COLLABORATION BETWEEN PUBLIC AND PRIVATE SECURITY IN KENYA

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ABSTRACT

Police and private security in Kenya have been functioning in mutually exclusive manner in respect to the provision of security. It is evident there is a need to establish a formal collaborative relationship, as both have many common goals, and the private security industry provides a major protective role in Kenyan society. The study investigates the reality of collaboration between the police and the private security in Kenya. The study is framed upon the theoretical analysis of the concept of security from the perspective of collective good theory. It contends that public goods have features of being non-excludable and non-rival in consumption. They have benefits that cannot be confined to a single buyer. Once provided, many people enjoy them for free. Security is such a good. The research used qualitative approach in collecting and analyzing data. Both primary and secondary data were used. Primary data was collected by use of questionnaire and interview schedule. Primary data was collected in Nairobi which was purposely sampled for its large concentration of crime and security providers, both public and private. The data was analysed qualitatively in descriptive form. The study established that collaboration exists between the public and the private security mostly in areas of common protection of public gatherings, transport and security of money, information exchange, and private security handing over suspected criminals to the police. However, conditions for effective cooperation are not yet well developed and needed changes are still in progress. This study examines how co-operation in policing and crime prevention can be realized and made mutually beneficial to all role players within the broad framework of a public-private partnership

Keywords: *security, collaboration, policing, partnership, insecurity, public and private.*

Introduction

Collaboration between government law enforcement agencies and the private security in the provision of security to the citizens is the likely cutting edge to contain insecurity in Kenya. The government has institutions in place for the purpose of managing insecurity. These do a commendable job but alone cannot manage security issues. The public security providers try on their own capacity to manage insecurity but insecurity still persists. There are key areas that require the collaboration of both the police and the private security providers to manage

insecurity. This is because security environment is constantly changing and becoming more risky. Criminals are becoming smart and are using sophisticated methods of committing crimes. Management of security thus requires changing old perceptions and defining new targets. Security must be repositioned as a by-product of a wider ranging effort that aims to make the security organization agencies more resilient to its ever changing risk environment. Collaboration between public and private security providers is one sure way of managing insecurity.

In the recent past, Kenya has witnessed proliferation of private security actors. The major underlying reason for this has seemingly been the inability on the part of the state to provide law and order. Yet the Kenyan experience indicates that the pre-existing structures of political and economic dominance are simply replicated by private security providers. This explains why insecurity remains a thorny issue in Kenya. The assumption is that collaboration between public and private security providers can ease the problem of insecurity.

Statement of the problem

As insecurity increases in Kenya more and more people are turning to private security firms to ensure their personal safety and that of their families and properties. Attacks on business and individuals has adversely affected business viability, economic stability and in turn community stability. The Kenyan security situation has deteriorated in recent years with an upsurge of car-jacking, bank robberies, and burglaries among other offences. Government institutions, specifically the law enforcement agency is charged with the responsibility of providing internal security to the citizens. The demand arises out of states inability to provide adequate security to the people and enterprises. The evident gaps in security are first filled by non-profit neighbourhood groups who gradually graduate to vigilante and *militia* groups. They start charging protection fees to guarantee security. The consequence of this has been more and more insecurity and bigger security gaps. The private security firms come in to fill these evident gaps. Their services are available to people who can and are willing to pay.

There is a rapid increase in illicit small arms, resulting from porous borders. The feeling is widespread that the government has failed to stem the proliferation of small arms in the country and there is no evidence that the states existing stock is properly controlled. There is a need to improve the working relations between the police and the private security sector in handling criminals and support in all the other operations in view of lawlessness. The public or the private security taken in isolation has not been able to provide adequate security .The task of this study was to seek to understand the role of public and private security, their collaboration and regulation, and the challenges faced in their endeavor to provide security.

Literature Review

Although the function of the security provision has traditionally been assumed to be the preserve of the state, this assumption is increasingly considered to be untenable Abrahamsen et al (2007). The end of the ideological confrontation between the capitalist and communist blocks has failed to yield the peace dividend that many expected. It has however succeeded in changing the dimension of security from freedom from external threat of nuclear fallout to freedom from internal state collapse. For much of the Cold War period, security has been

understood in terms of national security, which was largely defined in militarized terms. This did not preclude the acceptance of broader concepts such as common and cooperative security, but these were clearly linked to national security concerns in the politico-military field. The literature is discussed under the following: security as public good, security governance, security and the state, transformation of public security and the emergence of private security among others.

