

Private Policing and Countering Violent Extremism: Role, Contribution and Challenges

Workshop Note
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Lynda Ouma

About this Workshop Note

This workshop note draws from discussions held by experts at workshops addressing accountability of private security actors in countering violent extremism (CVE) convened by Centre for Human Rights and Policy Studies (CHRIPS) in Kilifi, Kwale, Mombasa, Nairobi and Nakuru counties between August and September 2021. CHRIPS is grateful to all the participants for their contributions and insights.

Introduction

The last ten years has seen Kenya endure sustained attacks from terror groups like Al-Shabaab which has negatively impacted its social, political and economic spheres. Data from the Centre for Human Rights and Policy Studies (CHRIPS) Terror-related Attacks Observatory shows that in 2020 attacks increased to 69 from 34 reported in 2019¹. The data further shows the expansive nature of these attacks which have included critical infrastructure and private property. As a result, security in private and public spaces has been beefed up in efforts to match these threats.

There has been unprecedented growth in the private security sector since the terrorist attack on Westgate shopping mall in Nairobi in September 2013. Driven by fear and insecurity the demand for private security guards and sophisticated surveillance equipment has soared. Emerging security concerns has seen the increased use of private security guards in major urban areas thereby positioning the industry as key players in overall state security.

These threats to peace, stability and security points to a complex issue which cannot be handled by one entity. The involvement of private security guards as part of the network of actors in the state's counterterrorism work therefore calls for inclusion and collaboration in developing and implementing

policies that will guide them ensuring they treat the public with respect and according to the law.

This note explores the contributions private security actors have made in the fight against violent extremists and concludes with policy options that should be considered to mitigate challenges that might be faced as they make adjustments to take up increased roles in the provision of security services.

Contribution of Private Security Guards in Countering Violent Extremism

Digital Surveillance and Data Handling

Leading private security providers in Kenya offer a package of advanced integrated security services. This often includes guard services, electronic intruder alarm systems, radio alarm response, satellite tracking, system integration and management security. These range in sophistication from basic push button alarms that send a signal to off-site guards to highly sophisticated space protection systems linked to radio controlled backups, personal protection surveillance and system management maintenance.²

¹Ramadhan, R. & Ouma, L (2021). Trends of Violent Extremist Attacks and Arrests in Kenya, January – December 2020, Report No. 4 of 2020, Centre for Human Rights and Policy Studies (CHRIPS): Nairobi, p1.

²Githimi, S.K. Bor, E. & Appolos, M. (2017). How the availability of Private Security Services assist in Crime Control in Nairobi County, Kenya. Global Journal of Arts, Humanities and Social Sciences. Vol.5 No.1, p53.

It is not uncommon to see signs in small and big businesses stating that their premises are under closed circuit television (CCTV) monitoring. CCTV surveillance in high end malls, commercial buildings, churches, frisking of passengers boarding public vehicles or persons assessing commercial buildings has become the norm. Commercial properties have gone a notch higher and a number of them have installed baggage scanners and optical security barriers which just a few years ago were the preserve of airports and high-level security installations. In addition, one is often required to leave their identification cards with guards manning these premises as a measure of preventing suspicious activities.

These measures however pose a threat to an individual's privacy. The data collected can easily get in the wrong hands and be used for criminal activities or register one to a political party without their consent. Further, sensitive information captured on CCTV footage has been known to surface on online social platforms, WhatsApp groups and mainstream media which not only infringes on individual privacy but puts their safety at risk.

Reports of such privacy breaches continue despite the Data Protection Act providing for a robust framework for protection of personal data. The principles and obligations of personal data protection under the Act requires controllers and processors of personal data, like security guards, to process data collected in accordance with the right to privacy. The Act further states that personal data collected must be processed for the specific legitimate intended purpose and not in a contrary manner³. Further, the data controller is not permitted to process personal data collected for a purpose without the consent of the data subject who has the right to withdraw consent at any time.^{4 5}

Private Security actors present during the CHRIPS workshop on private security and accountability, sought to allay these fears stating that guards manning public spaces are continuously trained on soft and hard skills needed to perform searches. There are no standardized rules however on how to navigate searches with each provider employing their own style. They added that technological advances which aid in surveillance and use of canines have been effective thus far in detecting suspicious materials.⁶

³Section 25, Data Protection Act no 21 of 2019, Laws of Kenya

⁴Section 30, Data Protection Act no 21 of 2019, Laws of Kenya

⁵Section 32, Data Protection Act no 21 of 2019, Laws of Kenya

⁶Remarks by a participant at CHRIPS workshop in Nairobi County, September 2021.

