CHALLENGES IN USING SMARTPHONES AND SOCIAL MEDIA FOR POLICE MISCONDUCT DOCUMENTATION AND ACCOUNTABILITY IN KENYA

Dr. Gideon Kirui, PhD

Kenyatta University P.O. Box 43844-00100 Nairobi, Kenya.

ABSTRACT

Smartphones and social media are becoming more vital in documenting police misconduct and promoting accountability. However, the challenges in their use, particularly in Kenya, have not been given much consideration. This study investigated the challenges individuals face when reporting misconduct using these tools and those encountered by oversight bodies in addressing such reports. The study was grounded on Social Learning Theory and Technological Determinism Theory. It adopted a sequential explanatory mixed-method design. Respondents were police officers and staff of the Independent Police Oversight Authority (IPOA). They were selected via stratified random and purposive sampling. Data were collected using an online survey and interview guide and analysed descriptively and thematically. Findings indicated that the fear of reprisals, legal ambiguities, unequal access to technology, internet shutdowns, and privacy concerns discourage individuals from documenting and exposing misconduct. The challenges for oversight bodies included unclear evidence-handling policies, inadequate forensic capability, poor-quality and overly complex digital evidence, and bureaucratic inefficiencies. The study concluded that these challenges are interconnected, undermine police accountability, and fuel public distrust of police and oversight mechanisms. It recommends broad reforms to enable safe and effective documentation and timely, transparent, and fair institutional responses.

Keywords: Police Accountability, Smartphones, Social Media, Oversight, Challenges, Kenya

INTRODUCTION

Ensuring police officers are held responsible for their unlawful actions is essential in any democratic society that upholds human rights. Police misconduct refers to actions by police officers that violate professional standards and legal mandates, such as unlawful use of force, arbitrary arrests, corruption, and discriminatory practices (Dario et al., 2024; Cragg & Jacobs, 2022). Such violations have far-reaching negative consequences. These include undermining the rule of law, violating fundamental rights, eroding public trust in the police, burdening taxpayers with legal and compensation costs, and causing lasting harm to the victims (Taylor et al., 2024; Carroll & Yu, 2022; Ouellet et al., 2019). To address these concerns, contemporary police accountability systems involve both internal and external mechanisms. Internally, commanders and internal affairs units (IAU) play important roles (Walker & Archbold, 2020). External oversight is provided by various entities, including the courts, the legislature, the media, civil society organizations, and independent civilian bodies like IPOA in Kenya (Hope, 2019). The goal of police accountability goes beyond punishing misconduct to include cultivating an ethical and professional culture within police organizations to prevent future abuses.

The growing use of smartphones and social media has altered the nature of police accountability in profound ways. Smartphones, defined as digital devices with cameras, internet connectivity, and multimedia functions (Darko-Adjei, 2019), enable users to capture and share suspected incidents of police misconduct as they happen. Social media, which includes online platforms like Facebook, X, YouTube, and TikTok, amplifies such content by disseminating it quickly and extensively, resulting in widespread and immediate public outrage (Fallik et al., 2020; Walsh & O'Connor, 2018). Together, these tools create a powerful, decentralized, and interconnected system for documenting and publicizing instances of alleged police misconduct. Unlike the traditional media, which can be influenced by corporate or state influences, this system makes it harder for authorities to withhold or manipulate evidence (Cohen et al., 2024). Furthermore, these tools allow for direct reporting of occurrences to top police leadership, bypassing potential obstructions within the police command structure (Odeyemi & Obiyan, 2018). This widespread dissemination of such evidence raises public awareness, aids investigations, and puts pressure on authorities to act.

Globally, viral content of alleged police misconduct has been instrumental in rallying public anger and demands for accountability. In the United States (US), for example, the #BlackLivesMatter movement gained traction due to widely disseminated images of police violence against Black people, altering public discourse on police brutality (Chong, 2023). Similarly, during the Arab Spring in the Middle East and North Africa, smartphones and social media platforms were crucial in documenting police abuses and organizing protests against authoritarian regimes (Bruns et al., 2014). In Nigeria, the #EndSARS Movement was fuelled by online videos showing police brutality by the Special Anti-Robbery Squad, which led to nationwide demonstrations and promises from authorities to reform the police (Udenze et al., 2024). Across sub-Saharan Africa, these tools offer alternative pathways for civic engagement and oversight, especially in contexts where media freedoms are constrained and institutional accountability mechanisms are weak. Nonetheless, their usefulness varies due to several factors, including infrastructural inequalities, low digital literacy, authoritarian responses, and limited incorporation of citizen-generated evidence in formal accountability processes (CIPESA, 2019; Okeowo, 2022).

In Kenya, with over 66 active mobile connections and 13 million social media users (Kemp, 2024), citizen-generated footage of police misconduct shared via social media has become a common feature of public life. This is especially evident during traffic enforcement and moments of public tension like protests, curfews, evictions, and elections. These clips frequently depict officers taking bribes, using excessive force, harassing or threatening individuals, and tend to spread quickly and widely across social media platforms, often eliciting public outcry and media attention and sometimes prompting official responses (Amenya, 2025; Obar, 2023). Key oversight institutions such as the Independent Policing Authority (IPOA), the International Commission

of Jurists (ICJ, Kenya), and the Kenya National Commission on Human Rights (KNCHR) have acknowledged the value of this evidence in investigations and the pursuit of justice for victims (ICJ, 2024; IPOA, 2024; KNCHR, 2020). Nonetheless, there is limited evidence that such documentation has resulted in meaningful accountability outcomes. This gap remains underexplored because research on the practical challenges of using smartphones and social media to document police misconduct is scarce. Existing research in Kenya focuses mostly on broader issues such as digital activism, security governance, and institutional police reforms (Cohen et al., 2024; Mbithi, 2022; Dwyer, 2019; Sakali, 2017; Hope, 2019; Tullah, 2014).

In order to fill this gap, this study set out to investigate the challenges involved in using smartphones and social media to document police misconduct in Kenya. The study had two objectives: (a) to assess the challenges individuals face when using these tools to document police misconduct and (b) to examine challenges internal and external oversight bodies face in addressing documented cases. The study findings are intended to inform policy and practice, especially the development of evidence-based strategies that maximize the potential of these tools to enhance police accountability and public trust in the police and oversight mechanisms in Kenya and similar contexts globally.

LITERATURE REVIEW

Theoretical Framework

The study was anchored on Social Learning Theory (SLT) and Technological Determinism Theory (TDT).

Social Learning Theory

Albert Bandura primarily developed SLT in the 1960s (Bandura, 1977). The theory suggests that people learn new behavior by modelling or observing and imitating the behavior of others (models), especially if that behavior results in positive consequences (Nabavi & Bijandi, 2012; Akers & Jensen, 2003). In the digital age, social media acts as a platform for observational learning, exposing people to both prosocial and deviant behavior, which influences how they engage in social issues (Sinaga & Larasati, 2024). In this study, SLT helps explain how positive responses by the public and oversight bodies to documented and shared incidents of misconduct can encourage more reporting, while negative consequences like retaliation or arrest may have the opposite effect. It also helps explain how misconduct can persist in police organizations, especially when it becomes normalized or goes unpunished. However, given that SLT focuses on individual learning within social settings, it does not fully address structural and technological challenges like censorship, digital surveillance, and state repression. Thus, the study incorporated TDT to address these limitations.

