

Full Length Research Paper

Administrative impact of restructured provincial administration on selected aspects of maintenance of law and order in Kenya in 2010 to 2014: A case study of Bomet county

Josphat Safari Mutisya^{1*}, Moses Mpuria Kindiki² and Ambrose Kipkering Rono¹

¹School of Arts and Social Sciences, Maasai Mara University, Nairobi, Kenya.

²Department of Social Studies, Maasai Mara University, P. O. Box 2899-00100, Nairobi, Kenya.

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The aim of this study is to investigate the administrative impact of Restructured Provincial Administration (RPA) as independent variable on maintenance of law and order as dependent variable in Bomet County, Kenya from 2010 to 2014. Based on the theory of new-institutionalism, it focused on four selected aspects of maintenance of law and order measured from 2006 to 2010 and from 2010 to 2014, namely analysis of the nature and causes of crimes committed, the frequency of joint security operations on illicit brews and reasons for not conducting them, the duration of response to scenes of crimes and why and the frequency of security committees meetings and what informed them. It employed a descriptive survey design that targeted 223 respondents with a sample size of 143 from four security agencies purposively chosen namely the National Administration, the Kenya Police Service, the Administration Police Service and the National Intelligence Service. Data was collected through a questionnaire and analysis of written records. The study argues that the RPA had significant negative administrative consequences on the selected aspects in 2010 to 2014 compared to the period before. It contributed to increased personal, property and statutory crimes, the frequency of joint security operations on illicit brews dropped from weekly basis to monthly and need basis, the duration of response to scenes of crimes increased from minutes to hours, and that the frequency of security committees meetings increased to weekly and need basis from monthly and need basis. This negative administrative impact on the selected aspects is attributed to the changed command structure in the RPA, independent security institutions, inadequate resources and entry of County government of Bomet in 2013. The government should consider restructuring the four security agencies to streamline the command structure to enhance enforcement and coordination, establish a clear law and policy on liquor that is universal to all Counties to streamline joint operations on illicit brews, avail adequate resources to enhance response to scenes of crimes and fully operationalize Article 239 (5) of the Constitution of Kenya, 2010 to empower security committees.

Key words: Administrative impact, restructured provincial administration (RPA), maintenance of law and order, selected aspects, security agencies, periods 2006 to 2010 and 2010 to 2014, Bomet County.

INTRODUCTION

Public administration in common practice refers to the organization and operations of the executive branch of

government (Sahni and Vayunandan, 2012). It constitutes the public service that implements government policies. According to Ranney (1993), it is the obligation of any government to ensure security of its people and property and enhance socio-economic and political development. To achieve this objective, all nations whatever their system of government have a bureaucracy responsible for the administration of the internal affairs of the state and whose role and status are not political (ECA, 2010).

Kenya at independence in 1963 inherited a system of administration called Provincial Administration (PA) from the British colonial government. It was a 'top down' system of administration with its headquarters at the Office of the President and cascaded to all parts of the country. It comprised of the Provincial Commissioner heading a province, the District Commissioner heading a district, the District Officer heading a division, the Chief and the Assistant Chief heading a location and a sub location respectively, up to the village elders (Bagaka, 2011; Republic of Kenya, 2014a) A key function of the Provincial Administration before and after independence was maintenance of law and order.

The structure of the PA also comprised of other security agents namely the Administration Police (AP), the Kenya Police (KP) and the Special Branch. These were the enforcement wing of the Provincial Administration. The Kenya Police structure followed that of the PA from top to bottom, while the Administration Police worked under the direct command of the provincial administrators. This was provided for in the Administration Police Act Chapter 85 Laws of Kenya and the Chiefs Authority Act Chapter 128, both of which are repealed. According to Mbuba and Mugambi (2011), these agencies worked as one intact team in implementing security matters under the District Security Intelligence Committee (DSIC) chaired by the District Commissioner. The armed wing executed the decisions of the DSIC without citing operational independence.

As personal representatives of the President at the local levels, the provincial administrators exercised upward accountability as they followed orders of their seniors without question even when those orders were detrimental to the public interest. The executive exploited this upward accountability mechanism for political reasons especially during the one party, Kenya African National Union (KANU) rule in Kenya. Consequently, the institution was regarded as repressive and unresponsive to peoples' needs and advancing bad governance (Bagaka, 2011).

However, institutional reforms have been implemented over the years to transform the PA to an effective agency

of government that adheres to the rule of law and good governance (Republic of Kenya, 2014b). These reforms include the 1997 Inter- Parties Parliamentary Group (IPPG) resolutions, the Governance, Justice, Law and Order Sector (GJLOS) reforms of 2002, and the new Constitution of Kenya, 2010 that required restructuring of the Provincial Administration to align it with the County governments.

Restructuring of the PA is a new phenomenon in Kenya, and has been implemented in 2010 to 2014, pursuant to Section 17 of the Sixth Schedule of the Constitution of Kenya, 2010. However, the meaning and scope of restructuring the PA elicited a lot of public debate because of different interpretations given to it by various interested parties.

Some of these parties include the new County governments, the National Police Service with the Kenya Police Service and the Administration Police Service, the defunct Provincial Administration and the general public. Some interpreted it to mean 'scrapping', 'abolition' or 'disbanding' Provincial Administration. Others held the view that restructuring entails re-organizing the Provincial Administration to place it under the County government so that provincial administrators report directly to the Governors to avoid a situation of parallel system of administration at the County level.

Others interpreted that restructuring involved re-organization of the PA in terms of its functions, administrative procedures, institutional, policy and legislative frameworks. This group supports the retention of the PA but with reforms of the institution. The fact that the new constitution does not define the parameters of restructuring the PA explains why there are many interpretations (Republic of Kenya, 2015b, c).

Bomet County pursued the interpretation that restructuring entails re-organizing the Provincial Administration to place it under the County government so that provincial administrators report directly to the Governor to avoid a situation of parallel system of administration at the County level.

This interpretation was more pronounced in the County than in any other part of the country because of the fact that Bomet County was the first one to host the Chairman of the Council of Governors for two years consecutively in 2013 to 2015. It was also favoured by the new police services, which argued that the new constitution has set them independent of the Provincial Administration.

The management and coordination of security and other national government functions were increasingly constrained by the politics of devolution in Bomet County which, apparently was indifferent to the PA in its restructured form and the security agencies also seemed

*Corresponding author. E-mail: safari.josphat@yahoo.com, safarijosphat16@gmail.com.

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entrenched in the confusion.

According to reports from the Bomet County Commissioner's office (2013), the Chiefs were reporting that the APs had refused to take orders from them, citing their operational independence from the new constitutional order. The working relationship among the Administration Police Service (APS), the Kenya Police Service (KPS), the Provincial Administration and the National Intelligence Service (NIS) continued to expose rifts with dire consequences on the management of maintenance of law and order. Such was the situation that on 20th October, 2013, the Bomet County Commissioner and the Governor held Mashujaa Day celebrations in separate venues (Makiche, 2013). Has anyone, therefore, thought of the intended effects of restructuring the PA on the management of security agents as a core function of the national government in the Counties?

The enforcement of law and order in the locations weakened with the Chiefs reporting unusual working relationship with the APs and crime incidences being reported more often than before. This is corroborated by the Bomet Criminal Investigations Department reports and the Bomet Law Courts records (2010 to 2014). Analysis of the crime trends, especially those related to illicit brews and domestic issues in the County were on increase during restructuring of the PA in 2010 to 2014.

While this was happening in Bomet County, it seemed the problem was also experienced in other regions. This is evident in the government's action to summon a countywide security meeting at the Kenya School of Government (KSOG, 2013), Nairobi, on 20th, November, 2013, apparently to address the challenges. The meeting was attended by all the County Commissioners, all the APS and KPS commanders, the Inspector-General of police and the NIS Director-General. It was presided over by the Cabinet Secretary, Ministry of Interior and Coordination of National Government, Joseph Ole Lenku and his Principal Secretary.

