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FROM LETHAL FORCE TO LEGAL ACCOUNTABILITY: A CRIMINOLOGICAL EXAMINATION OF JUDICIAL OVERSIGHT IN A TRANSNATIONAL POLICE KILLING CASE

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Abstract
Using lethal force by the police is a major concern in the interplay between law and criminology and human rights especially when there is transnational concern. This study examines the role of judicial review in determining the reasonableness and responsibility of the use of lethal force by the police through a detailed qualitative case study of a high profile trans national police killing which was tried by the High Court of Kenya. Based on the use of a synthesis of criminological and doctrinal oriented law, the paper makes use of documentary analysis and thematic content analysis to reenact the case and examine the legal compliance and compare legal accountability mechanisms. The results indicate that the application of lethal force in the studied scenario did not comply with the constitutional, statutory, and international legal requirements, especially the doctrine of necessity and proportionality. It was determined that operational inadequacies such as failure to identify the target and use of unproven intelligence were among the major cause elements as well as organizational inefficiencies in planning and oversight. The paper also shows how judicial oversight has played a central place in upholding constitutional guarantees, investigation lapses as well as indemnities. By applying the Police Use-of-Force Accountability Model, the study reveals how the incidences of lethal force are created through the combination of operational decisions, organizational structures and institutional reviews. The research is also significant in terms of directing criminology as it incorporates operations policing analysis with legal accountability models and provides insights into policy-relevant issues in enhancing control systems especially in transnational settings where the legal and jurisdictional challenges tend to result.

Keywords: *Police use of force; Judicial oversight; Accountability; Lethal force; Transnational policing; Human rights*

Introduction

Lethal force is one of the hottest and most ethically troubling issues of the contemporary police work. Although law enforcement agencies have the right to use force to maintain order and preserve life, legitimacy of policing is predicated upon the lawful, reasonable and responsible application of force. The murder of civilians by the police is one of the most important matters of laws, institutional responsibility and protection of basic human rights, even within democratic

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societies. As a result, deadly force has been conceptualized gradually in criminological literature as being more than an operational technique but of governance, accountability and rule of law.

Empirical studies show the cross-national variation of the processes related to lethal police violence is high. The US is one such case that has relatively high rates of police shootings which have been frequently linked to accessibility to firearms (large numbers), ethnoracial disparity and decentralized policing systems (Hirschfield, 2023). Other democratic states, conversely, have documented lesser rates of fatal encounters as a result of having tighter oversight mechanisms, as well as better defined investigatory procedures and policies of operation. These comparative disparities are the major function of institutional accountability structures on the conduct of police officers and control of the use of lethal force.

From a legal standpoint, despite the fact that the police officers were granted with a broader right of deadly capacity as compared to other civilian hence strictly limited by other principles including the necessity, proportionality, and self-defense (Griswold & Massey, 1985). Both domestic legal systems and the international human rights law know that the law justifies the application of lethal force in exceptional circumstances, especially when it is required for the preservation of life or to prevent a serious injury (Kremnitzer, Menashe, & Ghanayim, 2007). These types of legal constraints make it very important that there are robust mechanisms in place to judge whether police actions are consistent with known legal standards.

Judicial oversight is an important component in enforcement of these legal principles and accountability in cases in which police use lethal force. Since the 1960s there has been a greater public concern over police killings since legal reforms and greater reliance on judicial review, independent investigations, and institutional oversight mechanisms have been introduced (Fyfe, 1988). Courts have become central actors in issues of legality of police conduct, constitutional protections and limits on the use of force by the state. In this context, judicial scrutiny will play a vital role to prevent the abuse of power and be the means of preserving trust of the people in law enforcement bodies.

Nevertheless, little work exists in the literature on the potential effects of the judicial review on the accountability outcomes of police use of force despite the significant work done in the existing studies in the operational and organizational facets of the phenomenon. There is also more legal and jurisdictional complexity when dealing with high-profile police killing cases that do not have national boundaries because they represent several legal frameworks and human rights issues on an international level. These cases reveal crucial knowledge gaps in respect to evaluating police conduct and addressing accountability agencies when occurrences are transnational in nature.

Research Questions

RQ1: How did the use of lethal force by law enforcement in a high-profile transnational police killing case align with constitutional, statutory, and international legal standards governing police use of force?

RQ2: What operational, procedural, and institutional factors contributed to the fatal police shooting in the examined case?

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RQ3: How did judicial oversight mechanisms evaluate the legality and accountability of the police action?
RQ4: What legal and jurisdictional challenges affect the enforcement of accountability in transnational police killing cases?

Literature Review

1. Police Use of Lethal Force and Legal Authority

Police officers have greater legal authority to practice deadly force than ordinary peoples because of their institutional role in keeping the public safe and enforcing the law (Griswold & Massey, 1985). This authority comes with situations such as apprehending suspected felons or of averting violent crimes. Nevertheless, these powers are not boundless, they should be applied to the context of the law that focuses on the necessity, proportionality and the protection of human life.

Legal studies point out the fact that lethal force is only warranted under circumstances of self-defense or averting imminent danger of life not just to ease an arrest (Kremnitzer, Menashe, and Ghanayim, 2007). These values are commonplace principles in the domestic legal practice and global human rights courts. The centrality of proportionality and necessity supports the concept that police power should be subject to intense legal responsibility in controlling it to ensure that it is not abused.

2. Historical Development of Police Deadly Force Regulations

There was a significant rise in public scrutiny of police shootings in the 1960s, resulting in major legal reforms and policy changes (Fyfe, 1988). Courts began to restrict the state of affairs in which police officials were allowed to practice deadly force, especially to shoot unarmed or nonviolent suspects trying to escape. These developments were a shift from discretionary policing practices and policies toward a more structured and legally constrained use of force policies.

