the Afro barometer. (We will later see its corruption frequency is close to GJLOS.)[51] The UNODC makes a basic distinction between household crimes and crimes against the individual respondent that is not made in the other surveys. Individual is in this case something that characterise the crime not the way the respondent is sampled (the sample size here is 3000 *households*). The survey reports that about 10% the respondents

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48 The Afro barometer round 2 (which was from 2002 and hence nearest in time to the Stavrou investigation) had a similar result, again if assuming (unrealistically) that each household experienced only one crime form each year. In addition 17.7% of the respondents reported that they had been exposed to physical attack and 39.2% that something was stolen from the house. The questions are not formulated exactly the same way, but given that the Afro barometer sample was taken from the whole country, its crime recording is quite high.

49 The survey was performed in the period 20th April – 11th June 2006. The GJLOS survey was a large scale effort employing 135 persons and it received considerable media attention, both paid and unsolicited that may have influenced the response rate (which was intended) but also the actual verbal responses emitted – less desirable for a baseline.

50 The Afro barometer round 3 was made in 2005 and hence is the nearest in time with the GJLOS survey. The 17.5% is reached by adding the percentage that was attacked 'once or twice', 'several times', and 'many times', assuming then that these groups are disjunctive.

51 Note that comparisons here cannot be exact since the definitions are not the same. That granted, the differences in reported frequencies are so large that this ranking is quite clear.

had experienced theft as individuals, 5% had been exposed to an assault and 4% to robbery. As a member of a household 6.3% had experienced a robbery and 6.5% have had livestock stolen. If we simply add all these forms of household and individual crime together and add the other forms of crime experiences in the specified UNODC list, keeping consumer fraud, attempted burglary and corruption out; we get that 18.4% of the respondents had experienced a household crime. Doing the individual crimes the same way, 20.4% had been exposed to one of these forms of crime. Hence 38.4% of the respondents had been exposed to one of the UNODC specified crime forms.[52] The most common crime in the UNODC survey was in fact consumer fraud (a crime not asked about in neither the Stavrou or in the Afro barometer surveys. Therefore we too have not counted it in the aggregate crime experience). 22 % reported that they had experienced consumer fraud the preceding year.

Similarly, when we add all the forms of crime where goods are stolen from home, they constitute 42% of the crime recorded in the GJLOS survey; that is, about 6.7% of the respondents report that they have experienced this. Again, this is lower than the corresponding number from the 2005 Afro barometer where we find that 35.6% of the households have had such an experience. For Nairobi, 37% of the respondents in the Stavrou (2002) report that some goods have been stolen from their home last year while 12.6% of the Nairobi respondents in the GJLOS report that they have experienced a form of theft from their home or homestead during the last year .

With respect to *perceptions* relevant for judging the welfare costs of crime (and therefore also relevant for anti-crime policy) such as the feelings of *fear of crime*, the results were dramatically higher and brought in through the Stavrou main survey: 52% of the respondents 'worry about crime all the time' and 75% 'feel unsafe in their homes at night' (ibid.: 32). In the Afro barometer 58.8% of the respondents have felt fear of crime at *least once* during the last year.[53] Even so, they must have felt even more unsafe outside home since 72% of all residents avoid travelling and working after dark. But here the police might also have contributed. As we will see, at that time the risks of arrests may be high. The UNDP study reports that in urban areas 48% of the respondents feel 'a bit unsafe' or 'very unsafe' when 'walking' away from home while 30% do so at home. In rural areas the corre-

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[52] Simple adding this way is likely to exaggerate the share of households that experience crime and underestimate the number of crimes per household. For example, a respondent who has experienced an assault may also have experienced a regular theft.

[53] In the Afro barometer round 2 survey 9.4% per cent 'always feared of crime at home'. UN-Habitat has made a similar study of Dar es Salaam (Robertshaw et al., 2000), using the same methods as in the Stavrou study from Nairobi. Here 61% felt unsafe walking in their neighbourhoods after dark, a significantly lower percentage than in Nairobi since presumably people feeler safer in their homes than walking outdoors.

sponding numbers were 35% and 21%. The Ngugi report has some interesting observations regarding the *distribution* of fear (Ngugi, 2004: 37). Among their household respondents 18.8% of high income households felt 'unsafe or very unsafe' when at home, 42.2% of middle income and 45.8% of low income household felt this way. When carrying out activity in Nairobi city the corresponding responses were 44.0%, 57.2% and 56.7%,[54] 'when walking.' The question about *fear* is formulated in a way that makes it difficult to relate GJLOS either to the Afro barometer, UNDP or the Stavrou surveys. In GJLOS only 11% feel insecure at home while 39% feel somewhat secure and 49% feel 'very secure'. In Afro barometer round 3, 58.7% report that they had feared crime once or more while at home, a result seemingly at odds with the GJLOS result. But if we only look at the extreme categories the result may become comparable: 41.2% of the Afro barometer respondents told that they never fear crime at home while 7.9% told that they always fear crime. Maybe the respondents to GJLOS interpreted the question of 'feeling insecure' to mean 'feeling always insecure'?

In addition to their perceptions about fear the respondents in the Stavrou survey were also asked about their perceptions of the *causes of crime*. Perceptions here are clearly of considerable policy importance. The cause of crime most frequently cited was 'unemployment' which forces people into crime, then 'poverty' (Stavrou, 2002: 31). That this kind of 'social' understanding of crime is supported in the Ngugi survey that states: ʻAll the respondents unanimously reported that poverty and unemployment is the main determinant of rising criminal activitiesʼ (Ngugi, 2004: 53). If, for example, 'human greed' had been perceived as the main cause, the space for crime 'fighting' policy will look quite different. Harsher policies will be called for.

When regarding policy relevant perceptions it was also significant that the respondents in the Stavrou survey claimed (Stavrou, 2002: 33) that 36% of all crime could be attributed either directly or indirectly to the police. This is confirmed in the text of Ngugi (2004: 53 -54 and in table 4.26) where corruption both in the police and in the judiciary together with demoralisation of the police and the loss of public confidence are listed up as noticeable causes of crime. For example, around 10% (ranging between 0.4% and 22%) of the respondents across Nairobi constituencies list 'high level of corruption in the police force' as a cause (ibid: 55 – 56).

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[54] The household sample size was 845 respondents (ibid.: 25).

4.4 Police corruption in Kenya: More survey results

Unlike crime, which despite large public concerns has received only modest research interests, a fairly large number of surveys has been made in Kenya that have asked questions about corruption in general and police corruption in particular, too many in fact for us to discuss them all here. In addition to the Afro barometer surveys we will mainly focus on three of them, the GJLOS survey which crime results we have already discussed, the UNDP and the TI-Kenya's surveys.[55] In addition we will bring forward the few results on police corruption from the Stavrou survey since this was an attempt to bring together the phenomena of our concern – crime and police behaviour – in the same survey.

In the UNODC survey corruption is not a major issue, but only considered one form of crime that victimise a number of households in 2009, 456 out of the 2964 respondents – to be precise. The police doing general duty made up 36% of those cases, traffic police 8%, thus 44% altogether. This implies that about 6.8% had paid a bribe to the police in 2009. This is not the whole story. In the report it is noted that random inspections is a common method used by the Kenyan police ostensibly to maintain security (note the old-time kipande inspections)) by stopping pedestrians or vehicle owners. 48% of the respondents had experienced this and 47% of those again had to pay a bribe.[56] That is, 22.6% of the respondents had paid this bribe (or extortion fee). If we assume (unrealistically) that no one paid both the estimated share of citizens who paid a bribe to the police in 2009 was close to 30%.

TI-Kenya has produced a comparatively long time series on police corruption comparing the police with a number of other public organisations. While the GJLOS survey and the TI-Kenya surveys mainly focus on which institution (police, local administration, etc.) that the respondents paid a bribe to during the last year,[57] the Afro barometer

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55 For example, Kenya's Anti-Corruption Commission (KACC) has several years published an enterprise survey on corruption, e.g. KACC (2007) and a National Corruption Perception Survey (KACC, 2006). Although mostly only tangential to our interests, the latter confirms once more that the Kenyans consider the police the most corrupt of their public organisations, 69% of the respondents told the interviewers so.

56 Interestingly neither the interviewers nor the respondents considered this as regular bribes. We had to adjust for this when we collected our own community data.

57 Kenya has also been included in Transparency International's comparative Global Barometer survey a couple of times (in 2006 and 2004). For 2004 the registered frequency was 19%, in 2006 it was 21%, 17% less than what the same survey found for Nigeria. This includes all kinds of street-level bribes paid, not only to the police. These results should indicate some of the large variation found by surveys using similar questions about the respondents' corruption experience. The size of the sample and the rigorousness of the methods used to ensure random sampling were modest. A large research cooperation between central bureaux in a number of French-speaking African countries (the '1 2 3 surveys') has explored corruption issues using the sampling frames of the bureaux which should ensure more representative samples. For most countries they got even lower reported corruption frequencies. Kenya was not included, but in the case of Senegal for example, the reported corruption frequency in the 1-2-3 survey was about a half to close to a

surveys sketch typical situations and ask whether the respondent have paid at least one bribe in this situation or not.[58] Two of the situations outlined have been kept throughout, that is 'bribe to get a permit or document' and a bribe to 'avoid problem with police' and we see that the situation appears quite similar across the rounds:

Table 1. % Kenyan respondents paying at least one bribe last year (Afro barometer)

Bribe act type	Round 2 (2003)	Round 3 (2005)	Round 4 (2008)
Permit	28.8%	24.9%	27.6%
Avoid police	27.3%	29.2%	25.6%

(Source: Various tables from the Afro barometer web page)

If we compare this outcome with the GJLOS survey the situation appears dramatically different. The GJLOS reports a much lower corruption frequency − about 12% altogether − as an average for rural and urban areas. GJLOS survey published a separate corruption frequency for the police in each Kenyan province. The police narrowly defined were involved in more bribing incidences than any other institution - 33% of all (for Nairobi 37%). If we include the fact that some of the other institutions engage in policing more broadly defined as are the case of chiefs and the administration police, we may add a 10%. This implies that about 50% of the bribing incidences in Kenya as reported by households in the GJLOS survey are related to policing. That is, about *6% of the households* pay a bribe to policing during a year.

 Due to its large size and its efforts in making sample representativeness, I will use the GJLOS survey report as a frame for comparison of the various survey results. Note, however, that since GJLOS study received considerable public attention as part of the Kenyan government's policy efforts to reform the judicial sector, the respondents as well as survey's organisers may have significant strategic interests in its results and may have answered (or influenced answers) accordingly. Efforts to use media to improve response rates and thereby to improve the statistical significance of the results may have strengthened the framing effects and caused stronger distortion of the 'true' results.

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quarter of the Afro barometer and Global Barometer results (the references to the results referred to in this section may be found in Andvig (2008)). The questions formulated were similar.

58   As before we will focus on the round 3 data of the Barometer due to its proximity in time with the GJLOS survey, but since we have corruption data for the different situations that have been held constant through round 2, 3 and 4, we will explore whether there have been any striking changes here.

Stavrou's (2002) research into crime and police behaviour in Nairobi which also includes the small sample of enterprise' experiences, is more detailed on crime than corruption, but the limited information it contains about the police, suggests that it was in the high range compared to the GJLOS here too . About 25% of the households and 50% of the commercial enterprises admitted that they had bribed a police official the last year (Stavrou, 2002: 106).

TI, Kenya has pioneered surveys of corruption experiences. The organization has made a survey almost yearly since 2001. The samples of respondents have increased and in various ways become more representative both geographically and socially. Their main results, while fluctuating quite strongly from one year to the next, appear generally high compared to other surveys. In both 2001 and 2008, for example, almost 60% of the respondents answered that they had a bribe experience with the police (TI Kenya 2001, 2008). Adding the experience with other agencies each respondent would have on average more than two bribe experiences each year. While not necessarily unrealistic, these results are certainly different from most multi-country victimization surveys, including the other ones from Kenya. The Afro barometer is a partial exception.

The TI Kenya survey reports contain substantial information not included in the other surveys, information clearly relevant for explaining corrupt behaviour: the number of transactions a respondent have with each public agency, assessments of the relative frequency of officials in each agency that have accepted bribes, the average size of bribes paid to employees of each agency, and so on. Each dimension of the corruption phenomenon pertaining to each agency are then compared and aggregated. Each dimension receives the same weight. The resulting index may then reveal the different agencies overall corruptness. For most dimensions in almost every year the police appear as the most corrupt and have therefore been ranked as the most overall corrupt every year. This confirms the general observation about the relative corruption propensity of the police in developing countries made in Andvig and Fjeldstad (2008). To make their results about corruption propensities comparable to the other results we have chosen to focus on the percentage of respondents paying bribes and the percentage of respondents having transacted with the public organization in question. To have another Kenyan public institution to compare with, we have chosen public hospitals since we find this institution also among the ranked ones most of the years that TI-Kenya has performed its corruption survey. In general TI finds exceptionally high corruption levels:

Table 2. Incidence of bribe payments to the police and public hospitals 2001-10[59]

Year	% of respondents paying a bribe to the		Given an interaction, % of respondents paying a bribe to	
	police	public hospitals	police	public hospitals
2001	57,5	20,1	90,4	77,1
2002	70,7	31,3	96,9	86,8
2003	28,4	23,7	82,1	41,2
2004	25,6	24,9	81,6	38,2
2005	32,0	22,4	82,3	38,4
2006	36,7	29,6	63,5	49,6
2008	59.0	38	93	53

In[60] 2009 the TI Kenya survey was expanded to include Tanzania and Uganda and in a 2010 survey Burundi and Rwanda was added. This may give us another set of numbers useful for comparing (police) corruption in Kenya. Again, the prevalence of corruption in Tanzania appears lower than in Kenya. In the 2009 survey 40.9% of the respondents' interactions with the police had resulted in their paying a bribe to the police (against the 63.4% in Kenya). In 2010 the difference was insignificant 54.4% against 53.8 %. In Uganda the prevalence of police corruption (again measured the new way) was also close to Kenya's: 53.1%. The same was the case for Burundi with a prevalence rate of 54.3%. It is noteworthy, however, that unlike Kenya (and in most other comparative crime victimisation surveys) the police in neither Uganda (in 2009 nor Burundi (2010)) were at the top. The ministry of defence, the judiciary and the revenue authority had all higher prevalence rates in Uganda in 2009 (TI-Kenya 2009: 49), but were back on the top – as normal – in 2010. The customs/revenue authority was at the top in Burundi.[61]

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59   Sources: TI bribery index Kenya for 2001 – 2008, East Africa bribery index 2009 and 2010.The numbers across years are only roughly comparable due to changes in sampling procedures, institutional changes and partly to changes in definitions. The 2001 survey sin particular should only be considered as a trial since the number of respondents were about only half of the ones later collected (about 1200 against 2 400) and confined to urban areas. Higher income and education groups were heavily overrepresented. The survey planned for 2007 was delayed to summer 2008 due to the disturbances at the turn of 2007-2008. Some of the large changes in the police index are probably due to changes in monitoring responsibilities for the matatu industry between the police and the Ministry of Transport.

60   In the 2009 and 2010 it appears as if the prevalence definition used is changed from #bribes paid to institution/# respondents to # bribes paid to institution X/ #interactions with institution X Hence, we can't compare the prevalence rates with regular victimisation rates later than to 2008. In the next section we are using the new definition of prevalence rates for the comparison of corruption levels across the East African countries.

61   In the newest survey (TI Kenya, 2011) the police was again on the top in all the five countries. While still low it was now possible to make some statistics for Rwanda. While in 2010 only 78 out of 4350 interactions with public organisations had given rise to a bribery situation, in 2011, 1 358 out of 6 954 interactions had done so. And the police was on the top where 21% of the interactions with the police had given rise to a bribery situation.

The most striking result from the 2010 survey was the remarkably low corruption rate in Rwanda in general and for the Rwandan police, in fact so low that no specific rates were published for Rwanda in TI-Kenya (2010), only perception data. Such data is published in a separate study on Rwanda (Transparency Rwanda, 2011) where it is reported a prevalence rate of 6% according to the new definition (and 2.0% according to the old definition, and the one used in most victimisation surveys including ours).

In the most recent survey of corruption in the East African countries (TI Kenya 2011) Rwanda this time had enough bribery observations to make some ranking of institutions possible. Corruption levels remained much lower than in the other East African countries, however. Rwanda also displays some significant corruption when the public meets its police force, although also for this institution significantly less than what the citizens in the other countries are confronted with. The bribery prevalence (% of interactions with the institutions that resulted in a bribe demand) for Rwanda police was 21%, for Kenya 45%, Uganda 57%, Tanzania 47% and Burundi 52%. In the 2011 East African the police were the most corrupt institution in *all* the countries in the survey, Rwanda included.

One may wonder why the corruption levels are so much lower in Rwanda. The 2010 survey was really remarkable because it brings Rwanda close to OECD corruption rates. This makes it not only really different from its neighbours, but different from practically all other low income countries where we have data. It is so low that one may doubt the result to be trustworthy. Maybe it was caused by fear of the authorities, a fear that somewhat was abated by 2011? That may be part of the explanation, but outside visitors are also struck with the difference in observed police behaviour in Rwanda and Kenya.[62]

We observe that the corruption prevalence in the police-citizens interactions was slightly lower in in Kenya than in Tanzania which is the first survey that has had this result. This reflected quite new develop-

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Otherwise it was remarkable that the overall corruption measure in Uganda has increased significantly (but it is still below Burundi). Moreover, overall corruption in Kenya has dropped so it for the first time was below Tanzania. Whether this was real or due to the inherent variability in questionnaire comes, we cannot tell. It may also have been influenced by the fact that Nairobi is really underrepresented in the 2011 survey with only 8.4% of the respondents (against 12.2% in the 2010 survey).

[62] The experienced Daily Nation journalist Charles Onyango-Obbo, published an article where he analyses why the measures against drunk drivers had no effect in Nairobi. The immediate answer was that no one were caught by the police – and he continued: 'For East Africans, a very good example of how to approach this business of 'over-drinking' is to be found not too far away – in Rwanda….On Friday and Saturday nights, the Rwanda police throw a security blanket around Kigali. They set up roadblocks on every path and road. ….because of low levels of corruption in Rwanda, when you are found to have drunk over the limit, you cannot bribe your way out' (*The Daily Nation*, July 27, 2011). Incidentally, the article points out another serious consequence of police corruption – the number of deaths in traffic.

ments in corruption generally as recorded in this survey. While some of it may due to the fact that Nairobi was underrepresented in the 2011 survey (8.4% against 12.2% of the respondents) and the corruption incidence tends to be higher in this city, as we have seen in the GJLOS survey. Again, the general fragility of survey results should make us careful in making any conclusion, but it is possible that corruption in Kenya experienced a slight decline while corruption in Tanzania is on the rise.

The most important observation from these East African surveys from our point of view, however, is the low incidence of corruption in the Rwandan police. If only partially correct, it indicates the wide *policy potential* there may in fact be in Kenya too for reducing police corruption if only the political support for it is strong enough.

Chapter 5. Plausibility 'tests' – some macro-consequences of the diverging survey results

The wide variation in the survey results regarding both the police corruption and crime incidence raises a number of questions regarding the dimensions of the problems and their likely impact. What will the police earn from corruption if they rates are x or y, what do the public then have to pay when we know the total number of households and police? If the crime victimisation rates are z or w and we know the number of households, how many crimes are there then taking place in Kenya and how do the alternatives fit with the official crime statistics? Are crime rate z more reasonable than w if we know that the police corruption rate is *y* rather than x*?*

The major intention of this section is not to make any precise estimates, but more to see if we may restrict some of the variation in the victimisation data in a rough way when combining them with other measures that allow us to aggregate. This implies that it will suffice to work with rough approximations. In addition to the different crime victimisation and corruption rates we have used in the following, we will treat the following as stylised facts:

- Kenya's population: 40 million
- Average household size: 5
- Hence the # of households: 8 million
- # of police officers: 80 000[63]
- # of households per officer: 100

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[63]   According to the Ransley commission (Republic of Kenya, 2009: 114) it was about 70 000 police officers deployed in Kenya when we add officers in both the administration and the regular police. Assuming some growth we calculate with 80 000 officers. The latter is also chosen to allow us to stick with whole numbers

- # crimes reported to the police per year(official crime statistics): 80 000[64]
- Average bribe size paid to the police: 2 000 Ksh[65]
- Gross pay for new police constable: 21 000Ksh per month[66] [67]

5.1 Crime rates and police capabilities

We immediately note that according to these stylised numbers each police officer makes only one 'successful' crime report per year. This will make for a rather easy police officer life even if not all officers are on the beat, as we implicitly assume in the following. Only one of hundred household will 'succeed' in reporting a crime that will be registered. That is, the registered household crime victimisation rate will be 1% or less. Some crime will be directed against private enterprises or public organisations. How does this 1% max fit in with the various crime-victimisation data we have presented in Chapter 3?

It does not fit at all. According to the GJLOS survey, that reports the lowest crime rate among the surveys presented, the victimisation rate is around 16%, that is, if the respondents truly report each crime incident, only one of sixteen incidences will be registered by the police. On the other hand, if not registered, but somehow brought forth to a police officer, he/she has on average 16 incidents to consider per year, but only one of those will the police officer or rather his police station bring all the way forth so it registered in the official crime statistics. [68]

The UNODC survey presents, as we recall, a much higher crime rate. According to it almost 40 (38.4) of 100 households experience at least one crime event during a year. Then each police officer, given our assumptions, would need to handle 40 crime cases, but only report 1,

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[64] The actual number is closer to 70 000, but varies between 80 000 to 70 000. See, for example, Kenya National Bureau of Statistics (2011: 47), KNBS's web site visited September 12, 2011.

[65] About 21 US $ at present (September 13, 2011) exchange rate.

[66] Maximum pay for a constable is 33 000Ksh per month while the gross salaries for a senior sergeant may reach 50 000 all as of the beginning of 2011 (*Luvei Times*, posted July 18, 2010). The salary rates indicate that the economic value of a single average bribe for the primary collector to be around 10% of a month's salary. We assume that most of the bribe collectors are of a lower rank. Presumable they would have to share the bribe with superior officers, however. Note that teachers on average have a lower pay 13 795 for primary school teachers after a pay rise also taken place at about the same time, late autumn 2010 (*The Sunday Nation*, November 14, 2010.) Education levels among teachers are similar or higher than police officers, so low pay for the police is not an explanation of corruption that should be blindly accepted. That said, the rotation policy in the police force most police officers to organise two households. Hence, they will need a higher income stream to keep the same consumption level as a non-rotating teacher.

[67] The actual average for the bribe size as registered in TI-Kenya's surveys for 2001 t0 2010 when we delete the exceptional year 2010 (when it was more than 10 000shilling) was actually 1801 Ksh,, but given the Kenyan inflation rate 2000 KSH may actually be in the lower end.