After the meeting, it was reported in the media that 'Lenku Tells APs to obey Chiefs' Order' (Ombati and Awour, 2014), and that 'Lenku order baffling', (Editorial Team, 2013), to mention, but a few. However, all these scenarios indicate a dawn of confusion in the management of maintenance of law and order, especially at the lower levels of administration. What then, could have happened after restructuring the PA? Have the RPA achieved the intended effects of restructuring in regard to the maintenance of law and order in Bomet County in 2010 to 2014?

According to March and Olsen (2008), contemporary theories seem to have limitations in achieving the intended effects of restructuring public institutions. They argue that most of these theories assume that the mix of rules, routines, norms and identities that describe institutions change over time in response to historical experience. But in fact, most modern democracies seem

to have limited capacity for institutional design and reform and in particular for achieving intended effects of re-organization. However, Lufunyo (2013) argue that in any society, public sector reforms on service delivery keep on changing based on the circumstances at hand and the goal to be achieved with those reforms. Have the RPA then achieved the goal of improved management of maintenance of law and order in Bomet County in 2010 to 2014?

What have been the administrative impacts of the changed command structure (as routines and norms) for instance, among the four security agencies (the PA, the KPS, the APS and the NIS) on selected aspects of maintenance of law and order? Have the new design of the RPA and the independent police institutions had administrative impact on the maintenance of law and order in Bomet County, Kenya in 2010 to 2014?

These questions are perplexing because, despite restructuring the Provincial Administration in 2010 to 2014 to improve maintenance of law and order, rifts and confusion among the security agencies continued to be witnessed in Bomet County with dire consequences on increase in crimes. Security reports indicated an upsurge of crimes and imminent gaps in the management of maintenance of law and order by the Provincial Administration and conflicts with the County government in as far as the management of national security services was concerned (Bomet County Commissioner's office, 2013).

In other parts of the country, there was increased intensity of lawlessness and insecurity. For instance, according to the Kenya National Commission on Human Rights report (KNCHR, 2014), there was loss of lives and property in the Tana River massacre in 2012; the Westgate Mall terror attack in 2013; the Mpeketoni terror attack in 2014; Baragoi security officers deaths in 2012; Mandera terror attack in 2014 and a case where over one hundred people died due to consumption of illicit brews in 2014 across several Counties, among many other incidences.

As Hughes (2012) argues, reform is undertaken with the aim of improvement, but there has been so much reform, so much change that management capacity has not improved very much. Any process of change involves winners and losers, and among the losers might have been some valued parts of the traditional model of administration. Could restructuring the pillars of national security have left behind some valued parts of the former Provincial Administration in regard to maintenance of law and order?

It is against this background that this study conceptualized restructuring of the PA as the problem in regard to the delivery of maintenance of law and order in Bomet County in 2010 to 2014. The main objective of the study was to investigate the administrative impact of the RPA on four selected aspects of maintenance of law and order in the County in 2010 to 2014. These were

examining the nature and causes of crimes committed; establishing the frequency of joint security operations on illicit brews and reasons for not conducting them; establishing the duration of response to scenes of crimes by the security agencies and why and establishing the frequency of security committees meetings and what informed them. These formed the specific objectives of the study and were measured over a period of eight years, four years before restructuring the PA in 2006 to 2010 and four years in 2010 to 2014. It was therefore, imperative for the study to achieve these objectives by seeking answers to the questions:

1. What have been the administrative impacts of the RPA on the selected aspects of maintenance of law and order in Bomet County, in 2010 to 2014?
2. What was the nature and causes of crimes committed in Bomet County before the RPA in 2006 to 2010 and during 2010-2014?
3. What was the frequency of joint security operations on illicit brews and reasons for not conducting them in Bomet County before the RPA in 2006 to 2010 and during 2010 to 2014?
4. What was the duration of response to scenes of crimes and why by the security agencies in Bomet County before the RPA in 2006 to 2010 and during 2010 to 2014?
5. What was the frequency of security committees meetings and what informed them in Bomet County before the RPA in 2006 to 2010 and during 2010 to 2014?

Leading writers on the Provincial Administration in Kenya such as Bagaka (2011), Otswana (2012), Mbuba and Mugambi (2011), Mkutu et al. (2014), Sihanya (2011) and Republic of Kenya (2014, 2015), all have not focused on the administrative impact of the RPA on selected aspects of maintenance of law and order in Bomet County in 2010 to 2014. Here is thus the purpose of this research paper. This paper investigated the administrative impact of the RPA on selected aspects of maintenance of law and order in Bomet County in 2010 to 2014. It argues that the RPA had negative administrative impact on the fight against crimes, the frequency of joint security operations on illicit brews, the duration of response to scenes of crimes, and the frequency of security committee meetings in 2010 to 2014.

LITERATURE REVIEW

This part will examine the theoretical basis on which the organization and operations of the RPA was conceptualized and applied in maintenance of law and order in the society. The study was based on the theory of new-institutionalism as advanced by Powell (2007), Thoenig (2011), DiMaggio (1991) and Powell (2007).

The section will explore the general concept of new-institutionalism approach to organizations, then give a critical review of the basic tenets of the theory that

underscore the organization and operations of the RPA in the delivery of the selected aspects of maintenance of law and order. Finally, a discussion will be given on how the theory aides the conceptual framework and assists in the research design, analysis of the results and conclusions.

New- institutionalism belongs to the new approaches to institutional theory that have been criticisms to Max Weber's theory of bureaucracy for the last four decades. Since 1970s, Thoenig (2011) argues that public administration institutions as research domains have increasingly become less normative and more empirical. This perspective observes that political and administrative institutions are embedded in societal environments and function like specific social systems. Therefore, interactions between societal change and administrative reform are important aspects in institutional analysis. Based on this view, Kenya's transformation of the Provincial Administration (PA) to its restructured form today was a result of societal change that demanded responsive and accountable governance.

The main question advanced by this approach is whether public organizations' reforms match societal needs and whether they advance democratic participation (Thoenig, 2011). Have the process of restructuring the PA been participative and democratic enough to match the Kenya's needs as far as the organization and operations of the institution is concerned? The answer is yes because the process was sanctioned by Section 17 of the Sixth Schedule of the Constitution of Kenya 2010, which was passed through a referendum, and the subsequent laws passed by parliament. But the knowledge gap in this institutional analysis of restructuring the PA is the administrative impact of the RPA on the services delivered. What have been the administrative impacts of the RPA on selected aspects of maintenance of law and order in Bomet County in 2010 to 2014?

According to Powell (2007), organizational practices and structures are often either reflections of or responses to rules, beliefs and conventions built into the wider environment. These variables can be analyzed in respect to the RPA since restructuring involved reorganization in terms of its functions, administrative procedures, institutional, policy and legislative frameworks (Republic of Kenya, 2015a). Some of the restructured practices and structures were removal of direct command of the Administration Police (AP) from the PA and placed under the Inspector- General of police (IG) and two deputy IGs, and establishment of independent police services. The former structure of the PA put the Kenya Police, the Administration Police, the Special Branch (now NIS) and the PA intact and operated as one seamless machine to implement security matters (Mbuba and Mugambi, 2011).

But the wider environment demanded institutional reforms of the Provincial Administration. However, the reorganized practices and structures do not show the

administrative impact of the RPA on maintenance of law and order. How then, have the changed organizational practices and structures of the RPA impacted on the administration of selected aspects of maintenance of law and order in Bomet County in 2010 to 2014? This knowledge gap is widened by the fact that even these contemporary theories seem to have limitations in achieving the intended effects of restructuring public institutions as argued by March and Olsen (2008). They observe that most modern democracies seem to have limited capacity for institutional design and reform and in particular for achieving intended effects of reorganization. In re-designing and reforming the Provincial Administration to the RPA, has any research been done on achievements of the intended effects of restructuring the Provincial Administration? For instance, what has been achieved on the intended effects of reorganizing the security agencies into independent institutions in regard to the maintenance of law and order in 2010 to 2014?

Furthermore, restructuring of the PA can be reviewed on the basis of what DiMaggio and Powell (2007) referred to as institutional isomorphism. This is a constraining process that forces one unit in a population to resemble other units that face the same set of environmental conditions. In undergoing institutional isomorphism, organizations not only compete for resources and customers, but also for political power, institutional legitimacy and for social and economic fitness (DiMaggio and Powell, 2007).