Subsequent research has also found that professionalization, changes in training, and also operational guidelines have resulted in a slow change to restrain the use of force (Milton, 1977). Modern policing strategies are increasingly aiming for accountability, procedural justice and controlled decision making at high risk encounters (Punch, 2010).

3. Institutional Accountability and Oversight Mechanisms

Accountability is the basic fundamental of democratic policing system. According to Walker (2001) accountability means that the individual officers and law enforcement agencies will keep on being under legal and institutional scrutiny. Internal investigative bodies, oversight institutions by civilians, judicial review - these can be very crucial in ensuring that the citizenry trusts and that powers are not abused.

Empirical studies of police departments have found patterns of unnecessary practice of lethal force in some police departments and often accompanying these patterns a weak system of internal accountability. For example, the Metropolitan Police Department investigations revealed the issues of recurrent incidences relating to monitoring and controlling of police shootings resulting in Federal oversight and transformation of policies (Hopkins, 2015). These findings expose accountability structures need to be ongoing and institutionalized as opposed to reactive.

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4. International Perspectives on Police Lethal Force

Comparative research hints that the prevalence and governance of police lethal force vary so much from democratic society to democratic society. In the U.S., there is a fairly high rate of fatal police shootings depending on structural factors like availability of guns, racial inequality and decentralized policing systems (Hirschfield, 2023). On the other hand, other countries in Europe have lower mortality rates, which are partly accounted for by heavier regulations as well as a more centralized mechanism of overseer.

In such a way, despite lower rates of police killings, the issues of transparency and accountability also exist in the states. The studies indicate that the lack of consistency in data collection, investigation, and public reporting can make the effective oversight of the situation difficult and obscure the trends of disproportionate deployment of force (Rapport et al., 2020). To detect systemic issues with police use of force it is thus necessary to improve transparency and standardized reporting systems.

5. Independent Investigations and Judicial Scrutiny

It has been demonstrated that independent investigative bodies play great role in enhancing accountability in cases where police apply lethal force. Research on Northern Ireland illustrates that an externally based investigation can impact procedural change and help to reduce instances of police shootings (Wood, 2004). External control contributes to the maintenance of the impartiality and the increase of the population trust to the outcomes of the investigation.

Likewise, the relationship between policing policies and legal responsibility is complicated as big cases clarifying this relationship have been reported. The shooting of Jean Charles de Menezes in London in 2005 posed some serious questions on the operation policing and the legality of the shoot-to-kill policy (McCulloch & Sentas, 2006). The case has shown that some of the working policies were made by the police authorities and not by the legislative authorities, which shows the significance of the judicial system in assessing the policing practice.

6. Training, Decision-Making, and Organizational Control

Hoff (2012, also highlight the significance of the organizational and training interventions in controlling the illegal usage of deadly force by police. Intense training methods such as simulation and reactive target systems are useful in enabling officers to acquire skills in making quick but moderated decisions during stressful situations (Hoff, 2012). This kind of training will be able to help minimize unnecessary deaths due to better situational awareness and decision-making of officers.

Other than training, there is also the impact of organizational decision making structures in impacting the rate of incidences of lethal force. According to scholars, the limitation of discretionary opportunities and the arrangement of the police decision processes may help to decrease the instances of the fatal encounter considerably. Such strategies in the organization supplement the legal monitoring in that nipping problems to death before they start to unfold.

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7. Public Reaction and Transnational Implications

In most cases, police killings have a tremendous social response, such as protests, social unrest and political debates concerning the legitimacy of the police. The researches point out that the social consequences of lethal force cases are directly linked to the notion of justice and openness in the procedures being used to investigate (National Institute of Justice, 2009). The public will not trust the law enforcement system when they feel that there aren't accountability systems in place.

Case studies also show how certain events can expose inherent flaws in the policing frameworks. As an example, the lethal shootings of Amadou Diallo and Sean Bell by New York police officers revealed the crucial problems associated with the choice of officers, the investigation process, and the reactions of people (Kargin, 2016). These examples demonstrate the political extension of the issue of police killings to the justice system, especially in cases when international focus or transnational law comes into play.

Research Gap

The legal constraints of police authority to lethal force have long been the subject of an academic discussion covering constitutional, legislative, and media aspects of human rights and limits to deadly force being necessary and proportionate (Kremnitzer, Menashe, and Ghanayim, 2007; Griswold and Massey, 1985). Comparative research also shows that there is a great divergence on the way various jurisdictions control and investigate police shootings, especially between the United States and other democratic processes (Hirschfield, 2023; Rapport et al., 2020). Nonetheless, a large portion of this literature is normative or comparative, as it attempts to evaluate the legality of the force generally, rather than critically examining how a particular high-profile transnational police killing fits the constitutional, statutory, and international legal and administrative wetlands. Moreover, despite research that has been conducted on policing reforms and accountability, the combination of operational and institutional variables regarding a deadly shooting followed by the legal review of the police actions is rarely combined, which understand why a limited number of studies have provided evidence on how situational policing choices then equal legal police actions (Fyfe, 1988; Milton, 1977; Kargin, 2016).

Moreover, even though the literature acknowledges that accountability and oversight are essential in policing, the available research is mostly focused on administrative accountability, the investigation framework, or department changes but not on criminological study of judicial oversight and its contribution to legality and responsibility in the lethal field scenarios (Walker, 2001; Hopkins, 2015). The literature on independent investigations and policy scandals has emphasized the importance of external review and disclosure in an instance of police killing (Wood, 2004), but also offers little direction on the way courts can interpret the evidence, legal norms, and jurisdictional issues when there are transnational overtones of their cases. Thus, there is a gap in the research on how the judicial process assesses police behaviors, and what legal or jurisdictional issues arise in pursuant to executing accountability during transnational cases of police murder (Skinner, 2024). In filling this gap, the current paper will examine a high profile transnational policing murder case to examine how operational policing choices, legal principles that regulate the use of control, and the role of the judicial review procedures in holding accountable.