[68] It is obvious that only a fraction of what is reported in the police stations' 'Occurrence Books' reach the official crime statistics. If researchers were given access of samples of these books, it is likely that it would be possible to get a much more precise view of the crime picture and the crime registration process in Kenya.

that is only 2.5% of the crimes would be registered. The Afro barome-
ter indicates even higher crime levels – a reasonable interpretation of
the results from the round 2 survey could suggest more than one crime
experience per household.[69] If so, each police officer had, of course, to
handle 100 crime cases a year, given that all were reported. All but
one would then somehow be treated in ways that let it fall outside the
official crime register.

The police are not the only agent that ration crime information and
prevents it reaching the official crime statistics. Households do so too.
They only report a fraction of the crimes they experience. How large
is this fraction? Among the surveys only the UNDOC presents the
crime victims' reporting percentages. The survey does not present any
aggregate rate, but only rates for the single type of crime ranging from
close to 100% (car theft) to close to 1% (corruption). For the kind of
crimes we are mainly considering here – serious, but still everyday
forms of crime such as burglary, robbery, regular theft, and assault –
the reporting rate ranges from about 10% to 40 %. As a reasonable
aggregate reporting rate for these kinds of crime we choose 25%, that
is, households report about one of every four crime experiences they
become exposed to. Let us then assume that the police ration away
crime information with about the same rate as households. If they do,
only ¼* ¼ =1/16 of the experienced crimes will be registered. We
here see that the official crime rate fits very nicely with the reported
crime rate in the GJLOS survey. On the other hand, the results from
the UNODC survey appear to us at least as plausible as the GJLOS
one. If the UNODC results are the 'true one', and the household re-
porting rate is 25%, ten reported crimes reach each police officer a
year and in order to reach the 'output' of one registered crime per po-
lice officer he has to 'kill' 9/10th of the crime information that reaches
him.

 While we may have some empirical information about the house-
holds' crime reporting rates we have no evidence at all about the in-
formation rationing rates – the share of crime reports received from
the public that the street police officer send upwards, the police station
commander decide to investigate, and the share of investigated cases
sent to the court. Here we simply have to play around with arbitrary
assumptions; but note that we may have a *multiplicative* structure also

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[69] The Afro barometer's crime incident measure listed up only two forms of crime: 'how
often anything stolen from the house' and how often physically attack' with answer alter-
natives, 'one or twice', 'several times' and 'always'. When adding those one gets around
40% of the respondents a little above and under in the various rounds). Interpreting the
answers literally (although one may wonder what 'always' may mean in the context), a
reasonable average would mean about twice crime incident per confirming household, i.e.
on average 80 crime incidents a year among a sample of 100 households, and again a
quite busy police. Looked at this way, we believe this to give a too high crime incidence,
however.

inside the police that may determines the final *official crime rate*, mainly determined by the processing of information at the individual police stations, not the single officer. With only one hierarchical level that destroy information in the same rate (3/4th) as the preceding one, only 1.5% of the experienced crimes should reach the official crime statistics, and we are now around the Afro barometer's crime rate as the one most compatible with the official crime statistics. Hence, we see that without getting to know more about the whole crime registration process, we are unable to decide whether the official crime statistics may give us some additional information about the crime state in Kenya.

A multiplicative structure implies that an unexplained variation in either the households' or the police's reporting rates may cause large variation in the official crime rate. The latter is rather stable, however, which suggests that some ex post adjustments are taken place at the final stage of registration.

An additional issue here is how compatible the reported crime rates are with households' reported experience with police corruption, the police corruption rate? As will be clear from our mini cases presented later, *bargaining* between the police officer and the victim about whether to register and then to investigate a crime takes place where a bribe will often be a precondition for both. While a crime is a potential source for bribe income, it is not the only one, so we may not expect any one-to-one correspondence between crime rates a police corruption rates.

In our own survey we asked the officers how many crimes they register per week. The question appeared to be not sufficiently specific, so it was sometimes interpreted as the one the officer in question brought up, sometimes the number of crimes registered at the police station in question so the number ranged from 1 to 1000 with an average of about 78. If all this reflected a crime and assume that the numbers given was for the police station mainly, and we assume this number to be typical for the about 220 stations for the regular police we will get around 880 000 crimes registered per year, around two per month for each officer.

5.2 Household-exposed police bribing/extortion rates

Let us begin with the GJLOS survey. We recall that the aggregate bribery percentage was 12%, that is, out of 100 households 12 will pay a bribe. We further argued that about half of those would go to a policing institution. This implies that if the police would have no other bribe collection possibilities, the average police officer would collect 6 bribes a year, each worth 2000 Ksh, that is, the average police of-

ficer will earn less than half of a month's salary extra through bribes.[70] If we compare that with the same survey's crime rate they appear compatible. If the police only receive a bribe for an (informally registered crime, each officer would receive 4 bribes a year and 8000 Ksh. If some of the bribes received are not related to crime acts, we should be fairly close to a consistent picture of a modest police corruption.[71] Let us on the other hand assume – rather unrealistically – that all crime acts give rise to a bribe paid to the police, then each police officer could collect 16x 2 000Ksh = 32 000 Ksh a year (about 1.5 months' salary) and the total cost for society would be about 27 million US$.

Again these GJLOS rates are likely to be too low.[72] Let us then look at an outlier in the other direction TI Kenya, 2002 where 70 % of the households paid a bribe to the police. If true, each police officer would gain 140 000 Ksh extra a year, close to half a year's salary extra through bribes (and the direct extra cost to society would be close to 120 million US $, a significant cost for a country at Kenya's GDP level. Finally, we may consider the more realistic Afro barometer estimates around a police bribing rate about 27 % (see our table 2). Then each police officer will gain 54 000Ksh during a year, about two months' salary (and aggregate costs about 45 million US$). If the reporting rate of crime is 25% for the Afro barometer respondents (like the UNODC ones), the aggregate crime rate would be about 100 for 100 households and only reported crimes give rise to a bribe, the police bribe rates would be compatible with the reported crime rates. Or we may consider the reported crime rates in the Afro barometer surveys for one reason or another to be unrealistically high but believe in their police corruption rate that together with the UNODC crime rate under the assumptions that each crime experience give rise to one police bribe event, appear quite compatible.

We could play around with other assumptions. For example, we may assume that only about 1/3 of the police may be in a position to collect bribes and be willing to do so. Hence each corrupt police may now feed on 300 households. In the most corrupt high corrupt situation

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[70] With 80 000 police officers the extra direct cost for Kenyans would be in the aggregate be a modest 1.7 million US$.

[71] We note from the UNODC survey that only one of four bribes were likely to be connected to a crime, since most payments were due to random inspections. If so, the picture changes and the bribe earnings of the police may be much higher. In our survey about 50% was due to such inspections (combined with incarceration and subsequent extortion).

[72] In fact, we have only found one study from African countries that reports as low corruption rates as GJLOS, namely the so called 1-2-3 studies that are based on large scale surveys from Francophone Africa using their official Central Bureaux of Statistics' sampling frames (Razafindrakoto and Roubaud, 2006 a, 2006b). they also get very low bribe rates in countries that otherwise got similarly high rates as Kenya. Having extra-large samples like GJLOS and using better sampling design than most NGO sponsored surveys, the 'true' bribe rates may either be lower than commonly found or their size and official 'look' may have scared respondents to shy away from truthful responses.

each corrupt police may now be able to collect 210 bribes (TI-Kenya, 2002), 75 (Afro barometer) or 18 (GJLOS). If the first is true then the corrupt police will be able to add 420 000 in bribes a year, more than a year's salary. Needless to add the income collected needed to be shared with the police officials who are not in a position to collect.[73]

As we will see in part B of this paper, it appears in our small study that crime experiences and crime reporting give rise to a smaller share of the police corrupt collection events than we originally believed. Hence, there may be less tight connection between the number of crime events and police corruption acts than we held in our priors. While crime registering rely more on the public's reporting acts than the police's actions, the number of bribes or rather the frequency of extortive acts relies more on the police's own active scanning of its environment. The UNDP study supports this observation. Here only one of four bribes was likely to be connected to a crime, since most payments were due to random inspections. If so, the picture changes and the bribe earnings of the police may be much higher. In our survey about 50% was due to such inspections (combined with incarceration and subsequent extortion). If we take the UNDP starting point and keep the assumption of only about 1/3 of the police are potential bribe collectors, each collector will take care of 840 bribes a year and collect close to 1.7 million in bribes. A corrupt police officer will in that case be exceptionally busy,

So far we have assumed that all (the 1/3) police officers who are in position to collect bribes do so. That is not likely. In our own survey about 45% admitted that they had received a bribe. If we stick to the assumptions that on any given point of time only 1/3 of the police force is in a position to collect bribes (but all have once been in that position) 15% of the police force is collecting bribes. Now each would collect more 1 900 bribes and more than 3.5 million Ksh. – this appears not realistic at all since it implies that each active bribe collecting police officer has to collect 9.5 bribes each working day. This may be possible for officers working in the traffic police, but not elsewhere.

Some of the assumptions used to reach this result would have to be changed, but we will not pursue that matter here. The main point is that when we aggregate information of this kind, we may discover that

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[73] Such structure was revealed recently when a policeman stationed at Parklands station in Nairobi – a well-off neighbourhood – shot his boss and then committed suicide. The reason was that he had paid the superior officer to be on duty for a week inside a casino where customer tips and management bribes were substantial. (The latter could be around 1000 -3000Ksh a night. Then the commanding officer had broken the deal and stationed him outside the casino where practically nothing could be earned on the side at the same time as he had kept the bribe the constable had paid him and refused to return it (The Daily Nation, May 28, 2011).

some *combination* of results may appear implausible, even inconsistent while the intuition about the single result in isolation may be completely missing. Hence we may gain additional insight into what the data may tell us through their combination and aggregation.

5.3 The variability of outcomes and the usefulness of reported respondents' experiences

We have already observed that the questionnaire- based approach to the study of crime and police corruption in Kenya has produced so large variation in results, that it becomes difficult to trust the single survey: If we at the outset knew nothing about the incidence of police corruption and crime as experienced by individual respondents and therefore held priors ranging between 0 and 100% with respect to both, the range after having studied them through the different victimisation surveys reported is only restricted to be somewhere between 6% (maybe only 4%) and 70% for police corruption, and between 16% and 100% for regular crime rates. It is not difficult to make new surveys, as we have done, that will be reach results inside this cone.

If we have any intuition about how frequent households experience crime compared to police corruption, the ratio of (# police corruption incidents) / (# crime experiences), we may compare that with the various outcomes from the surveys. We see that it may range between 4.4 and 0.06 if we allow comparing the crime and corruption rates from all the surveys. Do we believe that a typical Kenyan household experiences more frequently a police- or a regular crime? If we only allow comparing that rate with crime and corruption rates from the same survey, however, only the Afro barometer, UNODC and the GJLOS survey have data from both. Here the Afro barometer outcomes rounds will be in the range 0.5 to 0.25 and the GJLOS ones between 0.35 to 0.25. The UNODC fraction varies strongly with which corruption definition pertaining to the police. With inspections excluded, the rate is around 0.18. When they are included it is close to 0.78.

We will have these rates in mind when analysing the results from our own small survey. The incidences of police corruption in that were too many to fit in with the GJLOS, but correspond better with the Afro barometer and UNODC ones.

While the large variation in outcomes was a major motivation for our own try to find out what we could actually 'find out there', it also gives reason for pessimism: how could our results become any closer to the actual crime and police corruption experiences than the existing victimization studies? Our sample is smaller and we will break more statistical rules for proper sampling procedures than any of the reported studies. But *we* have done it, have done our own recording of how

our citizen respondents have experienced the crime and the police's bribe collection and extortion in their neighbourhood, and the police's beliefs about these neighbourhood; and their beliefs about the local citizens beliefs about them. Hence, we consider our survey less as a quantitative survey and more like ten mini case explorations assisted by pre-made questions needed to get information fast enough. Speed was essential given our arrangements with the police.

Part B: Report from a questionnaire-based visit to ten Kenyan police stations with surroundings

In this part we will present our own empirical findings. We will first present our procedure and methodology. It will be obvious from our presentation that we can make no claims to base our results on representative random samples of either the Kenyan police or the Kenyan population. Nevertheless, we find it of interest first to present some of our observations from our *whole population* of respondents of about 50 police officers and 250 community members[74] before we discuss the observations from the separate stations/communities, our mini cases. The latter also presents information of more subjective and contextual nature.

Chapter 1. Methodology and procedures

The basic idea behind the empirical part of our investigation is to collect information from the police with their experiences of working conditions, crime and communities *jointly* with the communities' experiences and beliefs about the same crime events, in addition to their experiences and beliefs about their local police.

1.1 Practical organization

The field work was a very low cost venture. This was mainly due to a lack of funds, but also due to a belief that it would be easier to get honest information if every stage of the procedure reflected the low budget. Nevertheless, lack of funds was one major constraint on the sample sizes. Another restraint that in fact dictated our whole ap-

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[74] In one case 24 members of a youth organization were gathered in the same room where the participants filled in our community form (cf. Appendix 2) on their own under some guidance from the interviewers, us. Naturally in the context they shared questions and answers, and the statistical ideal of considering each response as stochastically independent of the others was even more fragrantly violated for this group of respondents than the others. Not satisfied with this, we compensated with doing a snowballing survey with 25 respondents from the same community. Nevertheless the classroom survey responses added to our information about the community's experience with crime and police corruption, so in Bayesian spirit it would be a waste not to use this information at all. Hence we have sometimes included, sometimes left out this group's information. In another violation of our main procedure, we were unable to collect information from community members around a police station in a well-off district in Nairobi, but we kept the information from its officers. Hence, the community responses remained around 250 and the police officers around 50.

proach was due to the difficulty in getting access to the police stations and interview police officers and with the speed this had to be done.[75]

The procedure: After some efforts we were finally given access to ten police stations through the Commissioner's office. A message was sent out from that office through the police's own commando line to the heads of the ten police stations that they should welcome us and that we should be allowed to interview five police officers. The police questionnaire was given to the commissioner's office, approved there and then sent to the ten station commanders of the police stations chosen by us. The station commanders then knew the content of the questionnaire before we arrived. The command from the Commissioner's office specified date and hour of our arrival. If we did not arrive in time the local commander was not obliged to allow his officers to be interviewed by us. We were allowed to interview five officers at each station. Thus we had to arrive at nine o'clock in the morning at ten different stations ten days in a row, July 12 -21, 2010. This forced us to make the interviews of the police before lunch and the interviews with the citizens after lunch, but we had to finish the interviews with them the same day.

This restraint combined with the fact that we were only a small group of interviewers put an effective roof on the possible sample size to 25 at each citizen group. Moreover, the respondents had to be available at the same location. This made of course any pretense of random sampling impossible, but we made considerable efforts – with the exception mentioned above – to make both the citizen and police respondents to answer the questions independently of each other.

The police stations were located in Nairobi, Central, Coast, Nyanza and Western provinces; two in each with one rural and one urban located station in each province except for Nairobi where we had sampled one station responsible for a slum area,[76] and one responsible for a higher income area. The sampling unit of our investigation was then in fact the police station rather than the citizen respondent.

The research/interview team: Most of the interviews were made by a group of five people, three men and two women ranging in age be-

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75 We recall that Ngugi et al (2004) had not been granted access to police stations in their much larger survey on security and crime in Nairobi.

76 The interview data from this police station proved useless for any shedding of light on the slum community since it was only nominally in charge of the policing of the area. That was in fact mainly done by an Administration Police station where we had no access. The regular police were only contacted in serious crime cases. These interview data have not been deleted either, since they add to our description of the police. When the citizen respondents from this area reports on police experience it will in most cases refer to meetings with the Administration Police. We have not separated out these responses in our report of aggregates, assuming that the behavior of the Administration Police will not be that different. Moreover, the respondents also in the other cases when asked about police behavior will not distinguish between these two police organizations themselves.

tween the early sixties and the late twenties. Two were members of the suit, two of the jeans brigade, with one in between. Three were Luhyas, one Embu and one Norwegian.[77] The overall interview group was headed by Tiberius Barasa, Africa Public Policy Institute. When the group had to split up for logistical reasons, Aggrey Mutimba led the interviewers that went to the Western and Nyanza provinces. The advantage of having such a small group was that the researchers were directly involved in the interview process and would participate in the daily debriefing.

The questionnaires: The police questionnaire was basically plain and logically unidirectional[78] while the citizen questionnaire was more logically complex and had a tree structure. There were basically two forks in the tree. One question was (somewhat simplified) had you experienced a crime during the last two years? If 'yes', – a battery of questions were introduced that inter alia contained questions about possible interactions with the police. If 'no', one jumped to the next set of questions that dealt with possible bribe-paying with the police. Here it was the same: if 'yes' – a new battery of questions were introduced, if 'no', another jump. Given the severe time constrains it was tempting to accept a no-question since it reduced the amount necessary to spend on the respondent.

If one for some reason or another one prematurely got into the 'no'-fork, substantial amount of information could be lost. This proved to become particularly a problem with the initial police bribe question that defined this fork. Given its location in the question sequence *after* the crime questions both the interviewer and the respondent became focused on the link between crime, crime reporting and police bribes, so many first answered 'no' if they had paid bribes that were uncon-

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[77] This team information may appear superfluous, but it is our belief that the results of surveys exploring sensitive, but slow to change issues somehow are likely to be more influenced by factors like this than is often recognized. Otherwise it is difficult to explain such large variation in the reported outcomes of large samples- surveys meticulously planned and executed. The mechanism producing it is probably explained by the fact that respondents are not simply answering the questions they are confronted with, but to the simultaneous occurrence of a question *and* a social situation defined by the interviewer and his/her organization. Part of the social situation is the characteristics of the interviewers, but this is of course not all. Azfar and Murrell (2009) have analyzed the consequences when a subset of respondents doesn't answer candidly on sensitive questions and how to discover and correct for it. We return to it when presenting our questionnaire. Altogether this implies that the assumption of stochastic independence between the responses used to determine statistical significance and optimal sample size will not generally hold. In our case it was, for example, striking that the female interviewers reported much more frequently larger sexual harassment crimes (since their respondents did so) than the male interviewers. While maybe not reflected in the tables, but certainly in our qualitative interpretations it was striking that our Embu colleague was much better in analyzing the results at our debriefing meetings after finishing our interviews in the *Central Province* than the rest of us, as she knew the local language and probably more of the other cultural codes helpful for their understanding.

[78] The police questionnaire was made in a hurry by Andvig and Barasa while the community questionnaire was inspired by International Crime Victimisation Surveys (van Dijk, 2008) and had contributions by Amit Shrivastava and the deceased Omar Azfar.

nected to any crime experience. This made for substantial underreporting of the bribe paying at first. After a while it became evident that a large share of those bribes was forms of petty extortion unconnected to any crime experience. The interviewers started to probe this issue after a while, but there was no possibility of redoing the early interviews.

We made a feeble and simplistic attempt to apply the Azfar and Murrell (2009) method of dividing respondents into a candid and non-candid group by asking the respondent about whether she/he has ever done anything criminal in their life, knowing that most people have done so. The no- answer may then be interpreted as an indication of non-candidness. But the question did not function at all since the respondents were thinking of serious crime and practically all answered no. Given our time-restraints it was in practice impossible to implement the method in the recommended way.[79]

Ethical considerations: One underlying motivation for the investigation has been to contribute to on-going efforts to improve the policing in a country where it has contributed to much misery. From that perspective it might prove helpful to publish the police stations surveyed, but we have considered *anonymity to be an overriding* concern: no single person should be harmed directly as an individual from this project so have chosen not to name the police stations in our community-wise presentations although we don't believe we present information of that harmful kind. Since we lack sufficient oversight of the police commanders' situation we don't know that for sure, however, and we will delay such publishing till we have received permission from them. In our presentation of the aggregate data, we don't consider this a problem, however.

The anonymity of the single citizen respondent's answers has also been an important concern, but it has been easier to ensure that and we don't believe this to have been a problem here.

Although the citizen respondents have spent time and efforts to respond to our questions, we considered unethical to hand out any material incentives. We considered that essential in order to keep our image (and reality) as a low cost project with committed researchers, try-

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[79] To implement Azfar and Murrell (2009) in the way intended, we would have had to add a mix of sensitive and non-sensitive questions unrelated to our direct interests and where the compromising outcome would either be due to a random 'head' or a revelation, and the uncompromising outcome could either be due to a random 'tail' or a deliberate non-revelation answer. The idea is that respondents that report too large difference in the number of heads and tails for sensitive and non-sensitive questions are likely to hold back also when they are asked about whether they have paid a bribe or not and are stochastically more likely to be reticent. To do so in our case would have made it too time-consuming to go through a questionnaire given our daily time restraints.

ing to create an atmosphere where we were together about understanding a set of problems most citizens have come across and would like to rectify. We promised to report back to each community and police station when this report was finished. The only 'reward' we distributed at warm days was a bottle of mineral water.

Although the final sponsor of the project is the Norwegian Research Council, the research has been performed by a Kenyan organization, Centre for Policy Research, which is the one that received the research permit from the Commissioner's office. Hence, all the primary data such as the filled-in questionnaires, belongs to that institution and are kept in Kenya.

The rights to academic publication of the results, however, belong to the individual researchers.

Chapter 2. Observation aggregates. The police survey

As indicated before we will present the respondents responses in two ways. In the first two chapters we present the results for the whole group of police respondents and the whole group of citizen respondents. In the following chapter we present them in police station – community clusters, but here we will make the responses associated with the single police station anonymous. Let us first present the locations:

Table 3: Province and Police Stations[80]

Province	Police Station	Frequency	Male	Female
Nairobi	Kilimani	5	4	1
	Gigiri	5	2	3
Central	Thika	5	3	2
	Kahuro	5	3	2
Coast	Likoni	5	4	1
	Makupa	5	3	2
Nyanza	Kisumu	5	4	1
	Ukwala	5	2	3
Western	Busia	5	4	1
	Nambale	5	5	0
Total		**50**	**35**	**15**
Percentage		**100**	**70.0**	**30.0**

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80   In this draft we have kept the police data from Gigiri, although we have no community results. Being a well-off area it is more difficult to get a sample of respondents willing to answer questionnaires.

2.1 The police officers

Here we note some of the characteristics of this sample of officers – ranks, living conditions, etc.; and some of their beliefs about their work and their community. We see already from table 3 that 30% of the officers selected were women. In one, very small police station, we were unable to interview any, despite our efforts to interview at least one female officer at each station. No one was at duty that day. Note that some of the statistical measures are kept in the tables even if they have no statistical significance and little statistical interest. When kept, it is just to reduce the editing efforts at this stage. Many tables will be deleted when this work leaves the report stage.

Table 4: Marital Status

Marital status	Freq.	Percent
Married	43	86.0
Single	7	14.0
Total	**50**	**100**

Table 5: No. of Police officers children, wives and people in the household

Variable	Observations	Mean	Standard Deviation	Minimum	Maximum
No. of children	48	2.29	1.58	0	7
No. of people in the household	49	4.92	2.76	0	15
No. of wives	35	1	0.34	0	2

43 of the 50 officers were married. On average their households had almost five members including two children, indicating that most officers lived in 'modern' nuclear family structures. No one reported to have more than one wife. On the other hand they reported that on average more than eight people were dependent on their salary.