At the level of the international system, in the absence of a world government, governance takes the form of governance with (multiple) governments by way of rule-based cooperation between governments, international institutions and transnational actors such as corporate business and non-government organisations. Thus, governance is more encompassing than government; it helps to grapple with the complex reality of the contemporary world in which governments are still the central actors in domestic and international affairs though they increasingly are seen to share authority with non-state actors on multiple levels of interaction. At the level of the international system, security governance refers to the 'security architectures' on the global and regional levels. Measured by the degree of fragmentation of authority in security policy-making, Europe is certainly the world region which has witnessed the strongest transformation of the security system in terms of a development from government to governance. Not only have national governments and international institutions such as the Organisation for Security and Cooperation in Europe (OSCE), the North Atlantic Treaty Organisation (NATO) and the European Union (EU) expanded their security functions in the post-Cold War period, but also a variety of private actors, ranging from charities to private security companies, have emerged in local, regional and trans-regional security. A fragmentation of authority in the security realm could also be observed in west and central Africa where, due to widespread internal conflicts, private and sub-state actors and external forces have increased their involvement in security governance, though more often than not by way of aggravating already poor governance. In the Middle East, South Asia and Northeast Asia, on the other hand, security governance appears to be characterised by the absence of regional security arrangements and the central role of governments in security affairs which does not come as a surprise given the predominance of inter-state conflicts in these regions. At the state level, security governance refers to the organisation and the management of the security sector. The security sector includes all the bodies whose main responsibilities is the protection of the state and its constituent communities – ranging from the core structures such as armed forces, police and intelligence agencies to those institutions that formulate, implement and oversee internal and external security policy. Apparently, security governance at the state level can be good or poor.

Since the end of the Cold War, the bases and modalities of security and governance, both within and between states and societies, have been rapidly evolving. The concept of 'governance' is quite a recent one which has come into use in the context of globalization, reflecting the fragmentation of political authority among public and private actors on multiple levels of governance – national, sub-national and international – which accompanies globalization. Sarre, and Prenzler (2000)

The Philosophy behind the Emergence of Private Security

As the state's capacity to fund public services decreased, the private sector expanded to fill various "gaps" that ensued – including in the area of security. While it is certainly the case that under neo-liberal policies that many areas of public spending have decreased, it is difficult to make this case for the security sector. Indeed in many countries spending on the public security sector has increased at the same time as the private security sector has grown. The idea of a gap filled by private security cannot therefore be understood as an automatic result of the retrenchment of public capacities Greene et al (1995).

Secondly, the policies of outsourcing did not represent a simple retreat of the state from security provision, but rather were part of a crucial relocation of its place within such provision. A more complex process than mere fiscal restraint has been underway – one involving both the commodification of security and attempts by the state to make social actors of all kinds – individuals, corporations, communities – responsible for a greater involvement in their own security. The increased role of private security, in other words, is part of a general intensification of security activity across societies. This process has often been abetted by the state and, in many countries, draws power from an increasing demand for security from other sectors of society. The expansion of private security has been the focus of increasing research in both sociology and criminology, where it has recently given rise to theories of networked security governance. The most fundamental claim of networked security governance is that security can no longer be seen as the exclusive monopoly of state institutions. Instead, we are seeing a process of pluralisation through which both the provision and governance of security is dispersed to include a variety of different actors and agencies. Security is characterised by pluralization and commodification, and by the rise of private actors and hybrid public-private agencies organised within network.

The maintenance of security and good order in the community is now being undertaken by organisations traditionally known as 'police', although there is an increasing trend towards the use of privately funded bodies, commonly referred to as 'private security'. Whilst this development is concerning for some, the commission of privately resourced organisations to provide protection is nothing new - in fact this method predates the establishment of community-funded, government administered police services.

