



Independent Policing  
Oversight Authority



PERFORMANCE REPORT  
JANUARY - JUNE 2015

## **VISION**

A robust civilian accountability mechanism that promotes public trust and confidence in the National Police Service

## **MISSION**

To conduct impartial and independent investigations, inspections, audits and monitoring of the National Police Service to prevent impunity and enhance professionalism in the interest of the public

## **MOTTO**

Guarding Public Interest in Policing

## **CORE VALUES**

Transparency and Accountability

Integrity

Independence and Impartiality

Respect for Diversity

Compassion



Independent Policing  
Oversight Authority

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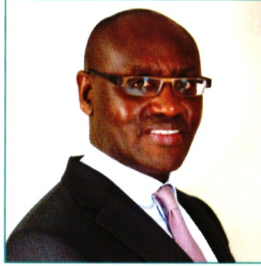
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## ABBREVIATIONS AND ACRONYMS

AP	Administration Police
APCOF	African Policing Civilian Oversight Forum
APS	Administration Police Service
CAJ	Commission on Administration of Justice
CHM	Complaints Handling Mechanisms
CI	Chief Inspector
CIC	Commission on Implementation of the Constitution
CIC	IPOA Complaints Intake Committee
CIMS	Complaints and Investigations Management System
CPUs	Children Protection Units
DCIO	District Criminal Investigation Officer
DIG	Deputy Inspector General
EACC	Ethics and Anti-Corruption Commission
ERM	Enterprise Risk Management
ERP	Enterprise Resource Planning
GoK	Government of Kenya
IAU	Internal Affairs Unit
ICT	Information, Communication and Technology
IFMIS	Integrated Financial Management Information System
IGP	Inspector General of Police
IJM	International Justice Mission
IMLU	Independent Medico-Legal Unit
IPOA	Independent Policing Oversight Authority
KNCHR	Kenya National Commission on Human Rights
KPS	Kenya Police Service
NGOs	Non-governmental Organizations
NPS	National Police Service
NPSC	National Police Service Commission
OCS	Officer Commanding Station
ODPP	Office of the Director of Public Prosecution
OPSA	Outstanding Police Service Awards
PMF	Performance Management Framework
UNODC	United Nations Office on Drugs and Crime
URF	Usalama Reforms Forum
WPA	Witness Protection Agency

# THE BOARD OF THE INDEPENDENT POLICING OVERSIGHT AUTHORITY



*Mr. Macharia Njeru  
Chairman*



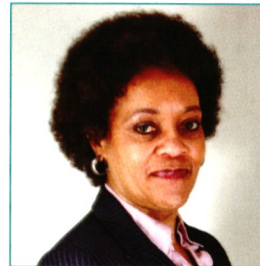
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Vice Chair*



*Mr. Tom Kagwe  
Member*



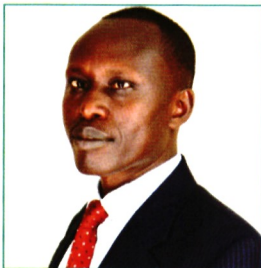
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*Mr. Vincent K. Kiptoo  
Member*



*Ms. Njeri Onyango  
Member*



*Ms. Kagwiria Mbogori  
Ex-Officio Member*

## STATEMENT BY CHAIRPERSON OF THE BOARD

The Independent Policing Oversight Authority (IPOA) is pleased to present its Performance report for the period January-June 2015. This marks the Authority's third anniversary since its establishment in June 2012. As a Board and management, we are pleased with the progress that the Authority has made over the last three years. As we reflect on our achievements, we would like to consolidate the gains made thus far, and look forward with optimism towards realization of our mandate. We are aware of the task ahead, and we will continue to exert our energies to make a positive impact in our work.



As we do this, we will continue to work with all our stakeholders in the spirit of cooperation and consultation in guarding public interest in policing in Kenya. We will carry out our work guided by our mission of conducting impartial and independent investigations, inspections, audits and monitoring of the National Police Service (NPS) to prevent impunity and enhance professionalism in the interest of the public. We envision the realization of a robust civilian accountability mechanism that promotes public trust and confidence in the NPS.