Technological Determinism Theory

As articulated by scholars like Veblen, Ellul, and McLuhan, TDT posits that technology is a primary driver of societal changes, influencing human behavior and power relations and frequently having unexpected and far-reaching repercussions (Hauer, 2017; Servaes, 2014; McLuhan, 1962). This study applied TDT to understand how the inherent characteristics of smartphones (portability, recording capabilities, internet connectivity) and social media (instant sharing, wide reach, virality) both facilitate and complicate the documentation of police misconduct. In other words, while these tools empower individuals to report misconduct, they also introduce unintended consequences, such as algorithm content moderation, which can suppress or distort key evidence. TDT also highlights digital disparities in access and literacy, which may exclude some demographic groups from documentation. Moreover, TDT explains how state actions, such as internet shutdowns and digital surveillance, can undermine online accountability efforts. When used alongside SLT, TDT offers a fuller understanding of the social and technological dynamics that influence and impede digital efforts to ensure police accountability.

Empirical Review

Existing literature has identified several barriers that may impede the use of smartphones and social media in documenting and exposing police misconduct. Among the key challenges are legal ambiguities. Farmer and Sun's (2016) US study revealed an inconsistent mix of laws, where some states require all-party consent to record police activity, thereby creating legal ambiguities. Equally, Brewster (2023) indicates that some states prohibit recordings that interfere with police duties, which expose recorders to criminal charges. Additionally, Rodman (2016) found that persons who film police activities, even without obstructive intent, may face charges like obstruction or interference. Privacy laws complicate matters, especially when minors and bystanders are recorded (Todak, 2017). Similar restrictions have been reported in Europe. Cassehgari and Simons (2017) found that filming police officers in public places in Spain and Belgium can result in significant fines. These legal barriers not only impede efforts to document police misconduct, but they may also discourage bystanders from capturing or sharing vital evidence. Nonetheless, these legal barriers have been underexamined in Kenya, thus underscoring the need for localized research.

Besides legal complexities, individuals who attempt to record police activities can also be subjected to direct interference and harassment. Scholarship in the US and Europe have reported instances when smartphones were confiscated by police officers, threats of arrest were issued, or deletion of footage was commanded (Fortin et al., 2023; Walker & Archbold, 2020; Cassehgari & Simons, 2017). Research from African contexts also highlights the dangers of retaliation, including arrest and prosecution, for persons who record or disclose police abuses (Okeowo, 2022). These intimidation tactics indicate resistance by police organizations to transparency and can significantly dissuade individuals from reporting misconduct. However, because these studies primarily focused on Western and broader African contexts, specific experiences in Kenya have received less attention, a gap this study sought to address.

Technological constraints also present challenges. Angus-Anderson (2015) contends that citizen-recorded evidence is prone to tampering or deletion, creating authentication concerns that could make it impractical to use in court. Similarly, the lack of secure means to instantly upload or store such evidence can result in the loss of valuable evidence (Fortin et al., 2023). The evidentiary value of such evidence also reduces if it is of poor quality, particularly if it is shaky or recorded in low lighting. The digital gap further reduces the visibility of documented misconduct in some regions, like Africa, where internet availability is much lower than in developed countries and varies by country (Broom, 2023; Okeowo, 2022; Poushter et al., 2018). While global and regional studies have documented such technological constraints, their particular effects in Kenya are lacking and thus require further investigation.

Disseminating footage of police misconduct is also not straightforward. Automated content moderation algorithms on social media platforms, as noted by Gillespie (2018) and Tosza (2021), can label such content as violent or graphic, resulting in its suppression or removal. Also, in more repressive political contexts, platforms may be compelled to remove content deemed critical of state actions (Sombatpoonsiri et al., 2024). These barriers are most common in African countries, where the Internet is frequently shut down or censored (Broom, 2023). Although these studies report significant barriers in disseminating instances of alleged police misconduct, they offer little insight into the specific challenges in Kenya or the challenges African police oversight bodies face in responding to the documented cases of police misconduct.

It has also been shown by some studies that viral videos of alleged incidents of police misconduct can sometimes present a one-sided or biased version in a way that the conduct of police is misinterpreted. Pitts (2022), for example, and Powell and Fitzpatrick (2023) contend that such content usually captures a small portion of the confrontations between the police and citizens, thus making it difficult to determine the intent, context, and appropriateness of the officers' actions. Moreover, selective editing of videos or photos or sharing with biased commentary can skew public perceptions. According to studies conducted by Newell (2018) in Canada's Pacific Northwest, Mallett (2019) in Indiana, US, and Perez (2021) in Florida and Puerto

Rico, US, officers are often concerned that their reputations may suffer as a result of the misinformation caused by such footage. Nonetheless, many of these works focus on the US and Canadian jurisdictions, raising the question of whether similar challenges exist in Kenya.

Despite greater reporting of police misconduct using digital media, some studies indicate that public outrage rarely leads to legal action against implicated officers. Walker and Archbold (2020) argue that deeply rooted institutional barriers in police organizations and judicial systems, such as evidence manipulation and conflicting verdicts, hold back accountability. Chong (2023) points to a lack of transparency in police disciplinary processes, which limits external scrutiny and erodes public trust. However, most of this research focuses on the US, thereby limiting its application elsewhere. The Nigerian study by Odeyemi and Obiyan (2018) revealed systemic issues in complaints processed via online platforms. However, the findings may not reflect the distinct challenges in other countries in Africa. As such, this study sought to fill this gap by investigating the systemic and institutional challenges that hinder internal and external police oversight mechanisms in Kenya in addressing misconduct documented through smartphones and social media.

METHODOLOGY

Study Design

This study employed a sequential explanatory mixed-methods design. Quantitative data were collected and analysed first, and the results informed the collection and analysis of qualitative data. Finally, qualitative insights were used to provide context and depth to the quantitative findings. This design was chosen for two main reasons. The first was to help understand the nuances behind the quantitative results. The second was to get a complete understanding of the challenges of using smartphones and social media to document police misconduct and enhance accountability in Kenya, which neither quantitative nor qualitative data alone could give.

Participants and Site

The study involved police officers and IPOA personnel. In the first phase, a representative sample of 384 participants from across Kenya was recruited via stratified random sampling to participate in a survey. Purposive sampling was used in the study's second phase to select five key informants for in-depth interviews. These were three senior NPS police officers in strategic roles and two senior IPOA officials with extensive oversight and investigation experience. The study involved participants nationwide to allow for a more representative understanding of the research problem. Kenya has many diversities in geography, socio-economic conditions, internet access, and policing practices, all influencing how individuals and oversight bodies use smartphones and social media to document and respond to police misconduct.

Study Instruments

Data was gathered using a questionnaire and an interview schedule. The questionnaire had three sections. Section one collected respondents' background information such as gender, age, education, place of work, rank, and years served in their respective institutions. The second and third sections featured 17 items. Of these, 15 were closed-ended items on a 5-point Likert scale (1 = Strongly Disagree to 5 = Strongly Agree) designed to collect quantitative data. The other two were open-ended questions to allow respondents to elaborate on their responses. Six of the Likert items assessed challenges encountered by individuals in using smartphones and social media to document police misconduct, while the remaining nine focused on challenges faced by oversight bodies in responding to such cases. The questionnaire was developed with input from NPS and IPOA experts. It was pilot-tested and proved reliable (Cronbach's Alpha = 0.81). The interview schedule used in the second phase of the study reflected the themes in the questionnaire but only consisted of open-ended questions meant to provide deeper, contextual insights.