The private security sector in Africa is in itself a reflection of a global trend, by which the post-Cold War triumph of neo-liberalism at the turn of the 1990s and its global expansion since then have given impetus to a shift towards privatisation. This is particularly so within the security sector in more recent times, with the outsourcing of non-core functions to Private Security Companies (PSCs) in the west and the exportation of these privatised services to conflict and post-conflict settings (Iraq and Afghanistan). Thus the remit of the Weberian state as wielding the monopoly over the means of legitimate violence has shrunken with privatisation, giving way to an increasing ceding of the traditional security space to private actors on a global scale. However, while the more stable countries of the West have managed to hold on to the control over the use of legitimate violence by retaining their core security functions and effectively regulating private security providers, this is far from the case in Africa. Rather it is the low institutional capacity of the African state to deliver the public good of physical security for citizens efficiently and effectively that creates the security

vacuum, which is increasingly being filled by the private sector in response to genuine demands of citizens for protection. This has meant that the African state is unable to retain its core security functions and to act effectively as regulator of private actors.

What is known today as private security is in effect the logical transformation of traditional mercenary activities in a variety of new forms. Private security can be defined as the purchase of personal and physical protection from threats, either as an individual or collectively as a group.The basic feature of the private indusry is that its activities, structures and performance are based on free enterprise business principles. Groups that are caught up in the cycle of violence and insecurity are opting for self protection

The private provision of security and military services challenges conventional assumptions about the roles of the nation state as the main protagonist in military affairs as the guarantor of physical security for its citizens. In the absence of effective legal or regulatory structures, such activities raise issue of legality, legitimacy and accountability in the spheres of security policy. According to sociologist Max Weber's conception of the modern nation state, a defining characteristic is the nation states monopoly of the legitimate means of violence, including the sanctioning, control and use of force. The rise of the contemporary private military and security industry began in the early 1990s, with the emergence of private security providers with a clear corporate structure

The most crucial factor in contributing to the emergence of security governance and the growing role of private security companies in Europe and North America has been the increasing fragmentation of resources. In the immediate aftermath of the Cold War, this development was driven by public demands for a peace dividend. In addition, governmental resources have become more and more limited because of the rising costs of standing armies, professional training and armaments research and development. As European and North American governments have sought more cost-effective ways for the provision of national security, they have turned to private actors.

Impact of insecurity within the context of Kenya

The threat to peace and insecurity in the 21st century include not only international war and conflict, but civil violence, organized crime and terrorism. Within 'non-conflict' situations, crime and insecurity have gained recognition as development constraints. This is supported by a United Nations Report which states that, among other things 'crime impairs overall development of nations, undermines spiritual and material well being, compromises human dignity and creates a climate of fear and violence. This engenders personal security and erodes the quality of life. Increased incidences of crime, thus disturbs security and creates and provokes a situation of insecurity.

In the Kenyan context, the question of crime and security is reflected in the concerns of ordinary citizens. According to the Kenya Poverty Reduction Strategy Paper, insecurity is one of the key issues that have been identified by many Kenyans communities as a source of poverty.   In support of this statement, the Kenya Economic Recover Strategy for Employment states that addressing safety, insecurity and rule of law are fundamental if economic growth is to be achieved. This is in addition to the contribution of efficient

enforcement of law, the maintenance of public safety and guaranteeing of law and order which is essential to economic growth and improvement of life'.

The question of crime and insecurity has become paramount for the development of Kenya both nationally and internationally. Kenya, considered to be a 'beacon of stability and peace' in the Horn of Africa, greater Eastern Africa region and Africa plays an important role. It serves as an economic and business hub for both national and international investors, is a tourist destination, and its geographical positioning has made it a key player in international trade serving many landlocked countries. Kenya also serves as a central point for humanitarian aid to the large number of displaced victims of war in its neighbouring countries.

High incidences of crime and insecurity thus have a strong bearing on the overall development in Kenya. They influence levels of investment both nationally and internationally, the ability of citizens to engage in sustainable businesses; agricultural production and facilitate movement of goods and services across international borders. Crime and insecurity undermines the freedom of association and movement of citizens, create a sense of fear and intimidation and hamper the spiritual, economic and social development of individuals. Physical and property security is critical in ensuring human and economic development. Security is a prerequisite for generating wealth and, by extension, brings about reduction in crime and lawlessness. As declared by Stuart Mill: "security is the most vital of all interests and security of person and property are the first needs of society".