Their ethnic background is spelled out in the Table 6 below:

Table 6: Ethnic Background

Ethnic	Freq.	Percent
Kikuyu	12	25.0
Kalenjin	7	14.6
Kamba	5	10.4
Luhya	5	10.4
Luo	5	10.4
Kisii	2	4.2
Mbeere	2	4.2
Mijikenda	2	4.2
Nandi[81]	2	4.2
Borana	1	2.1
Digo	1	2.1
Meru	1	2.1
Rift Valley	1	2.1
Sabaot	1	2.1
Teso	1	2.1
Total	**48**	**100**

We note that this appears quite representative for the ethnic composition of Kenya at large, maybe with a slight underrepresentation of Luhyas and Luos. Given our method of selecting police officers for interviewing, it is difficult to tell whether this is the situation for the Kenyan police force at large, but if it is representative, it is not ethnically skewed as it was in the 1950s as described by Throup (1992). Even if representative, it doesn't imply that the Kenyan police have left the old British colonial maxim of letting strangers police the strangers. They may follow a policy that they deliberately transfers police officers to stay in areas where a different ethnic group than their own is the dominant one.[82] – We will explore this further when we look at the police station – community clusters.

But here we may note that 35 of the 49 officers who had answered the question lived in a government house, most (34) living in single rooms. This indicates that the majority lives away from home and may be policing an area where the majority belongs to an ethnic community different from their own. Moreover, it may also be relevant, that the average number of transfers among our stock of police officers is around 5.5. Each had only received one promotion on average, however during their average employment period as a police officer of

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[81]   Note that two of the respondents consider themselves Nandi. For many political purposes Nandi is considered as a sub-group of Kalenjin and will be considered as such.

[82]   Even if a majority is ethnically a 'stranger', some are likely to be local for intelligence and possibly investigation (CID). But for arrests a 'stranger' should be preferred if harshness is sought.

about 8 years. The latter is ranging between 2 and 34 years. Hence, police officers appear to stay in their profession, but to be transferred quite often, but rarely promoted.

The average age of the officers was 36.5 years. Their branch composition and rank distribution are indicated in Table 7 and 8 below.

Table 7: Officers' Branch Composition

Unit	Freq.	Per cent
General Duty	19	38.8
Investigation	5	10.2
Crime Branch	13	26.5
Records	2	4.1
Traffic	4	8.2
Gender	2	4.1
Signals	1	2.0
Others	3	6.1
Total	**49**	**100**

Table 8: Officers' Rank Distribution

Rank	Freq.	Per cent
Constable	27	55.1
Corporal	17	34.7
Sergeant	3	6.1
Inspector	2	4.1
Total	**49**	**100**

Both the branches where the officers in our sample were working and their rank distribution may have been influenced by our wish to be able to interview officers who were 'going the beat' or in other ways had fairly extensive interactions with their communities. The average monthly income of the officers was 17 500KSh,[83] while their monthly expenses were on average 18 000KSh. This difference could of course be explained by eventual bribe income inadvertently admitted[84], but it might as well be due to the fact that at least 14 officers had regular outside income (8 from farming, 6 from business). The living standard among the officers appears modest, however. Almost half their salary was spent on food (and 14% on medical care). The police officers' income was somewhat above the average of the households in the

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[83] This income was reported before the significant wage raise police officers received late 2010. Our estimate of their salary compared to possible bribe income we made in chapter 5, however, was based on post- raise salaries.

[84] We recall that based on the GJLOS survey we estimated that the average bribe income for the police could be 8 000Ksh a year that is a monthly average slightly above 650Ksh, i.e. Not far away from the 500 that expenses exceeded salary.

communities they were guarding according to our community sample. This was about 11 400Ksh per month. The community members also spent about half of their income on food.[85]

The motivation for staying in the force appears as rather pragmatic and dominated by their salaries, as we read from Table 9 below.

Table 9: Reasons for staying in the force

Motivation	Freq.	Per cent
Challenges in the force	2	4.2
Unemployment	9	18.8
Other reasons	10	20.8
Source of livelihood/welfare	21	43.8
An opportunity to interact with the community	6	12.5
Total	**48**	**100**

We see that only 8 (2+6) out of 48 give any task-committed reason, the rest of the 30 who had specified any motive, mention the income received from their job and their fear of losing it if unemployed as their major motivation. On the other hand only 7 officers considered their lack of motivation (including perceived poor salary) as any restraint on their doing their job.

Looking at the economic side of motivation, the infrequent number of promotions (one on average) is one negative factor undermining task commitment motivation. In addition to promotions both the short-term postings of officers by the commanding officer at the station and the long run aspects of postings –the station to be allocated to – are obviously important for the welfare of the officers as well as for eventual corruption structures internal to the police, as illustrated with the tragic story told by Daily Nation from the Parklands Police Station (see footnote 73). We could not delve much into these structures here partly because our focus has been on the direct interactions between the public and the police, partly because questionnaires are not the best method to reveal such structures, and partly for research diplomatic reasons. Questions here might soon have proved too sensitive for allowing the Commissioner's office to give us any research permission.

Only three questions touched upon the issue of whether some illegitimate factors may be shaping the organisational structure of the police. One asked whether the officer had a 'relative' working in the police force. The presumption was that if an officer had a relative, his or her

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[85]   The average of our respondents' individual income was much below this as a quarter of them were either students or unemployed, but they were surprisingly willing to inform about their household's aggregate income and seemingly precise when doing so.

employment, posting or promotion *might* have been influenced by this fact, but this was obviously only a possibility. Only three officers admitted that they had received such assistance when they got employed. To establish such impacts on promotions and postings a lot more probing had to be done than we could possibly do. I9 of the 47 of the officers who answered this question reported that they had in fact a relative in the Kenya Police Force. Some had several. A question that may suggest illegitimate political influence, but only vaguely so, was the following one: 'Have you ever been compelled to attend cases by people who somehow can support you?' Seven of 45 told that they had been compelled this way and 11 of 47 confirmed that they had felt pressured to take a statement from such a person.

At the more positive end of police's organization was that most officers claimed that on the whole they were satisfied with their postings (90%) and their commanding officer.[86] Moreover most officers have received training fairly. Apparently more officers had received training recently than officers used to do before. During the three years 2008 – 2010, our group of 50 officers had received 29 training sessions while in the 17 years 1990 – 2007, they had only received 13 training sessions.[87] Most considered the training useful (90%) when directly asked. The key police organisational problem mentioned was not the lack of training, but the lack of equipment. When asked directly whether the officer had 'the necessary facilities or equipment required for your job?' 43 out of 50 answered that they had not. When asked to compare their task-solving constraints in a more general way, it remained the key issue:

Table 10: Factors constraining officers from serving the community better

Factors	Freq.	Per cent
Lack of equipment/facilities	32	69.6
Lack of staff morale/poor salary	7	15.2
Language barrier	2	4.3
Other reasons	4	8.7
Distorted image of the police force	1	2.2
Total	**46**	**100**

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[86] Needless to explain these are extremely sensitive questions in such a heavily centralised organisation as Kenya's police force. Although we got some secluded space when doing the interviewing, risks of being overheard were not completely absent. Nor could the officers be absolutely certain that we would not inform their superiors despite our assurances to the contrary. So sincere answering here could not always be expected, if the officers in fact felt there were any major problem with these questions.

[87] This cannot be explained by any recent surge in recruitment. Only two officers were recruited in 2008 or later.

We note that only two officers mention language barrier as a cause. When the respondents' attention is directed to some major but somewhat more specified tasks, this impression is modified.

2. 2. The police and the community: Communication when making statements

To take a statement from a citizen is often a major stage in any crime investigation. Here the lack of equipment receded into the background as major problem:

Table 11: Problems encountered while taking a statement

Problems	Freq.	Per cent
Lack of adequate space	2	4.2
Communication barrier	32	66.7
Ignorance/fixed mind	2	4.2
Lack of equipment	2	4.2
Lack of cooperation	5	10.4
No challenge	1	2.1
Other	4	8.3
Total	**48**	**100**

Here we see that communication barriers are listed as the main cause in making recording of statements difficult. If we add the five officers that mentioned lack of cooperation, we see that altogether 37 of the 48 officers mention communication difficulties as the key problem in this form of task solving and only four mention material restraints. This would of course look different if we had asked about restraints in arrest-making or crime scene investigations, but it indicates that communication problems are key factors in Kenyan police efficiency. When asked the more difficult question about the reasons why the problems about receiving statements were encountered, the response rate went down to the half – only 24 answered the question, and we got the following distribution:

Table 12: Explanations of the problems encountered

Explanation	Freq.	Percent
Lack of enough materials	3	12.5
Lack of education	4	16.7
Lack of communication/can't speak English/Kiswahili	12	50.0
No challenge	1	4.2
Fear of giving information	4	16.7
Total	**24**	**100**

If we add the half of the respondents who mentioned 'lack of communication/can't speak English/Kiswahili' with 'lack of education' we find that two-thirds of the respondents focused on a missing ability to communicate on the part of citizens as the major explanation.[88] The fear of giving information as an implication refers more to a perceived lack of motivation to supply information to the police whether the potential informant feared the criminal, the community response or the police. We will return to the 'Lack of material'-explanation when presenting some of the police-community clusters. Although not mentioned by so many, it appeared to us as a major mechanism for facilitating the daily extortion mechanisms applied by some police officers in the poorer police stations. We will also return to the lack of communication matters when looking again and in a more theoretical way at the implicit 'strangers to police stranger' maxim that appears still to have some impact on the postings policy.

2.3. The officers' perceptions of their community and social environment

When asked directly, most officers felt the relationship to the community was good:

Table 13: The relationship with the community

Relationship	Freq.	Per cent
Good	35	71.4
Difficult	1	2.0
No feedback	2	4.1
Fair	11	22.4
Total	**49**	**100**

They also expressed that they believed that the police station was well liked whether that belief was sincerely held or not. 45 of 48 officers told that they believed the community was happy with their services.[89] They also claimed that the police station in fact received active support from the community:

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[88] Lack of education referred to the citizens' lack of education, not missing education on the part of the police who all know Swahili and almost all English. This would only become a problem, however, if the local language of the police officer differed from the citizen in question. We should add that the police expect the citizen to be able to fill in a fairly demanding form themselves in order to accept a statement. This is clearly a key area in future police reforms.

[89] It is again difficult to tell if these beliefs were sincerely held or not. After all, in almost any news media the police are strongly criticized on almost a daily basis. To shut out that barrage of criticism and consider oneself as well liked in the local context demands strong faith or insincerity. We will later see that our community respondents didn't share this faith.

Table 14: Community's support

Supported	Freq.	Per cent
Yes	42	85.7
No	7	14.3
Total	**49**	**100**

It was somewhat surprising that the response rate to this question was so high. When asked to specify what kind of support they receive, we got the following answers:

Table 15: Nature of support

Nature of support	Freq.	Per cent
Give information on criminals	32	69.6
Assist in arrests	8	17.4
Community policing	5	10.9
Other reasons	1	2.2
Total	**46**	**100**

To understand the community policing answer one should note that the main practical aspect of the community policing program in Kenya was that police officers and local political organizations and NGOs would join some common meetings where they discussed local crime issues, jail conditions and so on. Some sharing of real crime information could also take place under this heading, but such sharing proved at times to become problematical for the community leaders.

When asked indirectly about their perceptions about their environment's more sinister aspects such as 'Do you always worry about your own security?' – All officers answered the question and 40 out of 50 confirmed that they felt that anxious at times. To some degree that anxiety may be something the police share with the citizens in general. We have seen from some of the crime surveys discussed before that a large fraction of the population appears afraid of crime – with good reasons – given their experiences with it. Nevertheless, some of the worry evidently is also based on their specific experiences as police officers. When asked about what they feared mores specifically, we received the following answers from the police officers:

Table 16: What are your main security threats?

	Freq.	Per cent
Being targeted by criminals	21	51.2
Robbers	9	22.0
None	7	17.1
Riots	2	4.9
Militia	2	4.9
Total	**41**	**100**

More than every fourth officers told that they had been attacked by thugs/gangs. When probing into those episodes we found that most had been either encountered when the officer was stationed in Nairobi or at one of the Northern borders. When asked about whether any of their family members had been terrorized in the same way 'because of your profession?' only three out of 45 (6.7%) had experienced this. One major reason may be that the officers are stationed away from their homes most of the time.

2.4. The officers' perception and experiences with crime and crime reporting

Our classification of crimes is somewhat idiosyncratic, but it may nevertheless be of interest to not that when we asked 'What is the nature of the crime in the community you serve? We got the following distribution:

Table 17: Nature of crime in your community?

Nature of the crime	Freq.	Per cent
Car jacking	5	10.4
Theft/robbery/fraud	18	37.5
Murder/assault/domestic violence	20	41.7
Other	2	4.2
Militia	1	2.1
Drug trafficking	2	4.2
Total	**48**	**100**

Note that this is a perception question. We asked about the officer's beliefs about crime. The actual distribution of crime registered at the station may prove quite different. Alas, we had no access to each station's crime registrations. When asked about the officers' beliefs about the causes of crime, they appear to be quite similar to the citizens' beliefs as they were registered in the surveys in part A of this paper:

Table 18: Major perceived causes of crime

Major cause of the crime	Freq.	Per cent
Unemployment	15	32.6
Poverty	20	43.5
Cultural beliefs/domestic violence	6	13.0
Land issues	2	4.3
Drugs	3	6.5
Total	**46**	**100**

The emphasis is on unemployment and poverty, reasons that make most perpetrators also the victims of economic misery. But crime victims have also a poverty dimension. One is that poor people are more afraid of or less competent when initiating a contact with the police when becoming a victim of crime. When we asked: 'The perception is that poor people have difficulties in making a statement. Do you agree?' – 20 out of 49 officers agreed. But when we started to probe and suggested that the reason for the negligence might be at the police end, fewer would confirm:

Table 19: Even if poor people succeed in making a statement their cases are rarely taken seriously. Do you agree? Could you explain?

	Frequency	Per cent
Yes	12	27.3
No	32	72.7
Total	**44**	**100**

The subject was evidently touchy. Some reasons advanced by the majority who disagreed were strongly normative: 'Al Kenyans are equal.' Another argues that it would be illogical: 'police services are for free' – or maybe that claim is to deny any perceived accusation of bribery. The majority (19) may deny the verity of the claim: 'All cases are taken seriously', or is this also a kind of normative statement? Some seeks to explain it as cases of 'petty theft.' The crimes are too small to be taken seriously Taken together it seems logical to interpret the answers to imply that the police felt that poor people are less competent in making statements.

The police officers were asked a number of questions dealing with crime reporting and the rationing of cases they actually handled. One interesting aspect of policing is whether crime cases mainly reach the police through the victims' and their family's reporting it or whether the police register the crimes themselves through active scanning of

their environment. Here it appears that the majority of cases reached the police through victims' report, but by not having formulated the questions sharply enough we cannot establish this conclusively:

Table 20: Crime reporting

Crime reporting	Freq.	Per cent
Come to report	18	36.7
Find it ourselves	2	4.1
Both	29	59.2
Total	49	100

By allowing the category both, the outcome becomes too fuzzy, but we find it reasonably that many of the cases in this category consisted in victims reporting the case to the police that after some investigations found it correct to report it as a crime event.

 We probed into the issue of whether the community they monitored experienced a much larger number of crime events than the police would register themselves. This we did by confronting the officers with data that seem to indicate that the police in Kenya generally handle only a fraction of crime cases compared to what household report to have experienced in crime victimisation surveys. To avoid being too extreme we compared to GJLOS conservative crime victimisation findings with the official crime statistics. 10 out of 45 officers blankly refused to accept the truth value of the GJLOS findings, seven pointed towards great workloads – that is internal rationing inside the police – while eight pointed towards non-reporting of crime among the citizens and two officers claimed that part of the explanation was that the community solved the crime themselves. Only one pointed towards the existence of non-provable crime. The critical way the question was formulated made many to deny the existence of any large number of crime events that would never enter the *attention* of the police station.

When formulated in a more understanding way more officers admitted the potential prevalence of the phenomenon:

Table 21: Do you always have capacity to deal with all crimes reported?

	Freq.	Per cent
Yes	18	37.5
No	30	62.5
Total	**48**	**100**

That is, more than half of the officers admit that they do not always have capacity to handle the criminal cases that reach their attention. Furthermore, 30 of 43 officers admit that there are types of crime events that they don't register or take seriously in other ways. – We see that it was much harder for officers to accept the possibility that they did not *know* about much of the crime that took place in their neighbourhoods than to accept that there was a number of crime events they were unwilling or unable to do anything about.

2.5. Police officers' perception of and experience with police corruption

Somewhat surprisingly, most officers were less insulted when we asked about bribe payments than when they were confronted with the discrepancy between the official crime statistics and GJLOS's report on the households' crime experiences. To suggest that they did not treat crimes in their community seriously seems to have hurt their professional pride more than any suggestion of high corruption propensity in the police:

Table 22: TI-Kenya surveys seem to indicate that the police in Kenya are the most corrupt. Agree or disagree?

	Freq.	Per cent
Yes	22	44.9
No	27	55.1
Total	**49**	**100**

All except one officer was willing to answer the question, Almost half agreed with the statement, and about the same fraction admitted that they have come across officers that have received a bribe (22 out of 48) and even admitted that they had received bribes themselves (21 of 47). The bribes were small, however, 1300 Ksh on average with 10 000 Ksh as the maximum.[90] Regarding anti-corruption actions 16 out 46 reported that they knew about other officers that were under corruption investigations.

Chapter 3. Observation aggregates. The community survey[91]

In this chapter we will look at the whole sample of citizens in all the police station neighbourhoods together and see how they on average perceive and experience the crime events that hit them and their com-

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[90] While this is certainly lower than the average bribe size of 2 000Ksh it is not so wide of the mark when we consider the incentive of the officers to regard their own involvement in bribe receiving as a morally minor matter.

[91] Note that the community around Gigiri police station is not included in the following analysis.

munities; their experience with and perception of their local police's behaviour.

3.1. The respondents and their crime experiences

The total number of respondents was 242. Almost 90% lived in areas who the respondents themselves classified as urban, but several of these urban areas were close to or in the interstices of rural land. Hence, when we look at their occupations a larger share were in fact connected to rural activities:

Table 23: Respondents employment distribution

Occupation	Freq.	Per cent
Self Employed, Agriculture	42	17.4
Self Employed, Labourer.	9	3.7
Self Employed, Trade & Commerce (Shops)	34	14.0
Self Employed, Trade & Commerce (Street Sellers)	29	12.0
Others (Self employed)	33	13.6
Wage Employee private sector	22	9.1
Wage Employee (Public Sector)	12	5.0
Student	12	5.0
Unemployed	44	18.2
Missing Values	5	2.1
Total	**242**	**100**

If we adjust for the fact that at least some of the students and the unemployed reside on farms, we may conclude that more than a fifth of the respondents were rural-based. Nevertheless, rural residence is clearly heavily underrepresented in our respondents group. If we add the group of unemployed and street sellers we note that about 40% were underemployed while less than 15% were employed in some of the formal sectors.

As we noted before, the average monthly household income reported was 11 400 Ksh per month. Alas, we were unable to determine the average household size in our sample,[92] but if we use our summary size of 5, this imply household expenses of less than 1 US$ a day per household member.[93] At the purely subjective level 60% considered themselves poor. Only one person considered himself as rich. When it

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[92] The reason was that our questionnaire proved too detailed regarding the respondent's household composition where all members including their ages were to be listed up. When we reached the Nyanza and Western provinces the households' sizes became too large for such detailed enumeration within our time restraints and we could not switch over to a more summary measure in time.

[93] 11400 Ksh (about 115 US$ at the exchange rate at the time of the survey) which implies about 0.75 US$ per household member. While most of our respondents were not well off, this is too low and is probably caused by a sizeable fraction of the respondents were in fact reporting their individual income, not the household income they were asked to report.

comes to questions about various amenities; phone, – water and electricity connections, we got the following responses:

Table 24: Access to infrastructure amenities

	Yes I have.		No I don't have.		Total.	
	Freq.	Per cent.	Freq.	Per cent.	Freq.	Per cent.
A Landline Telephone	5	3.3	149	96.7	154	100.0
A Cell Phone	186	84.5	34	15.5	220	100.0
An Electricity Connection	79	43.6	102	56.4	181	100.0
A Water Connection	63	35.0	117	65.0	180	100.0

We note that not everyone answers these questions, but that a large fraction of those who don't answer it are not likely to possess it. (Note that the response rate is lower for the items that the respondents more rarely possess). Hence while a majority owns cell phones close to a third have electricity and water connection. Very few have a landline telephone.

The respondents are fairly well educated. Less than 40% have only primary school or less.[94] Hence they are not representative for the Kenyan population in this regard either. This education bias is to be expected from our sampling method: To mobilise respondents through one or several local NGO organisations. It is not then so surprising that the level of political participation appears also quite high: 81% had voted in the last election and 70% had been on a political meeting 'during the last five years.' Moreover, everyone had answered these two (implied) questions and displayed active political interests that way.

Compared to the larger surveys referred to in Chapter 4, the reported crime incidence was in the higher end:

Table 25: Crime experience last 2 years[95]

	Freq.	Per cent
Yes	123	50.8
No	79	32.6
Missing values	40	16.5
Total	**242**	**100**

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[94] In the large GJLOS survey wholly 64% reported that they only had the primary school or less (Republic of Kenya, 206b: 11).

[95] We asked about the last two years since our field visits took place the summer 2010 and we should then not catch the special post- election violence in winter/ spring 2008 since this hopefully was an exceptional event. It not only caused substantial political violence, but induced a considerable amount of commercially motivated crime. Nevertheless, we were probably not quite successful since respondents' memories were probably blurred and they are also likely often to interpret it more like: 'have you ever experienced the event?' whether it is formally specified in the questionnaire to have taken place' last year', 'last two years', 'last five years'; or whatever.

We note that more than half of the respondents that answered the question had either experienced crime themselves or some member of their households had done so.[96] What was the kind of crime experienced? Here we had it as an open question, so the respondent could describe it her-or him-self, descriptions that we then had to classify. Somewhat awkwardly (the crimes listed in the table are obviously not mutually exclusive) we find the following distribution:

Table 26: Experienced crime type

Nature of Crime	Freq.	Per cent
Theft	74	54.4
Cheating	2	1.5
Property Crimes	4	2.9
Burglary	15	11.0
Robbery	18	13.2
Physical Assault/hurt/grievous hurt/molestation/sexual harassment.	15	11.0
Domestic violence	3	2.2
Attempted murder	1	0.7
Kidnapping and abduction	2	1.5
Road accident	2	1.5
Total	**136**	**100**

We observe that the experienced crime number is higher after the specification (136 against 123) although this is a more complicated question that normally leads the response rate to go down. One may speculate why: double classification of same event, a question that focuses the memory, causing more events to be remembered, or … When we compare with the police's perception of what the major forms of crime are (Table 15), it is striking that the community's experienced rate of thefts (54.4%) is higher than the police's perception of its incidence (37.5%). The other crime events are difficult to compare since they are obviously classified in different ways by the police and community respondents (as interpreted by us).

