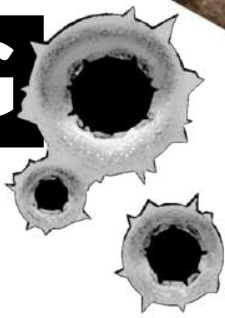
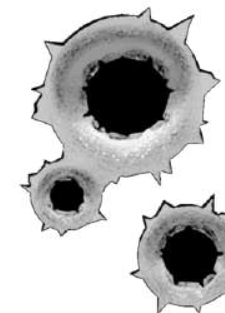


UNMASKING THE CONFIRM GANG





DEDICATION

This project is dedicated to victims of gang violence, residents of Kivumbini, Bondeni, Mwariki, Kwa Rhonda and Mawanga. It is also dedicated to those who have lost loved ones, property, livelihoods and whose lives have been affected negatively by gang activities.

It is also dedicated to reformed gang members who have chosen a different path that is for the betterment their lives.



Forward



Transformation is achieved by the shifting of mind-sets after underlying core issues have been addressed. Innovation and interconnectivity of our society has generated myriad ventures but a copious number are criminal groups. At Arts for Rights, it has been our earnest endeavour to scrutinize this as we sought to unearth the origin and operations of the 'Confirm group'.

In partnership with Global Initiative against Transnational Crime (GI-TOC) under their Resilience Fund, this report sought to capture the perspectives of various stakeholders like parents, residents, chiefs, former and current members of the gang and has been eye opening. It has been a journey filled with awful findings that at times left us shocked at what was happening right in our neighbourhood but we took no notice as the cumulative impact has never been pursued. It is our hope that it will help bring restoration of sanity as the recommendations are put in place. We are also optimistic that as we employ art, which is impactful tool of communication and leaves a lifetime impression especially among the youth, we will be able to bring positive transformation in our new city.

NJERI KIMANI,
CEO, Arts for Rights.



About Us

Art4Rights is a woman and youth-led organization founded in 2018 and officially registered in 2020 as a Community Based Organization. It is committed to promoting Gender Equality, Peace and Security, Youth and women empowerment, human rights, and cultural identity.

Art4Rights is interested in the advancement and safeguarding of human rights in Kenya primarily because of the intersection of human rights and sustainable development, and good governance. We firmly believe that respect for human rights and the application of a human rights-based approach in development lays a foundation for the realization of peace, safety, and security.

For this to be realized, Art4Rights partners primarily with youth and artists to advocate for the advancement of human rights while at the same time mobilizing support in checking state excesses and holding the government to account for violations of human rights. Art4Rights uses artistic expression (spoken word, music, plays, and graffiti) as a method of rights awareness and mobilization of communities around human rights issues.



Our Mission & Approach

ART 4 RIGHTS uses artistic expression (spoken word, music, plays, and graffiti) as a method of rights awareness and mobilization of communities around human rights issues.

ART 4 RIGHTS partners primarily with youth and artists to advocate for the advancement of human rights while at the same time mobilizing support in checking state excesses and holding the government to account for violations of human rights.

We firmly believe that respect for human rights and the application of a human rights-based approach in development lays a foundation for the realization of peace, safety, and security.



Acknowledgement

We speak from the deepest parts of our heart and are truly grateful for the friends, partners and donors who made this possible.

To our donors the Global Initiative against Transnational Organized Crime (GI-TOC) through the Resilience Fund, we thank you for financing this project and helping impact the lives of many people.

To our project liaison and the GI-TOC East and Horn of Africa Observatory Coordinator, Joyce Kimani, we deeply appreciate your time and the guidance throughout the project.

This project is a product of interviews and focus group discussions from civil societies, Nakuru residents, government officials and the independent experts who spared time to engage with us.

We also thank the members of Art For Rights for their utmost dedication to make this project a success.

We thank our partners Nakuru TV for working with us.

Appreciation also goes to the researchers and contributors who saw this project through: Lead researcher Wambui Kimani, assistant researchers Samuel Otieno and Eric Mwangi. The contributors Njeri Kimani, Kevin Maina, Joseph Ngugi, Vincent Tanui, Robert Riziki, Robbin Nyakundi, Jonah Njoroge and Caroline Mukami.



Researchers Profile



Wambui Kimani, Lead Researcher. Holds a BSc in Basic Sciences from Maseno University and Masters in Public Health, Disaster Management. She is passionate about children and involved in various platforms that seek the intergenerational impact.

Samuel Otieno is an assistant researcher for Art for Rights, he works with the community in spearheading peace and security initiatives.