An Overview of Private Security Services in Kenya

A significant share of the market of private security market is controlled by few big sized multinational companies that offer comparatively higher standards of service than the smaller firms. Wakefield (2005), note that the private security industry remains largely unregulated by government. This is a critical omission on the part of government as it allows industry players to lower standards of security services provided to citizens. Further, Wairagu notes that although there are over 2,000 security companies operating in Kenya, only 21 companies were members of the Kenya Security Industry Association (KSIA), an association of private security firms. This means that majority, fall outside the ambit of the industry self regulation mechanisms. Besides, a sizeable number of locally owned security companies operate illegally, since they are not registered by government authorities. There is no specific government body to regulate the industry, neither is there a policy framework that sets the rules and guidelines for industry. As a consequence, many companies pay little attention to labour laws, work ethics and service standards. Employees of the private security companies are often young, incompetent, inadequately trained and equipped, and lack the motivation to deliver quality services.

Wairagu et al finds that the majority of the workforce in the private security industry comprises young school leavers aged between 18 and 30 years. The survey further notes that the majority of the workforce has secondary level education or less. In addition, the authors observe that a number of the guards do not have insurance which leaves their dependants vulnerable in the event of injuries or fatalities. As a result, employees of the sector are disillusioned and often collude with criminals to rob their employees and clients. In 2009,

there were 3 instances of G4S (a private security firm) being robbed while transporting cash from one place to another. It is suspected in all three cases that there was collaboration with members of the private security company.

The Need for Private Security in Kenya

Mkutu et al (2007) argue that for the effective enforcement of law, the maintenance of public safety, and the guarantee of the protection of life and property are fundamental to economic growth and the creation of an enabling environment for private sector-led growth and development. Issues that have emerged as bottlenecks to the provision of quality policing service include, but not limited to: delayed response to the scene of crime; very low rate of prevention and detection of crime; poor management of scenes of crime; understaffed police service; lack of proper Human Resource Management (HRM) policy and systems; lack of autonomy; poor terms and conditions of service; lack of adequate resources; long and bureaucratic purchasing process in securing security equipment.

The absence of strong institutional mechanisms for holding the police accountable to the people and to the rule of law must receive particular emphasis. Under the previous law, formal mechanisms for holding the Kenyan police accountable did not extend beyond the office of the president. The result of this legal arrangement has been that, in practice, the police have been vulnerable to interference by powerful individuals outside of formal mechanisms of accountability and the regular chain of command, such as politicians and wealthy business owners. These powerful individuals have been able to use the police for their own political and personal agenda, often in direct contravention of the interests of the Kenyan people. Dependence "for their own career advancement and well being on politicians", has made the police acquiescent to politicians, bureaucrats and their friends even when orders have been in contravention of the law or clearly in the interests of some and unfair to others. Nalla, et al (2006)

The establishment of fair, efficient, and transparent mechanisms, both inside and outside the police force, for investigating and punishing misconduct is necessary. The present reliance on powerful patrons of necessity leads to widespread impunity which the chief enemy of accountability, a state of affairs in which police officers can engage in misconduct, crime and violation of human rights and be confident that they will not be disciplined or held to account for their actions. Impunity exists in the absence of effective mechanisms for investigating and punishing police misconduct. It also exists when powerful individuals outside the chain of command can, through their patronage, shield favoured officers from investigation and discipline. The recruitment, training, equipping deployment and promotion of Kenya Police Reserve (KPR) have become ripe grounds for corruption. There is need therefore to streamline its operations if its service and image are to be restored.

The police are but one of the resources a community may utilize in solving its security problems. The changes in the redefinition of the role of the police are evident in the move towards problem-solving or prevention, rather than apprehension and prosecution. However, people have come to regard the government with mistrust due to factors such as widespread corruption and ineptitude within the ranks of police force, raising spates of criminal activities and the failure of state to deal with them.

The need for Regulation

International regulation is necessary as PSCs, can become rather 'nomadic in order to evade national legislation which they regard as inappropriate or excessive.' Legislation is necessary to make PSCs and their individual members accountable for their actions, particularly since a major difference between PSCs and state public security providers is that the latter are directly accountable to parliament, government and the public, whilst PSCs only have to respond to shareholders and clients. Regulation is also essential in view of the potential harm that corruption could produce in the extremely sensitive field of security. Regulation could also help to better ensure that private security employees do not play a part in crime. In short, regulation can be interpreted as the usually formal mechanisms of control which are established in order to guide conduct and to ensure the universal application of the law. In general, greater regulation can lead to enhanced accountability Berg (2003).