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Conceptual Framework: Police Use-of-Force Accountability Model

The concept of the Police Use-of-Force Accountability Model is a multi-phase process that starts with the situational policing decisions and finishes with the outcomes of judicial analysis and accountability. The model does not consider police shootings as a single event done by individual police, it acknowledges that the lethal force is the product of interaction between operational conditions, organizational structures and institutional oversight systems. This process-oriented framework comes in especially handy to analytically assess a qualitative case study since it describes the relevance of the various ranks of policing governance in determining the existence of a fatal situation as well as the accountability stages that follow.

A. Operational Encounter Stage

The initial phase is the direct police-citizen encounter, during which police officers have to evaluate risks and determine whether they should apply force. ***Use-of-Force Continuum Theory*** describes the problem of how officers should increase the force in reaction to the perceived threats up to the use of physical control and finally lethal force when the threat is justified and reasonable (Winfrey, 2025). The decision of officers in such encounters is designed by factors, like situational uncertainty, perceived danger, and the time pressure, as well as, the behavior of the suspects. The situation in the lethal force cases is the crucial step where operational choices have a direct impact on life or death situations.

B. Organizational Influence Stage

The second step acknowledges the role of organizational environment in policing institutions on decision making by an officer. The ***Organizational Theory of Police Behavior*** explains that the behavior of police is influenced by the policy developed by the agency, the command structure, training programs, the operational procedures, and the culture (Wasserman & Moore, 1988; Crank & Langworthy, 1992; Maguire, 2003). They are organizational aspects that are the intervening mechanisms affecting the perception of threat and use of force by officers. Indicatively, the sensitivity of officers to high-risk scenarios might be informed by a tactical training, departmental expectations and special operational machinery. These institutional dynamics are critical to comprehending the reason behind the occurrence of a deadly shooting in a particular instance.

C. Judicial Oversight Stage

The third stage would be a legal examination and accountability processes following a deadly force event and checking whether the police action was within the law. The ***Procedural Justice and Police Accountability Theory*** underlines the fact that the legitimacy of policing is determined by transparent and impartial legally based review processes (Tyler, 2004; Mazerolle et al., 2013). Mechanisms of judicial oversight such as criminal investigations, judicial review and independent inquiries assess the reasonableness of the application of deadly force in response to constitutional, statutory and international legal requirements regarding the use of police force. These procedures place the officer on a path to either proving they did the right thing, broke the law or show that the police institution had systemic errors.

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D. Accountability and Legal Outcome Stage

The last phase is the legal and institutional implications of judicial consideration. Based on the conclusion of oversight institutions and judicial bodies, there might be:

- police harassment, legitimate force,
- criminal or civil liability,
- police institution policy reform, or
- wider institutional responsibility provisions (Punch, 2010)

Other complexities may also be included in this stage in a case of a transnational police killing such as the conflicts on jurisdictions, international human rights investigation, and diplomacy. These variables may arise as they play a role in the manner in which accountability is being sought and implemented for various legal systems.

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Diagram No. 01: Process-Based Conceptual Model



Source: Researcher's Vision

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Diagram No. 01, shows the Police Use-of-Force Accountability Model which defines lethal force incidents as a series of events commencing with operational police encounters, affected by organizational structures, and finally subject to judicial oversight mechanisms that establish legal accountability.

Methodology

This study has been carried out in a qualitative case study research design in order to examine the issue of judicial supervision and legal accountability in a high-profile case of a transnational police killing. The case study approach helps to analyse in detail the complex legal, institutional and criminological dimensions of the use of lethal force by law enforcement agencies. Especially suitable here as an example for studying accountability mechanisms in exceptional or high-impact incidents are those where legal interpretation and institutional responses are a central feature (Yin, 2018).

The study brings together a criminological and doctrinal legal analysis so as to determine the effectiveness of courts to judge the use of lethal force by the police and to apply constitutional protections in a systematic accountability model.

Research Approach

The research was based on an interpretive qualitative approach (Noaks, & Wincup, 2004), which combines criminological research with legal analysis (Manzoor, et. al, 2026). In this manner, one was able to conduct a research deep into the connection between the policing custom and the constitutional protection and the judicial accountability frameworks.

1. The analytical frame has three dimensions which have interrelationship:
2. Use of lethal forces by police and police decision-making.
3. Accountability and control in institutions.
4. Court control and constitutional interest in basic rights.

Data Source

a) Primary Source of Data

The primary source of information was the constitutional ruling issued by High Court of Kenya (Constitutional Petition E009 of 2023) in a high profile transnational police homicide (KEHC 9667 (KLR), 2024). Such a ruling gives a close explanation of the logic of the court, reconstructions of facts on the ground and the interpretations of the constitution and statutory laws against police misconduct.

b) Secondary Source of Data

Secondary sources include:

- Academic literature on police using of force and accountability.
- Legal theory of judicial review and constitutional guarantees.
- International norms of law-enforcement behavior.
- Transnational policing and accountability of state comparisons.

These sources support and give theoretical underpinning to the interpretation of the judicial findings.

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Data Collection

Data was gathered following a systematic approach of documentary research in the legal judgment and related documents. The documents were carefully reviewed and relevant themes of the documents related to police behavior, investigative processes, constitutional rights, and mechanisms of judicial oversight identified. The analysis focused on:

- factual results concerning the police operations
- legal arguments presented before the court
- legal and constitutional provisions used in the judgment
- judicial logic on responsibility and state liability

Data Analysis

The study uses thematic content analysis (Krippendorff, 2019; Rennison and Hart, 2022) along with doctrinal legal analysis. This combination approach enables to interpret legal texts and at the same time to explore their criminological implications. The analytical process was conducted in three stages:

Stage 1 – Incident Reconstruction

This stage was based on rebuilding the facts of the sequence of events surrounding the police shooting, based on the factual narrative stated in the judgment. The aim was to single out key operational factors that were related to the use of lethal force.