The global pressure for public sector reforms in the late 1980s under the Structural Adjustment Programs (SAPs) initiated reforms in all public institutions in Kenya, including the PA that eventually underwent the institutional isomorphism to the RPA. But after restructuring, has the RPA gained the social, economic and institutional fitness to effectively maintain law and order? After isomorphism, what have been the administrative consequences of the RPA on the delivery of the selected aspects of maintenance of law and order in Bomet County in 2010 to 2014?

This theoretical discussion thus leads to the conceptualization of the RPA and the selected aspects of maintenance of law and order on a cause-effect relationship. The RPA involved change of organizational practices, structures and legal frameworks of the security agencies (the PA, the KPS, the APS and the NIS) that deal with maintenance of law and order. This reorganization should have institutional impact on the services delivered (Bangura, 2000).

Hence, in this conceptual framework, the RPA is the independent variable while the selected aspects of maintenance of law and order are the dependent variables. The cause-effect relationship of these variables can be explained through descriptive survey design where respondents' opinions were sought through a questionnaire and analyzed through cross tabulation of descriptive statistics such as percentages and frequencies. The dependent variables were subsequently

discussed.

Nature and causes of crimes committed in Bomet county before (2006 to 2010) and during 2010 to 2014

Crimes in this paper are defined as prohibited behavior that government deems harmful to society and is punishable by criminal. In Kenya, different crimes are categorized in the penal code Chapter 63 laws of Kenya (Revised 2009), for example crimes against a person, crimes against property, crimes against state, crimes against society, transnational crimes etc. Analysis of the nature and causes of crimes is an aspect or strategy of maintenance of law and order.

This study categorized crimes as follows; personal crimes (offences against person), property crimes (offences against property), statutory crimes (offences against state), crimes against humanity for example, political violence and transnational crimes e.g. terrorism, drug trafficking etc. The analysis of trends of these crimes in Bomet County before 2006 to 2010 and during 2010 to 2014 was vital in establishing the administrative impact of restructuring Provincial Administration on maintenance of law and order. The crime trends in Bomet County are compiled every month by the Criminal Investigations Department (CID) and annual national crimes statistics published by the National Police Service (NPS) headquarters (Bomet CID records, 2014; Republic of Kenya, NPS 2015). Analysis of crimes statistics is a practice that many countries undertake in management of security.

In developed countries such as the USA, crime statistics are published in what is known as Uniform Crime Reports (UCR). The statistics are analyzed by the Federal Bureau of Investigations (FBI) and used as an index of major crimes for example; murder, forcible rape, aggravated assaults, burglary, robbery, etc. (Sutherland, 1992).

In England and Wales, crimes statistics are compiled by British Crime Statistics (BCS) and analyzed as index of major crimes (Chaplin et al., 2014). It is thus a best practice that crimes statistics are analyzed and used as indicators of crimes trends at international, national and county levels. The nature and trends of crimes informs the status of maintenance of law and order, and the performance of law enforcement agencies in the society at any given time.

According to National Crime Research Centre, NCRC (2012), East Africa in general and Kenya in particular is a region of high and increasing crime rates due to various factors such as increasing poverty levels and inadequate economic opportunities available especially to the youth. Crime trends in Kenya are evolving in unprecedented rates and measures. Some of these crimes include organized criminal gangs (identified by NCRC as 46 in cities and main towns in Kenya), and they commit all sorts of crimes such as armed robberies, carjacking, illicit drugs trafficking, property thefts, economic fraud, to

mention but a few (NCRC, 2012).

In Bomet county, crime statistics shown categories of crimes against person for example, assaults, rapes, domestic violence; those against property such as thefts, robberies and crimes against state such as public disturbance, traffic offences, alcoholism and illicit brews offences (Bomet CID reports, 2014 and Bomet Law Courts, 2015).

The onset of County governments headed by Governors in 2013 and County Commissioners heading National security services further complicated maintenance of law and order. In Bomet County, operations of security agencies were constrained by the County government of Bomet's indifference to the constitutional provision for restructuring and existence of the Provincial Administration (Sixth Schedule, Section 17), and claims that the PA was irrelevant under the new constitution (Makiche, 2013).

This indifference by the devolved government, the establishment of independent police services and the fact that liquor licensing was devolved impacted on security agencies' delivery of maintenance of law and order during 2010 to 2014. The analysis of the nature and causes of crimes trends in Bomet County before 2006 to 2010 and during 2010 to 2014 is thus important as the crimes statistics reflect on the performance of the security agencies (the PA, the NIS, the APS and the KPS) and the status of maintenance of law and order.

According to a survey done by the GJLOS (2006), the office of the Chief was ranked the best in service delivery with over 70% of the disputes being resolved by the Provincial Administration. The reforms in GJLOS targeting the administrative officers had a positive impact on service delivery. Existing theories of institutional analysis indicate that reorganizing organizational practices and structures have consequences on the delivery of services (Powell, 2007; March and Olsen, 2008). What about the administrative impact of restructuring the PA on maintenance of law and order in 2010 to 2014? This leads to the question: what have been the administrative impact of the RPA on the nature and causes of crimes committed in Bomet County, in 2010 to 2014?

Whereas scholars in Kenya such as Bagaka (2011), Otwoma (2012), Mkutu et al. (2014), Mbuba and Mugambi (2011) and Republic of Kenya (2014, 2015) have extensively written on the Provincial Administration, they have not focused on the administrative impact of the RPA on the nature and causes of crimes in Bomet County in 2010 to 2014, hence the purpose of this research to fill the knowledge gap.

Frequency of joint security operations on illicit brews and reasons for not conducting them in Bomet County before (2006 to 2010) and during 2010 to 2014

Closely related to analysis of the nature and causes of

crimes is the aspect of joint security operations on illicit brews and reasons for not conducting them. Joint security operation in this research refers to collective and cooperative security activities to crackdown illicit brews by the security agencies.

Joint operation is an important aspect of maintenance of law and order. Illicit brew in this study is defined as illegal and unlicensed liquor that is prohibited by the government whether locally manufactured or imported from other countries. For example, *chang'aa* is illegal in Kenya while it is legal in Uganda and Tanzania (Rwanda's The New Times, 2015).

In Rwanda, illicit brews are outlawed and joint operations to eradicate them are done by the police, Rwanda's Defense Forces, District Administration Security Support Organization (DASSO), community policing and local authorities (Rwanda's The New Times, 2015). Prevalence of illicit brews thus is an indicator of inaction by the security agencies to effectively enforce law and order.

According to WHO (2011), about half of all alcohol drunk in Sub-Saharan Africa is produced illegally. In Africa, the informal brewing market is believed to be 3-5 times the value of the beer market. The social problems associated with the illicit alcohol market have been highlighted across Africa and have led to several governments focusing on discouraging the informal alcohol trade (Dutch Agricultural Development and Trading Company BV, 2013)

A survey done in Kenya by the National Authority for the Campaign against Alcohol and Drug Abuse (NACADA) in 2015, revealed that more than 6000 individuals die annually due to alcohol related problems. The report further states that illicit brews are the leading cause of these deaths and are the most popular alcoholic drinks among Kenyans (Sunday Nation, July 5th, 2015).

The same data revealed that 15% of Kenyans aged 15 to 64 years consume *chang'aa*, 40% of Kenyans aged 15 to 64 years have tested alcohol and 13% of people from all provinces except northern Kenya consume alcohol, and 12% of children aged 15 to 24 drink alcohol and Nairobi has the highest number of alcohol users in the 15 to 65 age clusters (Republic of Kenya, (2015)). The same information showed that Rift Valley, Central and Eastern provinces were also hard hit by alcoholism.

According to Bomet Law Courts (2015) records, cases related to alcoholism and illicit brews were on increasing trend in Bomet County in 2010 to 2014. Out of 1520 cases filed in 2009 to 2010, 106 cases were related to illicit brews; in 2010 to 2011, out of 1120 cases, 191 were on illicit brews; in 2011 to 2012, out of 1164 cases, they were 222; in 2012 alone, out of 973 cases filed, 205 were on illicit brews; in 2012 to 2013, out of 1252 cases, 307 were related to illicit brews while in 2013 to 2014, out of 1370 cases, 417 were on illicit brews (Bomet Law Courts, 2015).