It has been widely acknowledged by the private security industry itself that the field is in need of regulation. Improved regulation would help to distinguish between honest and disreputable private security companies, and eventually to remove the latter. Likewise, regulation could contribute to improving the professionalism of the sector and to boosting public confidence in the private security industry. This would explain why multiple efforts have been made by PSCs in self-regulation and why codes of conduct have been drawn up by some firms and organisations.

There have been a number of problematic instances of abusive, corrupt and incompetent behaviour, and in some instances even outright public scandals, involving private security personnel during the past years, clearly demonstrating the pressing need for serious regulation. In South Africa, the state recognized that this industry was increasingly performing duties previously within the ambit of the public police and consequently needed a greater degree of regulation and control. Sarre, R. and Prenzler (2000)

Regulating Private Security in Kenya

The potential hazards of an unregulated sector have recently been recognized by the government, and a Bill has been tabled in parliament for legislation. While this move is in principle widely supported by security providers, it has also yielded significant disagreements over the form, impact, and likely effectiveness of regulation. These disagreements reflect the fundamental divergences arising from the current structure of the security market, as well as the politics of protection in Kenya today.

The Role of Public Security

This section focuses on police duties and responsibilities', considering what is core, and what activities merit the use of police powers. Considerations such as these are essential in determining what has to be carried out by the police and what can be carried out by others. Those that fall into the latter category might be considered by the private security sector as areas that it could make a contribution towards.

There are Police Service Acts in each of the countries that stipulate the duties of a police officer. Generally, duties of the police include: preserving the peace; preventing crimes and other offences; assisting victims of crime;   apprehending criminals; laying charges,

prosecuting and participating in prosecutions; executing warrants and performing the lawful duties that the chief of police assigns. Completing the prescribed training, police officers are responsible for serving and protecting the public. Their jurisdiction includes areas that are in the public domain. Police officers have powers of search, arrest and detention and are held accountable for their actions.

Other roles of the police is to provide policing and security services for the State with the objective of: preserving peace and public order, protecting life and property, vindicating the human rights of each individual, protecting the security of the State, preventing crime, bringing criminals to justice, including detecting and investigating crime, and regulating and controlling road traffic and improving road safety Hoppe (1989). In the Netherlands, order and security in the public domain is the responsibility and one of the core tasks of government, a fact that is unlikely to change. Order and security in the private domain is the responsibility of the private sector. However, it must always remain possible to exercise democratic control; the public domain must remain accessible and the responsibilities for order and security matters must be fairly divided.

The role of private security

In terms of private security operation, the principal task is to prevent loss and to minimise risk to people and property in private places and they have no functions in the preservation of law and order in the public sector. One of the most important features of the modern development of private security, namely, that the maintenance of order in public places is becoming increasingly part of their routine day- to- day activity. Under these circumstances, the traditional view that the maintenance of public order is, either in practice or in theory, the sole responsibility of the police is clearly no longer tenable. Sarre, R. and Prenzler (2000)

Private security is not in business to serve the general public good. It is in business to serve the needs of its paying clients. It clearly does make a contribution to, for example, crime prevention in some respects, although how much of this is offset by a displacement effect, which means those less able to pay for additional security become more heavily victimised.

The argument about the displacement effect may be true but this can be argued with any crime prevention initiative and agencies must be aware of it. The point is that private security makes an important contribution to crime prevention by undertaking roles not undertaken by governments. In fact, governments 'often produce private goods, either "purely private" or "quasi-private" and then distribute them "for free" in the sense that there is not direct price used to assist in the allocation of resources. However, this is changing with governments wishing to privatize many activities which are not seen as core to the business of government. Whilst 'crime-related' services provided by the public sector were found to be based on constitutional responsibilities and perhaps should remain, it was suggested by the researchers that public sector officials would probably welcome an expanded relationship with the private sector that would release police for basic crime fighting. Functions frequently identified as not necessarily requiring police and which could be privatised included court security, prisoner transport, parking enforcement, public building security, public parks patrols, special event security and public housing patrols.