Stage 2 – Legal Evaluation

The second stage was the study of the provisions of the constitution, the legislative regulations and the international standards of law that the court uses when evaluating the legality of police action.

Stage 3 – Judicial Accountability Assessment

The final stage examined the value of judicial control to ensure accountability for police behavior and the particular focus was on the interpretation of the court of the constitutional protection and institutional obligations.

Ethical Consideration

This research complies with the requirements of ethical principles of criminological and legal studies. To ensure critical objectivity and should unwarranted identification of the parties, the case is called a high-profile transnational police killing case. Transparency and ethics are ensured by using all data accessible in publicly available judicial documents and scholarly sources to conduct the study.

Limitations of the Study

The research is based largely on judicial documentation and secondary sources, which could be inadequate in the opinions of operations of law-enforcement agencies that participated in the incident. Nevertheless, judicial records contain official and proven legally accounts that are critical in the examination of the accountability systems in situations where police misconduct is alleged. Nevertheless, even in the light of this limitation, the study provides some useful information regarding the legal and institutional aspects of the police use of lethal force.

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Findings and Legal Analysis

1. Judicial Reconstruction of the Incident

The case discussed a high-profile transnational police shooting incident that was a case related to a security operation that was carried out by the police officers in Kenya. The judicial record indicates that law-enforcement officers shot at an occupied civilian vehicle in the course of a night operation and did so on the basis of intelligence that had indicated that criminals were ordinarily present in that area. This was later found out to have been a wrong identity of a vehicle and the passengers were not engaged in a criminal act.

The judiciary has reviewed the circumstances of operation of the shooting and found out that the decision to use lethal force had severe operational shortcomings in the context of the incident. These comprised the lack of confirmed threat assessment, the deficiency in identification of the intended car, as well as the lack of operational protection measures. The court held that the shooting was done under circumstances which did not provide the legal standard of what was deemed as a lawful use of deadly force.

From a criminology standpoint, the case is part of a larger institutional failure in policing operations with faulty intelligence and the productively escalated force leading to wrongful lethal outcomes (Alpert & Dunham, 2004; Kuhns, & Knutsson, 2010).

These findings directly touch on RQ2, which is about operational and institutional factors related to the shooting of a fatal police officer.

2. Constitutional Protection of the Right to Life

A key question that the court sought to answer related to Constitutional protection of the right to life under the Constitution of Kenya 2010. The court focused especially in Article 26 which states that every person has the right to his life and that the state must not arbitrarily deprive a person of his life (Republic of Kenya, 2010).
The judgment underlined that this right presently creates a positive obligation for the state to only ensure the use of lethal force by the enforcement agencies under strictly defined circumstances. The court found that the action of the police did not meet the legal test of necessity and proportionality that are underlying requirements in the lawful use of deadly force.

The ruling, however, found that the shooting involved violations of the constitutional right to life, since the officers were unable to show that there was the immediate and legitimate threat that required them to act lethal.

These findings directly address RQ1 which discusses whether the use of lethal force abided by constitutional standards of law.

3. Violation of Human Dignity and Personal Security

The court also concluded that the police act infringed on human and personal security provisions as enshrined in Articles 28 and 29 of the constitution. These provisions outlaw arbitrary cruelty of those in authority and the guaranteed inherent dignity of human beings (Republic of Kenya, 2010).

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The ruling emphasized that not only does unlawful state perpetrated killings amount to the abuse of the right to life but also the inherent dignity of the individual and the rule of law. In democracies of policing, the human dignity is a fundamental normative approach to inform the law-enforcing practices.

In this connection, the court has found that the actions of the officers constituted an unlawful state violence, which could not be combined with the constitutional guarantees of dignity and personal security.

These results support RQ1 as they show that the application of lethal force also infringed more general constitutional rights than the right to life.

4. Statutory Regulation of Police Use of Force

When assessing the gun violence in question as lawful or unlawful, the court considered the statutory guidelines of the actions of police officers in the National Police Service Commission Act 2011. This law defines under what situations police officers are allowed to apply force when they are in the line of duty (Republic of Kenya, 2011).

The Act dictates that the force used must be legally, necessity, proportionately, and accountably used. The court held that the officers did not comply with these requirements in these statutes. Specifically, the lack of a reliable vehicle validation and the instant use of weapons of mass destruction were an apparent violation of the legal standards of policing.
This consumption is consistent with criminological theory where policies about legal and legal frameworks should be strict in having a system of accountability, which is to avoid the excess or illegal use of force (Fyfe, 1988; White and Fradella, 2016).
These results also respond to RQ1 in that the police act was not in line with statutory requirements of the use of force.

5. Independent Oversight and Investigative Failures

The case also considered the existence of independent police oversight institution which was set under the Independent Policing Oversight Authority Act 2011 as stipulated in the legislation obligated an independent institution to be charged with the mandate of investigating a death attributed to a police officer (Republic of Kenya, 2012).

The court stressed that the oversight bodies have a legal duty to make immediate, objective and transparent investigations into suspected cases of unlawful killings. Nevertheless, the judicial history showed that there were delays in the process of investigation and lack of vigor, and this will bring doubt in the effectiveness of institutional accountability mechanisms.

The court mentioned that poor investigations destroy the trust of people in the criminal justice system and compromise the general system of police accountability.

These results directly relate RQ3 as they reveal the way the mechanisms of oversight worked how the legality and accountability of the police action were evaluated.

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6. Application of International Human Rights Law

The court also used the international human rights law that applied in the use of lethal force by state powers in addition to the domestic constitutional provisions. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) founded on UN Basic Principles for the Use of Force and Firearms by Law Enforcement Officials because it declares the international norms of police actions was specifically referred to (United Nations, 1984).