This report also marks the first year of implementation of the Authority's four-year Strategic Plan (2014/18). Our key strategic objectives are to ensure compliance by the police to human rights standards, and to restore public confidence and trust in police. As one of the public institutions established to realize a reformed police service, IPOA will work towards instilling professionalism, discipline and accountability in the police by raising concerns over their actions that are in violation of the Constitution and other relevant legislations. Indeed, the Authority remains a key and committed institution in restoring public confidence and trust in the police.

One of the Authority's mandate is to receive and process complaints from the public and the police. During the reporting period, IPOA received 867 complaints bringing the total complaints received since its establishment in June 2012 to 3,246. The level of complaints has been on an increasing trend. The Authority however has been receiving a large portion of complaints that are outside the Authority's mandate. This is perhaps due to lack of clear understanding by the public on its mandate.

To this end, efforts are being made to roll out a country-wide awareness campaign to educate the public on IPOA's mandate and functions. This will ensure that, in future, the Authority receives complaints that are relevant and within its mandate for processing and taking the necessary action. Further, we call upon NPS to strengthen the IAU in terms of capacity and other required resources to enable it to deal with complaints forwarded to it by the Authority. A strengthened IAU will ease pressure on the Authority on cases that are outside its mandate and which are within the ambit of IAU.

On investigations, the Authority has continued to make good progress. During the period, 59 investigation cases were completed. As at 30 June 2015, the Authority had completed 141 cases over the last three years, 21 of which had been recommended to ODPP for prosecution.

Cases handled have been mostly on deaths arising out of police action or inaction, harassment, intimidation and corruption, and undue delay and partial investigations, negligence or collusion.

The Authority will sustain this momentum in investigations, and it is hoped that the number of completed cases will rise once the current staff capacity is enhanced during the 2015/16 financial year. Other than a constrained staff capacity, the Authority has not been funded adequately in the past to enable it to carry out its work effectively. Additionally, the Authority has faced difficulties in concluding some of the cases due non-cooperation by the NPS through delays in response to requests for information, contamination of evidence and provision of misleading information. The Authority will continue to engage NPS so that realization of its work is not deliberately obstructed by police failings. The Authority will also take the necessary action against any officer found to be derailing IPOA's investigations through calculated efforts.

During the period, the Authority conducted 27 inspections and monitored two police operations. Following these inspections, the Authority made recommendations to the NPS aimed at improving detention facilities, working conditions, treatment of detainees, and enhancing operational capacities at the police station level. However, during pre-inspection visits, it was found that two police stations had recorded remarkable improvement.

It has also been noted that some of the recommendations have no financial implications, and these should be executed immediately. Recommendations made during the period are annexed to this report. On monitoring of police operations, the Authority observed the 2015 police recruitment in 68 of the 220 centres across the country, and made appropriate recommendations to NPS for future improvement, particularly on accountability. These recommendations are also annexed to this report. The Authority would like to commend NPS for the remarkable improvement in the 2015 recruitment exercise. However, the NPS should ensure that the newly gazetted Recruitments and Appointment Regulations are strictly adhered to in future recruitments.

The Authority recognizes that despite the challenges in the police service, there are dedicated officers. These officers carry out their work effectively and serve communities within their respective jurisdictions with respect and integrity. It is for this reason, therefore, that the Authority with a few partners initiated the Outstanding Police Service Awards (OPSA) in August 2014. This initiative is aimed at recognizing and rewarding outstanding officers for exemplary performance. The nominations for the awards are done by members of the public.

In March 2015, the Authority recognized 58 police officers, 3 police stations with the best detention facilities, three police facilities in order and cleanliness, and 3 stations with best community policing initiatives. This is a testimony that IPOA's work is not only to point out areas of concerns within the police, but also to recognize and reward good performance. The Authority and its partners will continue with these awards, and will remain key in its annual calendar of events. A full list of the awardees is annexed to this report.