Moreover, some of the functions, such as securing premises, patrols, responding to alarm calls or crime reports, and crowd management, are very similar for both forms of policing. Private policing involves more than just patrol and guard duties. Many of the allied activities to these two functions involve protection of assets or people-establishing perimeter security and other protective barriers and security measures, and are essentially also designed to prevent insiders and outsiders from committing crimes, in other words, pure and simple crime prevention. Furthermore, many private security companies have developed investigative capacities and collect information and evidence, interview suspects and develop a criminal case (which is usually handed over to the authorities for prosecution) in the process of investigating 'incidents'. Sarre, R. and Prenzler (2000)

In a nutshell, the functions of private security include but not limited to; Prevention or detection of intrusion, unauthorized entry or activity, vandalism or trespassing on private property. This group of activities includes patrolling, guarding of private property; Prevention or detection of theft, loss, embezzlement, misappropriation or concealment of merchandise, money, bonds, stocks, notes, valuable documents or papers, for example, protection of cash in transit; Protection of individuals from bodily harm (bodyguards); Maintaining public order at events (concerts, football matches); Reporting and apprehension of violators Transporting prisoners and guarding prisons; and, Reporting on and responding to incidents and calls, including the conception, installation and maintenance of alarm systems and alarm centres.

The Role of the private security in Kenya

In the Act of Parliament (Private Security Industry Regulation Bill, 2010), a person provides private security services under this Act if , the individual or firm, provides any of the following services: provision of private security guard services; installation of burglar alarms and other protective equipment; private investigations and consultancy; car tracking or surveillance; close-circuit television; provision of guard dog services; security for cash in transit; access control installation; or any other service authorized by the Board through a notice in the Gazette.

In the same statute a private security provider shall not: allow the use of uniforms similar to any of the uniforms worn by any disciplined service in Kenya; brand its vehicles in similar colours with any disciplined service in Kenya; or install communication tools or systems capable of interfering with a communication system used by any disciplined service in Kenya.

Obstacles Standing in the way of Collaboration between Public Security providers

From the literature above, it is clear that certain obstacles stand in the way of collaboration between public and private security providers. Some of these are discussed below. Information sharing is difficult. Private security corporations do not feel they receive timely information from police, and they also fear that information they give to the police may end up in the newspaper. Police fear that the private security sector may not treat law enforcement information discreetly. Other issues include respect, trust, training differentials, and

competition. A further obstacle is that the two sides may not realize the extent of their common goals.

Law enforcement executives know too little about private security. For example, when they speak about first responders; they refer to themselves, firefighters, and emergency medical technicians. There is no mention private security. There is a lack of awareness of what private security is and what it does. Partly this is due to an absence of cohesion in security. For example, security is not always organized as a functional group within an organization. Security organizations tend not to train in mutual aid and usually lack communications interoperability.

The lack of direct leadership from any of the official authorities on how private security should be engaged is a lament from police and some call for greater direction from central government. Moreover, a number of police feel that the best way to encourage the use of private security in policing was to make money available for that purpose Lernihan et al (2008).

The lack of accountability of the private security industry is a barrier to closer partnership working. There is a general lack of awareness of the current regulation regime for the private security sector. And where there is a good understanding of the existing regime there is often skepticism of it, which leads to reservations about working with the industry. However, there is a belief that some parts of the security industry had improved significantly, particularly door supervisors. Many from the police call for a governance structure that ensures that staff are properly vetted and trained. Some police feel that if they are expected to have faith in the regulation regime then they should have a role in it. Opposing public and private sector principles also presents a barrier to closer working. Many police representatives have concerns that further involvement of the private sector in front-line policing would result in a two-tier police service, one for those who can pay and one for the rest. Others have concerns that outsourcing police tasks to the private security industry would result in inconsistent service delivery or that the industry might withdraw their services if not profitable leaving a gap in provision, or at the other extreme, overcharge in the absence of competitors. Furthermore because private security is accountable to those who pay many questioned whether it could be trusted to be impartial (Isima 2007).

There is a strong view among the police that certain tasks should not be delivered by private security, specifically policing public space where there is the potential for conflict. There are a number of reasons for this, and many related to those already mentioned; the lack of accountability of the private sector to the public, its profit driven nature, the potential for inequity of service, and the lack of credibility of private security that could rub off on the police. However attempting to determine which police tasks are core, whether they need to be delivered by sworn police officers or other police staff and how police work can best be organised remains a challenge. Although some progress has been made in this area, there is a need for greater clarity.

Overall, the nature of interactions between police officers and security professionals are based on daily activities which are complicated within the context of hierarchical relationships shaped by supervisory authority and legal regulations. For example, South Korean police officers are required to check all security companies twice a year and they are vested with the power to administer sanctions in cases of violations. These contexts can

create tension and animosity and become barriers to cooperative and cordial relationships. One of the issues in partnership policing is the form such partnerships should take, and the type of relationship that is built with each partner, for example equal sharing partnerships, or one partner dominant.