Going back to the other surveys in chapter 4 (and 5) in part A, the UNODC survey is the only one that has a category on fraud that could be somewhat similar to our 'cheating', but here the incidence is strikingly different. While only 1.5% of our crime events are classified as cheating, 22% in UNODC were classified as consumer fraud.

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[96] If we only looked at the respondents who had answered the question, the rate would be above 60%, but since people who had experienced crime are more likely to answer, it the rate is likely to be closer to 50%.

3.2 Some psychological, economic and behavioural effects of the crime experiences

Compared to the existing, larger surveys we have focused more on the economic and psychological consequences of the crimes the respondents had experienced. We are fully aware of the likelihood that they when confronted by unstructured situations the respondents may tend to exaggerate the misfortunes caused by the crime. Nevertheless, it is rather striking that almost 65% who reported about the effects told that the crime hit them either very badly (36.9%) or quite badly (the rest). This together with some other effects we may present in the following figure:

Figure 1: Strength in some general economic effects of crime
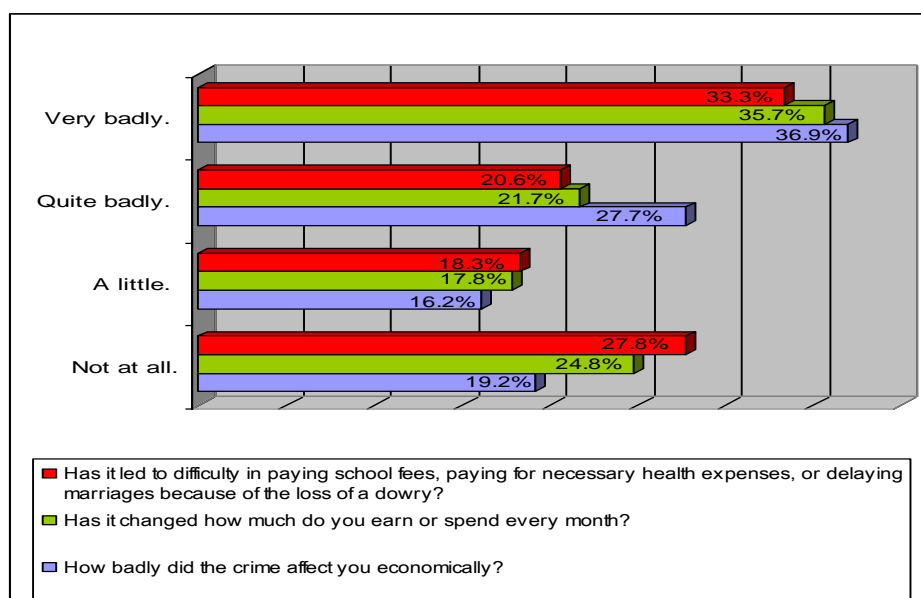
When asked to state the effects somewhat more precisely, we received a set of responses that we classified in the following way:

Table 27: How crime has affected respondents economically

	Freq.	Per cent
Closure of business/change in lifestyle	31	32.3
No effect	11	11.5
Do not meet basic needs after event	22	22.9
Increase in cost of production	2	2.1
Use of savings to restore business/life	14	14.6
Had to borrow	2	2.1
Other effects	14	14.6
Total	**96**	**100**

We see that the effects could be rather drastic for a significant group of respondents since 31 out of the 242 we had asked reported that they had to close business and/or change lifestyle due to a crime experience and 22 claimed that they (for a period) could not meet their basic need because of it. Note that not all the respondents who reported on a crime experience have answered this question. The same applies when we asked about the more psychological aspects and their subsequent adaption to it:

Table 28: Has the crime affected you psychologically or changed behaviour?

	Freq.	**Per cent**
Psychological torture	6	7.4
Fear/avoiding places	27	33.3
Never trust police/people	2	2.5
Come up with other security measures	39	48.1
Change in social life	2	2.5
Other reasons	5	6.2
Total	**81**	**100**

We will make the understanding of the psychological and economic effects more concrete later when outlining a few case stories told by some of the respondents when we reach our community-station cluster presentation.

3.3. Crime reporting and the experience with the police

In a number of studies (Soares (2004), Azfar and Gurgur (2008), Hunt (2008)) using international crime victimization surveys have shown that the victims' crime reporting may give important signals about the victims (they may be too poor to pay the police a visit), about the crime (victimless crime will rarely be reported) and the police (victims will tend to shy police that are far away, brutal, corrupt, inefficient or refusing to process crime information). Moreover a significant part of police corruption, a major object for analysis in this paper arises in connection with crime reporting. Since neither the police nor victims receive any rewards for reporting a specific crime, its no-reporting is a form for collective action problem. Hence, we have asked the respondents a number of questions connected to their crime reporting and their experience with the police. When asking the very general question: 'did anyone from you report to the police or anyone else?' the majority among those who answered told that they had done so , but the response rate was not so high (about half of the respondents):

Table 29: Did anyone from you report to the police or anyone else?

	Freq.	Per cent
Yes	77	58.3
No	55	41.7
Total	**132**	**100**

The large fraction who confirmed that they had reported it is likely to be caused by the open way the question was formulated that allowed reporting to non-police agents. In fact, when we add all the numbers (from the same group of respondents) they sum up to 110 not 55:

Table 30: # of non-reporting distributed on reasons

	Freq.	Per cent
Not serious enough	13	11.8
Solved it myself	15	13.6
Inappropriate for police	2	1.8
Reported it some other agency	1	0.9
My family solved it	4	3.6
No insurance	1	0.9
Police could do nothing/lack of proof	20	18.2
Police won't do anything about it	13	11.8
Fear or dislike of the police/no involvement wanted with the police	1	0.9
Process takes too long	12	10.9
Police would demand bribes	26	23.6
Didn't dare (for fear of reprisals)	2	1.8
Other reasons Specified	0	0.0
Don't know	0	0.0
Total	**110**	**100**

Here we note that the most frequently cited reason for not reporting was police corruption. If we disregard the cases inappropriate for the police (in a wide sense – such as the lack of proof), corruption was reported as the major reason for not reporting a crime.

Summing up some information that we don't reproduce in tables, the following observations may be of interest: The average time for a respondent to report a crime was about 80 minutes (average based on 80 respondents). About one third of the respondents that answered the question (27) received detailed information about how to register the crime and 36 confirmed that the police at least began to investigate the case. Only 15 respondents told that the case had been brought forward to a court. And 18 confirmed that the criminal perpetrator somehow had received a punishment. Among the 55 answering the question 15 told that they somehow got their stolen property back. 32 out of 92

told that they were satisfied with the way the police had dealt with the report.[97]

Nevertheless, respondents come in contact with the police for a number of other reasons than reporting a crime. Only 10% of the meetings with the police were due to attempted crime reporting. Each respondent had had about two (1.93) such meetings during the last five years.[98]

3.4. The respondents' bribe and extortion payment experiences with the police

The respondents' answer to our most general question about police corruption was originally focused on crime reporting:

Table 31: Have you ever been forced to pay a bribe for crime reporting?

	Freq.	**Percent**
Yes	57	39.0
No	89	61.0
Total	**146**	**100**

We note again that the number of respondents who answer these questions is larger than the number who reports that they had experienced a crime. As a percentage of our 242 respondents, less than 25% of the respondents had paid this form of the bribe, i.e. considerably higher than the one reported in the GJLOS survey, but overall lower than most of the TI-Kenya and Afro barometer surveys.

The average bribe size (only 31 respondents answered this) was about 1800 Ksh (higher than what the police reported, but pretty close to the 2 000 we used for our rough assessments in chapter 5, part A). Originally we focused mostly on this form of bribe, but discovered soon that this was not the only reason for paying a bribe to the police as will be clear from the Table 32 below.

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[97] Note that there are a number of inconsistencies here. For example, while only 77 told that they had reported the crime, 92 told that they were satisfied with the way the police had dealt with the report!

[98] Note the asymmetry here. When asking about police and police corruption we ask about happenings during the last five years while the crime questions are focused on the last two years. This is an undesirable feature, but probably less serious than it may appear to, due to the fading-memory effect we have alluded to above. It originated in a consideration that we might get too few police corruption observations since we knew we could only collect a small sample, and since we assumed that the extent of police corruption would be less influenced than crime by the election violence that had taken place 2.5 years before. As is clear from above, the lack of police corruption data proved never to become a problem, but the 5 years' experience time accepted may, after all, explain part of the reason why the fraction police corruption/ crime events is exceptionally high in our survey.

Table 32: Paying a bribe

		Frequency		Percentage		TOTAL	
		Yes	No	Yes	No	#	%
32 a	Have you ever paid a bribe to a police officer to take enforcement action against someone?	35	106	24.8	75.2	141	100
32 b	Have you ever paid a bribe to a police officer *not* to take enforcement action?	44	98	31.0	69.0	142	100
32 c	Have you ever paid a bribe to a police officer to re-lease you after enforcement action was already taken?	44	102	30.1	69.9	146	100
32 d	Have you ever paid a bribe to a police officer to re-lease someone else after enforcement action was al-ready taken?	55	99	35.7	64.3	154	100

If we add all the number of respondents who have paid one of these forms of bribe, assuming that they are exclusive, 235 respondents out of 242 had done so, that is practically everyone. One explanation may be the simple one that we asked about the last five years. If the respondents had perfect memory, that would be about 20% on a yearly basis.

As we have suggested before 32b, 32c and 32d consisted mostly in extortion payments that the police collect from their victims (often at night time) using imprisonment or the threats of it as their major instrument, but that we due to the structure of the questionnaire combined with our focus on crime reporting under-counted these extortion forms. Still these extortion forms constitute more than 80% of the police corruption incidences reported. Some of the explanation may be that our fieldtrip took place just after the World Championship in football where an exceptional large number of citizens ventured into the dark, not all sober, and thus increased the possible harvest for the police of making these forms of bribe collections that may tend to make for a larger number of bribes of this kind than is normal. Nevertheless, there are strong reasons to suspect that these extortion types of bribes are more frequent that the service-induced ones.

Chapter 4. Police and crime interactions in the communities

In this chapter we will look at our data in a different way and highlight the characteristics of each community and police station. In addition we will bring in more of the qualitative observations we made on our visits that may bring more information on the police-community interactions and on the single cases where becoming victim to a crime seem sometimes to move the victim into extreme poverty and/or severe psychological dis-functionalities.

Rural police station A. This is a fairly large police station with around 60 officers located in a village with a small population (about 1 000).

The police station is located together with a local jail. Court and township administration are nearby.

The police station is a divisional headquarter and is supposed to cover a geographical area of about 300 square km and a population of 100 000. Hence the police density is lower than the national average (about 1: 1500 compared with 1:600).[99] The station has only one car (which often doesn't work). All the roads leading to the police stations are unpaved. Practically no streetlights exist in the whole division. It is getting dark around 7p.m all year around. Needless to add, the police are subject to severe logistical restrictions –as is the population at large and particularly so at night.

The average household size in the larger district in 2002 was about 4 (4.02.). Almost half the households are female-headed and about 4% were children-headed. HIV prevalence rate at the turn of the centennial was close to 40%.[100] Poverty level is above national average[101], but varies considerably within the division.

We interviewed five police officers and twenty six community members. About 50% of the latter reported they had experienced a police bribe and 60% a crime event. If our sample was representative (which we cannot claim) about 15 000 crimes should take place during a two years period and 12 000 bribes during the last five years. The high crime rate in the area is somewhat surprising given the rural surroundings. It is likely to have serious economic impacts.[102]

As we noted in the introduction it was striking how different the police and the community perceived their relationship when interviewed in this case. The police from station A told about how willing the community was to lend cars for investigations, that they received con-

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99   We have no information about whether the Administration Police do some patrolling in the division, but they don't have any police station in the division. Our visit took place before the recent constitutional change that may have changed the administrative structure somewhat.

100   All this information is according to Republic of Kenya (2005) «Siaya District Strategic Plan 2005 – 2010.'

101   In 1999 64% was below the national rural poverty level.

102   One of the interviewers asked the victims to assess the economic costs of the bribes and the crimes they had been exposed to. It was only 6 respondents interview by him, but they altogether had experienced crime costs of 88 000Ksh and bribe payments of 9050Ksh..If we, by a stretch of imagination, assume this to be representative for the 25 000 households in the division, the aggregate crime costs for this division should be 367 million Ksh and bribe payments to the police around 38 million Ksh. In 2005 total taxes paid in Kenya was about 300 000 million. If this division paid taxes in the same rate as the rest of the population (it is likely to pay much less), it should be around 750 million. That is, if we believe that the respondents have assessed the costs realistically and looked at the crime costs during the last two years, and bribe costs over five years, the 'taxes' paid to criminals and the police should be about 25% of the ones paid to the government. The uncertainty reigning around these numbers is of course enormous, but they suggest a significant criminal drain on the population's assets.

siderable support through reporting crime, and so on.[103] The community respondents on the other hand reported a high degree of distrust, even fear of the police.

In such cases of diverging perception of a relationship one may ask whether they both are seriously held or whether they are put up to please the interviewers, keep up self-esteem or to avoid negative sanctions from superiors or other community members. There are obvious reasons to question the sincerity of the police reporting, but what about the community respondents? They may at the one hand despise the police because that is the opinion to hold, or because of serious negative experiences, but at the same time they may be willing to assist the police in most situations. That is, the negative perception may not necessarily have negative impact on the policing of the area.

It was not possible for us to investigate eventual effects of the public's negative view of the police in explaining the crime rate reporting during a brief visit. A short year after our visit, several newspapers report on an incident from the prison and police station A, however, that indicates a significant lack of cooperation: about twenty prisoners[104] escaped from the prison an early Friday morning in May 2011.[105] They all escaped in the middle of this rural neighborhood running in different directions, without anyone being caught in flagrante. As late as one month later only one was caught.[106] While on the one hand this event suggests a lack of cooperation between locals and the police, it also suggests as plausible some forms of cooperation between (some) prisoners and (some) police.

In addition to reporting their own bribe experiences our informal questioning of the respondent made them present various systematic forms of police –community interactions.

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[103]   One police officer, who was asked about it, insisted that the community was very helpful and friendly although he didn't know the local language. He claimed he makes 3-4 arrests a week.. His salary was 17 000 a month and consumption expenditures 40 000. He insisted the police always had capacity to do their job although they only possessed a half-broken car. But note that if every police officer did 4 arrests a week and hence 200 pr. year the police station should be able to make 12 000 a year altogether, a number of the right dimension when considered together with the reported bribe frequency?.

[104]   The number was originally set to 11, but 20 appears to be the number settled on.

[105]   Instead of singing hymns in the morning as we experienced, two prisoners had on this particular escape morning being ordered to carry the human wastes from the night in a bucket in order to throw it in the pit latrine. They threw into the face of the prison guards/police instead. This opened up for a mass escape.

[106]   He was caught when attempting to highjack a car (*Nairobi Star* June 10, 2011). When explaining this lack of cooperation in this division, in addition to the general fear of the police we may point to the fact that while the composition of the police officers are ethnically mixed, the police station is perceived as alien by the communities in this division that are quite ethnically homogeneous. This was expressed in the 2007-8 election disturbances where most registered deaths were by gun shot that the Waki commission interpreted as police killings. The main anger in this and the neighbouring divisions was directed against the public authorities, not towards citizens belonging to other ethnic groups.

1) To induce the police to leave the police station for investigating a crime, the victims are often expected to either lend a vehicle or pay for the fuel.[107]

2) When paying a bribe, the police have sufficient local knowledge to discriminate the bribe size after the payer's income.

3) After 8 p.m. it is risky to move outdoors for pedestrians and bikers alike, but less so for car drivers. The police may arrest anyone after that hour in practice whatever they are doing.[108] This has developed almost into an informal form of curfew from eight o'clock at night. Under this situation a large share of people moving around is likely to be risk lovers if not criminals, sometimes legitimizing the police's harassment behavior.

4) While some may pay a bribe on the spot, a significant number of citizens moving around at night are locked into a cell without having done anything criminal in order make them pay either by themselves or by friends or family. This practice is stimulated by the easy access to the fairly large prison attached to the police station in this division combined with the nearby court – both useful for credible threats.

This practice, 4), mixes together basically law-abiding, but risk-taking citizens with hard-core criminals. While this is difficult to prove, a likely negative consequence of it is that this police practice eases the recruitment to organized criminal gangs; the cooperation between youthful risk lovers and hard core criminals, of which the 2011 May prisoner escape described above, possibly is a case.

The 3) – practice may make the local youth to become even earlier risers than the rural settings demand, but on the whole is likely to hamper youthful energy, organizational life and non-agricultural economic activities in general. 1) to 4) together is likely to make the community to report less of the criminal activities taking place than

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[107] This appears to have been an established practice in the district despite the fact that the OCPD of the district long time ago had confirmed that the practice was illegitimate and should be discontinued (*Africa News Service* | November 12, 2003). Whether the blame here should stay with the local police or be moved upwards as due to insufficient grants, we could not tell for sure.

[108] As pointed out before arbitrary arrests are of course not legal in Kenya, but the following rules in the Kenyan *Criminal Procedure Code*, Chapter 75 rule 29 applied at the time of our investigation: 'A police officer may, without an order from a magistrate and without a warrant arrest ….(f) any person whom he finds in a highway, yard or other place during the night and whom he suspects upon reasonable grounds of having committed or being about to commit a felony; ..(h) Any person whom he suspects of being there for an illegal or disorderly purpose, or who is unable to give a satisfactory account of himself;' . This has recently been softened somewhat, in the National Police Service Bill of 2010 where the rule 29(h) was deleted, while in the service bill for 2011 all the odious reference to the 'night' – suggesting larger and more discretionary powers for the police at night time is deleted, but the substance of the rules for 'arresting without warrants' remains otherwise unchanged..

they would otherwise have done, exemplified with the prisoners' escape.

What did the respondents tell about the crimes experienced in the community and their causes?[109] Several pointed towards the police-extortion-criminal-action loops described above. One respondent told about a criminal gang who had attacked a neighbour and three other homesteads using extreme violence. The neighbour had been cut in the head, had an arm broken and had to be hospitalized for three months. In another homestead they had killed a member. The respondent believed this gang was composed by local people who possessed the necessary information of where to break in and by outside members who possessed the necessary knowledge and daring to apply instruments of violence.

Regarding the causes of local crime, in additional to the usual references to poverty and unemployment, some pointed towards envy: if you owned a lot more chicken than your neighbor, you were at risk.

At the positive end, several believed that recent work on a public building, had kept several local youths who had got job there out of the danger zone.

Station B: This is a very small police station. It is located in small town along a paved through road but inside a basically rural environment. The police station contains a prison cell that is so small that prisoners may risk standing the whole night if there are too many of them. It has no car, and the police officers claim that they even have no forms to fill in and register crimes. They have to use their own private paper sheets for form filling and their own mobiles for communication. Not possessing any forms, it is extremely difficult for any superiors to monitor local arrests (like most other kinds of police activities) at the station.

A police officer remarked that station B was a difficult station to stay in since 'the community hates you.' – Here it was not any pretense of cooperation. A respondent told from the other side that 'if you report {a crime} to the police you are becoming a victim'. The expectations were consistently negative on both sides, hence seemingly consistent. Even so, a number of respondents supported that the police made a permanent roadblock despite the opportunities for bribe col-

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[109] In this part we are not only reporting from the questionnaire outcomes, but also from the more unstructured parts of our interviews. Hence we could pick up information about things that had happened with neighbors, colleagues and non-resident family

lection it gave rise when combined with a friendly court.[110] And the local police considered their job here as less dangerous than in larger cities despite feeling sometimes hated.

Regarding local crimes the police considered the victimless ones (and hence crimes mostly not registered in our mini victimization survey) as the most frequent: prostitution and other sexual offences, smuggling (drugs from Uganda) and illegal alcohol distillation and distribution. Police did not get so much involved with sexual offences which are mainly monitored and taken care of by the elders. The illegal liquor most in use, changa'a, is sometimes mixed with methanol, making the stuff deadly, and was according to the respondents the police's main source of bribe income in the area, but falling outside our purview. We were not told whether the local brews were dangerous or not.

Station C: This police station is located in a medium sized city with large through traffic. The station is fairly large, but despite its size it lacked even so basic crime investigation equipment as the one needed for fingerprints. Even gloves were missing, we were told. The citizen respondents connected to police station C were picked up at three different places among which two may be considered rural and one urban, but there were mixed urban and rural residence among the respondents at all interview spots.

Both the crime rate and the bribe rate at the urban location were exceptionally high. Among the 13 respondents registered as located to the urban site all 13 had experienced a crime and 10 of the 13 had paid a bribe to the police. These are exceptionally high rates.[111] Some of the rural interview sites were different. In one we had a sequence of six respondents where there were only two crimes and no police bribe registered, although in one crime case the respondent had to pay the transport for the police to the crime scene.

This police station appeared to be more engaged in community policing ideas than most others, but one of the police respondents in station C admitted that it was more 'difficult to arrest someone from our own tribe.'

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110 In autumn 2009 a national rule forbidding the police to introduce roadblocks was introduced. The law allowed local exceptions, however, if it had local public support, and for a number of other reasons.

111 While the high rates may of course have been accidental, they may be related to the fact that the town is a border town where a large number of trucks are waiting for border control at each point of time. The incidence of non-victim crimes such as transactional sex is exceptionally high. In a thorough work on the subject Robinson and Yeh (2011) estimate that 12.5% of adult women are engaged in transactional sex, many though on a part time basis.

Among the number of crimes reported by the community respondents at least one had changed a family's life and livelihood situation drastically. A group of armed criminals had broken into the house of the parents of the respondent (then a well-off family) and killed her brother. Afterwards the family practically broke down and her parents were unable to keep working in ways that could sustain their former living standard. The respondent was convinced that the murders were cooperating with the police, since 'when the police arrived at the crime scene they didn't wear gloves nor did they take fingerprints.' She interpreted this to mean that the police made not any serious attempt to investigate the crime. – While this certainly, for other reasons, is a real possibility,[112] we have already noted that a police respondent told us that they did not have this equipment (and he could not know that we were going to interview this respondent).[113] The fact that this respondent so quickly drew the conclusion that the criminals and the police cooperated reveals the kind of attitudes towards the police that have developed in Kenyan public opinion. This has to be accepted as one of the starting points for any police reform in the country.