During the period, the Authority received additional resources amounting to Kshs. 85.5m in the 2014/15 Supplementary Estimates, raising its annual budget from Kshs. 205.1m to Kshs. 290.6m. Further, the Authority's budget for 2015/16 financial year was enhanced to Kshs. 419.5m as compared to Kshs. 205.1m allocated during the previous year. This is a remarkable progress in funding, and the Authority will ensure that all its pending cases will be attended and concluded expeditiously.

The Authority would not have made the achievements contained in this report on its own without the support and cooperation of its partners and stakeholders. We would thus like to express

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our gratitude to all our development partners, especially the embassies of US and Sweden in Nairobi, for the enormous support extended to the Authority during the period. UNODC, through a basket fund, supported several activities, including the ongoing public awareness and outreach campaign across the country. The Authority would also like to pay special tribute to the National Treasury and the National Assembly's Committee on Administration and National Security and the Budget and Appropriation Committee for ensuring that the Authority's budget for 2015/16 was revised upwards to match IPOA's scope of its mandate. This support is highly acknowledged and appreciated. We are also grateful to the ODPP for the cooperation and support that we have continued to receive from this office.

In conclusion, I would like to thank my fellow Board members for their continued support, invaluable contribution, commitment and embracing the Authority's vision, mission, and upholding its values throughout the period. Last and not least, I would like to express special thanks to the management, and staff for their hard work and dedication that enabled the Authority to record another six months of success and achievements.



**Macharia Njeru,**  
**Chairperson,**  
**The Independent Policing Oversight Authority**

## STATEMENT BY THE CHIEF EXECUTIVE OFFICER

During the six months ended 30 June 2015, the Authority made good progress in all its mandate areas. Despite the financial challenges experienced during the period, there were remarkable achievements in investigations, inspections, monitoring, and in other operational areas.

The Authority recorded 867 complaints, bringing the total to 1,792 for twelve months ended on 30 June 2015, of which 925 were received during the period July-December 2014. Most of the complaints, 34% were received through a walk-in arrangement. As the level of complaints continue to increase, the Authority is putting in place a computerized system to record and track all the cases received to their conclusion. The Authority will continue to invest in technology for faster processing of complaints received and implement a feedback mechanism that will enable complainants to get timely progress on their cases. Nine death notifications were received from the NPS during the period, though belated rather than within 24 hours of their occurrence.



As contained in the main report, the Authority intensified its investigations, and completed 59 cases covering 20 counties. Of the 911 total cases received for investigations as at 30 June 2015, 141 had been completed, 230 under investigations, 540 cases pending investigations and 21 forwarded to ODPP. The 540 pending cases were due to a constricted staff capacity and inadequate resources. This matter is being addressed with a view to building a reasonable staff capacity to deal with the increasing number of cases requiring investigations. We are also pleased to report on progress made in the area of both inspections and monitoring. We are reviewing our current capacity in these areas to ensure that as many activities are implemented during each half year.

To enhance performance, the Authority developed and implemented a Performance Management Framework, which will form the basis for employees' individual annual plans, and thus annual performance appraisal. The framework will enable the Authority to implement its annual work plan, with an effective monitoring and evaluation tool. The system will also track performance and provide feedback to each staff member at the end of each planning year. To manage operational and other risks, the Authority developed an Enterprise Risk Management framework to identify and manage potential risks likely to be encountered by the Authority.

The Authority continues to place great emphasis on developing and nurturing the skills of its staff. Towards this, the Authority will continue to seek local and international training opportunities for its employees. The Authority is also committed towards attracting and retaining highly qualified and experienced staff to enable it to deliver its services to the public efficiently.

On behalf of staff, I would like to thank the Board for its continued guidance and support throughout the period. I would also wish to thank and commend staff for yet another successful period. Together, we look forward to an even improved performance during the ensuing period.