Acronyms & Abbreviations

Acronyms

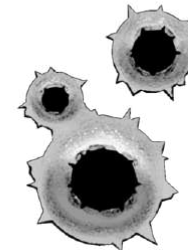
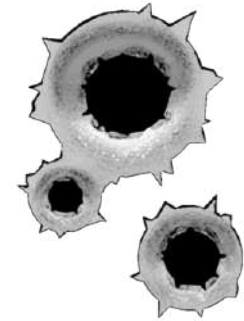
- ATM** - Automation Teller Machine
- CCTV** - Closed-Circuit Television
- GI-TOC** - Global Initiative Against Transnational Organised Crime
- HRD** - Human Rights Defender
- IFF** - Illicit Financial Flows
- ID** - Identification Card
- MMT** - Mobile Money Transfers
- M-PESA** - Mobile money transfer service
- PIN** - Personal Identification Number
- SIM** - Subscribers Identity Module
- SMS** - Short Message Service
- TVET** - Technical and Vocational Education and Training
- WPA** - Witness Protection Agency



Table of Contents



DEDICATION	i
FOREWORD	ii
ABOUT US	iii
OUR MISSION & APPROACH	iv
ACKNOWLEDGEMENT	v
RESEARCHERS PROFILE	vi
ACRONYMS AND ABBREVIATIONS	vii
EXECUTIVE SUMMARY.....	1
INTRODUCTION	2
Overview of the Confirm Gangs	3
METHODOLOGY	5
FINDINGS AND ANALYSIS	6
The Confirm Gang structure	6
Gang Recruitment	8
The nexus between politics and gangs	10
Homicide and Confirm Gangs	11
Drugs and Confirm Gangs	12
Gender and organised crime	12
The Confirmed Robin Hood	13
Parental Role in the Gangs	13
State Responses to the Confirm Gang	15
PICTORIAL	17
CONCLUSIONS & RECOMMENDATIOIS	18
REFERENCES	22



EXECUTIVE SUMMARY

'Confirmed, you have received Ksh XXXX from 07XX XXX XXX...' Was once a short message that only brought a broad smile when received on a Kenyan's phone, but not anymore as it has also become the bait of an organised crime group to unsuspecting citizens that has left some penniless as their accounts have been swept clean via mobile money banking. This report sought to unearth; the origin of mobile money transfer scam, their dynamic operations since the inception that seem to outwit efforts put up by mobile money transfer bodies in the country; the misery of the estates' residents who no longer enjoy taking walks or trading freely as eyes spy on their every move and cannot escape being stereotyped; the agony of the victims who lose their hard earned cash to the impostors; the determination of the authorities in ending the crime; the factors that fuel the crime to thrive; and the pain of losing loved ones due to involvement or perceived association with members of this infamous group. With the implementation of the recommendations, transformation will definitely be experienced as the root causes are addressed with the; civil society, the residents and local governments working one accord.



INTRODUCTION



Nakuru is the fourth largest urban centre and the newly named city in Kenya. It has 11 sub counties and totals to an estimated population of 2,162,202.¹ In 2018, Nakuru County had 4,329 crime cases reported which was the highest in the Rift Valley region.²

The county has witnessed a soaring number of armed robberies, organised crime, sexual violence, and a lack of state response in provision of security to the residents. Gangs have mushroomed, often sponsored by relatively well-to-do individuals, politicians or gang leaders seeking to expand their territories³. This has bred to the rise of localised gangs including vigilantes that have emerged and continue to operate openly in most of the suburbs of the town. Some of the gangs, who have grown more aggressive in recent years include; Confirm, Wakali Wao, Mikuki, Sungusungu, Eastlando, Msafi Kwanza, Gaza, Five Fingers and Mauki.

These organised gangs are; criminal groups of three or more persons, are not randomly formed, have existed for a period of time, act in concert with the aim of committing at least one crime punishable by at least four years' incarceration and in order to obtain, directly or indirectly, a financial or other material benefit⁴.

¹ Kenya Population Housing Census. (2019). Kenya Population and Housing Census Volume II: Distribution of Population by Administrative Units. Available at: <https://www.knbs.or.ke/publications/> (accessed 15 December 2021).

² Police Service Commission, (2018). Annual Crime Report, Nairobi.

³ Wairuri, K., Chemlali, A., & Ruteere, M. (2018). Urban Violence In Nakuru County, Kenya. Danish Institute Against Torture

⁴ United Nations Office on Drugs and Crime. (2004). Transnational Organized Crime in Eastern Africa: A Threat Assessment. Available at: https://www.unodc.org/documents/data-and-analysis/Studies/TOC_East_Africa_2013.pdf (accessed 15 December 2021).



Overview of the Confirm Gang



The report focuses on the gang codenamed Confirm. The Nakuru based gang is reputed for its fearlessness and fleeing people who utilize e-banking platforms. This is despite being outlawed in 2016 by the then Interior Security Cabinet Secretary Joseph Nkaissery in a gazette notice.⁵ Whereas it is not easy to pinpoint its origin, various research experts allude to the gang starting its operations in 2012. There are different narratives as to how the gang came into existence. Their roots can be traced to a consortium of defunct gangs including Gaza, Boston and SCANN, which were popular in Nakuru between 2008 and 2012. They, apart from wreaking havoc by harassing and robbing residents in the middle-class estates, would go around slicing girls with razor blades on their faces as a sign of power. They would also use children as conduits, sending them, some as young as nine, to steal expensive sneaker shoes from people walking around.⁶

Willie Oeba, a human rights defender (HRD) who grew up in Bondeni, stated that the gang was initially referred to as Boston but the members were executed by the police or lynched by mobs. The remaining ones later regrouped and formed the Confirm gang where they started coning people through mobile theft.