Surprisingly, when H.E. President Kenyatta issued a

directive to eradicate illicit brews in the country in July 2015, in a barely one month's operations, a total of 4521.5 litres of *Chang'aa*, 61004 L of *Kangara*, 26,980 litres of *Busaa* and 8543 litres of second generation spirits were netted and 698 persons arraigned in court in Bomet County (Bomet County Commissioner's office, 2015; Bomet Law Courts, 2015).

Security operations have been going on to eradicate illicit brews and second generation spirits in Kenya. For example, in 2010, the government launched a 100 days Rapid Results Initiative (RRI) to crackdown on illicit brews and ensure that brewing and consumption of the same was reduced completely (Republic of Kenya, the National Assembly Report, 2010).

However, illicit brews prevalence in Kenya in general and Bomet County in particular have been on increase despite many strategies by the government agencies to eradicate them (NACADA, April-September report, 2014; Bomet Law Courts, 2015). Whereas the Provincial Administration and police officers have been on the forefront in the fight against illicit brews, there have been general allegations that brewing of illicit brews and trade in second generation spirits was as a result of in action by the security agencies (Republic of Kenya, the National Assembly Report, 2010).

Given these statistics and the fact that illicit brews are the leading causes of alcohol related deaths in Kenya, it is imperative to investigate the administrative impact of reorganizing the Provincial Administration on the frequency of joint security operations on illicit brews as a strategy of maintenance of law and order. This is supported by the theory of neo-institutionalism that argues that organizations do not always embrace strategies, structures and processes that enhance their performance, but instead react to and seek ways to accommodate pressures following external scrutiny and regulation (Powell, 2007).

Has restructuring the PA impacted on its strategies and structures to fight illicit brews in Kenya? For example, has the removal of direct command of the Administration Police from the Chiefs impacted on the war against the illicit brews? What then have been the administrative impacts of the RPA on the frequency of joint security operations on illicit brews in Bomet County in 2010 to 2014?

Duration of response to scenes of crimes and why in Bomet County before 2006 to 2010 and during 2010 to 2014

For the purposes of this research, the duration of response to scenes of crimes refers to the time security agencies take to react or answer to security emergencies and scenes of crimes. According to The Law Enforcement Magazine (2006), crime scene response is one of the most important and difficult aspects of patrol

work to master.

In the developed countries for example, the New York City in the USA, the response time is tracked because the speed with which officers arrive at a crime scene can be a crucial factor in catching criminals (The New York Times September, 2012). In some cases, quick response can reduce severity of injuries suffered by crime victims. Response time is an important measure of police performance, and an indicator of whether neighborhoods were being rigorously patrolled. Although police officials had observed that the more important measure was the level of crime reduction rather than the number of minutes it took the police officer to answer a call, response time had become a regular checklist for police performance in the New York City (The New York Times September, 2012).

In Kenya, although literature on the duration security agencies take to respond to scenes of crimes is scanty, the Kenyan police service is regarded almost solely a reactive force and demonstrates moderate proactive law enforcement techniques (OSAC, 2014).

According to Kenya 2014 Crime and Safety Report by Overseas Security Advisory Council (OSAC), the likelihood of the police responding to an incident would depend on the availability of personnel and fuel for police vehicles. The Kenyan police demonstrate moderate initiatives to deter or investigate crime (OSAC, 2015).

This report further indicates that police often lack equipment, resources, training and personnel to respond to calls for assistance or other emergencies. Available literature highlights that lack of reliable transport, deficits in human resource capacity and budgetary deficits are some of the challenges that lead to slow police response to scenes of crimes. Other factors affecting police response to scenes of crimes in Kenya include corruption, difficulties in managing ethnic relations and violence, proliferation of militia gangs and vigilantes and policing transnational crimes such as terrorism and cybercrimes (Omeje and Githigaro, 2010).

These challenges are also applicable in Bomet County. However, the response time to scenes of crimes in the County is not officially documented. But given the police officer to civilian ration in the County as 1: 200 compared to the national of 1:800 and the international ratio of 1:400, police response to incidents of crimes is definitely curtailed. Just like other parts of the country, the duration of response to scenes of crimes was largely affected by the availability of security personnel, transport, ethnic relations and violence at the border Counties (Bomet County Commissioner's office, 2015).

But how and why organizations behave as they do and with what consequences (Greenwood et al., 2008). Could the RPA and the independent police services have consequences on their operations to respond to scenes of crimes? The duration of response to scenes of crimes is a key aspect of maintenance of law and order, and therefore administration of its delivery would to a larger

extent help in answering this theoretical question of how and why organizations behave as they do. Now that the RPA established independent police services with parallel reporting mechanisms, removed the direct command of the AP from the Provincial Administration, what have been the administrative impacts of this reorganization on the duration of response to scenes of crimes in Bomet County in 2010 to 2014?

Investigation of the administrative impact of the RPA on this aspect of maintenance of law and order is critical because planning and coordination of police response to scenes of crimes as well as chain of command are administrative functions in the management of security services. For instance, in their contribution to the options for security after devolution in Kenya, Mktutu et al. (2014) cite coordination of security agencies as an emerging issue.

In the previous system of Provincial Administration, the command structure was clear and simple but today there is a confused structure where everyone thinks he or she is an independent agent (Njoka, 2014). What could be the consequences of the RPA and independent police services on the enforcement of response to scenes of crimes as a strategy to maintain law and order? Therefore from this review, it is emerging that the previous scholars had not focused on the administrative impact of the RPA on the duration of response to scenes of crimes and why in Bomet County in 2010 to 2014, hence a knowledge gap that this research sought to fill.

The frequency of security committees meetings and what informed them in Bomet County before 2006 to 2010 and during 2010 to 2014

Safety and security are top priorities in every society and addressing problems in these areas is important. Maintenance of law and order precedes safety and security in any country. However, according to Lukas (2016), until now there is no common theoretical basis on safety and security on which to address problems associated with the disciplines.

But as he proposes in his theory of safety and security, the approach mainly borrows from the already established theories such as the Copenhagen School of Security Studies securitization theory, the risk theory, the crisis theory and the causality theory (Lukas, 2016).

The securitization theory emphasizes the shift of safety and security studies from the military and international security to other security sectors such as political, human and environmental contexts. This approach identifies some political problem, transforms it into security problem and emphasizes the needs of solutions as the security problem. Based on this perspective therefore, management of security at all levels whether international, regional, national or local is a key political and administrative strategy in maintenance of law and

order. Some of the measures to solve security problems is utilization of security committee at all levels in the society.

At international level for instance, the United Nations Security Council is the top most security organ charged with maintenance of international peace and security (UN Security Council meeting practice, 2014). The risk theory evaluates which threats or negative effects that affect the reference object, with a goal to identify the worst possible impact of threats and preparation of solutions to the threats. This is probably the approach that the United Nations and individual countries utilized in establishing security organs and committees to address security problems.

For instance, since World War Two and with fresh surge in the 1990s, the need to maintain peace and security at regional and national levels led to proliferation of regional and sub-regional organizations (Bailes and Cottey, 2006). These regional organizations undertake security dialogue and conflict management to maintain peace within their regions.

According to these authors, European, African and Latin American organizations all have explicit conflicts prevention and management instruments such as security committees that meet regularly, and as need arise to prevent and manage conflicts. The meetings are informed by increasing realization among the member countries that contemporary regional and transnational threats such as terrorism, drug trafficking, piracy, organized crimes and human trafficking transcend countries and regions and therefore the need for effective response to combat them (UN Security Council meeting practice, 2015).

Kenya is not an exception to these theoretical approaches of establishing safety and security apparatus to address security problems. There are national security organs and a security system that guarantees the national security of the country as envisaged in the Constitution of Kenya 2010 and the Vision 2030.