Data Collection

Data collection began after formal approvals from relevant institutions were obtained. The links to the online survey were shared with the sampled respondents via email and WhatsApp. This strategy facilitated the efficient reach of respondents across Kenya. Each survey included an introduction and an informed consent form at the beginning of the survey, and responses were saved automatically. Key informant interviews were conducted in person at scheduled times, with participants providing informed consent beforehand. All interviews were audio-recorded and transcribed for subsequent analysis.

Data Analysis and Reporting

Descriptive statistics in the form of frequencies and percentages were used to analyse the online survey's quantitative data. The results were presented in tables and charts to highlight key patterns. To simplify reporting, Likert scale responses were grouped into three categories. These were *Agree* (combining "Strongly Agree" and "Agree"), *Neutral*, and *Disagree* (combining "Disagree" and "Strongly Disagree"). Qualitative data from interview transcripts and open-ended survey responses were analysed thematically. This involved identifying and coding recurring patterns across the data to establish key themes. The resulting insights were presented using direct quotations and narrative summaries to provide context and a deeper understanding of the quantitative results. Participants and institutions were anonymized through pseudonyms in the final report to ensure confidentiality.

RESULTS AND DISCUSSIONS

Participants Demographics

Of the 384 individuals invited to participate in the online survey, 97.7% (365 police officers and 10 IPOA staff) responded. The respondents' mean age was 37.2 years, and the vast majority (83.9%) were male. Nearly half (49.3%) had over 20 years of service in their respective institutions. The highest reported levels of educational attainment were secondary (43.5%), diploma (34.1%), bachelor's degree (18.7%), and postgraduate (3.7%). Almost half (49.8%) of the police respondents were constables, 28.6% were non-commissioned officers (senior sergeants, sergeants, and corporals), 16.2% were inspectors and chief inspectors, and 5.4% were gazetted officers (superintendents, commissioners, and generals). Half (50%) of the IPOA staff were senior or middle management investigators, 30% were investigators or forensic experts, and 20% were strategic managers (directors or assistant directors). These findings imply that the study collected data from a representative group of police officers and IPOA staff spanning different ranks, ages, management levels, and experiences.

Objective 1: Challenges Faced by Individuals in Documenting Police Misconduct

Figure 1 illustrates respondents' ratings of the challenges that individuals encounter in attempting to document and expose police misconduct using smartphones and social media.

Figure 1: Individual Challenges in Documenting Police Misconduct (N=375)
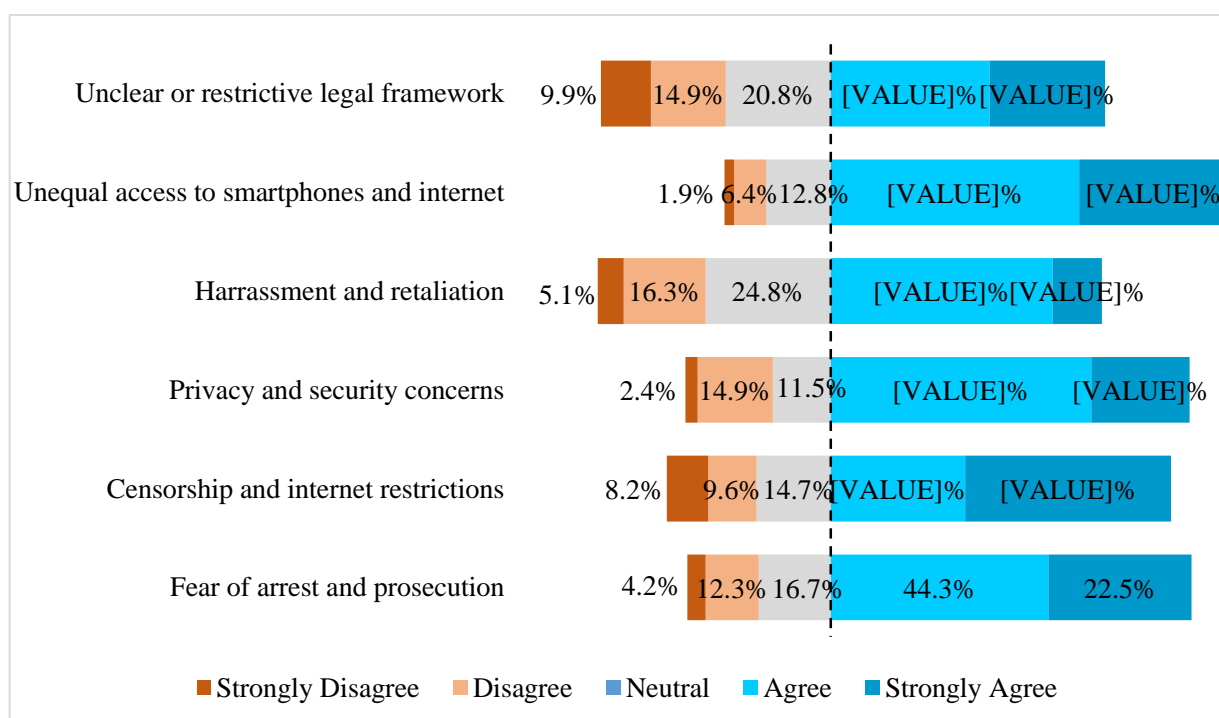
Source: Survey Data 2024

Unclear or restrictive legal framework: Figure 1 shows that while over half (54.4%) of respondents agreed that such laws hindered efforts to document police misconduct, 20.8% were neutral, and 24.7% disagreed. This discrepancy not only reflects varying understandings of the laws but also a wider level of uncertainty about whether it is legal to record police activities. Indeed, qualitative data revealed widespread confusion about the legality of recording police actions. One key informant explained: "Many people don't even know whether it is legal to record or share content about police officers! There's no clear laws to that effect, and police can capitalize on that to harass or arrest persons who record them" (KI/E2/24). Likewise, a survey respondent observed: "I think the Computer Misuse and Cybercrime Act applies to such cases because I've seen some bloggers being charged under this act when they criticize police brutality in social media platforms, especially during public protests" (SR/B101/24). These findings highlight the chilling effect of legal ambiguity on civic engagement, which can discourage the documentation and exposure of police misconduct. The findings corroborate previous research (Rodman, 2016; Todak, 2017; Cassehgari & Simons, 2017), which argues that vague laws give police wide discretion to suppress documentation and evade accountability.

Unequal access to smartphones and the Internet: Most respondents (78.9%) agreed that unequal access to smartphones and the Internet hamper efforts to expose police misconduct (Figure 1). Interviews revealed high levels of inequalities in smartphone ownership and Internet connectivity, which largely affected rural and urban informal settlement residents. A key informant stated:

> "The network coverage is poor in most rural areas, and most people in rural areas and slums don't have the means to acquire smartphones. The few who own don't have good ones with higher pixels for quality photos or video, and can't afford data bundles to upload videos or images if at all they record them" (KI/C2/24).

This finding highlights a critical socio-economic aspect of the digital divide. Rural and urban slum populations, who are most vulnerable to police abuse of power, are excluded from participating in civic engagement activities that entail the use of digital tools. They, therefore, struggle to access accountability

processes and seek justice for police abuses. These observations align with the TDT, which argues that the social impact of technology is heavily influenced by its accessibility and usability. They also support prior studies (Okeowo, 2022; Broom, 2023; Poushter et al., 2018), highlighting the digital divide as a major barrier to digital accountability efforts.