These principles entail that lethal force need not be applied absent a strong necessity to safeguard life, must be utilized in a manner that is comparable to the threat and it should be utilized after the entire non-violent measures have been depleted. It was established by the court that the arrest by the police did not comply with these standards and was thus an arbitrary denial of life in terms of the international human rights law.

The case also recognised that Kenya was bound by the International Covenant on Civil and Political Rights that offers that states must ensure the right to life and make good investigations into unlawful killings (United Nation, 1967).
These data directly touch on RQ1 and RQ4 and indicate the lack of adherence to international law norms and the potential of global human rights systems in transnational responsibility.

7. Judicial Oversight and Accountability

One of the key features of the ruling is its focus on judicial checks and balances as one of the ways of making police responsible in a case of lethal police violence. The court claimed that the judicial review is necessary to keep state authorities responsible in committing the violation of the key rights.

The ruling reinstated that the courts are responsible to ensure the justice system checks on the policing conducts using force, that the constitutional rights are met, and that there is access to justice by the victim and their families. This is part of a larger trend according to which judicial bodies are highly significant in controlling the actions of the police and promoting the rule of law (Walker and Archbold, 2020).

The case has shown that judicial oversight does not just establish a legal responsibility but also adds to the overall institutional accountability and even policy reform.

These results directly answer RQ3 and RQ4 by showing how court machineries consider citizens on police behavior and to react to the law and location issues in cases of transnational police murder.

Discussion

1) Operational Decision-Making and the Escalation of Lethal Force

The results of the present analysis suggest that the deadly police shooting was caused by a quick increase of force when the officers had to conduct the high-risk security operation when they could not use the complete information about the threat. Recreational re-creation of the incident by the courts showed that the police officers did not verify the intelligence and identified the wrong vehicle before using lethal force. According to criminological terms, such a trend indicates a failure

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in the decisions-making mechanisms that should be used according to the use-of-force continuum where officers should employ force gradually using proportionate amounts of force depending on the level of threat involved. Under this model the response of the police is supposed to intensify to involve presence of officers and verbal order to physical restraint and as the final option use lethal force where it is needed to safeguard life (Winfrey, 2025).

Rather than steps toward escalation and validation, the operational response in the case under consideration went straight to the lethal force without proper confirmation that a threat is about to take place. Similar empirical studies about police-citizen interaction show that reasonableness of force should be contextualized on the plausible relationship between the resistance of the suspects and the police reaction during the interaction (Terrill, 2005). This conclusion is supported by criminological literature that shows that police shooting is common in circumstances of indecision, time constraint, and duty of perceived danger where police have to assume immediate decisions with little information. As a result, failures in the detection of threats and verification of the situation may result in the change of standard policing activities into a deadly event. Regarding RQ2, the findings indicate that malfunctions in operation, such as misidentification of suspects and insufficient checking of intelligence, had a significant role to play in the development of the situation and eventual application of fatal force.

2) Organizational Influences and Institutional Responsibility

In addition to the discretionary decisions, the results show the role of organizational forms and institutional practices in defining the context of the lethal shooting. The discussion shows that failure of effective operational planning, supervision of commanding performance, and protection of procedures made the environment in which the use of lethal force was applied. It is shown by organizational research in policing that the application of force is not merely a result of individual policeman activity but it is a consequence of other institutional decisions-making activity such as deployment habits, performance practice, and command lines (Ali et al, 2025).

These findings hence confirm the organizational viewpoints in criminology that focus on the fact that police actions are influenced by institutional conditions and not necessarily get influenced by individual judgment. In cases where organizational policies in place do not provide sufficient verification procedures or mechanisms of accountability of operations, officers can use incomplete information when attending to high-risk encounters. This organizational climate makes it more probable to make a false perception of danger and use excessive force. In that regard, the fatal outcome cannot be perceived only as an individual mistake but should be properly perceived as a result of larger institutional processes in the organizational policing. These organizational factors help to note the role of the structural deficiencies in the culture of lethal police violence, as well as institutional changes that can be adopted in future to prevent future cases.

3) Judicial Oversight and the Enforcement of Constitutional Standards

Among the most important results of this research is the part played by the judicial checks in assessing the legality of the police use of lethal force. The ruling by the High Court applied the constitutional rights of life, human dignity, and personal security in its evaluation of the activities of law-enforcement officers. The court held that the police actions failed to meet the stipulated

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legal provisions of necessity and proportionality in the legal profile of the lawful application of deadly force by the police as per both domestic law and international human rights provisions.

Theoretically, this is the result of procedural justice theory, which states that the legitimacy of law-enforcement institution cannot be reviewed on the basis of the outcomes only but also on the processes of decision-making, which must be fair and transparent. Citizens will consider the authorities legitimate and willingly obey the law in the future when they feel that the legal procedures will be fair and consistent (Tyler, 2014; Mazerolle, 2013). Empirical research also shows that procedural justice interventions may serve as an important way of enhancing public confidence, cooperation and police legitimacy perceptions.

Here, judicial oversight is considered to be an important institutional control mechanism that facilitates protection of the constitutional right and provides the police with judicial restraint over the exercise of police power. Through the examination of the operational conditions of the shooting and interpretation of the constitutional principles, the court asserted the normative restraint of the power of the state as well as reestablished the duty of the law-enforcement agencies to guard the right to life. The findings directly answer RQ1 and RQ3 since they show that judicial review is central under the circumstances that define whether the use of lethal force by the police is in accordance with the constitutional, statutory, and international law.