The security machinery is headed at the top by the President who is the commander-in-chief of the Kenya Defense Forces (KDF), chairs the National Security Council (NSC), and directs and coordinates the functions of ministries and government departments (Republic of Kenya, 2010a,b: Article 239 and Article 132(3)).

This Article 239 lists the national security organs as the KDF, the NPS and the NIS, all of which are subordinate to civilian authority (Article 239:5). The civilian authority here is symbolized by the President who is elected to power through popular vote by universal suffrage of all Kenyan citizens in a general election. The Presidency is represented in all parts of Kenya by the RPA whose mandate includes among other functions, management of security agents in the field and maintenance of law and order.

The national security organs conduct their business through the National Security Council (NSC) which

executes its mandate through security committees. The members of the committee are drawn from the respective national security organs and are chaired by the President. The NSC meets at least four times in every financial year, and as often as need arises but not more than four months shall elapse between the date of one meeting and the date of the next meeting (Republic of Kenya, 2012a: 6(1)). The NSC operations are further operationalized through the National Security Advisory Committee (NSAC) and the Kenya Security and Intelligence Machinery (KSIM).

According to the NSC Act (2012), the security committees are decentralized through structures aligned to the National administrative units established under section 14 of the National Government Coordination (NGC) Act, 2013. These include: the Region established under section 14 of the NGC Act, 2013, the County, Sub County and Ward (Division) established under the County Government Act (2011), the Location and Sub-Location established under section 15(2) of the NGC Act (2013) and the Maritime and Border units established under the NSC Act (2012) (Republic of Kenya, 2014c). Pursuant to Article 239 (5) of the constitution, overall coordination of the NSC's activities in all its devolved structures shall be undertaken by National Government Administration Officers (NGAOs) appointed under section 15(2) of the NGC Act (2013) , who shall chair the decentralized units at the respective levels (Republic of Kenya, 2014c).

In other words, the NGAOs are the RPA and the chairpersons of the security committees at all levels of administration. If this is the case therefore, one may ask whether any reorganization of the command structure of this security system could have effects on the work of security committees in regard to maintenance of law and order. Have restructuring the Provincial Administration to the RPA had administrative impact on the frequency of security committees meetings in Bomet County in 2010 to 2014? This is a valid question if the theory of causality is anything to go by.

According to Lukas (2016), the law of causality states that anything that happens has at least one cause, and also any cause has future consequences. This theory can allow establishment of a logical claim of causes to the frequency of security committees meetings as an aspect of maintenance of law and order.

The security committees are supposed to meet regularly and as often as security needs arise to among other things: assess security status in their respective jurisdictions; receive and analyze security reports and intelligence; fast track continual and sustained implementation of the decisions of the NSC, NSAC and other appropriate institutions; liaising with County government on matters of national security; coordinating And liaising with national government ministries, departments and agencies in the County on matters of national security, among other functions (Republic of Kenya, 2014c).

The Locational and Sub Locational peace and security committees are supposed to meet weekly and forward their minutes to the Divisional (Ward) security committees, then these forward to the Sub-County security committee, then to the County Security Committee in that order up to the NSAC and the NSC (Republic of Kenya, 2012b).

To ensure that the citizens are not alienated from public participation in providing security to themselves, their properties and the national interests, the government adopted a community policing strategy launched in April 2005 and succeeded in 2014 by Nyumba Kumi initiative (or neighborhood watch).

This strategy entrenches community participation by empowering the citizens in national security issues (Republic of Kenya, 2013a,b,c,d,e). As a proactive process, the object of the strategy was to enhance maintenance of law and order, social cohesion and respect for the rule of law. As a consequence, community policing committees were rolled out based on cluster areas and alongside the national security committees at all the national administrative units as outlined earlier.

Nevertheless, even with all these committees in place, crime in Kenya and in Bomet County increased at an enormous rate during 2010 to 2014 (Aronson, 2010; Bomet County Commissioner's office, 2015). According to Security Research and Information Center (SRIC) (2014), robbery remained most frequently committed crime in Kenya since 2011 through 2014, followed by thefts and defilement cases which were on the increase.

There has been a significant decrease in active policing and law enforcement in Kenya while criminal behavior was steadily increasing, meaning there was little likelihood for a decline in crime rates in Kenya and East Africa anytime in the near future due to porous borders and extensive coastline (Aronson, 2010).

Yet, security committees are in place and meet regularly and as often as security needs arise to address national security issues. Does it mean restructuring the Provincial Administration to the RPA has had administrative impact on the maintenance of law and order to an extent that the frequency of security committees meetings was affected?

In Bomet County, the frequency of security committee meetings before 2006 to 2010 shows that most meetings were held on monthly and need basis. In 2007/08 for instance, there were more security meetings on need basis than ordinarily (Bomet County Commissioner's office, 2013). This was run-up to the 2007 general elections and the subsequent Post-Election Violence that erupted in 2007/08 after the disputed presidential results were announced. According to Aronson (2010), the extraordinary security meetings and operations was a common phenomenon across the country, especially in Rift Valley region where the ethnic violence was more pronounced, Bomet County not an exception.

The crimes statistics in Bomet County in 2010 to 2014

showed an increasing trend: in 2009/2010 were 1520 cases; in 2010/2011 were 1120; in 2011/2012 were 1164; in 2012 alone were 973; in 2012/2013 were 1252; and 2013/2014 were 1370. This crimes trend occurred despite the establishment of security committees at all levels of the administrative units. When analyzed against similar period before the RPA in 2006 to 2010, the crimes statistics were on increasing trend (Bomet CID reports, 2014; Bomet Law Courts, 2015). There were the two Bomet and Sotik Sub-Counties Security and Intelligence Committees and subsequent ones in all the 7 Divisions, 37 Locations and 100 Sub Locations at the time of writing this thesis (Bomet County Commissioner's office, 2015).

According to the Bomet County Security and Intelligence Committee (2015), the following were listed as major security concerns in 2010 to 2014 slightly more than was the case before in 2006 to 2010: illicit brews menace, robberies and thefts, assaults, defilement, rapes, highway robberies and traffic accidents, cattle thefts, land issues, domestic violence and political wrangles. However, despite the above security committees being in place in Bomet and Sotik Sub-Counties to analyze crime reports and sanction operations in 2010 to 2014, crime incidences continued to increase. What then could have been the administrative impact of the RPA on the frequency of security committees meetings and what informed them in 2010 to 2014?

Research setting

This research was conducted in Bomet and Sotik Sub-Counties in Bomet County, South Rift Valley region and one of the 47 Counties in Kenya. The two Sub-Counties have a total area of 1056.5 square Km, 37 locations and 100 sub-locations, with a total population of 421,014 people (49.6% males and 50.3% females) according to national population census of 2009 (KNBS, 2013). They have a high agricultural potential with crop and livestock production being the leading sources of livelihood for the residents.

In addition, they have good road infrastructure especially the Southern Corridor trunk road namely Narok-Bomet-Sotik Highway, which traverses both Sub-Counties and links the County to South Nyanza region. Bomet County borders the following Counties: Nakuru to the East, Kericho to the North-East, Nyamira to the West and Narok to the South East.

The predominant community is the indigenous Kipsigis tribe of the Kalenjin community with a population density of 437 persons per square kilometer compared to the national 78 persons per square kilometer and a population growth rate of 2.3% compared to the national population growth rate of 2.8% (Republic of Kenya, County Profile, 2013).

The aforementioned factors are sufficient conditions for

commission of crimes and the fact that the structure of public administration is the same in the country informed the choice of Bomet County for the study of the administrative impact of the RPA on selected aspects of maintenance of law and order in 2010 to 2014.

In addition, the political context of devolution whereby the County hosted the first Chairman of Council of Governors for two years (2013 to 2015), made the case study a unique one as the County Government was indifferent to the RPA and the operations of the security agencies under the new constitutional dispensation. These factors had ramifications on maintenance of law and order in the County in 2010-2014 (Bomet County Commissioner's office, 2015) and (Makiche, 2013).