Back then it was compulsory for you to belong to a gang for your own security. This is despite the fact that we were still in high school.⁷

It is alleged that the first people to engage in this trade were two former inmates named Kakara and Kenos. However, they kept the illicit trade to themselves. It was only when Wash, a former Nakuru Prison inmate, went to his community, mobilised and trained some residents on how to conduct the illegitimate transactions.

“

Back then it was compulsory for you to belong to a gang for your own security. This is despite the fact that we were still in high school.

⁵ <https://gazettes.africa/gazettes/ke-government-gazette-dated-2016-12-09-no-153>

⁶ Interview with Brian Kamau, a Kaptembwa resident, 23 November 2021

⁶ Virtual interview with Willie Oeba, HRD, 17 November 2021



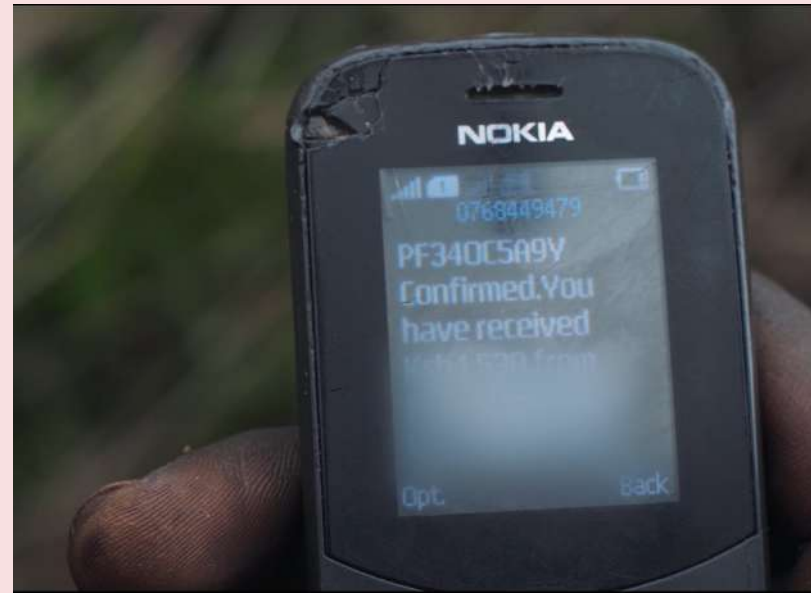
Overview of the Confirm Gang



It is believed that the name is stemmed from a message that Kenyans receive on their phones whenever a cash transaction comes through, as it starts with the words “Confirmed, you have received XXXXX amount of cash.”⁸

Criminal governance has seen the gang, originally from Kivumbini, Weavers, Kwa - Rhonda, Flamingo and Kaloleni, expand to spotlighted estates like Pipeline, Mawanga, London, and Kabachia. The gang initially used to target MPESA users but has now spread its attacks to Airtel and Equitel Money, and other Internet banking platforms.

The gang tactics have varied over time and place, turning it into an armed robbery movement, often equipped with crude weapons ranging from knives, homemade guns, axes and machetes.



⁸ bid



METHODOLOGY

Due to the sensitivity of the research, the policy makers met severally to deliberate on the best method that would be employed so as to maximize on the information to be gathered and minimize negative repercussion from the community. This started in May 2021 and they settled on focus group discussions, in-depth interviews with residents, Key Informant Interviews with experts and observation by the researchers as the main mode of data collection.

Participants were selected to attend stakeholders' focus groups, which ensured that the views of the community were captured; Key Informant Interviews were conducted with the area chief, community health workers, civil-society nyumba kumi leaders, and current active and former confirmed gang members; and individual in-depth interviews were held with general residents of Nakuru county. There was no age barrier and the youth, men, women and the elderly were all well represented. Unstructured interviews guides were used to conduct the interviews and the focus group discussions. This was to ensure that the respondents' emotions and thoughts, were captured and flexibility in opinion allowed. The information was collected in form of audiovisual recordings and notes that were later analysed, edited and stored for use and distribution in form of video and print publication to help understand the phenomena.





The Confirm Gang structure

Whereas several interviews pointed out to the gang being amorphous, many more pointed out to a hierarchy of leadership, with different roles and levels of authority within 'Confirm'. However, it was difficult to analyse the flow of illicit cash gained through the gang activities, and obtain the rough estimates that the gangs earn on a daily basis.⁹ Others maintain that it is an alliance of gangs operating in Nakuru. Yet, some claim that Confirm is an activity practised across all the gangs operating in the area including Watizedi, Barshosho, Eastlando, Kizazi Jeuri, Boston and Msafi Kwanza. Interviews with current and former gang members pointed out that there exists a system of governance, though illegitimate.¹⁰

Kagia, who doubles up as a customer care agent and is often the tasked with keeping the potential victims on the line until they succeed in sending the cash state that:

“ They are the highest in the gang hierarchy. They oversee the landline (dubbed as Finisher) that is used to make calls to unsuspecting victims. It has at least ten employees, popularly known as “squad” working under them. They get three quarters share per loot. They are also in charge of the gang welfare, including buying airtime, lunch and taking them for outings.