One of the other main stumbling blocks to establishing partnerships are police fears of a loss of autonomy and the implied association of private security personnel with private. Allied to this approach was the break with the narrow interpretation that crime prevention was the sole preserve and responsibility of the (public/state) police.

Framework for collaboration

Generally, over the last few years, there has been an absence of any official co-operative and regulatory framework between the Police and private security companies. Most private policing has occurred as or ends up being ad hoc or small local initiatives. Furthermore, issues around control have arisen consistently. In other words, no one has ultimate authority over actions, and there are no clear reporting lines and accountabilities. Finally, there has been a lack of co-ordination of activities between public and private policing entities.

Overall, in dealing with the entry of private security personnel into the public policing domain, a number of developed countries have relied on the establishment of effective public-private partnerships (PPPs) in security or partnership policing'. PPPs are often underpinned by the formulation of so-called information sharing protocols. In other words, the exchange of crime information in effective partnerships is governed by predetermined protocols that identify where disclosure is strictly justified. These protocols can improve data exchange between the parties and enhance trust and confidence. They also lay down the 'rules' for the co-ordination of information collection activities and can led to the establishment of formal databases, that is, an information node where all information can be collected, collated and analysed Krahmann (2003).

In addition, PPP operations, activities and deliverables need to be underscored and supported by service level agreements. These are specific service contracts that outline exact functions, responsibilities, limitations on authority, reporting lines, pooling and sharing of crime information. PPP functions are often made more successful by instituting regular partnership meetings and structured briefings, since these can lead to a better understanding of the limitations and constraints on the actions of the partner organisations.

Methodology

The research used qualitative approach in collecting and analyzing data. Both primary and secondary data were used. Primary data was collected by use of questionnaire and interview schedule. Primary data was collected in Nairobi which was purposely sampled for its large concentration of crime and security providers, both public and private. The data was analysed qualitatively in descriptive form.

Discussion

The key challenge facing the Kenyan private security sector is the development of a regulatory framework for licensing and monitoring, in order to ensure higher standards and

quality of service. It is also crucial that steps are taken to improve the safety of security guards. There is a clear concern across the private security company (PSC) sector that its unarmed status is becoming increasingly inadequate in a setting of rising crime and violence. A few companies appear to circumvent the problem by arming a small proportion of their guards through individual firearms licenses, a practice that is not illegal but also not officially recognized. Some industry representatives advocate such a selective arming as a future model, where a small, highly-trained component of some PSCs are allowed to operate a restricted armed-response capability, but recognise that this would require effective regulation and oversight. The majority of PSCs, however, show very little enthusiasm for arming guards, with many stressing that arming the sector would be extremely damaging. Instead they advocate a solution that involves closer cooperation with the police. In Kenya, security privatisation is deeply politicised due to the high degree of insecurity, inequality, and social fragmentation. Despite Kenya's very high level of crime and insecurity, there is remarkably little co-operation and co-ordination of security initiatives. In part this is due to a general lack of state capacity (and perhaps also willingness), and security networks are characterised by competition and mutual suspicion, with each set of actors drawing upon different forms of capital to enhance their position. This chapter examines areas of collaboration in the context of Kenya from the point of view of scholars and the revelations from the field data, and gives a conclusion that examines whether the study is in line with the research problem, the objectives, the theoretical framework, and the hypotheses of the study.

There are opportunities that occur from partnerships between police and private security that are principally in the same business of reducing crime but are doing it for different reasons. Police exist primarily for the public good whilst private security exists to make a profit, but they are both reducing crime. Surely, this provides a sound argument to build and strengthen the existing partnerships between police and private security. Difficulties will occur when there is a conflict between the public good and the profit motive but the potential benefits outweigh the disadvantages. It is certainly not a question of privatizing crime control but cooperating in the fight against crime and coordinating the joint efforts in this regard. Collaboration should not be used to advance private interests of private security companies. As previously stated, this report is based on the fundamental premise that police and private security involved in security are all ultimately trying to prevent crime. The different sectors, namely the public and private arenas have different motivations for their activities. The police exist to serve the public good whereas private security exists for the profit motive, but private security regularly can be seen in shopping centres mingling with the crowds, and used regularly at sporting events alongside the police. Regardless of the motivations for being, if it is accepted that the different sectors are in the business of crime prevention, then there are opportunities for a coming together, for the formation of partnership arrangements to provide a more concerted, efficient attack on crime and consequently to make people feel more safe. No longer can the police be expected to control and prevent crime without the active support of the wider community. Many ex-police and others with an interest in crime prevention and public safety are engaged in the private security sector and many of these people have expertise that could enhance the success of a national crime prevention and public safety program. To omit such a large body of personnel that could contribute so much to the