4) Transnational Dimensions and Accountability Challenges

The case analyzed in this study also throws insight into the problematic legal and jurisdictional issues that should be involved in transnational cases of police killing. In cases where both victims and legal considerations go beyond national borders, accountability mechanisms might be guided by more than one legal system, including local constitutional rules and international human rights laws (Punch, 2010). These situations frequently focus the global attention and put into question the capacity of the domestic legal regimes to provide an efficient check on the use of state violence. In that regard, the international human rights principles used in the judicial ruling suggest the growing global impact of the normative principles in the use of police. Global laws that should guide the application of force have stressed that the force can only be applied in application of lethal force when it is absolutely necessary and all other non-violent means of force have been thoroughly depleted. These norms strengthen the compulsion of the states to investigate properly deaths caused by the law-enforcement agents and remedy the victims and their families.

Nevertheless, accountability faces issues at a structural level through transnational incidences, such as conflict on jurisdiction and various investigative procedures, as well as multiple legal authorities involved. These complications may make the application of legal norms inconsistent and put barriers to justice in the way of victims. With regard to RQ4, the results indicate that enhancing judicial control and aligning legal accountability measures in different jurisdictions is needed in order to deal with the dilemma of transnational police killings.

The results of this research paper validate the suggested Police Use-of-Force Accountability Model showing how lethal police violence develops in the form of an interaction of operating decision-making, organizational cultural processes, and institutional control measures. Regarding RQ1, it can be noted that judicial interpretation showed that the police application of lethal force did not

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comply with constitutional, statutory as well as international legal requirements of necessity and proportionality, which demonstrates the role of judicial control in ensuring the lawfulness of police actions. Addressing RQ2, the reconstruction of the incident pointed at a number of operational and institutional factors such as the look-alike of the suspect vehicle, the use of the untested intelligence, the lack of procedural safeguards, delivered having led to the use of force being excessive during the police encounter. Related to RQ3, the intervention of the High Court showed how the judicial oversight plays a fundamental role in investigating the police activities and applying the constitutional protections, which supports the principles of procedural justice and accountability in the policing systems on a democratic level. Lastly, RQ4 can also be observed in the fact that this case is transnational and demonstrates the greater complexity of the legal and jurisdictional issues pertaining to the issue of accountability when the killing of a police officer has cross-boundary consequences and draws the attention of international human rights organizations. All of these results confirm the theoretical construct of the study by demonstrating that the lethal force incidents are to be apprehended as a multi-phase event where operational choices are conditioned by organizational models and eventually tested by the judicial control systems that dictate the accountability results.

Diagram No. 02: Police Use-of-Force Accountability Model



Source: Researcher's Vision

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Recommendations

Based on the results of this study and the idea of Police Use-of-Force Accountability Model, a number of practical suggestions can be offered to the police departments, politicians, and judges to improve the legality, responsibility, and regulation of the lethal force incidents:

1. **Operational-Level Interventions**
   - Conduct continuous scenario training and stress response training that is in line with the Use-of-Force Continuum Theory to enhance the ability of officers to assess a threat and make decisions and reasonably escalate use of force.
   - Implement live supervisory support and a set of operational principles of the high-risk encounters to guarantee that officers adhere to the existing protocols and reduce unjustified escalation.
   - Incorporate decision models and quick assessment instruments in operational planning process like the use of structured threat assessment checklists to minimize errors in making judgments during hasty engagements.

2. **Organizational Reforms**
   - Install coherent internal policies that demonstrate the qualities of necessity, proportionality and de-escalation that apply throughout the whole departments and is uniformly applied throughout the continuum model.
   - Enhance the working culture to ensure that it promotes the ideas of accountability and procedural justice e.g. introduction of regular debriefing after any incidents, proactive advocacy of ethical standards in policing.
   - Integrate the model into operational planning, risk management systems and part of an exercise is to pay more attention to the roles training, hierarchy and institutional control play in informing force decisions.

3. **Judicial and Oversight Mechanisms**
   - Organize separate supervisory agencies and judicial procedures which systematically examine the police performances according to the constitutional, statutory and international legal norms.
   - Provide transparency in reporting and public disclosure of the use of lethal force cases increase accountability, public confidence on and observance of the international human rights.
   - Empower courts and oversight agencies to employ Police Use-of-Force Accountability Model to examine the complexity of lethal encounters in a multi-stage role associating operational decision, organizational and legal outcome of accountability.

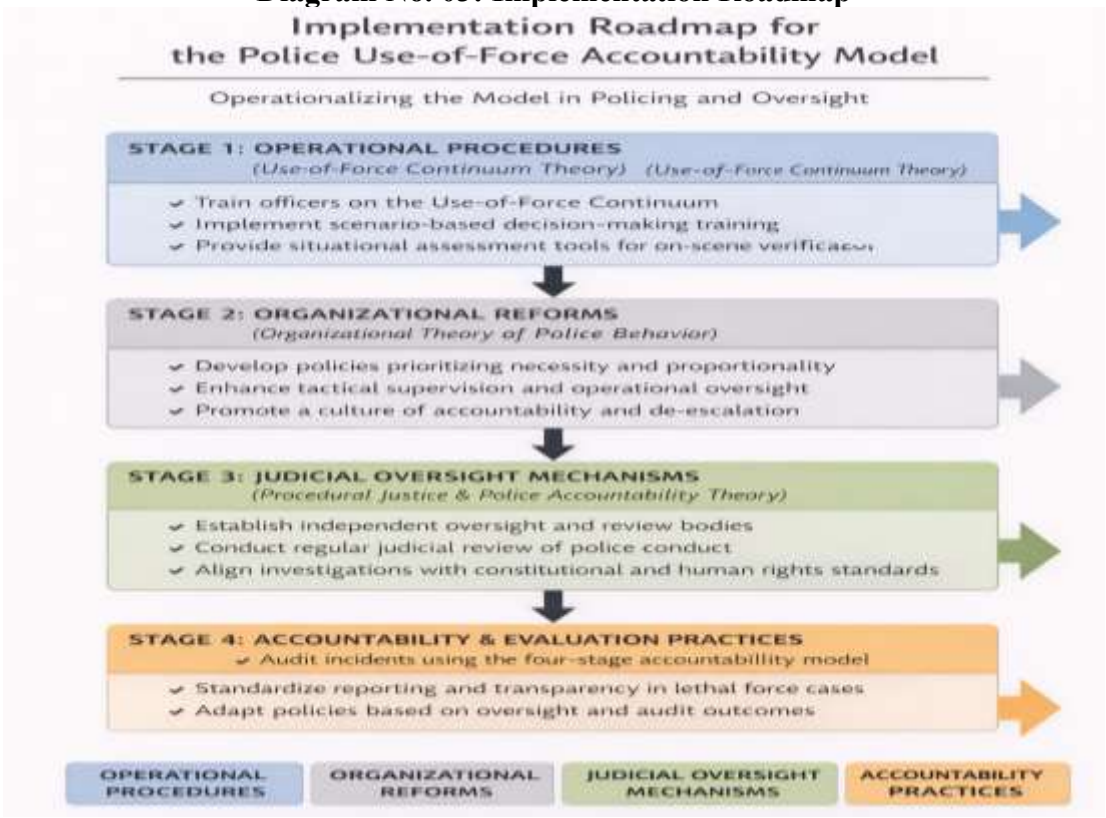
4. **Integrated Policy and Training Implementation**
   - Incorporate the model in the training programs, operations manuals and evaluation systems in the form that officers; supervisors and policymakers come to understand the interactions between operational activities, organizational designs and the judicial controls.