⁷Estimates by Private Security Sector stakeholders at CHRIPS workshop in Nairobi County, September 2021.

⁸Wambui, M. (2019). Matiang'i to launch syllabus for private security guards, Daily Nation, 4th December. Available online: <https://nation.africa/kenya/news/matiang-i-to-launch-syllabus-for-private-security-guards-229256>

⁹Agutu, M. & Ondieki, E. (2019). Private security guards to get extensive training, Daily Nation, 24th February. Available online: <https://nation.africa/kenya/news/private-security-guards-to-get-extensive-training-142070>

Recruitment and Training of Security Guards

Rise in insecurity has resulted in an increase in demand for the provision of private security services. An estimated 1.2 million⁷ persons are currently employed by the private security industry as of 2021. With the increase in number of guards, regularly training them is a challenge. Most are trained upon entry level when they join these private security firms. Their continual capacity building is a serious challenge for private security actors more so with the current requirement by the Private Security Regulatory Authority (PSRA) making it mandatory for every security officer to be trained before they are enrolled in the industry. Guards working in Kwale County for instance mentioned that they had not received any refresher courses on counter terrorism, identifying objects that may be used in violent acts or how to identify who is a potential threat. Despite this many of them were expected to guard public spaces, hotels and commercial buildings.

In 2019, the Interior Ministry launched a training guide for private security officers owing to this gap in training. The syllabus was drafted by a team from PSRA, National Police Service (NPS), National Intelligence Service (NIS), Kenya Defense Forces (KDF) and security experts⁸. This training guide forms part of requirements of the Private Security Regulations Act of 2016, which requires every private security provider to undergo annual mandatory training accredited by the Private Security Regulatory Authority. Counter terrorism measures were incorporated as skills the trainees would acquire.

A majority of private security actors welcomed this move and have made efforts towards incorporating aspects of the guide into their training modules. They however cite issues regarding standardization and cost of training equipment, curriculum, lack of standardized operating procedures and laws which make it difficult to fully implement the guidelines. In addition, they are expected to take their guards through 240 hours of training. This is inclusive of 160 hours which would be for attachment before allowing the officers in the field. Existing guards would need a 40 hour refresher course⁹. Responding to terror

threats and counter terrorism is one of the key goals of training and re-training private security guards. For new entrants this will take at least six hours. These long hours spent in training, post examinations and high cost of equipment is a big challenge for many.¹⁰

Despite this, security experts present during the workshops mentioned that they strive to capture both hard and soft skills while training their guards. They also have programs for continuous training which should build the capacity of the guard's overtime.¹¹

Collaboration between state security actors and private security actors

The security sector committee of the Kenya Private Sector Alliance (KEPSA) is one inroad which the private security industry has taken to facilitate its collaboration with state security actors. Through regular engagement with the National Counter Terrorism Centre (NCTC) and the CVE Directorate at the National Police Service, the partnership has resulted in the training of over 4000 private security actors in CVE since 2018. The training not only focuses on theoretical aspects of violent extremism but also takes into consideration practical exercises to strengthen their preparedness as well as response to CVE. This cooperation has also afforded private security actors an opportunity to articulate policy needs to relevant state agencies.

Partnerships with state actors has moved a step further with officials from the private sector appointed by the government to head the Private Security Regulatory Authority Board. An indicator that the role of the sector in supplementing the government in security management is now more pronounced. The formation of the Board is guided by the Private Security Regulation Act No. 13 of 2016¹².

A key criticism of these partnerships though has been that they tend to be benefitting only the bigger private security firms who are in KEPSA. Private security

actors and experts present at the Mombasa policy workshop felt that the impact of the work done by NCTC has not really moved beyond Nairobi County to involve other big and smaller actors who also face the same threats posed by extremist groups. From the discussions there seemed to be a gap especially in Mombasa County where private security actors felt have not been included in these discussions which should be cascaded to all counties.

Conclusion

1. Private security actors should review their application of technology in countering violent extremism. While surveillance plays a critical role in monitoring potential acts of terror, information and data management requires additional attention by stakeholders in ensuring effective policing.
2. There is a need for periodic grounded practical training of private security guards. They should also be fully equipped and trained on identifying and dealing with new and evolving threats.
3. Collaboration is important between the different stakeholders not only in preventing but also ensuring that standards, regulations and procedures are adhered to in the private security sector and within the wider preventing and countering violent extremism sector.
4. Effective collaboration between different stakeholders in preventive work is needed. The benefits of which should be felt in the wider security sector.
5. The Private Security Regulatory Authority should ensure that private security actors adhere with provisions of the Data Protection Act to uphold right to privacy and protection of personal data in private policing.