⁹ Interview with Shiko Kihika on June 2021.

¹⁰ Interview with former gang members between June 24 and 25, 2021.



FINDING & ANALYSIS



Kagia is also the arbitrator in case there is a dispute between Onyangos and Tutus who are other gang members. However, in case of territorial disputes they are unable to solve the issue. Onyangos are second in command and are mainly tasked with sending Short Messaging Services (SMS) to the potential victims. They derived their name from the initial days where they would sign off these messages with the name “Onyango,” a popular name from Western Kenya. They are entitled to airtime and meals even if they did not get any money from their heists for the day. Tutu are the ones who withdraw the cash from the agents, they are believed to have gotten their name from a popular ringtone for feature phones. Most of them have their own preferred agents who they go to withdraw the illicitly gotten cash from. A tutu gets 10% of any cash that he will withdraw.¹¹

Agents receive deposits from customers, register them and help them withdraw money when and if they need to. Whereas these are the popular fleecing methods, confirm employs handball heists where they go physically to a mobile money agent and convince them that they have withdrawn cash from a wrong agent. The gangs have custom numbers that resemble customer care contacts from the mobile money operators and hence when the call comes through, an agent is duped to believing that it is from the legitimate customer care, often sharing pertinent details of the shop. Two more people, part of the gang, come insisting that she/he should speed up the transactions before the legitimate customer convinces her to lock the number.¹²

¹¹ Bid

¹² Bid



FINDING & ANALYSIS



According to Francis Shinyalu, a Kivumbini Neighbourhood Watch community leader, the gangs are now running M-PESA shops and are in charge of swapping SIM cards. This, he says, makes it easier for them to dump old SIM cards after they swindle someone with it.¹³ He added that:

"Registering of the cards is not a big deal since some of the gang members are tasked to collecting lost and misplaced national identity cards (ID) from the streets."

Another gang member Moses, former gang member, had these to say:

"Gang members literally chew SIM cards whenever they withdraw cash from a successful transaction as a way of destroying evidence."

A HRD, who sought anonymity, attested to their stable commission-based payments saying that:

"Payments from the 'Onyango' boys are regular once you play a role in its transactions. The loot is divided by the number of people who enabled the transaction to take place, with kids as young as eight taking part in these transactions. The ones who do not send the cash to the 'Onyango' boys have ended up being beaten, as they are 'not working'. When the money comes in everyone knows."¹⁵

Gang recruitment

The number of enrolees continue to grow daily, with most of them joining to improve on their social status and to access gang privileges, others to settle scores especially in terms of territorial fights. Like in any communities characterised by social and economic deterioration some of the gang members join it voluntarily, often enjoying greater legitimacy by virtue of community roots. The unregulated recruitment is worsened by the Fact that the residents have grown up in an environment of heavy gang activity, coupled with absentee parents.

¹³ Interview with Francis Shinyalu

¹⁵ Interview with an anonymous informant

¹⁴ Interview with Moses Opiyo



FINDING & ANALYSIS



Recent trends reveal children, some as young as eight, have joined the gangs, mainly enticed by the lavish and flashy lifestyle gang members portrayed and the gang membership immediately exposes them to.¹⁶ Oeba pointed that:

"These children view gang members as role models."

Poverty, according to multiple sources, feeds right into the problem of gang recruitment. Interviews indicated that most of the youth recruited into these gangs were exacerbated by the conditions they are subjected to.¹⁷ One of the reformed gang members said that:

"Most just want food on their tables. They are attracted by the kind of luxurious life the leaders depict, and because their basic needs can be met by only 600shillings a day (6 dollars) they are readily enrolled as "Onyango Boys" who run small errands for the gang like buying airtime scratch cards or meals for the boss, hence the cash seems to be quite easy money to make."

Social structural consequences of poverty, including poor housing, distressed neighbourhoods and disrupted families were pointed out as key factor in the surge of the confirm gang.¹⁸ An interviewee Achieng added that:

"With all the killings, arrests and other risks involved in this vice, recruitment is still high due to desperation, lack of food and education coupled with lack of proper mentorship."

The nexus between politics and gangs

Like in many places across the globe, politicians find the usefulness of such groups in certain times, especially when the elections draw near. Gangs become useful when they want to fight their opponents by crippling and in some cases totally disabling their campaign.