Harassment and retaliation: Slightly over half of respondents (53.8%) agreed that these challenges were a concern, 24.8% were neutral, and 21.4% disagreed (Figure 1). Despite this challenge ranking lower than others, the varied responses suggest that the fear of reprisals is a genuine concern, but individuals perceive it differently. This variation might be explained by the normalization of repressive practices in some situations. Qualitative accounts detailed instances where officers confiscated mobile phones, forced individuals to delete recordings or social media posts, detained them arbitrarily, or imposed other negative consequences. For example, a key informant stated: "Police officers can take up your phone and intimidate or hold you until you agree to delete the footage" (KI/E1/24). Similarly, a survey respondent observed: "When you follow the comments under posts of police misconduct on social media, you'll not miss a comment where the person posting is being told to delete it, or else the authorities will come for them!" (SR/B08/24). More severe risks, especially involving special units, were also mentioned: "It's more risky if it concerns special units like...they can easily track the source and eliminate it" (SR/A023/24). Some participants also cited the fear of exposure by the public due to the potential identification by perpetrators: "The members of the public fear to expose officers in case the culprits know the person who exposed them" (SR/A283/24).

The fear of reprisal was especially strong among police officers. The majority stated reluctance to record or disclose the misconduct of their colleagues, fearing that if they did so, their social relations would be destroyed. An officer stated: "I can't expose my colleagues because the blame is on the entire [police] service…it's also very risky because you'll be ridiculed, sidelined, disciplined or even denied promotion" (SR/A216/24). These fears are reflective of a police subculture of enforced silence, where loyalty is monitored and rewarded, and dissent is penalized. Such a culture, generally called the "blue code of silence" (Walker & Archbold, 2020), undermines efforts to hold officers accountable and contributes to psychological distress and moral injury to potential whistleblowers.

Conversely, some participants viewed retaliation as futile. They argued that the digital nature of documentation, specifically its instant sharing, broad reach, and lasting accessibility, weakens the impact of retaliatory actions. One key informant argued: "It serves no good…the video could've been instantly shared online, or other persons were recording, and you didn't see them" (KI/D3/24). Similarly, a survey respondent noted that efforts to suppress such evidence could be counterproductive: "Internet never forget! What if the incident is picked up by journalists or human rights activists? It'll be blown and worsen the situation!" (SR/A327/24). These sentiments suggest that documented incidents of police misconduct may be resilient against suppression, especially if posted quickly and widely and supported by the media and activists.

While the harassment and retaliation against individuals recording police activities are a major concern globally (Montaque, 2018; Fortin et al., 2023; Walker & Archbold, 2020; Cassehgari & Simons, 2017; Okeowo, 2022), the acknowledgment by some participants that retaliatory acts have counterproductive effect is encouraging to advancing police accountability in Kenya. Nonetheless, the prevalence of retaliatory acts highlights the real risks of exposing police wrongdoing, most notably physical injury, social isolation, emotional stress, and arbitrary arrest, as established in previous studies (Taylor et al., 2024; Hanley, 2010), all of which significantly discourage the recording or sharing evidence of misconduct, foster a climate of fear, and silence accountability efforts. These observations are consistent with SLT's suggestion that behaviours receiving negative reinforcement are less likely to be repeated in future instances.

Privacy and security concerns: Most respondents (71.2%, as Figure 1 indicates) agreed that privacy and security concerns were significant challenges. Qualitative results showed widespread fear, especially regarding the absence of secure platforms for sharing sensitive content. Other key concerns raised were the

fear of recording officers and involved parties without consent and revealing officers' personal information and locations, which could endanger their safety and that of their families. One respondent commented: "I think many people believe that sharing photos or videos about officers engaging in misconduct amounts to a breach of their privacy rights and is against the law" (SR/A089/24). Another echoed this, asking: "Even if it's to report misbehaviour, why reveal the employment number of the officer, their residence, and their spouse and children? Is that not putting all of them at risk?" (SR/A027/24). These sentiments illustrate the ethical and legal conflicts between encouraging public scrutiny of police misconduct and protecting individual privacy. The concern is not just about the misuse of recorded material but the moral issue of divulging private details in the interest of pursuing accountability. A key informant raised similar concerns: "People are afraid that uploading a video or picture of police may expose their identity…many believe there's no anonymity on social media and the recorded footage may be used for a non-intended purpose" (KI/D1/24). These privacy and safety concerns for documenters, officers who are recorded, and their significant others may discourage individuals from recording or sharing evidence about police misconduct, even if they have the means to do so, thereby making it difficult to promote digital transparency and accountability.

Censorship and internet restrictions: Over two-thirds of respondents (67.5%) agreed that censorship and internet restrictions undermined efforts to expose police misconduct (Figure 1). This finding highlights the increasingly contentious role of digital tools in civic engagement and accountability processes, where, despite offering an unprecedented window into state behaviour, they remain vulnerable to deliberate silencing. Qualitative data revealed how social media site policies sometimes obscured incidents of police misconduct cases and how internet disruptions during sensitive events like major protests often caused related content to disappear or become inaccessible. A survey respondent noted, "Restrictions of content by various social media platforms hinder some of the worst scenarios of police misconduct from being exposed or investigated" (SR/A038/24). A key informant described a troubling pattern of the disappearance of alleged misconduct online "shortly after being uploaded, as it was during Gen Z protests" (KI/E1/24). A survey respondent attested to this experience: "Surfing, uploading or downloading content is almost impossible during sensitive events or when Internet blackout occurs" (SR/A243/24). These findings validate existing research, which has observed that the increased internet censorship and shutdowns in Kenya weaken public oversight and create spaces of impunity for security forces (Abiero, 2024; Mutung'u, 2017). Such dynamics reflect a broader global trend illustrated by literature on the shrinking civic spaces, especially in transitional or hybrid regimes that impose authoritarian practices on democratic institutions (Singh, 2024; Bruns et al., 2014; Cooke, 2019). Furthermore, as Gillespie (2018) and Tosza (2021) have argued, digital platforms, which were heralded as democratizing agents, have become arenas of surveillance and censorship and subsequently become repurposed to repress dissent and sanitize state violence.

Fear of arrest and prosecution: Figure 1 indicates that two-thirds of respondents (66.8%) agreed that fear of arrest and prosecution hindered the documentation of police misconduct. This was supported by data from interviews and responses to open-ended questionnaire items, which revealed instances of individuals being arrested, detained, or charged with offences like obstruction, incitement, false publication, or defamation for exposing police abuses. One respondent stated: "Bloggers have found it rough! They're often arrested and charged" (SR/B3/24). Based on SLT, such arrests and intimidation can serve as negative reinforcements, discouraging other individuals from documenting or exposing police misconduct due to the perceived risks, thus fostering a culture of fear and silence. These findings are in tandem with reports from human rights organizations documenting threats of arrests, detention, and other repercussions to those who film or expose police abuses or seek justice for the affected individuals (Human Rights Watch, 2018; US Department of State, 2023).

Objective 2: Institutional Challenges in Responding to Documented Misconduct

Table 1 summarizes respondents' views regarding the challenges that internal and external oversight bodies face in responding to documented misconduct.