Acknowledgment

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¹⁰Remarks by a participant at CHRIPS workshop in Mombasa County, August 2021.

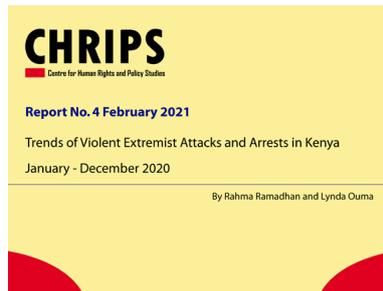
¹¹Remarks by a participant at CHRIPS workshop in Nairobi County, September 2021.

¹²Mukinda, F. (2017). Nkaiserry appoints 11 officials to head security agency, Daily Nation, 3rd February. Available online: <https://nation.africa/kenya/news/nkaiserry-appoints-11-officials-to-head-security-agency-356750>

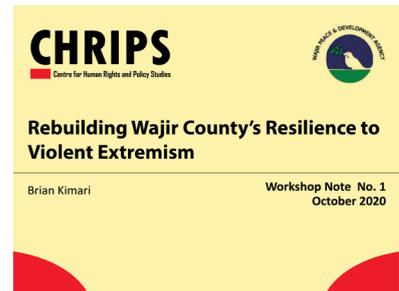
Other Publications on Violent Extremism



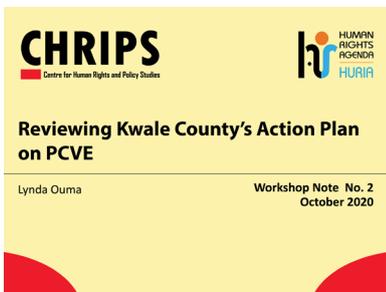
This pioneering collection brings together critical analyses on a range of issues touching on violent extremism by a multidisciplinary team of scholars and scholar-practitioners with an intimate and long-standing interest on the subject in Kenya, the region and globally.



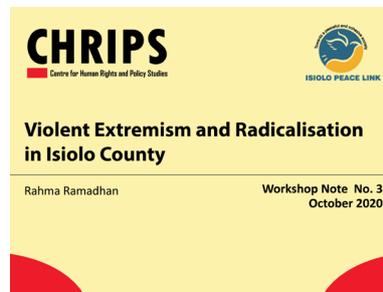
This report draws from the Terror Attacks and Arrests Observatory of the Centre for Human Rights and Policy Studies (CHRIPS Terrorism Observatory). It presents the latest data collected, disaggregated and analysed from 1 January – 31 December 2020.



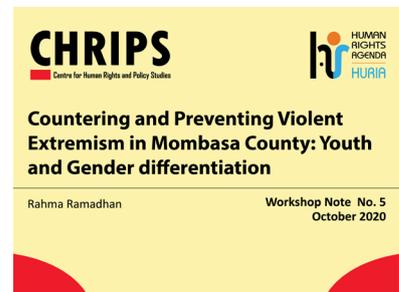
This Workshop Note discusses recent developments, challenges, and opportunities in countering violent extremism (CVE) work & counterterrorism (CT) in Wajir County.



This Workshop Note incorporates insights and perspectives of practitioners and researchers in Kwale County, who participated in an experts' meeting convened by the Centre for Human Rights and Policy Studies (CHRIPS) and Human Rights Agenda (HURIA).



This note partly draws from discussions of the Isiolo County prevention and countering violent extremism (PCVE) policy workshop convened jointly by Isiolo Peace Link (IPL) and Centre for Human Rights and Policy Studies (CHRIPS) in the three sub-counties of Isiolo: Merti, Garba-tulla and Isiolo in September 2020.



This note partly draws from discussions of the prevention and countering violent extremism (PCVE) policy workshop convened jointly by Human Rights Agenda (HURIA) and Centre for Human Rights and Policy Studies (CHRIPS) in Mombasa County on 22 October 2020. This note presents discussions on preventive initiative focusing on youth in Mombasa and issues of gender differentiation in programming on Preventing and Countering Violent Extremism (P/CVE)

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P.O Box 23748-00100, GPO Nairobi, Kenya

Tel: + 254 20 527 0577 | Email: info@chrips.or.ke | Web: www.chrips.or.ke