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- Perform a regular audit and scenario test, using the 4 steps (of the model) which are Operational Encounter, Organizational Context, Judicial Oversight and Accountability Outcome, to discover system vulnerabilities prior to actual the incident in world.
- Encourage cross-agency cooperation and information sharing in relation to the best practices in lethal force management, in particular in transnational systems, in order to bring the standards of accountability into balance and meet the requirements of the international law norms.

Through the operationalization of this model law enforcement agencies can legitimately have the possibility to minimize the use of forceful abuse, increase institutional responsibility, and harmonize the culture of policing with democratic and human rights ideals. Such systematic method also helps the courts and supervision entities to evaluate the incidents comprehensively so that responsibility is not only just but evidence based.

Diagram No. 03: Implementation Roadmap



Source: Researcher's Vision

This model proposes a four-level, chronological model, the links between operational policing decisions, organisational structures, judicial control, and consequences of accountability to ensure that there is lawful and transparent use of deadly force.

Conclusion

In the study, it is proved that the application of the police lethal force is not just an operational choice, but an intricate, in many ways many-layered process, the dynamics of which is subject to

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the impact of organizational processes, legal norms, and judicial control. Applying the Police Use-of-Force Accountability Model, the study draws attention to the interaction of operational encounters, institutional structures, and procedural mechanisms to establish the results of accountability are more prominently observed in transnational settings whereby constitutional, statutory, and international norms have a convergent effect. The conclusions also underlines the importance of judicial review and independent inquiries and well-organized organizational policies in seeing to it that lethal force is used in a proportional, legal and accountable way. Finally, the research provides an input to the criminological literature by linking the operational policing analysis to legal accountability frameworks that would present practical information to policy makers, law enforcement agencies and courts of law to promote legitimacy, human rights protection and limit the possibility of illegal deaths occurring.

References

Ali, A., Oware, J., Jackson, J. *et al (2025).* The Compounding Effect: How Neighbourhood Dynamics Shape Police Deployment and Use of Force, *Crime Science, Vol.* 14(15). https://doi.org/10.1186/s40163-025-00258-6

Alpert, G. P., & Dunham, R. G. (2004). *Understanding police use of force: Officers, suspects, and reciprocity*. Cambridge University Press. ISBN: 9780521837736

Crank, J. P., & Langworthy, R. H. (1992). An institutional perspective of policing, 83 J. CRIM. L. & CRIMINOLOGY 338. https://scholarlycommons.law.northwestern.edu/jclc/vol83/iss2/3

Fyfe, J. J. (1988). Police use of deadly force: Research and reform. Justice Quarterly, 5(2), 165–205. https://doi.org/10.1080/07418828800089691

Griswold, D. B., & Massey, C. R. (1985). Police and citizen killings of criminal suspects: A comparative analysis, American Journal of Police, 4(1), 1–9.

Hirschfield, P. J. (2023). Exceptionally lethal: American police killings in a comparative perspective. Annual Review of Criminology, 6(1), 471–498. SSRN: https://ssrn.com/abstract=4343626 or http://dx.doi.org/10.1146/annurev-criminol-030421-040247

Hoff, T. (2012). Focus on training: Training for deadly force encounters, FBI Law Enforcement Bulletin, United State Department of Justice. https://leb.fbi.gov/articles/focus/focus-on-training-training-for-deadly-force-encounters

Hopkins, K. (2015). "Deadly force" revisited: Transparency and accountability for D.C. police use of force. National Lawyers Guild Review, 72(3), 129–160.

Kargin, V. (2016). Police Use Of Excessive Force: A Case Study Of Lethal (Deadly) Force. *European Scientific Journal, ESJ*, *12*(1), 488. https://doi.org/10.19044/esj.2016.v12n1p488

Kremnitzer, M., Menashe, D., & Ghanayim, K. (2007). The use of lethal force by police. Criminal Law Quarterly, 53(1), 67–97.