**Dr. Joel Mabonga**  
**Chief Executive Officer**  
**The Independent Policing Oversight Authority**

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## EXECUTIVE SUMMARY

To date, the Authority has continued to execute its mandate with commitment and determination. During its first year of existence, efforts were geared towards laying a foundation for its future operations. This was followed by the second year during which the Authority recruited appropriate personnel to start operations. Though a nascent institution, it made significant achievements during the formative period.

During the reporting period, and indeed the period July 2014-June 2015, the Authority recorded a number of achievements as reported in this Performance Report. The Report covers all its mandate and support areas, and contains recommendations made to the NPS following inspections of police 27 premises, and two police operations monitored during the period.

The Authority is pleased to report that 867 complaints were received during the period, bringing the total for the period of twelve months ended 30 June 2015 to 1792, and 3246 since the Authority commenced operations in June 2012. Of the total 3246 complaints, 594 were received in 2012/13, and 860 in 2013/14. This shows an exponential growth in the number of complaints coming through requiring the Authority's intervention.

Out of the 867 complaints received during the reporting period, 650 were processed while 217 were awaiting determination for the necessary action. Of the 650 complaints processed, 218 were outside the Authority's mandate. This, therefore, calls for deliberate awareness and publicity efforts to educate the public on IPOA's mandate. Due to budgetary constraints, this has not been possible. However, during 2015/16 financial year, the Authority plans to roll-out a country-wide awareness and outreach programme targeting selected counties during the first phase of this initiative.

Of the complaints received during the period, 34% were through walk-in by the complainants, 36% through letters, 29% online, and 2% through telephone. Of the 650 screened complaints during the period, 131 were admitted for various actions by IPOA, 93 referred to NPSC, 208 to IAU while 218 were referred to other agencies for the necessary action. Of the 867 complaints, 573 were received from male, 130 from female, while 144 were referred to the Authority by other agencies who did not indicate the gender of the complainants.

The Authority also recorded significant progress in the area of investigations. Sixty one cases were investigated and completed, 30 of which originated from Nairobi. Of the 59 cases, 17 were completed with no need for further action, 10 cases were referred to other state agencies. As of 30 June 2015, the Authority had investigated and completed 141 cases. Of the 911 cases received for investigations to date, 540 were awaiting commencement of investigations, 230 under investigations with 141 completed as reported above.

The high level of cases awaiting investigations is mainly due to constrained staff capacity and inadequate resources to dispatch investigators to the field to gather the necessary information and critical evidence. As at 30 June 2015, 21 files had been forwarded to ODPP, 9 of which he agreed with the Authority's recommendations while feedback from the remaining 12 files was being awaited.

The other core areas of the Authority's mandate are inspections of police premises and monitoring police operations. Twenty seven police premises were inspected and 2 police

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operations monitored, including the 2015 police recruitment exercise. IPOA is happy to report that during the 2014/15 financial year, a total of 199 police premises were inspected, bringing the total premises inspected so far to 264 since the Authority commenced operations.

Some of the concerns arising from these inspections included deplorable detention facilities, poor working conditions experienced by police officers, poor housing facilities, and lack of security at police premises, poor recording keeping and constrained operational capacities at the stations/posts. The Authority calls upon the IGP and NPS to immediately implement these recommendations without further delay.

During the period, the Authority signed a Memorandum of Understanding (MoU) with the KNCHR. The agreement will enable the two parties to collaborate on several areas including management of complaints and investigations, public awareness and optimization of skills set within the two institutions.

The Authority together with its partners recognized outstanding police during OPSA ceremony held in March 2015. Further, the Authority in partnership with APCOF held a conference in Nairobi on civilian oversight in March 2015. During the conference, it was observed that: police oversight does not hinder police work; accountability frameworks do facilitate police work by ensuring the police become effective instruments of security, safety, justice and respect for human and people's rights; the purpose of police reforms is therefore to create a police institution that is capable of providing security to citizens in a manner consistent with human rights, the rule of law and establishing an effective system of democratic regulation and oversight; oversight mechanisms over the police is not to constrain, but to empower the police deliver professional service and live to the expectations of the citizens; and that oversight measures are important vehicles in the restoration of legitimacy and the building of public confidence in the police service.