¹⁶ Virtual interview on 17th November 2021

¹⁸ Bid

¹⁷ Interview in Kivumbini



FINDING & ANALYSIS



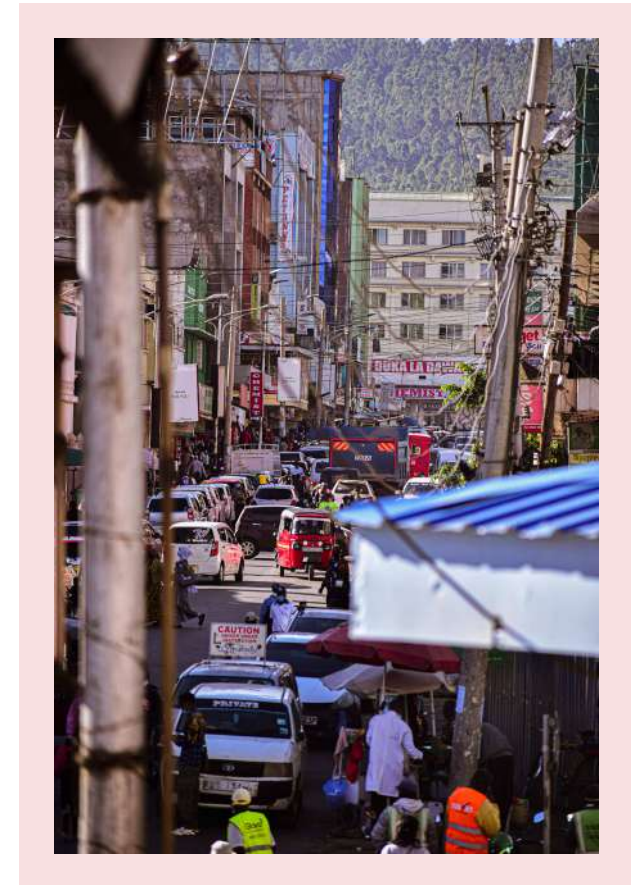
The politicised of Confirm has seen politicians align themselves to different gangs due to its perceived benefits. Political interference has seen gangs align themselves with key politicians by doing their dirty jobs resulting to high political turmoil. Confirm networks reportedly reach into the top echelons of Nakuru's governmental and economic institutions. Politicians aid members when arrested and arrayed in court by bailing them out. They also pay for their legal counsel, hospital bills and rent, and in turn they propagate their political interest by frustrating opponents. In an interview, Shinyalu said that:

"Politicians are the greatest challenge when it comes to dealing with Confirm. They call the Officer Commanding Station (OCS) asking them what crime their "boys" have done. They justify the crime saying that the boys have used their brains to fend for themselves."

Nakuru county Commissioner Erastus Mbiu claimed that two politicians are currently under investigations by officers from the DCI for funding the groups.²⁰ He added that:

"Any leader who hides and protects this gang members does not deserve to be called a leader, let alone be elected as one."

Oeba feels that the politicians use Confirm gang members as goons for hire and for intimidation of opponents during electioneering period. He claims the relationship is a symbiotic one since gang members enjoy protection and other accrued benefits like being bailed out once they are arrested, making it hard for the police to apprehend them.²¹



¹⁹ Interview with former gang members

²⁰ https://www.youtube.com/watch?v=s68VD8_IQ5E

²¹ Oeba, 2021





Homicide & Confirm Gangs

Despite the gang being reputed for its crime-related homicide, majority of the deaths are underreported in the official statistics. Knife violence has become a crime of choice, leading to periodical waves of deaths, often because of the gangs being unchecked by the government and police. Gang fights have resulted in fatalities, with an estimated ten people having died in territorial wars in the last two years according to various media reports. Among the worst cases was in November 2020, where two rivals sections of the gang clashed, leading to the death of four members. Among the dead was a disabled man who was taking shelter from the rains.²²

The war is mainly stemmed from territorial boundaries but other factors play in too. One resident said that:

"Recently one gang member was killed in Kivumbini. Ironically he was always encouraged by the mum to continue in the vice, as he was the sole breadwinner. His death was a revenge mission, as he didn't want to share the loot with his colleagues."

Oeba does not advocate for the killing of gang members but proposes legal channels in dealing with them. There are instances where innocent citizens have lost their lives as gang members fight in social events which has seen residents of such areas live in fear of the unknown not knowing when the gang may strike again.²³



²² <https://www.standardmedia.co.ke/rift-valley/article/2001395652/criminal-gangs-revenge-attack-leaves-four-dead>

²³ Oeba, 2021



FINDING & ANALYSIS



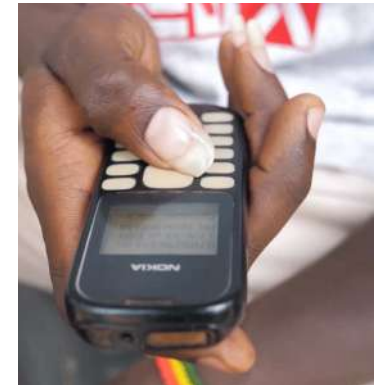
Drugs & Confirm Gangs

Like most gangs, Confirm has been involved in drug turf wars and the violence that is associated with them.²⁴ As Achieng stated:

"Gang drug parties, disguised as birthday parties and sleepovers, are common especially in Bondeni estate. Drugs easily flow, including cheap ones like bhang, to expensive ones like cocaine, hashish and jet fuel."