Krippendorff, K. (2019). Content analysis: An introduction to its methodology (4th ed.). SAGE Publications. DOI: https://doi.org/10.4135/9781071878781

Kuhns, J. B., & Knutsson, J., (2010). *Police use of force: A global perspective*. Santa Barbara, California: Praeger. https://doi.org/10.5040/9798400697685, ISBN: 9780313363269

Maguire, E. R. (2003). Organizational Structure in American Police Agencies: Context, Complexity, and Control. State University of New York Press. ISBN: 0791487903, 9780791487907

ISSN E: 3006-1466
ISSN P: 3006-1458
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
CJSSR
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
Vol.04 No.01 (2026)

Manzoor, et. al., (2026). Targeted Assassination And Organized Violence: A Criminological And Legal Analysis Of Premeditated Murder Based On Fir Evidence Under The Pakistan Penal Code, *Contemporary Journal of Social Science Review*, *4*(1), 78-93. https://doi.org/10.63878/cjssr.v4i1.1885

Mazerolle, L., Antrobus, E., Bennett, S., & Tyler, T. R. (2013). Shaping citizen perceptions of police legitimacy: A randomized field trial of procedural justice. Criminology, 51(1), 33–63. https://doi.org/10.1111/j.1745-9125.2012.00289.x

Mazerolle, L., Bennett, S., Davis, J., Sargeant, E. and Manning, M. (2013), Legitimacy in Policing: A Systematic Review. Campbell Systematic Reviews, 9: i-147. https://doi.org/10.4073/csr.2013.1

McCulloch, J., & Sentas, V. (2006). The Killing of Jean Charles de Menezes: Hyper-Militarism in the Neoliberal Economic Free-Fire Zone. *Social Justice*, *33*(4 (106)), 92–106. http://www.jstor.org/stable/29768402

Milton, C. H., Halleck, J. W., Lardner, J., & Abrecht, G. L. (1977). Police use of deadly force. Police Foundation. https://www.ncjrs.gov/pdffiles1/41735.pdf

National Institute of Justice, (2009). Use of force continuum. U.S. Department of Justice. https://nij.ojp.gov/topics/articles/use-force-continuum.

Noaks, L., & Wincup, E. (2004). The development of qualitative approaches to criminological research. In The development of qualitative approaches to criminological research (pp. 2-18). SAGE Publications Ltd, https://doi.org/10.4135/9781849208789.

Punch, M. (2010). Shoot to kill: Police accountability, firearms and fatal force. Policy Press.

Rappert, B., Adang, O., Daillère, A., De Paepe, J., Dymond, A., Easton, M., & Skinner, S. (2020). Police lethal force and accountability: Monitoring deaths in Western Europe. University of Exeter & Open Society Foundations. https://hdl.handle.net/1854/LU-8694412

Rennison, C. M., & Hart, T. C. (2022). Research methods in criminal justice and criminology (2nd ed.). SAGE Publications. ISBN: 9781071815373

Republic of Kenya, (2010). *The Constitution of Kenya, 2010*. Government Printer. https://www.parliament.go.ke/sites/default/files/2023-03/The_Constitution_of_Kenya_2010.pdf

Republic of Kenya, (2011). *The National Police Service Commission Act No. 30 of 2011*, KLR, National Council for Law Reporting. https://constitutionnet.org/sites/default/files/the_national_police_service_commission_act_2011_1.pdf

Republic of Kenya, (2012). Independent Policing Oversight Authority Act 2011 (edt. 2012), KLR, National Council for Law Reporting. https://www.policinglaw.info/assets/downloads/2012_Independent_Policing_Oversight_Authority_Act.pdf

KEHC 9667 (KLR), (2024). Siddique w/o Arshad Sharif & 2 others v Attorney General & 4 others . Retrieved on 11.03.2026, https://new.kenyalaw.org/akn/ke/judgment/kehc/2024/9667/eng@2024-07-08

Skinner, S. (2024). Enhancing accountability for police use of lethal force: Global monitoring and comparative benchmarking. Policing: A Journal of Policy and Practice, 18, 1–8. https://doi.org/10.1093/police/paad100

Terrill, W. (2005). Police use of force: a transactional approach. *Justice Quarterly*, *22*(1), 107–138. https://doi.org/10.1080/07418820420000333663

Tyler, T. (2014). Legitimacy and procedural justice: A new element of police leadership, U.S. Department of Justice, Office of Justice Programs, NCJ No., 246271, pp. 1-37

ISSN E: 3006-1466
ISSN P: 3006-1458
CONTEMPORARY JOURNAL OF SOCIAL SCIENCE REVIEW
CJSSR

https://www.ojp.gov/library/publications/legitimacy-and-procedural-justice-new-element-police-leadership

Tyler, T. R. (2004). Enhancing police legitimacy. The Annals of the American Academy of Political and Social Science, 593(1), 84–99. https://doi.org/10.1177/0002716203262627

United Nation, (1967). International Covenant on Civil and Political Rights. Office of the United Nations High Commissioner for Human Rights. https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights

United Nations, (1984). *Convention against torture and other cruel, inhuman or degrading treatment or punishment*. Office of the United Nations High Commissioner for Human Rights. https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading

Walker, S. E. (2001). Police accountability: The role of citizen oversight. Wadsworth/Thompson Learning. https://openlibrary.org/books/OL18323457M/Police_accountability

Walker, S., & Archbold, C. (2020). The new world of police accountability. (Vols. 1-0). SAGE Publications, Inc., https://doi.org/10.4135/9781544339214

Wasserman, R. W., & Moore, S. (1988). Police values and organizational behavior, Perspective on Policing, 8, pp. 1-7. National Institute of Justice, US Department of Justice.

White, M. D., & Fradella, H. F. (2016). *Stop and frisk: The use and abuse of a controversial policing tactic*. NYU Press.

Winfrey, S. (2025). Use of force continuum. EBSCO Research Starters. https://www.ebsco.com/research-starters/law/use-force-continuum

Wood, D. (2004). Police Accountability for Lethal Force. *The Police Journal: Theory, Practice and Principles*, *77*(1), 55-61. https://doi.org/10.1350/pojo.77.1.55.31515

Yin, R. K. (2018). *Case study research and applications: Design and methods* (6th ed.). SAGE Publications.