In addition, analysis of crime trends before RPA in 2009/2010; 2010/2011; 2011/2012; 2012/2013 and 2013/2014 in Bomet County showed increasing trends of assaults, robberies, domestic violence, thefts, offences involving illicit brews, land and domestic disputes compared to similar period before the RPA in 2006 to 2010 (Bomet CID records, 2014; Bomet Law Courts, 2015).

This is despite restructuring the Provincial Administration to the RPA /or National Administration and the County having four sub counties , 13 divisions, 66 locations and 175 sub locations, all complete with security apparatus to ensure maintenance of law and order. In addition, there were 17 security installations, 855 *Nyumba Kumi* clusters, 259 peace committees and community policing committees established in all administrative units at the time of writing this thesis (Bomet County Commissioners office, 2015). Therefore, what have been the administrative impacts of the RPA on the selected aspects of maintenance of law and order in Bomet County in 2010 to 2014?

DATA COLLECTION AND METHODS

The research design for this study was descriptive survey because information was collected from a sample of respondents using structured closed and open-ended questionnaire. Additional data was sought from secondary sources through analysis of books, government reports and circulars, internet sources, journals and newspapers.

Analysis of the results therefore was based on the opinions of the respondents from the questionnaire. The research targeted 223 security officials from Bomet and Sotik Sub Counties comprising of four security agencies namely the National Administration (84), the Administration Police Service (91), the Kenya Police Service (43) and the National Intelligence Service (5). The study purposively identified this population based on their formations. The calculation of the sample size used Israel (1992) Simplified Formula for Proportions, giving a sample of 143 that is:

$$(NA=54; KPS=28; APS=58 \text{ and } NIS=3)$$

However, Kothari and Garg (2014) argue that the larger the sample size, the lesser the sampling error and the more representative the sample is. The study further purposively chose the final respondents in each service based on this formula because of the

need to identify those who had been in service for more than eight years (four years before the RPA in 2006 to 2010 and four years in 2010 to 2014). This would enable the researcher to establish the administrative impact of the RPA on the selected aspects of maintenance of law and order in the period under study.

The questionnaires were distributed through the heads of departments of the four security services who acted as research assistants namely: two Officers Commanding Police Divisions (OCPDs), two Sub-County Administration Police Commanders (DAPCs), one County Intelligence Coordinator and two Deputy County Commissioners in Bomet and Sotik Sub-Counties. The researcher personally administered the questionnaire to the County Security and Intelligence Committee members (these are: the County Commissioner, the County Police Commander, the County Administration Police Commander and the County Director of Criminal Investigations).

The questionnaire was divided into five sections namely: section one on demographic information and four sections according to the objectives of the research. These were the nature and causes of crimes committed in Bomet County before 2006 to 2010) and in 2010 to 2014, the frequency of joint security operations on illicit brews and reasons for not conducting them, the duration of response to scenes of crimes and why and the frequency of security committees meetings and what informed them.

Before commencing the research, ethical considerations were made. The researcher produced official introductory letters from the University, the National Commission for Science, Innovation and Technology, and the local administration to the respondents. Also, a pilot study was done to ensure validity and reliability of the tool. Secondary information was collected through critical analysis of books, government reports and circulars, policy and legislative papers, internet sources, journals and newspapers, to give in-depth of the variables being studied. Data collection took place from December 2015 to February 2016.

The study analysis was based on the data collected from 104 questionnaires out of 123 or 73% which were returned and correctly filled. The data was sorted out, coded and fed into the Statistical Package for Social Sciences (SPSS) computer program. Data was analyzed using descriptive statistics namely frequencies and percentages. The results were then presented using graphs and charts which were developed using MS Excel package. Discussion and interpretation of the findings were derived from the results.

Israel (1992) method used to calculate the sample size had 95% confidence level and a precision of 0.05%. Likewise, as it is with most surveys, 95% or 0.95% significance level of statistical tests being true while 5% or 0.05% of the tests being false.

RESULTS

The analysis focused on the general information of the respondents and the administrative impact of the RPA on the selected aspects of maintenance of law and order. The analysis was based on the opinions of the respondents as derived from the questionnaire since it is a descriptive survey research.

General information of the respondents

Gender

The respondents comprised of 81% females. Thus, males were more than the females in the targeted security

services. It is important to know the gender distribution in the security services.

Age

From the analysis of the data, 44% of the respondents were the majority aged between 46 to 55 years, 33% of the respondents were aged between 36 to 45 years, and 18% of the respondents were aged between 26 to 35 years while 5% of the respondents were aged over 55 years. Cumulatively, 49% of the respondents were aged above 46 years (with 5% of them tending to retire from the service). Because the objectives of the study were measured over a period of 8 years before the RPA in 2006 to 2010 and in 2010 to 2014, the age factor is critical in determining the administrative impact of the RPA on the selected aspects of maintenance of law and order from the opinions of the respondents.

Education level

The analyzed data shown that 63.4% of the respondents had Secondary education and were the majority, followed by 14.4% of respondents who had Diploma, 11.5% of them had a degree, 6.7% of the respondents had masters, and 3.8% of them had Primary level of education. The education level of the respondents is a critical element in the analysis of the data because it determines the extent to which the respondents understood and answered the questionnaire which was the instrument of data collection. Also, the education level reflects the extent to which the respondents understood the RPA and the selected aspects of maintenance of law and order which were the main questions in the questionnaire, hence the validity of the results.

Length in service

From the analysis of the data collected, 35% of the respondents had served for between 11 to 20 years and were the majority, 31% of them had served for between 6 to 10 years, 24% of the respondents had served for between 21 to 30 years and 9% of them had served for over 31 years. Cumulatively, those who had served for between 11 and over 31 years were 68%, a significant number in this analysis. It is imperative to note that experience in the Provincial Administration and maintenance of law and order is the most important component of this research since the main objective of the study was to establish the administrative impact of the RPA on the selected aspects of maintenance of law and order measured over a period of 8 years, four years before the RPA in 2006 to 2010 and four years in 2010 to 2014. Given the aforementioned analysis of the data of the respondents' length in service therefore, the results of the study can be interpreted as having a high degree of

validity and correctness.

Administrative impact of the RPA on the nature and causes of crimes committed in Bomet County before RPA in 2006 to 2010 and during 2010 to 2014

From the analysis of the data, 37.0% of the respondents observed that personal crimes were more during the RPA in 2010-2014 as compared to 31.3% of the respondents before the RPA in 2006 to 2010, 27.8% of the respondents opined that property crimes were more during the RPA in 2010 to 2014 compared to 20.7% of the respondents before the RPA in 2006 to 2010, while 25.7% were of the opinion that statutory crimes were more during the RPA in 2010 to 2014 as compared to 23.3% of the respondents before the RPA in 2006 to 2010.

According to the means of these opinions therefore, all the three categories of crimes were on increase during the RPA in 2010-2014. It shows that the RPA had administrative impact on the nature of crimes committed in Bomet County leading to increase of personal, property and statutory crimes during 2010 to 2014 as compared to the Bomet County crime statistics before the RPA in 2006 to 2010.

However, 9.5% of the respondents observed that other crimes categorized as political violence, inter-ethnic conflicts, cattle rustling, terror attacks and cybercrimes were on decrease in 2010 to 2014 as compared to the opinion of 24.7% before the RPA in 2006 to 2010. In this category, although terror attacks and cybercrimes were frequent in other parts of the country, in Bomet County there was never a terror attack during the period under study. These findings can be linked to March and Olsen (2008) theoretical argument that most institutional designs and reforms have limited capacity for achieving intended effects of reorganization. The changed command structure in the RPA and establishment of independent security services have not achieved improved fight against crimes as Hughes (2012) anticipates of any reform process.

Other researchers such as the KNCHR (2014) had established that Kenya witnessed a sharp increase in the number of crimes and insecurity in 2010-2014 including terror attacks, inter-ethnic conflicts and deaths of security officers; SRIC (2014) had established that robbery and murder cases were on increase by 5% in 2014 as compared to the previous years in the country; and Republic of Kenya, (2015) had established that illicit brews were the leading causes of alcohol related deaths in Kenya and the most popular alcoholic drinks.