Table 1: Challenges in Responding to Documented Misconduct (n = 375)

Challenge	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Lack of clear policies	57 (15.2%)	184 (49.1%)	75 (20.0%)	36 (9.6%)	23 (6.1%)
Limited forensic capacity	65 (17.3%)	159 (42.4%)	47 (12.5%)	65 (17.3%)	39 (10.4%)
Poor or incomplete recordings	114 (30.4%)	155 (41.3%)	39 (10.4%)	43 (11.5%)	24 (6.4%)
Bias, misinformation, and false allegations	95 (25.3%)	201 (53.6%)	40 (10.7%)	30 (8.0%)	9 (2.4%)
Evidence inadmissibility	88 (23.5%)	177 (47.2%)	49 (13.1%)	43 (11.5%)	18 (4.8%)
Hasty/inadequate responses	123 (32.8%)	218 (58.1%)	16 (4.3%)	12 (3.2%)	6 (1.6%)
Bureaucratic inefficiencies	72 (19.2%)	158 (42.1%)	69 (18.4%)	58 (15.5%)	18 (4.8%)
Opaque disciplinary process	69 (18.4%)	156 (41.6%)	90 (24.0%)	40 (10.7%)	20 (5.3%)
Public mistrust/scepticism	80 (21.3%)	171 (45.6%)	74 (19.7%)	39 (10.4%)	11 (2.9%)

Source: Survey Data 2024

Lack of clear policies: Table 1 indicates that almost two-thirds of respondents (64.3%) agreed that the lack of clear policies for handling recorded evidence hindered responses to documented misconduct. Qualitative data confirmed this view, revealing that such evidence is often handled based on discretion and following several existing laws. One key informant remarked: "There's no formal way of sharing recorded incidents or investigating them…it's a discretionary matter mainly based on the Evidence Act and other relevant laws" (KI/D4/24). The policy gap complicates accountability processes by creating uncertainty, delaying action, and making it harder to process and assess evidence. As a result, crucial evidence can be missed, mishandled, or dismissed, undermining efforts to deliver justice to victims of police misconduct. This finding echoes earlier studies showing that unclear policies compromise police accountability mechanisms, leading to inconsistent or inadequate handling of misconduct (Walker & Archbold, 2020; White et al., 2021; Bloom & Labovich, 2020).

Limited forensic capacity: Over half of respondents (59.7%) agreed that limited capacity to collect, verify, and analyse documented evidence hindered effective response to police misconduct (Table 1). This finding highlights a structural challenge in digital forensics, particularly where rapid advancements in technology outpace institutional capacity. Participants cited several contributing factors to the limited forensic capacity. These included a shortage of digital experts and technological barriers like encrypted messages, content that vanishes, password-protected devices and messages, the vast range and global scale of social media platforms, the sheer volume of posts, and rapid changes in technology. According to one respondent: "Forensic experts are few and are at the headquarters. They're overwhelmed by requests from all over the country" (SR/A279/24). Such centralized expertise limits timely response, especially in rural and far-flung areas. A key informant also observed, "Accessing and authenticating evidence is difficult where users are anonymous or use the disappearing messages feature. Also, most platforms are hosted in foreign countries, and some use end-to-end encryption" (KI/E1/24). These accounts attest to the evolving complexity of digital systems.

Investigators often encounter a dynamic and fragmented digital system with varying data formats, privacy policies, and levels of cooperation with law enforcement on each site. In addition to delaying responses to police misconduct, such challenges can undermine public trust in the accountability mechanisms. The findings reinforce the argument that technology alone cannot enhance accountability. As Bloch-Wehba (2021) and Rossler (2019) assert, digital tools must be supported by institutional capacity, legal clarity, and relevant expertise. This view is in tandem with TDT, which acknowledges that although technology can enhance transparency, it can also expose the weaknesses of institutions if implemented without readiness.

Poor and incomplete recordings: As Table 1 depicts, a clear majority of respondents (71.7%) agreed that poor quality and incomplete recordings hampered the investigation of alleged police misconduct. Qualitative data indicated that footage was often short, partial, shaky, unclear, of low resolution, and frequently lacked the essential context required to substantiate misconduct claims convincingly. One respondent lamented: "Lack of reality! The videos don't record the whole episode, leading to missing information and not bringing the context of unfolding events" (SR/A317/24). As also put by another key informant: "Sat times the videos don't show clear faces, are noisy, and other things obstruct important parts at the scene, so it isn't easy to make out what happened" (KI/E1/24). The challenge of identification was also compounded by instances where offending officers intentionally obscured their faces, as explained by one key informant: "The culprits sometimes wear civilian clothes, masks or veils to conceal their identities" (KI/E2/24). These limitations reduce the evidentiary value of social media footage because it is difficult to positively identify individuals (both perpetrators and victims), their roles, the existence of misconduct, or determine intent, which are key requirements in legal and disciplinary proceedings. The findings support existing literature that acknowledges that while social media videos of police misconduct can be emotionally impactful, they often fail to satisfy the high evidentiary standards necessary for accountability processes (Schoenebeck & Blackwell, 2020; Silver, 2020). From an SLT perspective, the routine dismissal of such evidence on quality and completeness grounds may inadvertently discourage future documentation of police misconduct, thereby perpetuating a cycle of underreporting and fostering a culture of impunity.

Bias, misinformation, and false allegations: Table 1 shows that over three-quarters (78.9%) of respondents agreed that these factors hindered responses to police misconduct. Qualitative data indicated that footage could be selectively recorded, edited, or manipulated to present a distorted or one-sided version of events. One respondent observed: "The media in question a lot of time focuses on one side or edited to suit the accuser and to portray a bad image of police" (SR/A317/24). This selective framing can skew public perceptions, making it difficult for investigators or the public to discern fact from fiction. Participants also emphasized the potential for quick reputational damage from unverified content: "An unverified video or photo of misconduct may be circulated across many platforms quickly, destroying an officer's career and painting the image of the service in [a] bad light before the truth is known" (KI/D3/24). A respondent even suggested internal bias, stating that some recordings are made by officers "based on malice, backstabbing, and disgruntled attitude" (SR/A110/24). This intra-institutional bias can weaponize footage, turning smartphones and social media into tools for settling personal grudges or internal politics instead of being accountability tools. These concerns are supported by prior studies (Setyawan & Barthos, 2024; Taylor et al., 2024; Newell, 2018; Goldsmith, 2015), documenting instances where selectively edited or misleading visual content, often lacking context or balanced commentary, has incited public anger against the police, damaged the reputations, and triggered investigations that later proved unfounded. From a TDT perspective, this dynamic illustrates the darker side of digital tools. On the one hand, they enhance transparency. However, they also expose individuals and organizations to rapid reputational harm, especially when mechanisms to respond to or verify misleading content are absent.

Evidence inadmissibility: A substantial majority of respondents (70.7%) agreed that the frequent inadmissibility of smartphone and social media evidence, primarily due to concerns over tampering and

reliability, complicated responses to police misconduct (Table 1). Key informants and survey respondents noted that courts and disciplinary committees often reject such evidence over doubts about its origin, integrity, or chain of custody. A key informant explained: "We often receive videos which are widely circulated online accusing officers of brutality, but when we analyse, we can't find the original sender or file. Therefore, we can't use them in our investigations as courts will throw them" (KI/E02/24). A survey respondent added that some evidence is inadmissible because they are "photoshopped or contain[s] humorous commentary that distorts the facts" (SR/A094/24). These findings echo those of existing studies (D'Anna et al., 2023; Arshad et al., 2019; Murphy & Fontecilla, 2012), which have shown that the concerns regarding chain of custody and integrity undermine the usefulness of social media evidence in disciplinary and legal proceedings. Viewed from SLT's perspective, the repeated dismissal of such evidence may reduce public motivation to report police misconduct, thus perpetuating a culture of impunity.