One respondent noted that the bribe charges made by the police and customs increased the costs of legal goods transported through the border town so much that it had induced widespread smuggling in the whole district despite the East African free trade aspirations. Smuggling may arise not only to avoid tariffs, but also to avoid bribes at high density entry points. That in order to keep this smuggling going other public agencies may have to be bribed, however, but we have no data on this possible interaction of bribe incomes between police station B (who may be in position to tax some of the smuggling that seek to bypass the large scale border trade passing C).[114]

Police station D: The police station here is located in one of Kenya's largest cities. It is the main police station in the city. The main building is partly under construction and has become elegant from an architectonic point of view. The houses for the police offi*cers located inside the police enclosure, on the other hand are of the* old iron type, maybe protecting somewhat against bullets, but giving little protection against heat and cold. The community we were looking the police station against, was in the first case a heavily populated part of the city embracing large slum areas. The community respondents collected in

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[112]   The fact that the murders possessed guns could indicate the possibility, but the fact that this was taking place in a border town implied that there were a large number of other possible easily accessed sources for acquiring a gun.

[113]   It was rather surprising; however, that such a fairly large police station located in an important border town with high crime rates could be missing so basic equipment. It was a striking feature in our material that several police bribes reported from the station C area were of exceptionally high value, 15 000 and 20 000 Ksh.

[114]   A rare analysis of the interaction between corruption and smuggling is made in May (1985) and applied to pre-liberalized international finance and l trade markets in Ghana.

this case was mostly youths or young adolescents – they were clearly not a representative sample of the city. Moreover, in this case they were allowed to fill in the forms themselves and they were allowed to communicate. The time pressure involved when filling in the form constrained the amount of cooperation that was feasible, however.

As mentioned under our presentation of our procedures, some of the questions had given the police respondents so much headache that they were unable to answer them. One such question dealt with how they allocated their time between different police activities. One of the officers here clearly understood the question, however, and suggested tentatively that 20% of the time was spent on internal activities like meetings, 20% on *crime prevention, 30 % on crime directed against public and private organizations and 30% on citizen crime*. Also in this case some police respondents confirm that the police are considered enemies, not public servants, by the 'tribalistic' communities: ʻpeople here are rebellious and poor, but more enlightened.ʼ The police station registers about 350 crimes a week.[115] Undesirable political influence in police work is quite common, the respondent tells. He also confirms that he was transferred from a very distant part of Kenya against his will, and that he doesn't know the crime patterns at his present assignment well enough to be wholly effective, and particularly so since he doesn't know the local language.

Looking at the community respondents, 15 of 24 confirmed that they (or their nearest family) had experienced a crime recently while 14 of 24 had paid a bribe to the police. One respondent had experienced important work equipment to be stolen. This had caused a serious income loss for the last 1.5 years. With that equipment he had earned 40 000Ksh a month while he now only could earn 8 000 Ksh a month. That is, so far he had lost 32 000Ksh x 18 =576 000Ksh, and he had moved from being OK to becoming rather poor. The highest police bribe reported was only 5 000Ksh.

Police station E: This police station was the main station in one of the larger towns in Kenya. The community where most of our respondents are located is a densely populated lower income area (but not slum). At some of its edges, it borders agricultural areas and a couple of the respondents do farm work.

The OSC had received our signal from their head office. The police officers are friendly. Among the information conveyed by the police officers at this station was that a police officer normally attends for-

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[115] That is about 175 00 a year. This appears too high for the population the station monitors, but is compatible with the higher end of the victimization surveys, but it is too high when we compare with our community respondents answers from the district.

mal training at point of promotion, for example when moving from constable to corporal. It is exceptional to receive training when remaining a constable. This implies that many of the officers who are on the beat lack sufficient training. If not in a position for promotion you only receive formal training if you are on good terms with the station bosses who tend to choose their friends to attend these trainings.

Due to the fact that they are on call 24hrs they never have time to be with their families. Most of their time is dedicated to protecting mwananchi, they claim. The police force were full of praise for the local community as they had a strong community policing organization and the community is always ready and willing to give information about criminals to the officers. There is lack of enough equipment and stationery to serve the members of public forcing them to request the civilians even for photocopies. Some of them do not take it kindly. There is only two computers serving the station and the majority of the officers are not computer literate; that is, there is a training gap.

On the other hand here many of the community respondents are full of praise for the community policing the community is well arranged and groups of young men offer security to the locals at a fee. Unlike the situation around police station A the mutual perceptions between the police and the community are both consistent and positive. Some of the interviewers got the impression that the local community had already rehearsed the answers they were to give us. Some were not presenting a true picture of what was happening in the ground. In the process of conducting the questionnaire some at the one hand refused of ever engaging in bribes but on the other hand, when further probed most of them had bribed the police to release a friend or relative who had been arrested during the police's evening patrols.

Regarding the community's perception of the local causes of crime, the respondents reiterated the problem of unemployment, particularly youth unemployment, but here they also mentioned drug abuse as a major cause.

While we have our focus on the regular police, as explained before, from the respondents' explanations it is clear that this community at the time of our surveying was monitored by both the regular and by the administration police. Most of the daytime monitoring was done by regular plainclothes police, often patrolling in groups of 2-3 together with a dog, while the night-time monitoring was done both by uniformed administration police and the regular police. Although the

administration police are supposedly without rights to arrest people, both groups of police did in fact do arresting in this area.[116]

The major method of bribe collection was the same as the other places we visited, but one respondent mentioned that the regular police preferred to be in plainclothes when collecting bribes. Crime reporting was not a regular source of bribes for the police; it was arrests and the threats of arrests that was the main mechanism. The respondents meant that that the police did active searching in order to get into bribe collecting situations. Furthermore, arrangement inside the police ensured that superior officers received a cut from each bribe. Not all police were equally eager in bribe collection, however, but only 1-2 of the local police behaved OK.

Like the respondents around police station A, the respondents around E also reported that the bribe rates to pay vary in systematic manners. But since they were operating in a much larger population cluster than in A, the police here may not know each individual's ability to pay. The size of the bribe then becomes context dependent: higher bribes have to be paid in case several police officers are present, if you are drunk or if you are behaving in an arrogant manner. If you speak English there is a discount. The normal bribe rate was inside the range of 1 000Ksh – 5 000Ksh. When a person is unable to pay either by himself or through his network, he is beaten up. In that way the willingness to pay is kept alive in the wider community.

Several respondents claimed that the crime rate has gone down recently, despite the police's bribe extorting behavior. After all, their increased monitoring of the area has improved the overall security in the neighborhood. While no one reported such shattering of life- and livelihood- experiences as the one reported in the neighborhood of police station D, at least two respondents had experienced serious forms of crime with considerable negative economic consequences One had been burglarized and beaten so he had to go to hospital. The burglar had been caught and received a 5 years sentence. Another respondent told that he had been beaten up by a group of eight armed people after a burglary (about 10 000Ksh stolen). He had to stay out of work for two weeks. The police refused to do anything because the officers were afraid of this group.

Some respondents also mentioned that youth groups were operating in the environment doing some policing on their own. Combined with the case just mentioned and one other case where a respondent told that he was exposed to blackmail from such a group, this could be an

116 One of the interviewers reports that four of the seven respondents he covered, lived in households that had experienced crime, three had paid the police a bribe.

indication that organized crime units were operating in this neighbor-hood.[117] In the discussion after the interviews at least one young respondent (obviously very intelligent and assertive) expressed deep distrust of our mission, suspecting us for being police spies. We showed him our police questionnaire to reduce his suspicion of having some secret cooperation. This was also the only neighborhood where the local chief did a check-up on our project suspecting us for not having received a police permission – which we had. The levels of trust appeared to be lower in this community appeared to be lower than elsewhere.

Police station F: This was a police station located in a high income neighborhood, but formally in charge of monitoring a large nearby slum wherein we had drawn our community respondents from a smaller sub-section. The police station's actual responsibility proved to be very limited, however. The regular police become mainly involved in cases when some tourists or new NGO personnel dump into the slum or in cases of a murder or some other exceptionally serious crime. The actual policing of the area, limited as it was, was performed by the administration police based on a police station where we had no access. When the community respondents here referred to the police they normally was thinking of the administration police except when referring to experiences outside the slum[118].

The slum was hooked up illegally to both electricity and water networks, but the slum dwellers had to pay a charge to the organization that supplied these illegal services.

Some respondents here too claimed that the [administration] police engaged in criminal activities themselves and are cooperating with the criminals in the area. An example illustrating the first claim is the following story:

1) A friend of the respondent, P, had a laptop stolen by the police 4 months ago
2) P reports the theft
3) The police arrests P
4) P is released after paying 1 000 Ksh for the release and then 5 000Ksh for the release of the laptop.

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[117]   The researcher with best inside knowledge from this part of Kenya believed that a Mungiki group was still operating in this neighborhood, although probably with less influence than before which led some respondents to claim that the crime rate was declining in the area. The mungiki is a well-known organization/brand name that embraces a set of religious, political and regular organized crime activities. Its religion is based on the old Kikuyu pantheon and the groups thus are thus stronger in Kikuyu dominated areas. It is fired by youth discontent and poverty.

[118]   The following subjective impressions are based upon one of the interviewers, who interviewing five persons, discovered that three had been crime victims, while four had been victims to a police bribe.

The respondent's interpretation of the outcome: The police had had difficulties in selling the used laptop for a better price. The story may be true or not, -maybe his friend really had stolen the laptop, but it reflects the kind of confidence the citizens in the slum has in the police. Moreover, it indicates how the administration police monitor the economic transactions taken place in this neighborhood.[119]

For his own part this respondent was exposed to a violent robbery when he was carrying money for his employer. He had to pay back the money in installments and thereby experienced reduced living standards for a considerable period. He was, nevertheless, lucky compared to another other respondent. This respondent had been responsible for his younger siblings, while he had 13 000Ksh stolen by his girlfriend. The money included money he carried for his employer. The girlfriend ran and his employer fired him since he had been unable to pay back the stolen money immediately. When interviewed, he was visibly depressed, which didn't help him to get a new job. This was clearly a crime that made him and his siblings drop into poverty. Unlike most other respondents he did not participate in any political gathering, he told.

Several of the respondents here did not live in traditional families, but were adolescents or young adults who shared a shack, hence lived in a kind of 'collective' while they made efforts to create a living or to finish their education. One of the girls living this way told that one of her roommates reported someone had stolen 2 000Ksh from her. The roommate went to the administration police. The outcome was that several of her other roommates were beaten up. Neighbours intervened, however, and chased the administration police away. The crime case was not solved, but was a typical kind of crime that may occur when people are densely packed.

While falling outside our time frame (and hence not recorded in our survey output), this respondent told about another, more livelihood shattering crime event: During the 2007 election violence (that is more than two years before the interview, and hence it was not reported in our survey) she was living together with her mother and several of her siblings. Someone broke into their house and stole her mother's sewing machine. The mother then lost the income that had kept the family together and they had all to fend for themselves, moving physically apart.

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[119] This case was, of course, not counted either as a crime experience or as a police bribe in our survey since the respondent had not paid anything, but the episode reveals the kind of additional information that may reach the interviewers during field visits but that has to be lost in the survey report itself.

Another young teenage respondent told about the costs of belonging to a family where members are suspected of being criminal. She was living in a family of two adults and six children. One brother was continuously fighting with the administration police .He was frequently beaten and imprisoned. Recently they had to pay 5 000Ksh for the police to release him. The family was evidently poor and had no water or electricity connections despite the illegal possibilities in the neighborhood. Moreover she was one of very few teenagers who did not possess any mobile phone.

Police Station G: The station is well organized and located in a well to do area in Nairobi. The police officers are once more friendly, but what comes out strongly is the fear of their security due to the communities they serve. They feel that the risk of becoming attacked is high since they are easily recognized as policemen. – Being located in a upper income fairly secure area, when criminals first get involved, the stakes are likely to be high.

Housing is a problem because two officers have to share each house forcing them not to stay with their families. The officers also tell about their concern about the lack of fuel for the vehicles used to patrol or access crime scenes. Another difficulty is that most community members are not ready to sign statements or testify in court to give information about the criminals in the area.

Their income is not sufficient for covering living costs so most of them supplement from subsistence farming. The average monthly income of the five officers interviewed was Kshs 15600. The main cause of crime in this area is unemployment, drunkenness and poverty. The dominant types of crime include theft, robbery, carjacking, sexual offenses and illicit brew. Problems encountered by the police when taking a statement are language barriers leading to distorted information. People do not understand the justice system and processes, and people are afraid of giving information. However, the officers described their relationship with the community as good because some people give information about the *mungiki*. Three of the officers said this relationship is good. Four out of five officers said they worry much about their security, since thugs are likely to strike back and harm the officers. However, none of the officers has been attacked by thugs recently.

Three out of the five officers here disagreed with the statement that police in Kenya are the most corrupt. However, three of the officers have come across a police officer who has received a bribe, but only one officer knew about a police officer who was under investigation for corruption. Two officers agreed that they have received a bribe,

but they were quick to add that it was an appreciation given to them for doing good work. Three officers disagreed with the claim that only 10 percent of crime is registered in Kenya. Similarly, three officers disagreed that poor people have difficulties making a statement.

Police Station H: This station is located in a remote, rural area, but again the police officers were very friendly and ready to be interviewed. Most of them have not been transferred since they reported to the station. They do not have time to interact with their families, they live in very poor conditions; the forms of crime they normally deal with are land issues, death and murder. The main causes of crime are poverty, unemployment among the youth and the presence of organized criminal gangs (*mungiki*). The strong community policing manages to help the police in effecting their daily duties. There is also fear for personal security by the police officers here too despite the rural location. The police also lack enough stationery and guns.

It is striking with this location that the community lives in fear because of the *mungiki.* Hence, they all applauded the police force for wiping out the organized gangs. But more than elsewhere most citizens were not so free to be interviewed or give information for fear of their words being used against them. This fear has affected the socio-economic status of the place as the locals do not interact freely amongst themselves. There is also fear to invest in business as they are never sure when the organized gangs will strike. This was evident from the buildings that had been deserted. Nevertheless, it was revealed that most locals have bribed the police to prevent arrest – especially among the youth, as police patrols are done every night. In this community, it is the norm to give bribes and the community does not see bribes as an illegal practice anymore.

The average monthly salary income for five officers in the H area was Kshs.15400 while their household monthly budget was Kshs.8000. The main causes of crime in this area – as expressed by the respondents – were lack of education, lack of resources, unemployment and domestic issues such as land. The main crimes include *mungiki* threats, domestic violence, land disputes, assault and robbery. The problems encountered by officers when taking a statement was highlighted as language barriers and lack of stationery.

The support the officers receive from the community is community policing as well as information about criminals in the area. Four of the officers also worried about their own security especially during patrols at night. All criminals, especially mungiki are against the officers. Only two of the officers agree that police in Kenya are the most corrupt, but admitted corruption was not rare, especially among the traffic po-

lice officers. Only one of the officers said that he has come across an officer who has received a bribe. The other four officers dismissed the question and did not want to answer any question on corruption. Only one officer accepted that he has received a bribe. Three of the officers disagreed that only ten percent of crime is reported in Kenya. Similarly, three officers disagreed that poor people have difficulties making a statement. The two who agreed that poor people have difficulties making a statement attributed the difficulties to fear of going to testify in court and insecurity.

The average monthly income of the 17 people interviewed in the local community was Kshs 16000. Seven out of the 17 people interviewed have experienced crime during the last two years. Such crimes include theft and burglary. It was surprising that the people in this area were not willing to answer the questions on crime freely. Our guess is that this is due to the relative strong influence of mungiki members. Many people are afraid of talking about mungiki. Only three out of 17 people reported crime. Eight out of 17 people believe crime has gone down in the area. They reiterated that activities of mungiki, which are mainly criminal in nature, have gone down due to heavy presence of the police officers in the area and transfer out of officers who were collaborating with mungiki, committing criminal activities. Hence, eleven out of 17 people believe the performance of the police officers has improved and they have helped to bring down crime and improve security in the area. Twelve of the respondents somewhat trust police officers mainly because the police have helped to improve security in the area. Fourteen respondents will be more willing to report crime if there was less corruption among the police officers.

The H area has experienced high rate of crime and insecurity in the last five years due to the organized group (mungiki), respondents claim. The group has caused fears among the people, destroyed their business and people are still afraid of interacting freely.

Police Station J: From the J police station we got the impression that security situation in the Mombasa area is generally not bad and corruption incidents are not that many. The officers interviewed seemed to be happy with their profession but unhappy with their salary and transfer/working conditions. The police officers believe unemployment is the main cause of crime in the area as many young people are idle and get lured into drag trafficking and use. The officers trivialise their involvement in corruption as nothing compared to the grand corruption happing at the central government which involves huge sums of money. The officers tend to confuse corruption with gifts or presents that are given freely. They perceive many acts of corruption as gifts, indicating that there is no corruption.

The household monthly average budget for the five police officers we interviewed is s ten Kshs.10,000. With an average monthly salary of about Kshs.17,000, the police saves about Kshs. 7,000 per month.

The main cause of crime in this area is poverty and unemployment, but common crimes are drug abuse, sodomy and defilement. The community collaborates with the police by providing information on drug dealers. It also assists the police through community policing to arrest criminals.

Problems encountered by the police when taking a statement include language barrier and lack of openness on the part of the citizens in recording a statement. The police always worry about their security as thugs can shoot them, especially while on duty and when they encounter robbery. Two of the police officers interviewed have been attacked by robbers more than three times.

Three of the officers interviewed agree that the police, especially the traffic police, are the most corrupt public agency in Kenya. Two out of the officers we interviewed have received a bribe of about Kshs. 2000. This according to them was offered to them by the citizens. Two out of the five officers we interviewed know about at least a police officer who was under investigation for corruption.

Three out of the five officers claim that most crimes are reported. This is contrary to the findings of the GJLOS study that only ten percent of crimes are reported. The perception that poor people have difficulties making a statement was also rejected by four out of five officers interviewed. On the contrary, the officers argued, poor people are the best in making a statement and that all cases are taken seriously without discrimination based on income status. The officers remarked that crimes given priority include rape, defilement, sodomy and murder. However, they reiterated that no crime is given less priority.

The community representatives interviewed were mainly community leaders working with the community policing programme. They have frequent interactions with the police, they are therefore known to the police and they also know the police. They act as intermediaries between the police and the community. They intervene in most of the crime cases hence are minimising the number of cases that are reported to the police station. The community leaders work very closely with the chief and with the police when the chief is unable to attend to the case.

The community around the J station is urban poor with average income of about Kshs. 15,000 per month. Most families have an average

of 5-6 children. Eighteen out of twenty four people interviewed in this area have experienced crime. Nine of the crimes experienced were theft, two were robbery and one was kidnapping. Fifteen out of eighteen people who experienced crime reported the crime to the police station and it took them an average of 30 minutes to record a crime. Those citizens who knew the officers personally took less time in recording a crime. In the last five years crime rate has gone down. This was remarked by fourteen people out of twenty four people interviewed. They attributed the decline in crime to increased citizen participation in community policing.

Four out of twenty four respondents have given a bribe to a police officer. Three were asked to give a bribe by the police officers, while one gave without being asked. The highest bribe given was Kshs 2500. Thirteen out of twenty four respondents somewhat trust the officers. Three respondents have no trust at all in the officers. Only eight respondents have complete trust in the officers. Surprisingly, all the respondents will be more willing to report crime if there was less corruption in the police force.

Police Station I: This area has a history of violence and crime with the most historical one being the violence of 1997. In the autumn of 1997, six policemen were killed when local raiders armed with traditional weapons and guns rampaged through the area. A police station and outpost were destroyed, along with countless market stalls and offices. Many non-local Kenyans were either killed or maimed, as the raiders targeted Luo, Luhya, Kamba and Kikuyu communities. It was estimated that ten police officers and thirty-seven raiders were killed in the clashes. The remainder of fatalities were in the local community.

Around and in the I police station the general impression was that crime incidences are declining due to successful collaboration between the community leaders working on community policing programme and the police. There is also mutual understanding between leaders on community policing programme and the police. Here the main perceived cause of crime is poverty, and many households are very poor. Although the police deny discriminating against the poor, some households have experienced frustration with the police service. There are instances where cases reported by the poor households have not been investigated to conclusion.

The average monthly income of the five police officers we interviewed was Kshs. 16,600. The average household monthly budget was about Kshs. 15,000. The main causes of crime in this area are similar to those in the J area, that is, poverty and unemployment. The dominant crimes include drug trafficking, burglary, robbery and assault.

Problems encountered by the officers while taking a statement include language barrier and unwillingness to give information on criminals by the citizens.

Four out of the five officers interviewed always worry about their own security. The main security threats are attacks by thugs especially when on duty. Two out of five officers have been attacked by thugs more than ten times.

Three out of five officers interviewed agree that the police are very corrupt just like any other government department in Kenya because of low salaries that do not meet their basic needs. Three of the five officers have come across a police officer who has received a bribe and three of the officers know of a police officer who is under investigation for corruption. Three of the officers agreed that they have received a bribe, however, but they claimed that they were offered and did not request to be given.

Four out of five officers interviewed disagreed with the claim that only ten per cent of crimes committed in Kenya are reported. They argued that the opposite is true, that is, about ten per cent of crime is not reported. Also, four of the officers disagreed that poor people in Kenya have difficulties making a statement. According to them, crimes that are given priority are robbery, murder and sexual offences. Four of the officers observed that their relationship with the community is good and that the community collaborates with them by volunteering information about crime and criminals.

The average monthly household income of the twenty four community members interviewed was about Kshs. 15000. Fifteen out of 24 respondents have experienced crime, mainly theft and physical assault, in the last two years. Only seven out of 24 respondents reported crime, however. The rest did not report for various reasons including crime was not serious enough, the police would do nothing in response, did not have time and family handled the crime.

Four out of 24 people have paid a bribe to the police to report a crime after a police officer asked for a bribe. The rest of the people have not paid a bribe. Only seven out of 24 people gave an opinion regarding whether crime has gone down or up during the last five years. Three out of those who gave an opinion said that crime has gone down in the last five years. Poor response on this question may indicate that people did not know whether crime has increased or not. Eleven people observed that police have performed well in the area indicating that they have done their duty well. However, only five respondents said they

trust the police, twelve did not trust and only six said they 'somewhat' trust police.

Part C. Kenyan high- crime frequent- police- bribe equilibrium:
An exploration of inter-linkages and policy instruments

Here we will discuss various policy and theoretical questions raised by the evidence presented in the former chapters. The study of the various policy instruments below will make it clearer how crime prevention strategies on the part of the communities and the police are inter-linked and have impact on police corruption levels. While some analytical questions are raised they are not followed far and the discussion is explorative throughout.

Chapter 1: Limitations of victimization studies for policy and research

Our first policy relevant observation is of a rather negative nature and related to the *limitations inherent in victimization studies* themselves. We have presented most of the victimization based research on police corruption and crime in Kenya we are aware of together with our own small contribution. From this it is clear that even under the best of circumstances there are many important aspects of both police behavior and crime that will be out of focus when constrained to data of this kind.

Regarding the police we are unable to handle their *organizational structure* in any meaningful, evidence-based way when we only have information about the crime and corruption victims. Even in our survey where we were allowed to interview police officers, the information about how eventual bribe income is distributed and jobs allocated are too scanty to build up any systematic picture on empirical grounds of how eventual bribe collection is organized and bribe income distributed inside the police force.