Main causes of crimes

On what caused crimes in Bomet County, 32.7% of the respondents indicated that illicit brews prevalence was

the main cause of crimes in 2010 to 2014 as compared to 29.0% before the RPA in 2006 to 2010. According to this research, 3.7% more respondents felt that illicit brews were the main causes of crimes in the period under study as compared to the period before in 2006 to 2010.

Domestic and land issues were also cited as causes of crimes with 7.9% of the respondents indicating that they were responsible for the crimes committed in 2010 to 2014 as compared to 7.1% before RPA in 2006 to 2010. This shows that perceptions of the respondents on the domestic and land issues as the main causes of crimes in Bomet County had not changed a lot in the two periods before RPA in 2006 to 2010 and 2010 to 2014. However, according to a survey by GJLOS (2006) on service delivery by the Provincial Administration, domestic and land disputes were less before RPA in 2006 to 2010.

In addition, technological advancement was cited as a cause of crimes in the County, with 11.5% of the respondents indicating that it was responsible for the crimes committed in 2010 to 2014 as compared to 2.1% before RPA in 2006 to 2010. This shows a significant margin of opinion of the respondents on the technological advancement as a cause of crimes in the two periods under study.

However, 24.9% of the respondents were of the opinion that poverty and unemployment were causes of crimes in 2010 to 2014 as compared to 27.9% of the respondents before the RPA in 2006 to 2010. This shows that perception of poverty and unemployment as causes of crimes in Bomet County reduced from 27.9% in the period before in 2006 to 2010 to 24.9% in 2010 to 2014.

Likewise, 2.4% of the respondents were of the opinion that illiteracy and low levels of education caused crimes in 2010 to 2014 as compared to 7.1% of the respondents before the RPA in 2006 to 2010. This shows that the two variables were less contributing factors to the crimes committed in 2010-2014 than before the RPA in 2006 to 2010.

Overall, the RPA had negative administrative impact on the nature and causes of crimes committed in Bomet County in 2010 to 2014 because personal, property and statutory crimes increased during the period under study mainly caused by illicit brews prevalence, domestic and land issues and technological advancement. Previous researchers such as Republic of Kenya, (2015), SRIC (2014) and Republic of Kenya (2013, 2014) had indicated that illicit brews consumption had significantly contributed to occurrence of crimes in Kenya in 2010-2014.

Administrative impact of the RPA on the frequency of joint security operations on illicit brews and reasons for not conducting them in Bomet County before RPA in 2006 to 2010 and during 2010 to 2014

From the analysis of the data, 58% of the respondents observed that the frequency of joint security operations on illicit brews was high on weekly basis before the RPA in 2006 to 2010 as compared to 31% of the respondents

in 2010 to 2014, while 39.9% of the respondents opined that it was high on monthly basis in 2010 to 2014 as compared to 16.3% of the respondents before the RPA in 2006 to 2010. In addition, 33% of the respondents observed that the frequency was high on need basis as compared to and 20% of the respondents before the RPA in 2006 to 2010. Also from the analysis, 5% of the respondents felt that the frequency was minimally higher on daily basis before the RPA in 2006 to 2010 as compared to 1.5% of the respondents in 2010 to 2014. This means that the frequency of joint security operations on illicit brews dropped from weekly before the RPA in 2006 to 2010 to monthly and need basis in 2010 to 2014. It was also minimally higher on daily basis before the RPA in 2006 to 2010 than in 2010 to 2014.

This study therefore, argues that the RPA had negative administrative impact on the frequency of joint security operations on illicit brews since it dropped from daily and weekly basis before the RPA in 2006 to 2010 to monthly and need basis in 2010 to 2014. This is corroborated by the analysis that 58.7% of the respondents indicated that illicit brews prevalence had increased during 2010 to 2014 as compared to 40.4% of the respondents before the RPA in 2006 to 2010. This means that illicit brews prevalence in Bomet County was lower before the RPA in 2006 to 2010 but increased during 2010 to 2014. This result is supported by the existing crime statistics in the County (Bomet Law Courts, 2015 and Bomet CID Report, 2014).

Furthermore, 49.0% of the respondents indicated that illicit brews prevalence contributed to the crimes committed in Bomet County to a larger extent in 2010 to 2014 as compared to 39.4% of the respondents before the RPA in 2006 to 2010. From this analysis, it is argued that the frequency of joint security operations on illicit brews in Bomet County dropped in 2010 to 2014 as compared to the period before the RPA in 2006 to 2010, leading to increased prevalence of the illicit brews which in turn contributed to the crimes committed to a larger extent. This means that the RPA had negative administrative impact on the frequency of joint security operations on illicit brews in 2010 to 2014.

These research findings link to the theoretical argument by Hughes (2012) that reform is undertaken with the aim of improvement, but there has been so much change, so much reform that management capacity has not improved very much. It is therefore argued that restructuring the pillars of national security by changing the command structure and establishing independent security services negatively affected joint operations on illicit brews.

Reasons for not conducting joint security operations on illicit brews in Bomet County

From the analysis, 51.9% of the respondents indicated that joint operations on illicit brews were not conducted in

2010 to 2014 compared to 48.1% of the respondents before the RPA in 2006 to 2010. This means that lesser joint security operations on illicit brews can be attributed to the consequences of the RPA on the operations. What then were the reasons for lesser joint security operations on illicit brews in Bomet County in 2010 to 2014? From the analysis of the data collected, the respondents revealed the following reasons: 16% of the respondents cited inadequate resources; 15% of them cited mistrust among security agencies; 14% of the respondents cited lack of cooperation; while 13% of them shown County government confusion; 13% of the respondents indicated lack of sharing security information; 12% of them cited overlapping chain of command and 12% of the respondents cited corruption. This research finding conform to other researchers such as Republic of Kenya, (2015), that established that illicit brews are on high demand in Kenya and responsible for over 6000 deaths annually due to alcohol related problems. Also KNCHR (2014) established that there was lack of sharing security information and overlapping chain of command among the security agencies, leading to lack of congruence in their operations in 2010 to 2014.

Administrative impact of the RPA on the duration of response to scenes of crimes and why by security agencies in Bomet County before the RPA in (2006 to 2010) and during 2010 to 2014

From the analysis of the data, 47.1% of the respondents observed that it took minutes to respond to scenes of crimes before the RPA in 2006 to 2010 as compared to 43.3% of the respondents in 2010 to 2014, while 46.2% of the respondents observed that it took hours before the RPA in 2006 to 2010 as compared to 53.8% of the respondents in 2010 to 2014. This means that the duration of response to scenes of crimes was longer in 2010 to 2014 than before the RPA in 2006 to 2010. While there is no baseline literature on systematic recording of response time to scenes of crimes in Bomet County and in Kenya in general, it is a security practice taken seriously in the developed world. For example, in the New York City in the USA, response time is an important measure of police performance and an indicator of whether neighborhoods are being vigorously patrolled (The New York Times, September, 2012). However, this duration of response to scenes of crimes in Bomet County in 2010 to 2014 was far too long compared to that taken in developed countries. For example, in New York in the USA, it took 7 min for general crimes and 5 minutes for critical crimes scenes (The New York Times, September, 2012), while in Manchester and Sussex police in the UK took 15 min for all types of crimes (British Investigative Journalism, 2013). The previous researchers such as KNCHR (2014) had established that there was poor response of security activities and there existed lapses in security operations deployment among

the security agents in 2010 to 2014.

Why it took that duration of response

From the analyzed data, 38.5% of the respondents cited poor coordination of response to scenes of crimes in 2010 to 2014 as compared to 5.8% of the respondents before the RPA in 2006 to 2010. This means that coordination as an administrative function was negatively affected under the RPA than before and therefore contributed to longer duration of response to scenes of crimes in 2010 to 2014.

Unclear, complex and confusing chain of command was cited by 24.9% of the respondents, 27.9% of the respondents and 33.7% of the respondents respectively in 2010-2014 as compared to 14.4% of the respondents, 4.8% of the respondents and 4.8% of the respondents respectively before the RPA in 2006-2010. This means that the RPA had resulted to complex, unclear and confusing chain of command leading to poor response to scenes of crimes in Bomet County in 2010-2014. This finding confirms KNCHR (2014) report that the chain of command in the police services was unclear and confusing, resulting to lack of congruence in their operations.