Hasty/inadequate responses: Nearly all respondents (91%, as Table 1 indicates) agreed that hasty and inadequate responses hindered the effective handling of documented cases of misconduct. Several key informants and survey respondents criticized official responses to documented police misconduct on social media, describing them as reactionary, short-lived, and aimed more at managing public anger and political pressure than achieving real accountability. A key informant observed: "They're knee-jerk responses to appease the public and the appointing authority" (KI/D02/24). Similarly, a survey respondent cited a common practice of officers "being suspended or transferred even before investigations are conducted" (SR/A068/24). Although these administrative actions may appear swift and decisive, they significantly compromise the thoroughness and fairness of investigations. These findings are in tandem with prior research (Nzai & Makokha, 2024; Simmons, 2009), which highlights the constant tension between responding promptly to public demands and the necessity of conducting meticulous and unbiased investigations. Additionally, the emphasis on speed, which is frequently used to manage public relations, runs the risk of compromising the core principles of justice, particularly due process and fair administrative action. Moreover, prioritizing quick fixes over real reforms can weaken public confidence in accountability systems and create the impression that misconduct is being managed superficially rather than resolved through a genuine pursuit of justice.

Bureaucratic inefficiencies: According to Table 1, a majority of respondents (61.3%) agreed that bureaucratic inefficiencies impeded the timely investigation and resolution of documented misconduct. Participants noted that cases took months and even years to be resolved due to factors like delayed case assignments, insufficient logistical and financial support, interference from both internal and external actors, and overlapping mandates between oversight bodies. A key informant captured this institutional friction well: "Phone calls from within and without are many for the serious cases under investigation...sometimes there're parallel investigations for the same cases" (KI/E01/24). Such duplications of efforts not only waste resources but also undermine procedural clarity and contribute to prolonged delays in the resolution of cases.

Complex cases experienced even greater delays due to rigid legal procedures requiring inter-agency cooperation, particularly between investigative agencies and prosecutors. Participants reported that some agencies often failed to give requested information or guidance on time by employing tactics that stalled the process. A key informant explained: "It's not easy getting needed information from the relevant agencies; they apply delaying tactics like asking for an official letter, which, when provided, takes ages to be responded to" (KI/E01/24). Another respondent described the consequences of such delays: "Sometimes the accused officers would have been promoted, transferred, or retired by the time a case is resolved" (SR/A201/24). These accounts point to a pattern of institutional inertia that indirectly protects perpetrators of misconduct from facing accountability. From a TDT perspective, while digital tools rapidly expose police misconduct and mobilize public demands for action, formal accountability systems are still too slow, fragmented, and ill-equipped to respond effectively. These findings reinforce Odeyemi and Obiyan's (2018) claim that

bureaucratic inefficiencies significantly hinder institutional responses, damage public trust in oversight institutions, and discourage the reporting of such incidents in the future.

Opaque disciplinary processes: According to Table 1, a majority of respondents (60%) agreed that opaque disciplinary processes hindered transparency and accountability in addressing documented misconduct. Qualitative responses from interviews and surveys affirmed this concern. They highlighted a lack of public information about the progress and outcomes of misconduct cases, which often raised concerns about cover-ups or leniency towards offending officers. A survey respondent remarked: "Rarely is it known whether an officer who's alleged to have committed misconduct was punished or not" (SR/A075/24). This lack of transparency fosters perceptions of impunity and undermines the credibility of oversight institutions. These findings support Chong's (2023) argument that the secretive nature of police disciplinary processes limits external scrutiny and weakens accountability. They also support Walker and Archbold's (2020) assertion that shielding disciplinary outcomes from the public erodes trust in policing institutions and their oversight mechanisms.

Public mistrust/scepticism: Table 1 shows that two-thirds of respondents (66.9%) agreed that efforts to address misconduct were hampered by public scepticism towards police accountability mechanisms. Qualitative data revealed that past unresolved cases fuelled this scepticism, leading to a belief that recording police misconduct was futile. Additionally, there was a genuine concern of reprisals, especially in the form of arrest and detention, and worries about state monitoring of people documenting misconduct and calling for action. One respondent stated: "Many people are afraid! If they record and share, they'll be tracked and arrested" (SR/176/24). A key informant reinforced this view, saying, "If no one is acting on them [recorded and shared misconduct] and there's a chance that you'll be victimized, why continue doing so?" (SR/176/24). If left unaddressed, such widespread disillusionment might deter civic participation, reduce the availability of crucial evidence for investigations, and discourage the cooperation of witnesses in investigation and prosecution processes, thus undermining the capacity of oversight bodies to hold offenders accountable. These observations align with SLT, which suggests that individuals are unlikely to repeat behaviours with negative consequences and offer no apparent benefits, especially if those behaviours involve risks.

CONCLUSIONS AND RECOMMENDATIONS

This study revealed significant and interconnected challenges that impede the effective use of smartphones and social media to document and address police misconduct in Kenya. For individuals, the well-founded fear of reprisal in the form of harassment, arrest, and prosecution is a significant challenge. This is worsened by the fact that there is no clear legal protection for individuals recording police misconduct and no clarity on how to do it legally. Technological barriers are also significant. Most individuals have basic or low-end smartphones that cannot record or store high-quality or lengthy footage. Individuals also do not have reliable Internet and cannot afford data bundles to access it, and at times, experience state-imposed Internet restrictions or content censorship that hinder their ability to post or view incidents online. Moreover, concerns about privacy and a widespread perception that documenting misconduct is futile, given past inaction or weak response by authorities, have eroded trust in police accountability processes. SLT helps explain how such repeated negative experiences discourage individuals from participating in documentation efforts, thus perpetuating cycles of fear, silence, and impunity.

Institutionally, the absence of clear and consistent policies for handling digital evidence presents a considerable challenge. The institutions also struggle to verify and analyse recordings of documented misconduct, which are often of poor quality, potentially biased, voluminous, dispersed across multiple platforms in complex formats, and sometimes from anonymous sources, as they have limited technical capacity. This technical gap, combined with bureaucratic inefficiencies and an emphasis on managing public relations rather than substantive investigations, leads to rushed, slow, and inadequate responses. From a TDT

perspective, these issues show that oversight mechanisms are struggling to adapt to rapidly evolving digital technologies. The result is a deepening public mistrust, where scepticism and a lack of institutional transparency reinforce one another and weaken the legitimacy of the police and their oversight mechanisms.

There is a need for a comprehensive reform strategy to address these challenges. This strategy should empower individuals to safely and effectively document police misconduct while enabling oversight mechanisms to respond to the reported cases promptly, fairly, transparently, and effectively. This would include enacting legislation that clearly defines lawful boundaries for recording police misconduct, protects the privacy and security of everyone involved, and ensures the admissibility of such recordings in accountability processes. It is also essential to establish secure and trusted channels for submitting recorded evidence and to sensitize the public and police officers on how to use them responsibly and effectively. At the same time, institutions must enhance their capacity to handle digital evidence by hiring sufficient investigators and equipping them with up-to-date digital tools and forensic skills. Institutions also need to develop standardized protocols for documenting and exposing misconduct and collecting, preserving, and analysing such information to improve reporting rates and help ensure submitted materials are reliable and admissible in legal and disciplinary proceedings. Transparency of these proceedings should be increased by giving the public, especially on police and external oversight bodies' websites or social media channels, periodic updates on the status and outcomes of cases. It is also crucial to streamline the bureaucratic process by specifying misconduct cases to be handled internally and externally and encouraging genuine inter-agency collaboration among relevant institutions to ensure timely, impartial, and thorough investigation and accountability of offending officers without undue delay. Moreover, the government should guarantee open, affordable internet access to enable timely sharing of evidence and maintain transparency in processing cases. Lastly, rebuilding public trust requires a clear and sustained commitment by police leadership and external oversight bodies to prioritize genuine accountability by shifting from reactive, damage control measures to meaningful, systematic reforms.