## PART I: PRELIMINARY REPORT

### 1.0 INTRODUCTION

#### 1.1 Principal Functions

Independent Policing Oversight Authority was established on 18 November 2011 through IPOA Act No. 35 of 2011. The principal functions of the Authority, among others, are to:

- a. Investigate any complaints related to disciplinary or criminal offences committed by any member of the National Police Service, whether on its own motion or on receipt of a complaint, and make recommendations to the relevant authorities, including recommendations for prosecution, compensation, internal disciplinary action or any other appropriate relief, and shall make public the response received to these recommendations;
- b. Receive and investigate complaints by members of the Police Service;
- c. Monitor and investigate policing operations affecting members of the public;
- d. Monitor, review and audit investigations and actions taken by the Internal Affairs Unit of the Police Service in response to complaints against the Police and keep a record of all such complaints regardless of where they have been first reported and what action has been taken;
- e. Conduct inspections of Police premises, including detention facilities under the control of NPS;

#### 1.2 Performance Report

Section 30(1) of IPOA Act requires the Authority to submit to the Cabinet Secretary (CS) responsible for matters relating to the police, at least once in every six months, a report of the performance of the Authority, making such recommendations as it may consider necessary. The CS shall, within fourteen days after receiving such report, cause it to be publicized and laid before the National Assembly. The report shall be forwarded to the IG, NPSC and the County Assemblies.

This is the Authority's sixth performance report. It covers the period from January 1st to 30th June 2015.

#### 1.3 Strategic planning

The strategic outcomes of the Authority as stipulated in the Strategic Plan 2014-2018 are:

- a. Compliance by police to human rights standards;
- b. Restored public confidence and trust in police;
- c. Improved detention and police premises;
- d. A functional Internal Affairs Unit (IAU); and,
- e. A model institution in policing oversight in Africa.

#### 1.4 Institutional arrangements

The Authority has 8 Board members and one Ex-Officio member as shown on page 8. The Secretariat has four Directorates namely: Complaints and Legal; Investigations; Business Services; Inspections, Research and Monitoring. Departments include Human Resource; Communication and Outreach; Risk and Audit.

## PART II: MAIN REPORT

### 2.0 COMPLAINTS MANAGEMENT

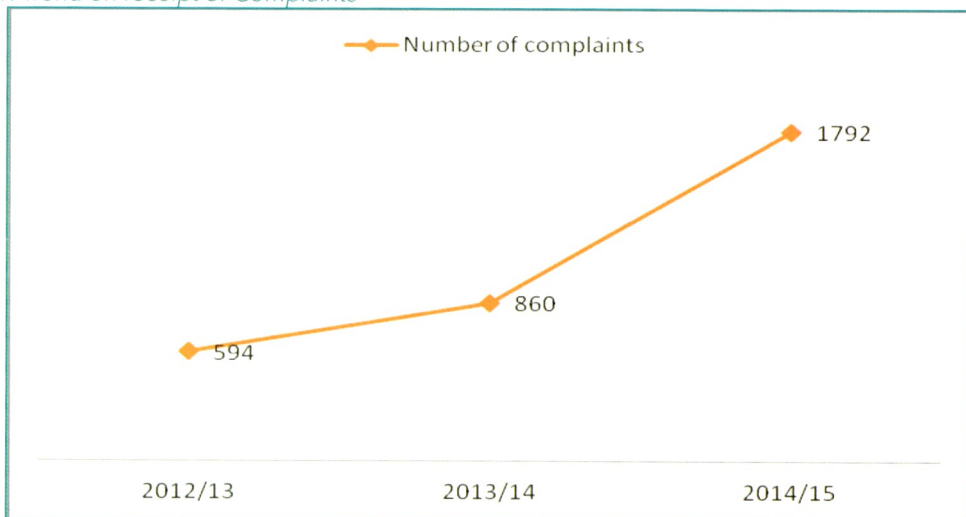
As provided in section 6 of IPOA Act, the Authority is required to receive complaints related to disciplinary or criminal offenses committed by police. To facilitate this, the Authority has a Complaints Handling Mechanism within the Complaints Management department to receive, review and recommend for subsequent investigation by IPOA or be referred to IAU for the necessary action. Recommendations are also made to other relevant agencies, for appropriate action, on complaints that are not within the Authority's mandate. The Authority is committed to efficient and effective management of complaints received, and taking action within its mandate.