More importantly and particularly so for policy: we have argued, due to its role in society the police are an exceptionally politically sensitive part of the public bureaucracy, but we cannot present any systematic evidence how the political mechanisms for hiring and firing police leadership, and the more diffuse political signals evolve and influence the organization about what kinds of behaviour that are permitted or

frowned upon. Not at least because the police are such a hierarchic organization a diffuse phenomenon like *political will* is a key to, for example, any anti-corruption policy in the police.

To study the impact of politicians the *police leadership* has to come into the foreground. Any study of police corruption at this level have to focus on possible internal bribe transmittance structures and the large scale procurement decisions made in the security sector, not the victims of police corruption at the street level. While several of the largest corruption scandals in Kenya have arisen here, it is not any part of our study where the focus is on the inter-linkages between police corruption and crime as they arise as part of the citizens' experiences in their daily life.

From this point of view it is more serious that we miss information about crime perpetrators since they are likely to supply a significant share of the bribe income collected by police officers. Equally serious is that agents involved in victimless crimes such as drug sales and prostitution (when illegal) are not likely to report on bribe payments either and will drop out of view from any victim-based data on police corruption. This is especially pertinent since victimless crimes constitute a large share of the economic basis of eventual organized crime organizations whose eventual interaction with the police is important for the size and patterns of police corruption and crime patterns in any area.

Finally, other important forms of police misconduct, such as unnecessary *police brutality*, are not covered in either our or other victimization surveys. This would be unproblematic from a policy point of view if corruption and brutality either were totally uncorrelated or were strictly positively correlated with possible policy instruments working in the same manner on both. Research from New York shows that the latter under some under some situations is likely to be the case (Andvig and Shrivastava, 2009), but in countries like Kenya where the ethnicity matching of the police and the public may be significant for these behaviours, policy instruments may well impact in opposite manners: efforts to prevent corruption may increase police brutality. The interactions between police brutality, police corruption and crime are likely to be significant and important to study not only for police corruption but for crime, but so far data here are missing although police brutality should in principle be possible to study using the same survey instruments, only adding a few questions.[120]

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[120]   It may prove more difficult to get respondents to answer these questions, however, since victims exposed to police brutality may feel that they then may be considered to be crime perpetrators themselves.

Moving now to *victimization studies and crime*, their inability to cover victimless crime forms and thereby also a large share of organized crime activities, is, of course a major weakness when mapping the crime pattern in a community. Reinforcing the lack of grip on organized crime activities is the fact that victimization surveys are not so well adapted to *homicide* research. In the nature of the case a murder victim is unable to report, so here all reports have to be indirect. More generally, another obvious limitation of any study of crime *victims*; is that it does not ask the *crime perpetrator*, whether they belong to a crime organization or not. To gain a real understanding of crime one must also study the supply side, the criminals' motives, social and economic backgrounds and their ways of organization.. Hence, even in the best case crime victimization surveys will only give a lopsided picture of crime including police corruption.

Nevertheless, a victimization survey gives an empirical framework, an empirical mapping of the incidence of a large number of daily occurring crimes, the extent to which they victimize the population through actions that immediately reduce the welfare of victims not compensated fully by the perpetrators eventual excitement. They should be well designed for covering most of the welfare loss associated with crime, that after all should be one of the most important, if not *the* most important policy issue in this field.

Here we reach what we consider the most important weakness of using victimization surveys as an instrument for directing policy their high degree of *variation in reported victimization rates across surveys*. This is a limitation of a different kind that limits their usefulness for the study of crime/corruption fighting policy consequences. Looking back to our presentation of results, the large variation in outcomes is of course a cause of concern when using victimization surveys in any empirical framework. When the fraction of households that may pay a bribe to the police may vary between about 6% (GJLOS) to 70% (TI Kenya 2002) and the households' regular crime rate experiences may vary between 16% (GJLOS) to possibly 100% (Stavrou, Afro barometer) of the households, the empirical research has so far been unable to narrow the extent of the phenomena impressively down, to put it mildly. Here policymakers have to wade into a field of large empirical uncertainty. To use any given victimization survey to measure in any precise way the impact of any definite policy instrument on the extent of crime (and police corruption) as was the intention behind the GJLOS survey, is almost doomed to failure. It will not be possible, for example, to tell if the crime has gone down due to the policy shift or due to a different framing effect associated with the new victimization survey – or whatever that may have caused the shift in reported outcomes.

That said and admitted, it *is* of great interest whether the Kenyan population experiences crimes with the high frequencies suggested above or in the neighborhood of 0.175% as would be the situation if the official crime rate based on police statistics had been the representative picture. It may hardly be in doubt that whatever the victimization survey that is the closest to the real crime rates, crime experiences and police corruption *are* part of the Kenyans' daily life with significant negative welfare consequences. The police statistics will give a wrong impression. They are phenomena well worth to contain through policy. But how?

Some of the most effective policy instruments are likely to be located wholly outside the judicial sector. Many Kenyans believe, supported by observations made by some respondents in our exploration, that the most efficient instrument against crime is public work directed towards *youth unemployment*. If economically feasible, our exploration also suggests that increased *street lightening* should be tried. That is likely to reduce both police corruption (of the extortion variety), the fear of crime as well crime itself.

But here we will focus on policy instruments inside the judicial sector itself. Here some of the most efficient policy instruments are likely to be located at the upper level of the police and the courts, close to the world of the politicians. This is, as mentioned, not a world we have explored here, so to propose policies at this level will be a kind of artificial add-on to our empirical study of daily life crime and bribery experiences. The appropriate policy instruments to explore would have to be sought further down the hierarchical chain, in the workings of the daily interactions between the police and the public.

Chapter 2. Community policing and crime-fighting as a collective action problem

Among the last decade's policy discussion about the police, the set of polices under the heading of 'community policing' have received most attention. More or less implicitly it recognizes the underlying commonality of interests between the police and citizens in many situations, but by doing so the policy discussions also assume away the many divergences in interests rooted in collective action situations made more difficult by Kenyan history; the prevalent mutual *suspicion*, if not antagonism, between the police and the public. This has to be accepted as a fact before any sensible policy analysis can be made. Introduced prematurely, community policing ideas have often been launched more as a way to deny facts than to propose reasonable policies.

Among those facts are that the policy has to be implemented by a police force with a high bribe and extortion propensity confronted by a public among which a large share is suspicious if not hateful towards the police. Several of the collective action problems that arise between the public and the frontline police when producing the local public good of relative security against may be illustrated through an analysis of three set of policy instruments:

i)   the obligatory, non-voluntary transfers of officers across police stations,
ii) the ID requirements of the public and
iii) the crime registration process.

We will first look at crime-fighting in Kenya from the more general perspective as a collective action problem and then discuss each of these policies from that perspective, that is, to look as crime prevention and crime investigation as two linked, but partly separate collective action problems[121] where both the police and the citizens ideally are involved.[122] Why is it reasonable to look at the police and citizen's actions *together* as a collective action problem? Our main line of departure is to regard the frontline police to be sufficiently un-monitor able, and hence not reward able or punishable from above. This makes their crime-fighting efforts fairly close to voluntary actions; almost at par with the regular community members efforts.

Let us first look at *crime prevention*. Here it is quite usual to regard a community of citizens as a relevant collective action group for supplying local security whose activities may eventually be substituted by police efforts. In high crime areas which embrace most of Kenya, the outcome of mixing the police and community efforts may sometimes prove rather negative. Habyarimana et al (2009:1) observe a case from Uganda that is not likely to differ much from Kenya in this respect:

'The Ugandan government used to sponsor and equip local defense units (LDUs) to patrol neighborhoods like Kisalosalo [a high crime neighborhood in Kampala according to the authors]. But government support for the LDUs ceased in 2002 when they were incorporated into the formal police system; since then Kampala's slum areas have been overtaken by crime and violence.'

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[121] Assuming that both the police and the community members both want increased security and both may influence it through some form of costly effort, this satisfies a rather standard criterion for being a collective action problem .(Medina, 2007: 23).

[122] To involve the public in the last link in the crime fighting chain, explicit punishment of criminals is more problematic since at this stage citizens may become quite emotional and the standards of proof very low. But at an individual level the prevalence of expected informal sanctions in form of disapproval of criminal actions and suspected criminals may prevent crime. We haven't brought in any questions that touch these issues, however, and will not discuss either this informal post crime-discovery sanctions or collective citizens' movements in this area such as the sungu-sungu phenomenon.

– It appears likely from this bit of information that when the police were assigned crime prevention tasks in this case, it reduced community crime prevention efforts. The involvement of the state police became a signal for community members to free-ride. Isn't this in line with the role of a modern state where the introduction of a specialist, public bureaucracy may solve a collective action problem and allow community members to spend their time on something else?[123]

Since crime prevention sometimes involves the use of instruments of violence which is the prerogative of the police (or private, formal organizations granted a permit from the state), this may appear not to be a community task. Moreover the police are a bureaucratic organization where tasks are supposed to be stipulated by superiors and executed by its frontline officers. To regard frontline police officers and community members to be parts of the same collective action group that may produce more or less of the public good: security against crime with potential freeriding as a major issue – may look fanciful. But when we consider

i)   that frontline officers have large scope for choosing their activity levels where their superiors are unlikely to know and then unable to reward or punish them on an observational basis,

ii)   that their actions are likely to be influenced not only by their hierarchical superiors and their fellow officers, but also by actions of local community members,

iii) that the community members may choose to do some costly crime prevention activities themselves,

iv)   many of those activities will not be rewarded or punished at an individual, selective basis but only through the common good of a lower crime rate[124] and,

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[123] Here we touch a very general debate: does the state tend to destroy (Fukuyama, 1995) or enhance (Rothstein, 2005) voluntary forms of cooperation, community actions based on trust? In this Uganda case it clearly did the first. when a state institution was introduced from the outside. Ensminger (1990) also discuss a case where a state institution substitutes for a voluntary arrangement, but instead of undermining a voluntary, partial solution to a collective action dilemma it presents a partial solution when a voluntary solution does not work any longer. In her case new property right conflicts lead the citizens to demand their settlement by a state police organization – the local chief instead of the local council of elders. In the following we will assume that the Habyarimana case is only one outcome when the police and local communities are involved in 'fighting' crime. In general, the complementarity in efforts between the state organization involved and the community, as suggested by Rothstein (over much longer time intervals and generality of situations), appears more plausible, we suggest in the following.

[124] Habyarimana et al (2009) considered here voluntary patrolling as the relevant collective action, but crime prevention has many other aspects. For one thing, it depends on the kind of crime. For example, when a burglary victim turns up at the police station for reporting it he will in many cases know that the police are unlikely to discover and arrest the perpetrator or reclaim anything stolen of the uninsured goods. He then contributes to a common good, the stock of crime knowledge that may make it easier to prevent crime in the future. Practically no selective incentive will be involved in this case, whether of economic or of a private avenge kind. At the other end we have thefts of insured, goods like cars where the citizen has strong private incentive for reporting it to the police. While this information also may have a collective goods aspect (insurance fraud accept-

v) But these or their outcomes will be influenced by what the police are doing; we realize that it is not so farfetched to consider crime prevention as a kind of collective action game where both the citizens and the police are involved.

Let us nevertheless start out with a very simplified situation where the community and police both are considered as a single decision-maker. Both prefer high to low security. The police prefer it because that makes their work less dangerous, superiors more satisfied and patrolling less hard work. Community members prefer it because they then have lower risks of losing life and property. When the police are living in the community with their families, that interest is shared by them.

Let us further assume that in order to achieve low security levels, costly activities, called patrolling, are needed from both. For the police activity to have sufficient effect, community patrolling is needed. The police are too few to be able to monitor the social and economic space in question so it alone will have little preventive effect. Police efforts are needed on the other hand for community patrolling to have effect because the latter will have little effect without the punishment mechanisms the police control. We are led into a simple stag hunt (assurance) game[125]: To simplify matters we reduces the crime preventive action to patrolling that may either be done by the police, by community members or both. Frontline officers are so weakly monitored from above that may stay at the police station (local bar) without receiving negative sanctions from superiors:

Diagram 1: Police –community crime prevention stag hunt game[126]

	Police Patrol	Stay in station
Community Patrol	**{ 2 , 2}**	**{ - 1 , 1 }**
Stay at home	{1 , - 1}	{ 0 , 0}

ed), the private incentive aspects will so strong that no collective action problem is likely to arise in this case. The police on the other hand may be equally uninterested in both.

125 Medina (2007) has argued for a stag hunt game as better representation of collective action models than the Olson a prisoner dilemma model.

126 This game is only one possibility where no patrolling may easily arise. If the public may make efforts to inform the office's superior about bar visits, and organized crime may punish citizen patrolling when not protected by the police, the worst situation for both is to do the opposite of the other and we are close to another classic non-cooperative game situation: the battle of the sexes. If the effort costs for both parties are high, the situation may approach a classical prisoner's dilemma. Needless to add a serious, empirically based game theoretical analysis needs much more information about effort costs, the efficiency of actions to reduce crime and the allocation of information between the players and their preferences than we may provide here.

The preference level of each (numbers in the table) is a positive func-
tion of the community crime level and relies negatively on his/her
own effort level. The public bad, the community crime level relies
negatively on both parties' effort levels. Lower levels give higher util-
ity for the police and the typical citizen alike. According to the as-
sumptions here there are two equilibriums, one with high and one with
low crime prevention activity from both parties. The one with high
activity is the preferred one for both.[127] But if one party quit patrol-
ling, the situation will start to unravel towards the high insecurity situ-
ation where community patrolling stops and the police stay in their
stations –like the situation as it evolved in the Kampala slums as de-
scribed by Habyarimana et al (2009).

Nevertheless, if this is a realistic model for police–community interac-
tions, low crime (or high crime prevention) situations should arise
quite often since (2,2) is stable. When this appears not to be the case
for the majority of Kenyan communities it may be related to the fact
that communities are not single decision makers but are composed of
a large number of citizens. It will not be worth the trouble for any sin-
gle citizen to join a patrol except for (possibly) to guard his own
home. The stag hunt then transforms to a prisoner dilemma game
where no-patrolling becomes the dominant equilibrium and low crime
prevention activity will be observed most places most of the time – a
realistic case for Kenya.[128]

Just to fix ideas and go little into what may lead to a stag hunt or pris-
oner dilemma solutions[129]: imagine that one unit of the public good
would be to catch a dangerous burglar/killer (who also may have
killed a police.). Presumably the effort costs in this case are fairly high
both for the police and the active citizens, but both the public and the
police welfare will increase significantly with this criminal behind the
bar. When choosing whether to invest such efforts the police officers
as well as the single citizen have to consider what difference they will
make given what the others are doing. And each will have to make an
assessment of what efforts the others are likely to put in.

Let the utility for the frontline police be U(2) when they stay at the
station, but the criminal is nevertheless caught, presumably by com-
munity efforts. No sanctions against the police from superiors will
arise in this case. The utility of a catch with police effort costs deduct-
ed is U(1). The police may either make effort E, or do nothing, NE.

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[127]   There is also mixed strategy equilibrium where each player assigns a probability that the
other player will patrol where these probabilities are compatible with equilibrium.
[128]   Another possibly more plausible explanation may be that the expected efficiency of both
police and citizen patrolling with respect to reducing crime is too low for a stag hunt so-
lution to be realistic.
[129]   The following is just an attempt to open the situation up for analysis. We will not settle
for a definite model at this stage.

The police are more likely to make those efforts in case the utility increases significantly after the success, the more likely the efforts chosen by the police is to lead to success, p(E, f), and the lower the disutility of the effort. The utility if the police are doing nothing and the criminal is not caught is U(4), and if he remains free after the police have done their customary efforts it is U(3). U(3) is assumed lower than U(4). Hence, while the superiors may influence the four utility situations for the frontline police through a combination of rewards for efforts and results these incentives are too weak to change this utility ranking. One reason is that the superiors have exceptionally sparse information about frontline bureaucrats in this case, so rewards are unlikely to be distributed with any precision.

The probability of catching the criminal with no efforts on the part of the police is q(NE,f). Then we will have that
The expected value of effort, $W = p \, U(1) + (1 - p) \, U(3)$,
The expected value of non-effort: $V = q \, U(2) + (1-q) \, U(4)$.

To induce the police to make the effort, $W \geq V$.
Since $U(4) \geq U(3)$ and $U(2) \geq U(1)$, we see that $p \gg q$, that is, the probability that the criminal is caught should increase significantly by the police effort; and, somewhat vaguely, the utility differences $U(4)-U(3)$ and $U(2) - U(1)$ should be 'small' around both situations, the capture and the non-capture, for the police to make the effort.

Furthermore, when deciding whether to *do* the effort to contribute to the collective good of catching this criminal, the police officer has to estimate the fraction, f, in the community that may assist her. If this fraction has larger effects on the catch probability when the police are active than if passive, a higher share will not only increase the catch probability directly, but may also induce the police to increase its efforts and thereby increase the probability further. If the effects on q are stronger, on the other hand, community efforts may cause the police to reduce its efforts and thereby partially reduce the effect of community efforts. In the extreme case when the police rely on community efforts to have any chance of catching the criminal, p - q will be close to zero when f ~ 0. Hence it makes no sense for the police to make any effort in this situation since it has almost no effect on the catch probability. If p - q increases with f, the police may switch from passivity at f= f´> 0.

It is plausible that the typical citizen will have similar preferences and catching probabilities, although lower. For shortness, we will not specify them here.[130] The difference is that each citizen will on the

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[130]   But note that if quite symmetrical with the police, the sudden switch to non-activity when the police were introduced in the Kampala slum could arise if the community be-

one hand only have a minuscule impact on the catch probability, on the other hand the effort costs may also be small, and so the final calculation may not be that different.[131] In both cases, costly individual efforts are not likely to forth come with only private-regarding behavior without some institutional arrangements that may solve the collective action problem.

Realistically, the shape of the probability functions p = P(E, f) and q =Q(NE, f) as well as the size of, E - the effort, will vary according to the crime considered as will the utilities for both the police and the typical citizen before and after the catch of the criminal. This catching of dangerous criminal is, of course, meant only to be metaphor for a significant improvement in the local crime situation. In the following we will not consider any specific crime but look at an aggregate crime level c = C/N where N is the size of the community population and C is the number of crimes in the community (each crime weighted with its disutility). The police's efficiency in reducing crime disutility is $-\Delta C = g(E, f)$ where f is the fraction in the community that cooperates with the police.

While neighborhood patrolling do occur in some poor densely populated and young community members may be paid to keep guard in some lower middle class areas[132], it is not likely to be among the most important crime 'fighting' efforts on the part of the public. But here patrolling (like the 'dangerous criminal') may also be considered as a metaphor for all kinds of actions performed by the public directed against crime and information provided by the public about criminal activities that may be conveyed to the police at some costs to the citizen provider of the information. Similarly, the police 'patrolling' may include all kind of costly efforts above the necessary minimum to keep the job that are likely to reduce the crime level in the area through arrests, crime investigations, inspections or other information gathering of various kind.

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lieved that the police had much higher probability in catching the criminal than themselves.

131   In Habyarimana et al (2009: 35) report that on average the low income communities address the collective action problem involved in security more often than garbage and drainage activities. The explanation appears to be the stronger positive selective incentive in the excitement of crime catching compared to garbage collection, particularly for the younger community members.

132   High income residential areas will use private companies. The quality of these are probably become somewhat better in Kenya–stories are more rarely told about guards turned burglary accomplices – and more reliable as the firm size of the private security organizations have increased and thereby also the importance of their reputation. We have, however, chosen not to bring in these firms into our analysis. With increased efficiency they may together with more efficient electronic alarm systems increase the relative return to burglary in poorer neighborhoods and increase the crime rates there. A study verifying such effects in Argentine during the financial crisis there is presented in di Tella et al (2010).

As indicated above there are positive spillovers between the public's and the police's information collection: the more information collected by the public and conveyed to it, the more use the police may make from its own information collecting. We have, obviously, simplified the situation in various directions. One is that we have assumed that the effort levels of the different parties may be made independently of each other. This is unrealistic in some respects. If a crime victim insists that a crime needs to be registered and makes the effort to go to the police station, a police officer will have to make some efforts to fill in a note in the occurrence book, or the officer may even have to move to the crime site in the middle of the night. In order to monitor a certain neighborhood and make it secure a police officer may need to arrest some suspected criminals that later may prove innocent, or generate traffic delays through road inspections, that is, the efforts of the police may also have direct negative impact on community utility levels in addition to their effects on crime.

We have no empirical information about *police* absentee rates, but recently research on other groups of public employees has been performed relevant for our discussion of the police officer low effort equilibrium is the study of absentee rates for teachers and health personnel in some developing countries (Chaudhury et al, 2006). Four observations are of interest here:

 i) The absence rates for these professions are high in developing countries. In Uganda 27% for teachers[133] and 37% for health personnel.
 ii) It is higher for superiors and for health personnel than for teachers everywhere.
 iii) It is lower in areas where average citizen income and education levels are higher
 iv) It is lower when the official is born in the same district as she works.

We note that the absence rates increases with the difficulty of monitoring. No such data for police officers exists, however. As a matter of comparison we note that they, like teachers may few alternatives on the labor market. This may tend to reduce the absence rates, but they are (so far) even more difficult to monitor from above than health personnel. We believe the difference here to be more substantial, hence we may expect their absence rates to be even higher, but more difficult to observe (cf. the bar alternative) for superiors and researchers alike.[134] In the following we will argue, that these high absence rates

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[133] While not wholly compatible the absence rate for teachers at Kenyan schools appear lower (around 20% -27%). Glewwe et al (2010).
[134] The iii) and iv) indicate a set of general mechanisms where the characteristics of the local communities have impact on the behavior of the public employees. Given the na-

for the police are only latent. The peculiarities of police corruption substitute for absence.

Low activity equilibriums for police officers may be quite prevalent if they are not presented with selective incentives that may be more precisely elicited from community members than from superiors since they are better informed about the efforts and even results achieved by the frontline police officers. Most police activities are after all performed in public. Seen from this perspective, the community members are in a better position to distribute effort-related incentives than the officers' superiors. That is, it may appear more efficient that community members bribe the officers to draw them into dangerous work outside the police station (or the bar) than for superiors to supply performance-based wages. Seen from an economic theoretical point of view it may be tempting to make the hypothesis that the high level of police corruption we may observe in poor, high crime areas is a rather *efficient way to elicit efforts from a police force where the state is unable to present the officers with proper incentives to act,* when they lack the commitment to state service that may induce police services in other contexts. [135]

A few observations we made can support that this mechanism sometimes work even to facilitate crime prevention. Members of the community around one of the small rural police station (police station B) told us that they supported the establishment of a roadblock in the community,[136] knowing that it would increase the police's bribe collection, but believing that it reduced crime particularly from strangers. In this case the roadblock was situated at a fairly large throughway so most of the bribes were paid by non-members.[137]

More generally, to ensure bribe *payment* to police officers to involve them in crime prevention, is in itself a collective action problem for the community that may only be resolved in exceptional cases such as the situation around police station B. For why should a specific com-

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ture of police work those are likely to be exceptionally strong in the case of police. In this context it has interest to note that the clearest result from Azfar and Gurgur (2008) was that the crime reporting rate of the public reduces police corruption.