There are three key limitations of this study that future studies should address. First, this study considered police officers and civilian oversight personnel only. Thus, including a wider range of participants, such as citizens, victims, legal experts, civil society organizations, and digital content moderators, would enrich understanding and improve accountability strategies. Second, since this study was cross-sectional and technology is advancing quickly, future studies should adopt longitudinal and comparative designs to determine the long-term impact of policy reforms across time and contexts. Finally, future research should explore theoretical scope beyond SLT and TDT by incorporating psychological, institutional, and legal accountability theories to provide deeper insights into the dynamics of digital oversight.

REFERENCES

Abiero, D. (2024, August 9). *Technology-facilitated rights and digital authoritarianism: Examining the recent internet shutdown in Kenya.* Strathmore University Centre for Intellectual Property and Information Technology (CIPIT). https://cipit.strathmore.edu/technology-facilitated-rights-and-digital-authoritarianism-examining-the-recent-internet-shutdown-in-kenya/

Amenya, N. (2025, January 31). *How digital activism is redefining accountability in Kenya*. Nation Africa. https://nation.africa/kenya/blogs-opinion/blogs/how-digital-activism-is-redefining-accountability-in-kenya--4906554

Angus-Anderson, W. (2015). Authenticity and admissibility of social media website printouts. *Duke Law & Technology Review, 14,* 33–47.

Arshad, H., Jantan, A., & Omolara, E. (2019). Evidence collection and forensics on social networks: Research challenges and directions. *Digital Investigation*, *28*, 126-138.

Bloch-Wehba, H. (2021). Visible policing: technology, transparency, and democratic control. *California Law Review*, *109*, 917.

Bloom, R. M., & Labovich, N. (2020). The challenge of deterring bad police behavior: Implementing reforms that hold police accountable. *Case Western Reserve Law Review,71*, 923.

Brewster, M. G. (2023). Policing the police: Establishing the right to record and civilian oversight boards to oversee America's police. *Brooklyn Law Review*, *88*(3), 993.

Broom, D. (2023, September 5). *These are the places in the world where internet access is still an issue – and why*. World Economic Forum. https://www.weforum.org/stories/2023/09/broadband-no-luxury-basic-necessity/

Bruns, A., Highfield, T., & Burgess, J. (2014). The Arab Spring and its social media audiences: English and Arabic Twitter users and their networks. In M. McCaughey (Ed.), *Cyberactivism on the participatory web* (pp. 86–116). Routledge.

Carroll, D. A., & Yu, H. H. (2022). Perception or reality: An examination of police misconduct, organisational justice, and promotion opportunities in the NYPD. *Criminal Justice Policy Review, 52*(5).

Cassehgari, R., & Simons, D. (2017, June 8). Caught on film: What the law says about filming the police in Europe. *Justice Initiative*. https://www.justiceinitiative.org/voices/caught-film-what-law-says-about-filming-police-europe

Chong, M. (2023). Calling for justice with #JusticeforBreonnaTaylor: A case study of hashtag activism in the evolution of the Black Lives Matter movement. Social Network Analysis and Mining, 13(1), 67.

CIPESA. (2019, March 18). *Despots and disruptions: Five dimensions of internet shutdowns in Africa*. CIPESA. Retrieved from https://cipesa.org/2019/03/despots-and-disruptions-five-dimensions-of-internet-shutdowns-in-africa/

Cohen, M. S., Mwaura, J., & McIntyre, K. (2024). Citizen journalism revisited: A case study of Kenya's Kibera News Network. *Journalism, 0*(0), 1–19. https://doi.org/10.1177/14648849241279011

Cooke, T. N. (2019). Review of Digital citizenship in a datafied society, by A. Hintz, L. Dencik, & K. Wahl-Jorgensen. *Surveillance & Society, 17*(3/4), 588–591.

Cragg, S., & Jacobs, S. (2022). *Police misconduct: Legal remedies* (5th ed.). Legal Action Group.

D'Anna, T., Puntarello, M., Cannella, G., Scalzo, G., Buscemi, R., Zerbo, S., & Argo, A. (2023). The chain of custody in the era of modern forensics: From the classic procedures for gathering evidence to the new challenges related to digital data. *Healthcare*, *11*(5), 634.

Dario, L. M., Cesar, G. T., Jalbert, K., & de la Torre, F. (2024). Corrigendum to "Quantifying the impact: From prevalence to harm in evaluating police misconduct." *Journal of Criminal Justice, 93,* 102285. https://doi.org/10.1016/j.jcrimjus.2024.102285

Darko-Adjei, Noah. (2019). The use and effect of smartphones in students' learning activities: Evidence from the University of Ghana, Legon. *Library Philosophy and Practice* (e-journal). 2851. https://digitalcommons.unl.edu/libphilprac/2851

Dwyer, M. (2019). Reimagining police engagement? Kenya National Police Service on social media. *Policing and Society, 29*(7), 760–776.

Fallik, S. W., Deuchar, R., Crichlow, V. J., & Hodges, H. (2020). Policing through social media: A qualitative exploration. *International Journal of Police Science & Management, 22*(2), 208–218.

Fortin, F., Kentzinger, C., Donne, J. D., & Chopin, J. (2023). From the virtual frontlines: law enforcement's experience with social media in policing activities. CrimRxiv. https://www.crimrxiv.com/pub/et0nxukq

Gillespie, T. (2018). *Custodians of the Internet: Platforms, content moderation, and the hidden decisions that shape social media*. Yale University Press.

Goldsmith, A. (2015). Disgracebook policing: Social media and the rise of police indiscretion. *Policing and Society, 25*(3), 249-267.

Hanley, N. S. (2010). A Dangerous trend: Arresting citizens for recording law enforcement. *American Journal of Trial Advocacy, 34*(1), 645.

Harden, K. (2017). Exposure to police brutality allows for transparency and accountability of law enforcement. *UIC John Marshall Journal of Information Technology & Privacy Law*, *33*(2), 75-100.

Harmono, F. (2024). The role of social media in realizing accountability for the implementation of E-Governance. *Gema Wiralodra, 15*(1), 627-633.

Hauer, T. (2017). Technological determinism and new media. *International Journal of English, Literature and Social Science (IJELS), 2*(2), http://www.ijels.com/

Hope, K. R. (2019). Civilian oversight of the police: The case of Kenya. *The Police Journal*, *93*(3), 202-228.

Howard M. (2018). Police misconduct, video recording, and procedural barriers to rights enforcement. *North Carolina Law Review, 96*, 1313–1362.

Human Rights Watch. (2018, June 4). Kenya: *Police threaten activists reporting abuse: End intimidation, ensure justice for 2017 elections abuses.* https://www.hrw.org/news/2018/06/04/kenya-police-threaten-activists-reporting-abuse

Independent Policing Oversight Authority. (2024). *Performance report January–June 2024*. https://www.ipoa.go.ke/frontAssets/uploads/resources/1741084024040325.pdf

International Commission of Jurists Kenya. (2024, August 5). *Social media: Mobilizing protests and demanding government accountability.* International Commission of Jurists Kenya. https://icj-kenya.org/news/social-media-mobilizing-protests-and-demanding-govt-accontability/

Kemp, S. (2024, February 23). *Digital 2024: Kenya — DataReportal – Global Digital Insights*.