program, a body that has the same aims as the public police, that is, crime prevention and safety would be a waste of community resources. Without a collective action, collective goods can be under-produced. Thus security is under-produced in Kenya. Security is a good with a special characteristic that its enjoyment cannot be restricted to those who have financed its production. The theoretical framework has adequately been addressed.

The research problem acknowledged that there is rising insecurity in Kenya's witnessed by increasing proliferation of small arms resulting from porous borders, kidnappings, robberies and carjacking. Private security comes in to fill the evident security gaps. However their presence in the security field has not stemmed out insecurity. This calls for collaboration between the police and private security. The study has successfully explored the role of public and private security and the challenges they face. The Kenya Security Regulation Bill, 2010 is a step towards regulating private security. However, collaboration between the police and the private security still remains informal and ad-hoc without any legal basis. In this regard, the research problem still remains a problem in Kenya as of now.

The objectives of the study sought to identify opportunities for the private sector to work better and closer with the Kenya police, and identify areas of antagonism due to poor communication, attitudes, perceptions or procedures. The study has identified many opportunities for the two to work together which includes among other increasing demands placed on the police by the general public, counter terrorism and serious organised crime within a cut-back on public spending, the need to share intelligence, equipment, operational responsibilities, training, and above all, the need to reduce crime.

Antagonism is also evident. There is little cooperation and coordination of security initiatives. Security networks are characterized by competition and mutual suspicion. There is lack of clear direction from the government on the relationship. The empirical study established that police are reluctant to respond to assist private security in their work. There is no memorandum of understanding despite that cooperation, communication and exchange of information needs to be defined. Relationship is influenced by lack of clear regulatory framework for the private sector and the absence of consistency policy framework structuring public-private partnership. Private security is considered subordinate to the police. There is no support of a single communication network and the private security cannot be allowed to manage sensitive security areas at strategic level except at the tactical and operational levels. The above argument shows that the objectives and the hypotheses have adequately been addressed by the study.

It is clear from this argument that, provided there is sufficient and enforceable regulation, PSCs can contribute to improving the security situation in Kenya and thereby also further economic development. This must not, however, come at the price of further damaging social cohesion whereby security becomes a commodity that only the wealthy can afford and whereby the disenfranchised remain the disenfranchised. Without undivided access to security for all members of society development remains close to unattainable. The private security market alone cannot meet these challenges, even if the necessary funds were made available. The government must not abrogate its obligations to its citizens, in particular when it comes to one of the state's core functions--that of providing security. Most importantly, the government has to develop and enforce effective regulation for its national private security

sector in order for the industry to contribute meaningfully to the creation of a secure and stable environment.

Conclusions

Collaboration aims to achieve public safety and security by creating partnership between law enforcement security agencies and the private security, and building public trust and confidence in the police, which is expected to increase mutual accountability, improve police performance and ultimately contribute to reduction in crime and fear of crime. Relationships between the state and private security are becoming more and more complex. The fact that the police are typically regulators of private security as well as potential competitors in the provision of policing services raises questions of conflict of interest. But in many circumstances police and private security have quite different policing responsibilities and are not really in competition with each other. But like in Kenya where police organisations are assumed to be corrupt, private security companies can offer effective alternatives if they are well regulated. With the process of decentralisation, however, police are losing their traditional monopoly over the provision of policing services, and under these circumstances it is not surprising that they are reluctant, for instance, to share information with the private sector. The basic message is that, due to developments in society, it is more important than ever before to use all possible means to fight crime. The fight against crime cannot be waged successfully without the help of private security and better cooperation between the private security organisations and public law enforcement agencies. Besides, it is urgent to build partnerships between private security companies and police, including partnerships between private security companies themselves. This is possible to achieve in various ways, one of them being drafting a memorandum of understanding and developing the awareness of partnerships and joint activities with the overall goal of contributing to the security and safety of the society.

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