[135] Brehm and Gates (1997) make a detailed empirical analysis of incentives and behaviour of different groups of employees, including police officers, in different US public organization and show how important professional commitments to public service are for avoiding misconduct. Given Kenyan history and social conditions, it is clearly a commitment that may not easily arise.

[136] In the autumn 2009 Kenyan authorities made a campaign against the police formation of roadblocks as a sensible component in their ant-corruption policy. To form on local community support was needed at the time of our investigation.

[137] Complex calculations regarding the location of roadblocks apparently take place. In the case of police station A – and according to newspaper stories published after our visit, the roadblocks had moved away from the through road dividing the district and into the local non-paved roads. Whether the last development was due to the higher national visibility of the latter through-road which carries more heavy traffic, local politics or a willingness of national transport companies to pay for the stretch of roadblock free road, we don't know.

munity member pay a bribe single-handed to provide a selective incentive for supplying the public good of a crime fighting police officer? The main selective economic incentive that community members may apply in order to drag the officers away from the station (or the bar) is of course to bribe. Most of the bribes will be made *after* a crime has been committed since it is then some concrete decisions the police may make and which outcome specific community members may be willing to pay for. When those are paid by crime victims, they are likely to contribute to a reduction of crime in the area (when the crime events that police corruption itself constitute, are excluded). Whether the crime victim is willing to pay, will hinge upon the nature of the crime, whether the victim is likely to recover the stolen asset or gain revenge through an eventually increased likelihood of gaining legal punishment to the perpetrator.

But our data indicate that payment from crime victims is not the most frequent source of bribe income for the police. More frequent are bribes paid in connections the wrongful arrests of citizens who have not made any crime. And even worse from the public good service perspective are the bribes collected from criminals in order for them to avoid or reduce their punishment. Most of these are likely to be unreported in victimization surveys like ours.

Hence, it becomes rather simplistic to regard bribe payments to the police simply as a way to improve police efficiency, even when we disregard all incentives that are not directly economic in nature. Nevertheless, most of the time police officers have to move outside their stations in order to collect bribes whether they are gained through serious investigative police work or through wrongful arrests of innocents made in the middle of the night. That is, the hunting for bribes whatever source may have an energizing effect on the police.[138] When bribe hunting, the police officers are likely to become more visible and will have stronger incentives to collect crime-relevant information from their neighborhood, whether that is to extract bribes from guilty criminals or from crime victims in order to catch the former.

Extortion from innocent citizens produces of course less relevant information, but again its chase may move the officers into positions where crime information may inadvertently be collected such as it may happen at nightly patrols. Whether this increased activity and larger stock of crime- relevant information possessed by frontline police officers that are induced by the bribe hunting, will on average reduce or increase the crime level in the community, is an open question. It will depend essentially on what the real alternatives are, but it

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[138] This is very different from other public employees who often have to reduce their speed in order to increase the citizens' willingness to pay.

is not unlikely that bribe hunting unintentionally may contribute to less crime when only the police officers' behaviour is considered in isolation. This unintended consequence of the possible efficiency gain of police corruption is of course not any explanation of its occurrence. Moreover, when regarding the effects of the police's bribe chase on the public's attitude to the police and its willingness to supply information, all gains for crime fighting are likely to blow away.

Chapter 3. Ethnic diversity, officer rotation, crime registration and ID controls

In this chapter we will relate the crime 'fighting' process to recent and rapidly growing research that has looked at the impact of ethnic diversity on collective action. The main thrusts of results are – rather unsurprisingly – that ethnic diversity adds to the difficulty in establishing collective actions. In their study from Uganda Habyarimana et al (2009) through a combination of local experiments and questionnaires, found that the major mechanism through which shared ethnicity worked, was through social sanctions. Social sanctions act as a kind of selective incentives that make free-riding more costly. With shared ethnicity social sanctions have stronger effect and are more easily elicited. In particular, members are more willing to spend the efforts necessary for such sanctioning.[139]

There remain many puzzles in this research field, however, that may have implications for our study of the police- community interactions. For example, in a study of informal groups in Kibera Anderson and Francois (2008) found that co-ethnic groups established more formal devices such as written constitutions, external revisions, etc. than ethnically mixed groups. They suggest that intra-group social sanctions may work for low cost deviations, but not for more severe punishments. Hence, co-ethnic groups may seek institutional solutions in order to pre-commit to such punishment through more formal devices. Naturally, police officers have to mete out various forms of punishments in the communities they are stationed. What will be the outcome when the police belong to a different ethnic group than the criminal or the regular non-criminal community members?

In this chapter we will look at the implications of this research for our collective action problem where frontline police officers and community members together may produce more or less of the local public good of security against crime.[140] Due to the particular role of the po-

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[139]   The found little differences in the *demand* for the public good or other preference between the different ethnic groups that could explain the effects of ethnic diversity.

[140]   Here as well in the following we will both disregard areas – such as rich Nairobi neighbourhoods – where there may not exist any defined community and the issue of migrating criminals that may reinforce or weaken the effects of local collective action.

lice we will discuss the likely impact of having police officers who belong or do not belong to the dominant local tribal group(s) as we look at three different policy instruments: geographical job-rotation, crime registration procedures and local spatial control of citizen movements through such devices as ID controls, roadblocks and nightly patrols.

Non-voluntary, geographical job-rotation. A striking feature of Kenyan police when looked at from abroad is its rotation policy. Even police officers at the lowest levels are rotated on a non-voluntary basis across different geographical areas of the whole country. These areas may differ substantially in local language and partially in customs. The practice appears to have evolved from British colonial ruling methods,[141] although these varied in detail and vary in the degree to which they have survived in recent practices. For example, in the Indian police that in many ways was a model for the development of the Kenyan police, the rotation only took (and takes) place on the higher levels.

Exactly how this rotation is implanted in Kenya; for example, whether there are guiding rules for how long an officer is assumed to stay at each station, whether one deliberately try to mix the ethnic composition at each station, whether one try to make the main force at it to be composed of a different ethnic composition than the local community as a deliberate policy, or whether the rotation is deliberately random decided by the whims of superior officers or the willingness to pay among the rotating, lower ranked officers, we don't know at present. They should be studied in the future. We were unable to acquire exact data here, partly due to defects in our questionnaire. For example, we didn't ask exactly *where* the officers had been employed before their present assignment. The process in itself appears non-transparent without any fixed rules. What we could observe, however, was that at any given time a large fraction of the officers interviewed were non-locals.

As we see it, any serious police reform in Kenya needs to consider whether this rotation policy should be continued or not. The answer isn't obvious since it has many ramifications. First of all, it allocates large powers – including a potential source for bribe income[142] – to

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141 This rotation is not a necessary method for a state to rule foreign land. When the Danish king ruled Norway the local police function was allocated to the local *fogd* who was encouraged to stay at the same locality for longer periods to learn local conditions. For a number of reasons the danger of any undermining of central state direction was not prominent.

142 We have no documentation that bribe payment of this kind in fact takes place in Kenya. The Daily Nation story about bribe payment for an inside casino job, was a description of weekly job- reassignment inside one police station, not assignment of multi-year positions across police stations.

the office that has the right of reallocation of officers across stations. This may in several ways be desirable. We argued in our theoretical chapter that one characteristic of policing is that it is extremely difficult for superior officers to observe the behavior of the frontline bureaucrats and correct misconduct in the police since they are spread out and will have to make a number of decisions on their own however centralized the decision chain is. The threat of moving an officer geographically to an undesirable location is a powerful instrument that is easier to apply than to fire one and adds to the promotion power. An increased value of expected punishment will to some extent compensate for the low detection probability. If mainly the frontline officers are involved in misconduct while the officers doing the transfers are committed to solving police tasks, this could be a strong argument for a transfer system.

As mentioned before, we have no strong data on internal transfers of the bribe income collected at the frontline, but circumstantial evidence suggests an upwards transfer in the police hierarchy. Hence the rotation policy is most likely to concentrate a higher share of the income up towards the rotation decision points. This is most likely to happen when the transfers are not rule-bounded. Hence the argument for rotation as a method for strengthening central monitoring of misconduct appears double-edged in this context. If a genuine reform is about to take place where non-corrupt officers man the rotation decision points this may become an argument for keeping it for the time being, however, since these officers may then influence a larger number of street-level police officers in a shorter time span. Moreover, if the superior officers are honest, it gives an instrument for swift punishments or rewards for desirable behavior among the rotating junior officers. The backside of any such punishment schemes is the regular one: it may pay to send dishonest signals about performance from the junior officers. The most commonly used economic model to analyze this would be a principal-agent variant.

As mentioned, in practice there is another group that often is in a better position to monitor the frontline police officers, the citizens or local communities. They have rarely any formal way to sanction or reward the officers, however. Here we have to switch perspective and look at the rotation policy from our former collective action perspective: crime prevention and investigation as a collective action problem[143] where both the police and the citizens ideally are involved.[144]

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[143]   Assuming that both the police and the community members both want increased security and both may influence it through some form of costly effort, this satisfies a rather standard criterion for it being a collective action problem .(Medina, 2007: 23).

[144]   To involve the public in the last link in the crime fighting chain, explicit punishment of criminals, is more problematic since at this stage citizens may become quite emotional and the standards of proof very low. But at an individual level the prevalence of expected informal sanctions in form of disapproval of criminal actions and suspected crim-

Let us now look at how rotation policy is likely to work for police-community crime prevention strategies in an ethnically diverse country like Kenya where tribal identities are significant for many types of social interactions, including collective actions.

Miguel and Gugerty (2005) document negative effects of having ethnic diverse communities for the deliverance of two low-cost, local public goods in two districts in Kenya. One of the districts is one where we have two of our police stations located. The public goods are different, however. One public good they had data for (84 observations) was local school funding for items like school books, chalks, classroom furniture and pencils (heavy items like teachers' wages were paid by the state) for which the parents were supposed to contribute voluntarily, but pressurized through public Harambee meetings and local school board meetings and the like. [145]. The other local public good they had collected data for was the maintenance of community water wells (667 observations). They found that ethnically diverse community produced 20% less local school funding. The probability that a local well would not function was 6% higher with mixes. What was the mechanism that led to this result? In the case of well maintenance, data for answering this question was missing, but for school funding detailed documents from meetings in the funding committees showed that *social sanctions* handed out and received by parents with the same ethnic had the strongest impact.[146]

With a centrally directed rotation policy where police officers are rotated across the whole country at any given point of time an officer is likely to do her policing in a district where she isn't born and where the number of co-ethnics is few. If the manager of the rotations deliberately seeks to move officers into districts composed mainly of members of a different tribe, as was the case in Kenya till sometime after the Mau Mau rebellion this effect may have been stronger, but even a random rotation will give a similar effect, and it is still an important aspect of local policing. To analyze this issue, we may decompose policing into crime *prevention*, crime *investigation* and crime *punishing* components, loosely linked sequentially when producing the collec-

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inals may prevent crime. We haven't brought in any questions that touch these issues and will not discuss either the spontaneous post-crime violent collective sanctions against suspected criminals – a quite common occurrence according to Kenyan newspapers – or more organized collective citizens' crime sanctioning movements such as the sungu sungu phenomenon, a more organized vigilante groups mainly operating in southern Kenya and Northern Tanzania (Heald, 2007).

145   The research took place before president Kibaki made it obligatory for the state to finance these items too.in 2002

146   Habyarimana et al (2009: 173) main conclusion from their research on ethnicity and public actions in Kapapla's slums combining questionnaires observations and experimental methods was the same: 'Our results suggest that co ethnics cooperate more effectively because they follow reciprocity norms that stipulate cooperation with co ethnics and sanctioning should a co ethnic fail to cooperate.'

tive good of security against crime. They may all give rise to specific forms of police corruption.

One important question that arises here is what kind of selective incentives besides bribes that the community may be able and willing to provide to police officers with and without local roots in order to elicit efforts? Let us furthermore divide the local population in criminals and non-criminals with the latter group constituting the majority.[147] They may both provide the officers with selective incentives.

Let us look at crime prevention and investigation. Here we have noted that the rotation policy has implications for the officers' own share in the local good of security. When the nuclear family[148] normally doesn't follow the officer as she rotates across the country, the family will stay outside the area where the officer is doing her policing. This reduces the 'share' that the patrolling officer receives of the local public good of low security. Moreover she is likely to receive more encouragement and information from locals when they are co-ethnics if she works diligently and more negative sanctions if she doesn't, making her more efficient in information-gathering and pro-active policing than if she operates in an environment of ethnic 'strangers.'. Similar effects will arise under investigations, both making co-ethnic, fairly honest police likely to be more efficient than when the frontline officers are strangers.

On the other hand, it may be easier for really dishonest police officers to gain knowledge of and join criminal projects with local criminals when possessing considerable local knowledge. But again, when sharing ethnicity with non-criminals the latter are more likely to discover plots of this kind, creating counter-pressures which we believe in the final analysis will lead to the conclusion that widespread rotation of officers at the lower, operational levels are likely to result in less efficient policing with less cooperation between the local community and the police. Due to the collective-action-like situation, informal positive and negative sanctions are needed to supply the frontline officers with the needed information and encouragement.

So far we have mainly looked at the relationship to non-criminals. When looking at possible sanctions from the criminals, however, particularly the violent ones, the calculus may change. Being a 'stranger' without a local family reduces the value of selective negative sanctions whether they consist of threats from dangerous criminals or from the large number of people who have been offer for the police offic-

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147   This division of the population in two ri
148   None of the officers in our sample reported that they had more than one wife. Whatever the ir weaknesses police officers constitute part of the modernizing and relatively well educated part of the Kenyan population.

ers' nightly 'taxation'. It stimulates brave 'macho' actions. Here we approach another form of police misconduct that we have chosen not to research: police brutality. The negative effects of a rule of strangers are likely to be even more pronounced in this case, however. It is less risky for officers to behave aggressively in case retributions are unlikely to hit their families.

But what about corruption? One of the reasons stated by British colonialists to let strangers rule strangers was to discourage corruption. As already pointed out, it is obviously true that it is easier to form risky corrupt agreements when the parties involved know and trust each other, which is easier to do when sharing tribal identities. At the lower, operational levels this may become a problem with crime investigation, but here it works both ways. When sharing identities it is also more difficult for the officer to charge payment for what is she is already obliged to do. With respect to crime prevention activities we would expect that citizens only exceptionally are willing to pay for what are community tasks anyway.

The real problem here arises at the punishment end. It is likely to be easier for criminals to pay their way out when guilty, when they are sharing identity with the police officers. It is not obvious that a bribe is necessary in this situation, however. When asked, several police officers admitted that it would be more difficult for them to arrest people with whom they share identity whether guilty or not. When we note that that a large share of 'bribes' actually is pure extortion payments; money paid by the non-guilty for not being arrested or to be released from wrongful incarceration, it appears unlikely that a shared identity between frontline police officers and most community members are likely to lead to higher police corruption rates.[149] Presumably, arbitrary incarceration or the threatening with it, are more easily implemented when strangers rule.

Note that the preceding arguments only apply at the lower level, front line policing. The arguments for rotation are much stronger at the higher level. The reason is mainly that if they become stationary, higher level police officers may tend to melt into local power clusters that may exploit local populations as well as preventing legitimate central policy implementation. Since we deliberately refrain from discussing policy at this level, we will not pursue the argument here.

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[149]   We noted in our presentation of results from the Afro barometer surveys that while the corruption incidence in Kenya has been high compared to other African countries, while the use of influence appears relatively rarer. This may just have been due to chance, but, somewhat speculatively, we may guess that this has also something to do with the British-inspired rotation policies.

Crime registration. Many observers have noted that it is difficult and time consuming for crime victims to get the crime properly registered at the local police station in Kenya. Given the high incidence of crime in the country some rationing of crime-induced efforts on the part of the police is needed anyway. Nevertheless, by allocating too much of the registration efforts on the victims, too few crimes are registered. Moreover, it is likely to ration the low income crime victims exceptionally hard for two reasons:

i)   The effort costs of form-filling are exceptionally high for victims with less education[150],

ii) Being poor, the nominal value of assets stolen is likely to be lower while the effects for their well-being may easily become higher.

When the officer and the victim don't share identities these weaknesses of the registration process are likely to be aggravated. Victims with low education levels are more likely to be one who only masters the local language. A police officer, who belongs to a different tribe, may not master the local languages and may only know the national languages of Swahili or English for communication. Moreover, since the local victim is a stranger to the policy, the empathy for the victim when robbed for a minor item – a kitchen utensil or a chicken – may be more easily missing.

When allocating a major share of the crime registration costs on the victims has become the rule, they may also be more willing to pay a bribe for making the officer to register it. When it comes to another major source of bribe income, the earnings from the wrongful arrests of innocents, the officers' interests may be in lower transaction costs. The officer here will pay most of the registration costs so the question of co-ethnicity does not rise as an issue when it comes to the size and distribution of registration costs in this case, but , as noted, very much so for arrests of this kind itself. – Incidentally, both the risks and the effort costs associated with this form of corruption will be lower if the police station has received too few of the proper forms, a not uncommon occurrence at the smaller stations, we observed.

The crime registration process is much more complex than we have presented it in our analysis here where we simply describe the process as one where a crime has occurred, the victim may or may not present it to the frontline police and the police may or may not – in cooperation with the victim – register it. In fact at some stations the crime

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150   We have already noted a police officer's counter-claim: that the cost of time is lower for the poor so they will more often take the bother to report a crime. We believe this effect to be weaker, but have not data of our own to substantiate it. Azfar and Gurgur (2008) weakly support our assessment of the relative strength of these countervailing pressures.

may not be registered before it has been presented to its crime register accountant; there are different rules for how the information should be distributed upwards hinging upon the crime and the proofs available, and so on. There are also rules for how to prepare it for the courts, if that stage is reached. All this is important for the understanding of how the police work and for the detailed design of proper policies. Since our focus has been on the crime victimization events, our data here are not sufficiently rich to pursue this trail, however.

ID controls, roadblocks and nightly patrols. Unlike crime registration this is a set of police activities that normally don't assume any cooperation with the local community. A partial exception is, as we noted, the establishment of roadblocks that may need local permission after 2009. While it is possible to regard the frequent collection of extortion rents at night time as a way to present the police with selective incentives for doing the extra efforts, the community members who pay them don't do so voluntarily. Naturally, this form of corruption is generally extremely unpopular, but at the same time are the public attitudes somewhat schizophrenic towards it.

As we noted in the introduction this form of extortion may have considerably effects on the economic activities in the community – and not only on life in pubs and bars. In many rural communities they may act as a de facto post eight o'clock curfew that may make participation in local organizations for non-car owners, that is the less wealthy ones difficult. Moreover it becomes to a degree self-confirming in the sense that if you have not planned to do something criminal or socially disapproved, you may prefer to stay at home. Hence, the police may often catch the somewhat criminal or at least less risk-averse, like the youth, although they may have done nothing wrong that night. Hence the schizophrenia: the extensive fear of crime that we have recorded, particularly at night time, makes many communities to accept any nightly extortion from the police at the same time as they condemn it.

Nevertheless, on the whole these are deeply unpopular aspects of police behavior that prevent many forms of cooperation between the local population and the police. It is also an area where policy changes appear to be developing. We have already noted the restrictions on the police creation of roadblocks. In the new 'national police service bill of 2011' there also appears to be developed procedures for police behavior that may make it slightly more difficult to make arbitrary arrests at nighttime.[151]

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[151] Comparing the 2011 edition of the national police service bill we found that the earlier clause where it was given more licenses to act (arrest without warrant) during night time has been removed. For example in the 2010 edition it is written that 'a police officer may without warrant, arrest a person – (g) whom a police officer finds in any highway, yard or other place at night and whom he suspects upon reasonable grounds of having

Chapter 4. Any match between theory and evidence? Conclusions

We believe that we in the foregoing have demonstrated by our own work, but mostly through the analysis of already prevailing empirical research, that crime experiences have an important impact on Kenyans daily life. To pay the police a bribe is also a regular experience. In most developed countries crime experiences are also quite common, although in most countries less so than in Kenya,[152] but paying the police is not. May we find any explanation for the joint occurrence of high police corruption and crime rates in Kenya? The simplest one, perhaps, would be to assume that each crime event presents the police a bribe opportunity so the police corruption rate is driven by the crime rate. Alternatively, and equally simple, is to assume that a corrupt police let crime flourish. That is, the high police corruption rate drives the crime rate.

It should be clear from the preceding chapters that neither have been our starting point. We have argued that partly for historical reasons we may expect a rather low average level of commitment (internal legitimacy) at the outset among police officers to the Kenyan state. When combined with the inherent difficulties for superiors to monitor frontline officers in any police organization, the latitude for the frontline police officers to decide the manner of how to perform their public services becomes exceptionally wide.

When coming to the frontline police officers they are most of the time moving in public space. Hence, they may often be more closely monitored by the public than by their superiors. Each citizen has not any direct interest in paying the police to keep it alert at the same time as they have a common interest, shared by the police, to keep local security, including low crime rates. The ordinary citizen may also make some small contribution himself to the local security through neighbourhood watching, costly crime registration initiatives, and so on. We then argue that we in the extreme case may regard crime-fighting as a collective action problem involving both the police and local citizens. The precondition for looking at local security this way is the low internal legitimacy of the state among public employees. For related historical reason the state in general, but the police in particular, have also low external legitimacy (legitimacy among the citizens). The lat-

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committed or being about to commit a felony; '(The National Police Service Bill, 2010 This we don't find in the 2011 edition where it is simply stated that an officer may arrest a person without a warrant when there reasonable grounds to suspect the person 'of having committed or being about to commit a felony;' . This change of text may not mean any change in policy, but given the adverse selection of people wandering around at night in some communities, the observation of anyone at night could more easily be considered to be suspected of felony if nighttime was specified in this clause.

152   This varies considerably across countries and continents. Latin American countries in particular may have higher crime rates compared to economic income levels.

ter contributes to making it to become a difficult collective action problem to solve.

Although we point to a number of ways where selective incentives may induce both citizens and the police to seek higher police activity –lower crime equilibriums, we find little evidence of the latter in any large variations in crime and corruption rates. Our own survey has too small samples to really indicate the presence of significant variation in crime levels (and corruption rates) across communities. The larger GJLOS survey reports only about a significant difference between rural and urban communities, but doesn't support any multiple equilibrium outcomes (Medina, 2007) of this collective action, only a variation of an Olson'ian equilibrium where both the police and the citizens remain inactive. While low internal legitimacy may be the key, and low external legitimacy may contribute, the difficulties may be compounded under Kenyan conditions when the police and local citizens are not roughly co-ethnic.