Kenya National Commission on Human Rights. (2020, June 30). *Pain and pandemic: Unmasking the state of human rights in Kenya in containment of the COVID-19 pandemic*. https://www.knchr.org/Portals/0/KNCHR%20COVID%20SitRep%201%20.pdf?ver=2020-07-09-160102-140

Mallett, M. (2019). *Effects of cell phone cameras on police working behavior* (Walden Dissertations and Doctoral Studies). Walden University.

Markussen, H. R. (2022). Conceptualising the smartphone as a security device: Appropriations of embodied connectivity at the Black Lives Matter protests. *Critical Studies on Security*, *10*(2), 70–84. https://doi.org/10.1080/21624887.2022.2128596

Mbithi, J. (2022). *Impact of social media on national security in Kenya* [Masters Project]. University of Nairobi. https://erepository.uonbi.ac.ke/handle/11295/161950

McLuhan, M. (1962). The Gutenberg galaxy: The making of typographic man. University of Toronto Press.

Media Council of Kenya. (2024, July 18). *Report on online mobilisation of anti-government protests in Kenya.* Media Council of Kenya. https://mediacouncil.or.ke/sites/default/files/downloads/Online%20Mobilisation%20Report.pdf

Montaque, T. G. (2018). Policing the police: Analyzing the legal implications of the sequestration of cellphone video footage. *Journal of Technology Law & Policy*, 22(2), 3.

Murphy, J. P., & Fontecilla, A. (2012). Social media evidence in government investigations and criminal proceedings: A frontier of new legal issues. *Richmond Journal of Law and Technology, 18*(3), 1–45.

Mutung'u, G. (2017). Internet shutdowns: Not the answer to harmful speech online. *Harmful Speech Online, 27.*

Nabavi, R. T., & Bijandi, M. S. (2012). *Bandura's social learning theory & social cognitive learning theory.* University of Science and Culture.

Nzai, S. K., & Makokha, K. (2024). Security governance and law enforcement by the National Police. *Reviewed Journal of Social Science & Humanities, 5*(1), 1-22.

Obar, M. (2023, July 22). *IPOA goes after cops recorded brutalising protesters*. Kenyans.co.ke. https://www.kenyans.co.ke/news/91518-ipoa-goes-after-cops-recorded-brutalising-protesters

Odeyemi, T. I., & Obiyan, A. S. (2018). Digital policing technologies and democratic policing: Will the Internet, social media and mobile phone enhance police accountability and police-citizen relations in Nigeria? *International journal of police science & management*, *20*(2), 97-108.

Okeowo, A. (2022). *Advancing accountability for human rights violations through citizen media: An African perspective* (Doctoral dissertation, University of Pretoria). University of Pretoria Repository.

Ouellet, M., Hashimi, S., Gravel, J., & Papachristos, A. V. (2019). Network exposure and excessive use of force: Investigating the social transmission of police misconduct. *Criminology & Public Policy, 18*(4), 675–704.

Perez, Y. (2021). *Effects of user-generated online video postings on patrol officers' behavior*. [Doctoral dissertation, Walden University].

Pitts, J. (2022). Justice or just us: Media portrayals and the context of police violence. *Justice Policy Journal, 19*(1). Center on Juvenile and Criminal Justice. https://www.cjcj.org/jpj

Poushter, J., Bishop, C., & Chwe, H. (2018, June 19). *Social media use continues to rise in developing countries but plateaus across developed ones: Digital divides remain, both within and across countries*. Pew Research Center. https://assets.pewresearch.org/wp-content/uploads/sites/2/2018/06/15135408/Pew-Research-Center_Global-Tech-Social-Media-Use_2018.06.19.pdf

Powell, J., & Fitzpatrick, R. (2023). Police narratives and accounts for viral use of force videos. In *Festschrift in Honor of David R. Maines* (pp. 37-44). Emerald Publishing Limited.

Rodman, A. (2016). Filming the police: An interference or a public service. *Mary's Law Journal*, *48*, 145.

Rossler, M. T. (2019). The impact of police technology adoption on social control, police accountability, and police legitimacy. In *Political authority, social control and public policy* (pp. 209-224). Emerald Publishing Limited.

Sakali, E. M. (2017). *Examining the use of social media in public relations practice in the Kenyan government: A case of Immigration Department*. (Master's Project, University of Nairobi).

Sandhu, A. (2023). Smartphones as technologies of accountability: Exposing and investigating police brutality using smartphone cameras. In *The Routledge history of police brutality in America* (1st ed.). Routledge.

Schoenebeck, S., & Blackwell, L. (2020). Reimagining social media governance: Harm, accountability, and repair. *Yale JL & Tech., 23*, 113.

Schwartz, D. (2016). *Harnessing power: Exploring citizen's use of networked technologies to promote police accountability* (Master's thesis, University of Ottawa). University of Ottawa Research Repository. https://ruor.uottawa.ca/server/api/core/bitstreams/29f91d1d-1425-4a02-b37e-48fddd2ec84f/content

Servaes, J. (Ed.). (2014). *Technological determinism and social change: Communication in a tech-mad world.* Lexington Books.

Setyawan, A. A., & Barthos, M. (2024). Strengthening the authority of police investigators in addressing criminal offenses of disseminating false news in the digital era. *Journal of World Science*, *3*(12), 1597-1607.

Simmons, K. C. (2009). New governance and the new paradigm of police accountability: A democratic approach to police reform. *Catholic University Law Review, 59*(2), 373–426.

Sinaga, L. R., & Larasati, A. (2024). The role of mass media in the emergence of deviant behavior in society. *Jurnal Indonesia Sosial Sains, 5*(04), 799-804.

Singh, S. (2024). The impact of social media on political mobilization: A comparative analysis. *International Journal of Research Publication and Reviews, 5*(6), 5288-5293.

Sombatpoonsiri, J. (2024). Intersectional powers of digital repression: How activists are digitally watched, charged, and stigmatized in Thailand. *International Journal of Communication, 18*, 23.

Taylor, O., Philpot, R., Fitton, O., Walkington, Z., & Levine, M. (2024). Police whistleblowing: A systematic review of the likelihood (and the barriers and facilitators) of the willingness of police officers to report the misconduct of fellow officers. *Journal of Criminal Justice, 91*, 102170. https://doi.org/10.1016/j.jcrimjus.2024.102170

Tosza, S. (2021). Internet service providers as law enforcers and adjudicators: A public role of private actors. *Computer Law & Security Review, 43*, 105614. https://doi.org/10.1016/j.clsr.2021.105614

Tullah, S. (2014). *Role of social media in citizen participation in transparent governance* [Master's thesis, University of Nairobi]. University of Nairobi Digital Repository.

Udenze, S., Roig Telo, A., & Pires, F. (2024). 'The EndSARS movement is an umbrella for other challenges': Assessing Nigeria's EndSARS protest through the theoretical lens of intersectionality. *Media, War & Conflict, 17*(4), 501-518.

US Department of State. (2023). 2022 *Country reports on human rights practices: Kenya. Bureau of Democracy, Human Rights, and Labor.* https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/kenya/

Walker, S. E., & Archbold, C. A. (2020). *The new world of police accountability* (3rd ed.). SAGE Publications.

Walsh, J., & O'Connor, C. (2018). Social media and policing: A review of recent research. *Sociology Compass, 13*(1), e12648. https://doi.org/10.1111/soc4.12648

White, M. D., Fradella, H. F., & Flippin, M. (2021). How can we achieve accountability in policing? The (not-so-secret) ingredients to effective police reform. *Lewis & Clark Law Review*, *25*, 405.