In addition, 12.0% of the respondents cited lack of teamwork in 2010 to 2014 as compared to 10.1% of the respondents before the RPA in 2006 to 2010, 14% of the respondents indicated independent security operations in 2010 to 2014 as compared to 0.8% of the respondents before the RPA in 2006 to 2010 while 19.9% of the respondents cited lack of sharing security information in 2010 to 2014 as compared to 10.1% of the respondents before the RPA in 2006 to 2010. This means that all the above reasons were more prevalent in 2010 to 2014 except for inadequate resources, and contributed to longer duration of response to scenes of crimes than before the RPA in 2006 to 2010. The RPA thus had negative administrative impact on the duration of response to scenes of crimes in the period under study.

The other researchers such as Omeje and Githigaro (2010) highlight some of these factors as challenges to state policing in Kenya, KNCHR (2014) indicate that poor coordination of security operations exists among the security agents leading to lack of sharing information, lack of action on security intelligence leading to increase in crimes in Kenya in 2010 to 2010.

Administrative impact of the RPA on the frequency of security committees meetings and what informed them in Bomet County before the RPA in 2006 to 2010 and during 2010-2014

From the analysis of the data, 24% of the respondents were of the opinion that the frequency of security committees meetings was weekly in 2010 to 2014

compared to 15.1% of the respondents before the RPA in 2006 to 2010, 34% of the respondents indicated it was monthly in 2010 to 2014 compared to 42% of the respondents before the RPA in 2006 to 2010, and 35% of the respondents observed that it was on need basis in 2010 to 2014 compared to 26% of the respondents before the RPA in 2006 to 2010. This means that the frequency of security committees meetings was monthly and on need basis before the RPA in 2006 to 2010, but increased to weekly and on need basis in 2010 to 2014. From these findings therefore, it can be interpreted that there were more security meetings on weekly and need basis in 2010 to 2014 than before the RPA in 2006 to 2010. This implies that there were more frequent security issues and responsibilities under the RPA than it was before that needed the attention of the security committees. It can be argued thus, the RPA resulted to emergent security issues that had negative administrative impact on the frequency of the security meetings because it increased from monthly to weekly and on need basis in 2010 to 2014.

What informed the security committees meetings

From the analyzed data, 29.4% of the respondents observed that the security committees meetings were informed by increased crime incidences in 2010 to 2014 compared to 26.4% of the respondents before the RPA in 2006 to 2010, 23.2% of the respondents indicated increased illicit brews prevalence in 2010 to 2014 compared 21.1% of the respondents before the RPA in 2006 to 2010, 16.8% of the respondents cited disjointed security agencies operations in 2010 to 2014 compared to 4.1% of the respondents before the RPA in 2006 to 2010, 19% of the respondents cited routine in 2010 to 2014 compared to 23.2% of the respondents before the RPA in 2006 to 2010 and 12% of the respondents observed other reasons in 2010 to 2014 compared to 25.2% of the respondents before the RPA in 2006-2010.

From this analysis, the perceptions of the respondents on what informed the security committees meetings had increased by 3% for the increased crimes incidences and 2.1% for illicit brews prevalence in the two periods under study. However, whereas the difference in these opinions seems to be marginally close to one another, it was higher for the disjointed security operations by 12.7%. Also, from the results security committees meetings not a routine administrative practice in 2010 to 2014 as compared to the opinion of the respondents before the RPA in 2006 to 2010.

From these findings therefore, this study argues that the security meetings in Bomet County were more informed by increased crimes incidences, increased illicit brews prevalence and disjointed security operations in 2010 to 2014 than before the RPA in 2006 to 2010 and less informed by routine and other reasons. The frequency of the security committees meetings is outlined

by the Republic of Kenya (2012) and the Republic of Kenya (2013) from national level to the lowest levels of the administrative units, to occur as routine practice and as security needs occur at every level.

All the aforementioned percentages were means of the opinions of the sampled respondents as derived from the questionnaire for the two periods. They were derived from the cross tabulation of the data on each variable using the statistical package for social science (SPSS) computer program. From the significance level tests, 70% of the mean difference tests of these percentages between the two periods had significance level of less than 0.05% while 30% had significance level of more than 0.05%. Therefore, 70% of the variables researched had statistical significance in the new knowledge.

Conclusion

The study established that the changed command structure and establishment of independent security institutions in the RPA negatively impacted on the fight against crimes in Bomet County, resulting in the increase of personal, property and statutory crimes in 2010 to 2014. The new structure resulted in lack of effective enforcement and coordination due to overlapping chain of command, lack of cooperation and sharing security information among the four security agencies leading to increase in these three categories of crimes.

The frequency of joint security operations on illicit brews in Bomet County dropped from weekly and need basis before the RPA in 2006 to 2010 to monthly and need basis in 2010 to 2014. The study therefore concludes that the drop is attributed to overlapping chain of command that affected effective enforcement, disjointed operations due to establishment of independent security services, lack of cooperation among the four security services, persistent inadequacy of resources and entry of the County government in liquor management.

The duration of response to scenes of crimes in Bomet County increased from minutes before the RPA in 2006 to 2010 to hours in 2010 to 2014. The study concludes that the RPA introduced unclear, complex and confusing command system that resulted in poor coordination and implementation of responses to scenes of crimes, especially at the lower levels where the Chiefs largely rely on the Administration Police officers to enforce law and order.

Therefore, the confusing command system and persistent inadequacy of resources among the four security agencies had negative ramifications on the duration of response to scenes of crimes in 2010-2014. Furthermore, the study established that there was no systematic structure of recording response time to scenes of crimes by the four security agencies in Bomet County and in Kenya in the period under study. It is

therefore recommended that more research on this area be done, since response time to scenes of crimes is a key strategy in the maintenance of law and order.

The study established that the frequency of security committees meetings in Bomet County increased to weekly and need basis in 2010 to 2014 from monthly and need basis before the RPA in 2006 to 2010. It concludes that there were more emerging security and administrative issues during the RPA in 2010-2014 than before. Some of these issues the study established were overlapping chain of command, disjointed operations and lack of cooperation among the four security services. The resultant effect was increased crimes incidences, hence the need for frequent security meetings to address them.

Overall, the RPA had negative administrative impact on the four selected aspects of maintenance of law and order in Bomet County in 2010 to 2014. The research has contributed to new knowledge on restructuring the Provincial Administration in Kenya and its consequences on maintenance of law and order. As the theory of neo-institutionalism stipulates, in restructuring organizations, there are intended effects of reorganization. While it is largely expected by the neo-institutionalism perspective that restructuring results to positive effects, for this study the RPA had negative administrative consequences on the four selected aspects of maintenance of law and order.

The study findings would be of significance to the law enforcement agencies in enhancing their delivery of the selected aspects of the maintenance of law and order and in streamlining their operations, especially during this time when Kenya witnessed several incidences of insecurity and lawlessness. The study findings would also be useful to other civil servants in appreciating the RPA in the new constitutional dispensation, hence foster inter-linkages in regard to the maintenance of law and order.

The local community and the general public would benefit from the study findings in understanding and appreciating the new role of the RPA in the delivery of the maintenance of law and order under the new constitution. The study findings may also be useful to the government and the policy makers in reviewing laws and policies regarding the management of security services in Kenya, with a view to developing new strategies to combat emerging administrative and security challenges. Finally, the study findings would form a basis for further research in this new institution of the Restructured Provincial Administration.

The government should consider re-restructuring the command system among the four security agencies (the RPA, the KPS, the APS and the NIS) to promote teamwork and enhance effective enforcement and management of maintenance of law and order, establish a clear law and policy on liquor that is universal to all the Counties to streamline joint operations on illicit brews, avail adequate resources to enhance effective and efficient response to scenes of crimes, and empower the

security committees especially at the lower levels through operationalization of Article 239 (5) of the Constitution of Kenya 2010. These are indispensable strategies in the realization of improved enforcement of law and order as envisaged in the Vision 2030.

CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

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