Gender & Organized Crime

It is estimated that three out of every 20 gang members in Confirm are women, according to multiple sources. Whereas many are not in the direct leadership of the gang, they play a pivotal role in ensuring that the money heist goes through. Several play the role of the customer care agents, convincing the victims to give out their Personal Identification Number (PIN). Most of the agents in the Mobile Money Transfers (MMT) are also women and work in cohorts with the gang members to withdraw cash for them. Others play a subtle role, often disguised as kibanda (local food eateries) traders, but they play the spy role, alerting the various gangs in case they spot the police vans going to arrest them. On the flipside, the gang members promote their businesses; often buying food at double the cost the other locals would buy.



²⁴ Interview in Kivumbini





The Confirmed Robin Hood

The gang members portray a united front when it comes to community matters. Prior to the COVID -19 pandemic, they would support local teams inter-county football matches by providing them with kits, cash rewards and food to eat during the tournaments. Shikoh Kihika, the CEO of Tribeless Youth, a Nakuru based youth organisation that fights gang recruitment, narrated how gang members had catered for the funeral expenses when one gang member lost the mother due to the pandemic.²⁵ She added that:

They literally fundraised enough cash to ensure that she was laid to rest in her rural home in Western Kenya, which is normally a costly affair. A resident Jane said that:

They show up. They come in numbers and show their full support. It hence becomes hard for the community to rattle them out, especially since they are some of the biggest beneficiaries.

Parental Role in the Gangs

Majority of the parents whose kids are in this gangs often view it as a “lesser evil”. They opt to live in denial, despite evidence of how the lifestyles of their children have changed. Many interviewees claimed that there were those who commit more heinous crimes, while others cited that one cannot castigate their child for using their brain. A common phrase in the areas of operation is “Pesa iko hewani, hakuna pesa ya mtu,” loosely translated to mean that the cash floats in the air and hence it belongs to the person who can reach to it.²⁶

²⁵ Interview on 16 June 2021.

²⁶ Interview on 24 August 2021



FINDING & ANALYSIS



A parent quipped saying:

"He hasn't stolen from you; he hasn't pointed a gun or brandished a knife on you. In fact he has advised you that your PIN number is a secret, and yet you still give it out. What is the crime of my child?"

A Human Rights Defender (HRD) narrated how she has faced battles with the parents, who accuse her of intruding into their privacy.²⁷

"I explained to one of them of the risk the kids are in, and she told me bluntly that even if there were a tent (used in burial ceremonies) it wouldn't be at her place, it would be at theirs."

Ironically, some parents admitted to hiring out their premises for a fee of ksh50 per day to the gangs. The gangs are hence free to carry out their activities and hide in the houses whenever there is a swoop. In as much as we have some parents supporting the vice, others have tried their level best to change the kids involvement in the gangs, although it has been an uphill task since gang members listen more to their leaders than the parents.²⁸

"I am appealing to all parents whose kids have joined the gangs. They cannot have joined the gangs and you are unaware. We will deal with them. Kivumbini will go back to what it was before, where you can carry a Ksh 1000 note in your mouth and no one will touch you," said Commissioner Mbiu during a meeting with Kivumbini residents."

²⁷ Ibid

²⁸ https://www.youtube.com/watch?v=s68VD8_IQ5E





State Responses to the Confirmed Gangs

Gangs have often found themselves victims of state sanctioned police brutality and arbitrary arrests, leading to the degradation of the relationships between the two parties. Relations with the police are fraught, with some of them co-opted by the gang leaders.

Attempts to curb the spreading of the gangs have been thwarted by an overstretched police force, which lacks local intelligence and the gear to conduct operations in a difficult informal terrain. There has been a predatory relationship with the community, with gang members accusing the law enforcers of abusing power for their own individual or group interest. Gang members now protect themselves from a dual threat: The police and the citizen.²⁹

A current gang member said that:

"With every sunrise, the police have to calculate how many Confirm gang members they have to arrest to get their targeted bribe fee. And every morning, as I wake up, I must calculate how many people I must steal from to make profits and give the policemen their cut."

Multiple interviews on the ground with former and current gang members indicated that corrupt security agencies including the local police continue to enjoy "levies" in terms of bribes and illicit fees from the gang. Sources reveal that the OCS in the areas where the gang is prevalent gets their share from any of the cash deals that goes through. In essence, police use it as a get rich quick scam. On several occasions, the police carry out raids to the gang's den especially if there is public pressure or when the gangs delay in sending them their share of the heists.³⁰

Twice, the government has created a special team to deal with the gang. The first time the unit was formed was in March 2019 and was made of 15 officers from the National Police and the Directorate of Criminal Investigations (DCI) and was announced by the then Nakuru Deputy sub-county Police Commander Daniel Kitavi. The Nakuru County Commissioner Erastus Mbuyi announced the second formation of the team in June 2020 citing they had started a crackdown at the gang's notorious operation zones and working on intelligence reports from locals.³¹

²⁹ <https://www.standardmedia.co.ke/rift-valley/article/2001317653/police-form-special-unit-to-fight-criminal-gang>