Here we should also add that it remains unclear how effective any of the instruments available to the police and public really are for reducing crime. Without a convincing tie between actions and outcomes, there is difficult to see how selective incentives may induce the actors to stimulate each other to reach 'better' equilibriums.[153] While not sufficiently strong to shift uncoordinated collective action, we believe nevertheless that the impact on crime and feelings of security is strong enough to influence public welfare in a significant way if the police and the public are induced into higher levels of crime mitigating actions.

In other public professions than the police a lower degree of commitment combined with more difficult monitoring may result in higher absence rates in addition to eventual corruption – to the degree that the citizens that receive their services are willing to pay. Moreover, by turning down the activity level, a public employee is likely to increase the public's willingness to pay a bribe. For example, when working more slowly the size of the queue waiting outside his office tends to increase, and so do the willingness to pay under normal circumstances.[154] Not so for the police, we argue. In order to collect bribes the frontline police officers have to move around. The low activity part of

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[153] From a diverse set of observations crime rates appears to have components – both in developed (Glaeser et al. 1997) and developing countries that may show surprising shifts (van Dijk, 2008) or differences in levels (Andvig and Shrivastava, 2009) .that appear difficult to relate to economic and social conditions. If so, it is not surprising that crime rates may be difficult to influence substantially through the instruments available to the police and the citizens alike.

[154] Lui (1985) presents a well-known model that makes corruption increase queue speed. His assumptions are rather artificial, however. Most research performed in this area agree that in most situations lower activity levels in the public sector leads to or co-varies with higher corruption levels.

the low activity – high crime equilibrium is likely to become latent only.

The selective incentive that in practice may drag uncommitted officers into activity is corruption. Officers need to do active searching in order to collect bribes. In general, more active officers are likely to collect more. Still most of these corruption-induced forms of activity are not likely to contribute in a positive way to the public good of community security. Nevertheless, we accept that we may not write off the possibility that a weak effect in this direction may become the final outcome. A decomposition of the set of corrupt acts into three classes may make us realize that:

i)   Bribes paid by crime victims to ensure that the police register and process the crime, and make efforts to bring back stolen assets. This may induce crime-reducing efforts, but the police may drag their feet in the usual public bureaucrat way to increase the willingness to pay in certain rare situation.

ii) People having committed a criminal act may pay a bribe to avoid punishment. This clearly reduces the value of the public good sought and tends to increase the crime rate.

iii) The police may arrest or threaten to arrest innocent citizens and collect the accompanying extortion rents. This may not affect the crime rate directly, but will in most case reduce the local public good of security, although the police may focus on less influential citizens.

We have no information about the frequency of the ii) form, i) and iii) acts are the more frequent, but with iii) at the top. While only guessing, we believe ii) to be less frequent. From these considerations it appears likely that bribe-induced police activity will increase crime levels and local insecurity. When there may remain doubts about this conclusion, it is due to the information that emits jointly with the police bribe collecting efforts. Doing iii) the police may do night patrols which may frighten criminals away. Even doing ii) it pays the police to collect considerable amount of information about related criminal activities so by not catching the bribe paying criminal A, he may trace and catch the criminal B.

Returning now to our starting question of what may the relationship between crime and police corruption frequencies, we are close to our first simplistic hypothesis: *The crime rate may drive most of the police corruption rate.* The number of possibilities for i) and ii) types of bribe collection clearly are likely to rise; iii) likely to either be unchanged or to increase (easier to hide it when crime rates are high, although capacity restraints may turn it around). When this is combined

with the proposition that the police corruption rate is likely to have only a minor or maybe even negative impact on the crime rate due to the information and signals produced through the police's bribe collecting efforts, the above conclusion follows.

All this assumes that the police are at least weakly loyal in the sense that frontline officers do not frequently participate in criminal acts done jointly with regular criminals. Then the value of information collection will be turned on its head.[155]

We have also discussed a number of policies that may be implemented at the lower organizational levels such as officer rotation, crime registration procedures, roadblocks and night patrols, and how they may be used to induce better cooperation with the surrounding population. The traditional policy proposals such as increasing wage levels and frequency of training we have barely touched. We don't consider the wage level to be extraordinarily low, however, given Kenya's average income levels and the salaries of other public sector employees such as the teachers, but the costs for the police officers two run two households are not internalized in the police organization. They should be considered jointly with the rotation policies.

The effects of such improved cooperation that we suggest may assist the situation somewhat, but are unlikely to become strong enough to really solve the collective action dilemmas presented. To really be able to do so, committed action from above together with improved internal monitoring – which presupposes more commitment both from top and middle levels of management – are necessary[156] so the frontline officers may be exposed to incentives that may tag rewards more closely to what they in fact do. In addition, stronger development of intrinsic rewards –stimulated by training – for good and honest performance on the part of the frontline officers is of course also needed. But if this succeeds, our collective action conception becomes irrelevant and has to be supplanted by another – a bureaucracy-based one.

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155   Many Kenyans believe this to be the case. Among our respondents we found one concrete case (from police station B) where this was asserted, but the reasoning of the victim was not convincing since she believed the lack of fingerprinting efforts was due to a deliberate liaison with organized criminals while we from other sources were told that this equipment was wholly missing from this police station

156   The strong and fast decline in police corruption in Rwanda suggests that more may be achieved along this road than by more community policing; but we don't know yet whether the last increase reported above signals that this low corruption rate is not a lasting equilibrium

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Appendix 1: Overview of corruption and other governance indices in Sub- Sahara

	WBI corruption index		Ibrahim index	GDP/capita
	1998	2006	2005	2005
Angola	-1,37	-1,27	44,3	2335
Benin	-0,75	-0,59	61,2	1141
Botswana	0,75	0,86	73	12387
Burkina Faso	-0,03	-0,4	56,7	1213
Burundi	-1,3	-1,12	46,8	699
Cameroon	-1,23	-1	55,6	2299
Cape Verde	-0,32	0,6	72,9	5803
Central African Republic	-1,18	-1	46,7	1224
Chad	-1	-1,2	38,8	1427
Comoros	-1,23	-0,65	53,8	1993
Congo	-1,23	-1,08	52,1	1262
Congo, Democratic Republic	-1,73	-1,44	38,6	714
Cote d'Ivoire	-0,38	-1,22	48,8	1648
Djibouti	-0,69	-0,62	52,5	2178
Equatorial Guinea	-1,39	-1,52	51,6	7874
Eritrea	0,77	-0,32	48,3	1109
Ethiopia	-0,56	-0,65	53,2	1055
Gabon	-0,73	-0,9	67,4	6954
Gambia	-0,54	-0,71	55,8	1921
Ghana	-0,35	-0,1	66,8	2480
Guinea	-0,83	-1	51,5	2316
Guinea-Bissau	-1,12	-0,99	42,7	827
Kenya	-1,11	-0,89	59,3	1240
Lesotho	-0,21	-0,05	64,1	3335
Liberia	-1,72	-0,66	42,7	….
Madagaskar	-0,4	-0,24	57,7	923
Malawi	-0,39	-0,72	63,7	667
Mali	-0,61	-0,42	56,9	1033
Mauritania	-0,14	-0,6	58,8	2234
Mauritius	0,44	0,36	86,2	12715
Mozambique	-0,72	-0,65	55,8	1242
Namibia	0,67	0,14	67	7586
Niger	-1,04	-0,95	53,1	781
Nigeria	-1,12	-1,14	48,3	1128
Rwanda	-0,87	-0,11	57,5	1206
Sao Tome and Principe	-0,38	-0,53	65,3	2178
Senegal	-0,31	-0,45	66	1792
Seychelles	0,47	0,07	83,1	16106
Sierra Leone	-0,94	-1,1	48,3	806
Somalia	-1,72	-1,82	28,1	….
South Africa	0,64	0,44	71,1	11110
Sudan	-1	-1,15	40	2083
Swaziland	-0,02	-0,41	50,9	4824
Tanzania	-1,09	-0,42	60,7	744
Togo	-0,61	-1,09	49,8	1506
Uganda	-0,88	-0,73	55,4	1454
Zambia	-0,88	-0,71	57,5	1023
Zimbabwe	-0,38	-1,32	52	2038

Source: Kaufmann et al.(2008, 94 -96),
 http://www.moibrahimfoundation.org/index. UNDP (2007, 229 -232) GDP is
measured in $ PPP.-232). GDP is measured in $ PPP.

Appendix 2: The Police questionnaire

Guided Questionnaire for Interviews with Police Officers

Name of the Police station:_____

Province: _____

Interview Number: _____

Date of Interview: _____

Name of the Interviewer: _____

Starting Time:_____   Ending Time:_____

(A) Personal Characteristic

1	What is your Name?	
2	What is your Age?	
3	What is your Religion?	
4	What is your ethnic background?	
5	What is your marital status?	
6	How many children do you have?	
7	How many people do you have in your household?	
8	How many wives do you have?	

(B) Work/Location

9	What is your rank in the force?	
10	What is your station?	
11	Which branch or unit are you currently working?	
12	Which branch of police have you worked before?	
13	When did you join the police force?	
14	How many transfers have you had since you joined?	
15	How far is your station from your house or where you leave?	
16	Do you leave in (a) Government house? (b) Rented house? (c) Private house?	
17	How many rooms does your house/apartment have?	
18	Do you use a vehicle belonging to (a) Government car, motorcycle, and bicycle)? (b) Private (car, motorcycle, bicycle)? or (c) Public transport?	

(C) Income and Livelihood

20	What is your monthly salary?	
21	How many people depend on your salary?	
22	How much do you spend on food per month?	
23	How much do you spent on rent?	
24	How much do you spend on transport to work per week?	
25	How much do you spend on medical care per month?	
26	What is your household monthly budget?	
27	Do you have any other source of income?	
28	If yes, please describe?	
29	What proportion of your time is directed to protecting people and property at home?	
30	What proportion of your time is directed to protecting citizens (and private cars) in public space such as roads?	
31	What proportion of your time is spent on protecting and recovering property for consumers?	
32	What proportion of your time is directed to protecting producers (like truck and bus drivers) their working instruments and recovering them?	
33	What proportion of your time is spent on internal matters, meetings and reports?	

(D) Community Service

34	Do you think the community around you is happy with your service?	
35	What is the nature of crime in the community you serve?	
36	What are the main causes of crime?	
37	Do you have a relative in the police force?	
	How many relatives do you have in the force?	
38	Did you assist him/her to join the force or did he/she assist you to join the force?	
39	If yes, what was the nature of assistance?	
40	What problems do you encounter when taking a statement?	
41	Please explain?	
42	Do people come to report to you about crime or you find crime on your own?	
43	How often do you make patrols in the community around the station?	
44	How many people do you serve in a week?	
45	How would you describe your relationship with the community?	
46	Do you receive any support from the community?	
47	What is the nature of support?	

(E) Career Development

48	Are you happy with your current positing/unit?	
49	Given an alternative which unit would you choose and why?	
50	What motivates you to stay in the police force?	
51	When did you last go for training?	
52	Are you happy with the training you have received?	
53	Do the skills you have acquired in the training help you perform your duties much better?	
54	Do you have the necessary facilities or equipment required for your job?	
55	What are the factors constraining you from serving the community better?	
56	How many promotions have you had since you joined the force?	
57	When was your last promotion?	
58	Did you have to do anything to be promoted?	
59	How would you describe your relationship with your immediate superior?	

(F) Personal Security

60	Do you always worry about your own security?	
61	What are your main security threats?	
62	Have you ever been attacked by thugs/gangs?	
63	How many times have you been attacked by thugs/gangs?	
64	Has any member of your family ever been terrorised by thugs/gangs because of your profession?	

(G) Transparency and Accountability

65	Transparency International surveys seems to indicate that the police in Kenya are the most corrupt. Agree or disagree?	
66	Do you come across any police officers who have received a bribe?	
67	Do you know any police officers who are under investigation for corruption?	
68	Have you ever received a bribe?	
69	Did you request for it or were you offered?	
70	How much did you receive?	

(H) Crime and Reporting

71a	When comparing crime victimization surveys (GJLOS) with police surveys, only 10% of the crime is registered by the police. Any comment?	
71b	How many crimes do you register (FIR) pr. Week?	
71b	How often (percentage)do people report (FIR) crime compared to when you initiate a report yourself?	
71c	Have you ever been compelled to attend to cases by people who somehow can support you	
72	Do you often feel pressured to take a statement by anybody? Who in particular?	
73	The perception is that poor people have difficulties making a statement. Do you agree?	
74	Do you have to take a statement or register a crime reported from the public or are there crimes that you do not register or take seriously?	
75	Even if poor people succeed in making a statement their cases are rarely taken seriously. Do you agree? Could you explain?	
76	Do you always have capacity to deal with all crimes reported?	
77	Have you ever been compelled to attend to cases brought by people who can support you in one way or the other?	
78	What type of crimes do you give priority by acting upon immediately when reported?	
79	What type of crime do you give less priority and why?	

(I)   Arrests

80	How many arrests are you involved in per week?	
81	How often are they initiated by local police? Superiors? Courts or the public?	

Appendix 3: The community questionnaire

**<u>Guided Questionnaire for Local Community around the Police
Station: Survey on Crime Reporting</u>**

Name of Police Station: _____   Province: _____

Name of the Local Community _____ Interview Number: _____

Name of the Interviewer: _____Date of Interview: _____

Starting Time: _____   Ending Time: _____

Section (A): Background information

1 What is your name? _____

2. What is your age? _____

3: Gender:
   (i) Male___   (ii) Female ___

 4. Educational background:
 (i) No education ____   (ii) non-formal education ___   (iii) Primary ___
(iv) Secondary___   (v) High school ___   (vi) Tertiary ___
(vii) Graduate/higher education ___

5. Occupation: _____

  (i) Self employed, agriculture
  (ii) Self employed labourer
  (iii) Self employed, trade and commerce (shops)
  (iv) Self employed, trade and commerce /street sellers
  (v) Self employed, other (specify)
  (vi) Wage employee, private sector
  (vii)Wage employee, public sector
  (viii) Student
  (ix) Unemployed

6.Religion:
(ii) Muslim _____   **(iv) Other (please specify)** _____
(iv) Christian_____   **(v) Hindu**_____

8: Marital status:
 (i) Married ___   (ii) Single ___
(iii) Widow(er)__   (iv) Divorced__   (v) Cohabitation___

9. Please list the members of this household from the oldest to the youngest

Age	Gender	Education	Occupation	Income

10. Area
(i) Urban /lower status residential area ___
(ii) Urban/ middle status residential area ___
(iii) Urban/higher status residential area ___
(iv) Rural poor_____

11. Household socio-economic description:
(i) Very poor___   (ii) Poor ___   (iii) Moderate poor ___
(iv) Lower well-off ___   (v) Middle well-off ___   vi) Rich___

12: Structure of the house:
(i) Apartment ___   (ii) Flat ___   (vi) Semi permanent_____
 (iv) Maisonette___   (v) Hurt_____

13. Household income (in Shillings)

(a) Weekly_____   (b) Monthly_____   (c) Annually_____

14.   Do you have?
      A landline telephone
      A cell phone
      An electricity connection
      A water connection

15. How much did your family spend last month on food and groceries? _____

16. How much did your family spend in the last year on clothes
      _____

17. Did you vote in the last election for the following posts?
(i) General election_____
(ii) Did not vote_____
(iii) Have never voted_____

18. Have you been to any political rallies or other political gatherings in the last 5 years?
(i)Yes   (ii)No

Section B: <u>Crime Questions</u>

19.Have you experienced crime during the last 2 years?
Yes __ (Go to question 20) No __ Go to question 32

20 If yes, kindly describe the nature of crime

(i) Theft
2. Burglary
3. Robbery
4. Physical assault/ hurt/ grievous hurt/ molestation / sexual harassment.
5. domestic violence
6. Attempt to murder
7. Kidnapping and abduction
9. Road accident
10. Cheating
11. Property crimes

Details of incident: Go to Section B1

Section B1:
Unstructured follow up on questions for each crime

Ask about each crime:_____

21.(a)Did you know the offender by name or sight:
No ___Yes, by name ___   Yes, by sight ___

(b) Please describe the crime briefly in your own words.

_____

_____

_____
_____

About property crimes ask:
(c) How badly did the crime affect you economically?
Not at all ____   A little ___   Quite badly ____   Very badly ____

(d)Has it changed how much do you earn or spend every month?

Not at all ____   A little ___   Quite badly ____   Very badly ____

(e) Has it led to difficulty in paying school fees, paying for necessary health expenses, or delaying marriages because of the loss of a dowry?
Not at all ____   A little ____   Quite badly ____   Very badly ____

(f)Please describe how crime has affected you economically

_____

_____

(g) Has the crime affected you in any other way? For example do you now avoid certain areas? Do you distrust other people more? Are there specific kinds of people you fear more?

_____

_____

22. Did anyone from you report to the police or anyone else?
(a) Yes_____(Go to Section B2)   (b) No (go to section B3)

Section B2
Reported Crimes: follow-up on questions for each crime
How did you report the crime? (Unstructured and structure)

(a) When you visited the police station how long did you wait to talk to a police officer?
_____ Minutes (If respondent answers in hours, multiply by sixty)

 (b) What time of day or night did you visit the police station? ___

(c) Which rank of the police officer did you encounter?_____

(d) Did the police officer inform you in details about how to register a crime?
    (i) Yes   ___   (ii) No   ___

        (A) If yes, Please describe the process (unstructured)
                Respondent appears to understand process   ____
                Respondent doesn't appear to understand process ____

_____

_____

_____

23. How was the crime reported to the police station?

24. Fill out the answers to the following questions if answered in the unstructured response, otherwise ask questions directly and note response

(a) Did the police investigate the incident?   ___
(b) Did the police after investigation settle the case at the police level? ___
(c) Did the police investigate and forward the case to a judicial court? ___
(d) Is the case still pending at the judicial court or disposed?   ___
(e) Is the case disposed without hearing?   ___
(f) Did the guilty one get punished?   ___

For property crimes
(g) Did the stolen property get recovered?   ___

 On the whole, were you satisfied with the way the police dealt with your report?

Yes ___   No ___

        If No
        For what reasons were you dissatisfied? (You can give more than one reason)
        Didn't do enough
        Were not interested
        Didn't find or apprehend the offender
        Didn't recover my goods
        Didn't keep me properly informed
        Didn't treat me correctly/were impolite
        Were slow to arrive
        Other reasons
        Don't know

25. If crime was reported then what happened afterwards? (Unstructured)

_____

_____

Section B3: **Unreported Crimes**

26. Why did you not report the crime?
        1. Not serious enough
        2. Solved it myself
        3. Inappropriate for police

4. Reported it some other agency
5. My family solved it
6. No insurance
7. Police could do nothing/lack of proof
8. Police won't do anything about it
9. Fear or dislike of the police/no involvement wanted with the police
10. Process takes too long
11. Police would demand bribes
10. didn't dare (for fear of reprisals)
11. Other reasons Specify _____
12. Don't know

27. Did the police officer ask you to leave the police station without making a statement?

(a) Asked you to leave with a threat ___   (b) Physically harassed you to leave ___

(c) Persuaded you it's not worth it ___   (d) Simply asked you to leave ___

28. What did you do after you couldn't make a statement? (unstructured)

_____

_____

_____

30. Did the police visit you on their own accord after somebody else reported?

Yes ___   No ___

31. (a) Do you still want reports the crime?

Yes ___   No ___

If no, why not

_____

_____

(b) In the past five years has crime in your area gone up or down

Up   No change   Down

Section C: Bribery and Extortion

32 Have you or any of your family members come into contact with a police officer during the past five years?
  (i) Yes   (ii) No
If (i) yes
(a) When ?

_____

(b) How many times? _____

(c) Why? (Unstrutured)_____

33. Did the police officer ask for some kind of a payment for reporting or registering a crime?
  (i) Yes   ___   (ii) No   ___
        If yes, How much did the police officer ask for a payment?

_____
           Were you given **a receipt or a case no?**
  (a) Yes receipt   ___   (b) No receipt   ___
  (c) Yes case no. ___   (d) No case no.   ___

34. Have you ever been forced to pay a bribe for crime reporting?
  (i) Yes ___   (ii) No ___

 If yes: (i)
(a) How much did you have to pay? _____

(b) Did you pay?
      (i) Before reporting   ___   (ii) After reporting   ___

(c) Did you pay to the police in parts?
      (i) Yes   ___   (ii) No   ___

(d) Have you ever paid a bribe to a police officer to take enforcement action against someone?
      (i) Yes   ___   (ii) No   ___

(e). Have you ever paid a bribe to a police officer not to take enforcement action?
      (i) Yes   ___   (ii) No   ___

(f) Have you ever paid a bribe to a police officer to release you after enforcement action was already taken?
Yes   ___   (ii) No
(g) Have you ever paid a bribe to a police officer to release someone else after enforcement action was already taken?
   (i) Yes   ___   (ii) No
(h).Do you make routine payments to the police in exchange for protection?
(i) Do you make routine payments to the police in exchange for confidential information? If yes, then what sort of information do you receive? (This should be open-ended to see what response you get)

(j)Have you ever been the victim of a police-initiated crime for not making a payment that was requested by a police officer? (Such as some type of retaliatory action)

 (h) Did you sell some personal valuables for the payment?
          (i) Yes   ___   (ii) No ___

(i) Did you borrow the money for the payment?
          (i) Yes   ___   (ii) No ___

If no, (ii) then
How did you manage to file a report? (Multiple responses allowed)

          (a) Police officer was from the same tribe as mine?   ___
          (b) Police officer was familiar to my family or friends? ___
          (c) I know some police officer or local powerful men ___
          (d) The police officer was honest?   ___

Unstructured comments made in response to question

_____

_____

Section D

35. How do you rate the performance of the police in your area?
(a) Very good job   ___
(b) Fairly good job   ___
(c) Fairly poor job   ___
(d) Very poor job   ___

36. How safe do you feel in the dark?
(a) Very safe   ___
(b) Somewhat safe   ___
(c) Somewhat unsafe   ___
(d) Very unsafe   ___

37. Do you trust police in your area?
(a) Complete trust in police   ___
(b) Somewhat trust in police   ___
(c) Somewhat distrust the police   ___
(d) Do not trust police at all   ___

38. How much corruption is there in (0-10 scale?)
Police station ___
The district level_____
The provincial level____
The central government____

39. If there was less corruption in the police would you be more or less willing to report crimes to the police?
1. Less willing___   2. It would make no difference____   3. More willing___

40. Have you ever done anything illegal in your life?
Yes ___   No ___

Section E: General

41.   Have you paid a bribe to these government units?

_____

(a) In urban areas kindly rank this
(i)Income tax
Health
Transport
Municipal
Electricity
Education
Police
Any other kindly specify

(b) In rural areas kindly rank
Land revenue
Health
Electricity
Transport

Irrigation
Education
Police
Any other kindly specify

42. Which organisation do you think is the most corrupt?

(a) In urban areas kindly rank this
(i)Income tax
Transport
Municipal
Electricity
Education
Police
Any other kindly specify

(b) In rural areas kindly rank
Land revenue
Electricity
Transport
Irrigation
Education
Police
Any other kindly specify

(Answers must be coded in such a way that Yes answers to the first questions can be distinguished from Yes answers after prompting.)