³⁰ bid

³¹ <https://www.standardmedia.co.ke/rift-valley/article/2001376815/special-police-unit-set-up-to-fight-outlawed-gang-in-nakuru-town>



FINDING & ANALYSIS



Mbiu during a meeting with stakeholders in Kivumbini said that:

"We are aware that some of the police officers are also the ones who leak information to the gang members whenever a raid is planned. Anyone who will be linked in this will be sacked immediately as you do not deserve to serve in the forces."³²

Another source added that:

"There is a team of police officers dubbed "Team Oscar" who come to different places where the gang operate to get their daily allowance. In fact, the team was once disbanded and all the officers who were known to be part of the team transferred to different places after a public outcry, as they were harassing residents. However, an officer who had a "Godfather" remained there and recruited a new batch who would come to collect the cash from the gang, hence the circle continues."³³

While another pointed out that:

"In case a new OCS is transferred to the area, the gang often approaches them seeking to buy their favour with "sacks of money", which does not except them from the attacks meted by this gangs."

Oeba added that:

³² https://www.youtube.com/watch?v=s68VD8_IQ5E

³³ Phone Interview on 25 August 2021.

³⁴ Oeba, 2021.

"Recently, the Bondeni OCS had his phone stolen by the same gang."³⁴

He however states that:

"After the theft, police started profiling anyone who had dreadlocks, claiming they belonged to the gang and hence cases of arbitrary arrests and physical harassment continued."

Another source, who sought anonymity, claimed that one of the ring leaders of the gang was the son of one of the OCPDs in the country, hence they knew who the culprits were. He added that:

"So powerful is the gang that officers who refuse to cooperate with them are transferred to a different station."

Several sources indicated that the police officers often leaked out information to the gangs in case residents or Community Policing members, or any other whistle-blower brought information to them. Hence, their houses are never raided whenever there is a swoop. With another source adding that:

"Many of us continue to be threatened in case we speak out, hence why we opt to remain mum. I was told that my head will be separated from my body, severally."

³⁵ Ibid

³⁶ Interview on 16 June 2021, Nakuru, Kenya.



PICTORIAL



CONCLUSION & RECOMMENDATIONS



Amelioration strategies should be incorporated when dealing with this gang. No life should be lost through crime. Anti-gang initiatives and crime prevention mechanism including better policing, vocational training to reformed gang members and providing alternative livelihoods would ensure the economic health of the young men in Nakuru is improved.

In relation, the county and national governments should invest in proven pathways out of poverty including deliberately spearheading the creation of jobs as a means of addressing the unemployment vacuum, a factor that keeps sucking the youth into these gangs. They should also be deliberate efforts in the demobilisation and reintegration programs of gang's members, which will in turn help eliminate the gang problem. Youth in gangs should be encouraged to join Technical and Vocational Education and Training (TVET) and youth initiatives like Kazi Kwa Vijana, government initiatives that seek to address the unemployment problem in the area.

Over time, there is a general lack of political good will to curb crime and prosecution which in turn has seen the policies set in place to deal with the Confirm gang remain just on paper and not effective per se. When it comes to gangs, the government should look at the interrelated structures and name the people who finance the gangs. There should be deliberate efforts to break the interrelation between the confirm gang and the police, judicial officers, political class, and businesspeople that they are affiliated to, and if found culpable brought to book. Investigations should commence on individuals compromised by these gangs, with legal action taken against the said beneficiaries. Politicians found to be funding these gangs should be barred from running for political offices.

The civil society and local governments should initiate the mapping process of the Confirm gang by coming up with a proper database including their numbers. This will help institution mandated to fight organised crime get a clear picture about the magnitude of the gang, including its size, scope, location and members. It also helps understand how they might retaliate and who will be targeted next.

There should also be harmonised efforts by various police departments in the different sub counties in dealing with this gang. This will create a coordinated approach of tracking and apprehending criminals who escape to neighbouring counties.



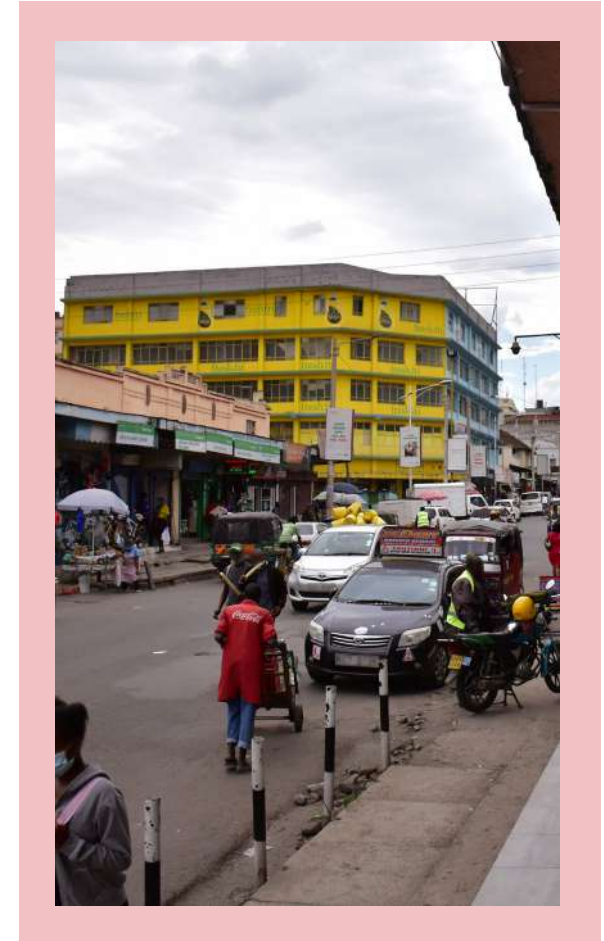
CONCLUSION & RECOMMENDATIONS



Security organs should be undertaken for mandatory training in dealing with illicit Financial Flows (IFF) and Money laundering and how to tackle the problem. Police training should also encompass digital security training making it possible for them to understand the nature of cybercrime and how it is undertaken.

The implementation of the computer misuse & cybercrimes Act, 2018 remains key in fighting the Confirm gang activities. The Act stipulates a fine not exceeding ten million shillings or a prison term of not more than five years. It states: “Any person who intentionally and without authorisation does any act which intercepts or causes to be intercepted, directly or indirectly and causes the transmission of data to or from a computer system over a telecommunication system commits an offence and is liable.” Whereas it’s very effective on paper, gang members continue to be charged under the Section 313 of the Penal Code, which attracts a leaner sentence of three years.

State witness and whistle-blowers should be protected under the Witness Protection Act (2008) which set up the Witness Protection Agency (WPA). Victims of these gangs, who are often threatened and intimidated due to the power imbalance of the persons they are testifying against, should be guaranteed of their safety and welfare for effective dispensation of justice. In addition, there should be enough awareness of the 24-hour hotline that has been set aside by Nakuru police department as a way of countering this gang. Whereas stakeholders argued that it is quite efficient, majority of the Nakuru residents are unaware of its presence and the reporting mechanisms that are put in place to ensure their protection.



CONCLUSION & RECOMMENDATIONS



Conclusion

Gang dynamics are heightened factors such as the rising cost of living, lack of employment for the youths, entrepreneurship failure and low vocational training engagement with the youths. It is also exacerbated by an increasing demand for services such as waste, water and electricity, increase in the value of urban land, and influx of weapons into Nakuru. They have also benefited from institutional failures that have made it difficult to hold the state accountable to their responsibility to offer essential services, legal action, transparency and a promising future to the public. Criminals have hence captured urban services and organized gangs increase autonomy from political elites as it enables them to become embedded in the economy, making them harder to control.

Gangs have become more resilient owing to political centrality and protection linkages by the police who also sometimes benefit from the loot and may even offer weapons to criminals. This protection exists despite the state talking tough on crime and using unofficial shoot-to-kill policies to weaken gangs that have become a liability to the elite and innocent citizens. The ever-growing police corruption has diminished the likelihood of sustainable solutions by the criminal-justice system. Unless the police, politicians and other benefiting elite members reform the scourge will continue.

Gangs are seen to be largely prevalent among the poor members of the community in both the urban and the rural settlements. Although their activities result to violence, crime, injustice and the loss of lives, they do provide access to services such as security for a fee, labor and finances in for community events. At the community level, there is ambiguity about who a gang member is and even what counts as gang group as these gangs start out as small support, business, security or matatu tout groups in disguise.

Gangs are also a social menace because of the violence they cause and because of the long-term deleterious effects on individual members and the members of the community. They members of a gang end up having reduced educational attainment, unemployment or underemployment, poverty, and family crises in the long run, all of which escalate over time. They are also involved in risky health behaviors, such as drug abuse, high-risk sexual activities and sexual and physical abuse.



CONCLUSION & RECOMMENDATIONS



Not only do gang members suffer the consequences but also families are broken as a result of the homicides and behaviors of gang members. People living in communities inside gang territories experience chronic stress and mental health problems that can lead to chronic disease.

The gang community also role models a gang culture, which over time becomes an accepted way of life for future youths. This is what leads to the growth of multiple gang groups in a county like Nakuru and other urban centers in Kenya and is creeping its way into rural areas with the increase in unemployment and high standards of living. With time the youth become more accepting of the gang lifestyle, they start recruiting and branching out to more areas.

Gang presence in communities is also seen to threaten business, especially small and medium enterprises, which are the backbone of a community's economy and the thriving ground for the youth. It also threatens investors and developers, hence poor housing, social amenities and other infrastructural growth. When crime is not controlled, this gradually culminates to poverty and crime growth due to economic stagnation of that community.

Organized crime is a serious threat to urban safety in Kenya with many criminal enterprises still coming up will not be completely eradicated without adopting a multi-sectorial approach where government security agencies and local communities work closely together to solve security challenges. They bring about the rise to security and safety threats, which bear negative implications on livelihood opportunities of urban residents.



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