#### 2.1 Receipt and appraisal of complaints

Complaints are received by the Authority through members of the public or by police officers. However, some complaints are received from organisations such as ODPP, NPS, CAJ, KNCHR, NCIC, lawyers on behalf of their clients, and NGO's on behalf of individuals or groups. These are classified as complaints from members of the public. The Authority also gathers incidents of indiscipline and criminal acts by police officers through own motion (no complainant exist in such instances). Such cases are considered of high interest to the public.

During the reporting period, the Authority received a total of 867 complaints cumulating to 1,792 during the financial year (July 2014-June 2015), totalling to 3,246 complaints since it commenced operations in June 2012. The receipt of emerging complaints has been on upward trend, and this is expected to increase significantly, particularly through intensified publicity and advocacy on IPOA's services. The trend on receipt of the complaints during the last three years is as in Figure 1 below:

Figure 1: Trend on receipt of Complaints



(Source: IPOA, 2015)

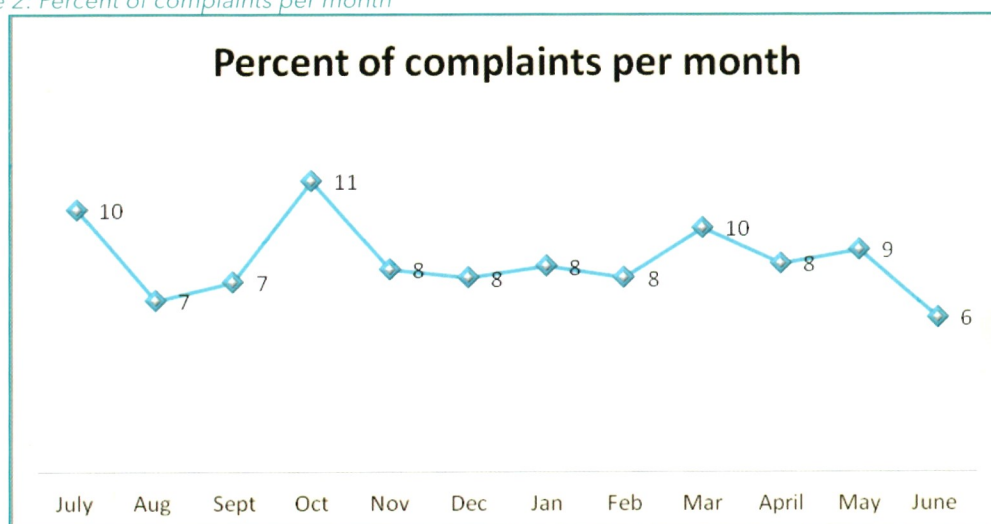
The monthly breakdown of the number of complaints received during July 2014-June 2015 presents a fluctuating trend with three notable peaks as in figure 2 below;-

Table 1: Monthly receipt of complaints

Trend of complaints (July 2014-June 2015)													
Month	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total
No.	185	121	134	205	143	137	145	137	172	147	157	109	1,792
%	10	7	7	11	8	8	8	8	10	8	9	6	100
July-Dec 2014													925
% of total													52
Jan-June 2015													867
% of total													48

(Source: IPOA, 2015)

Figure 2: Percent of complaints per month



(Source: IPOA, 2015)

The notable peaks are attributed to publicity events conducted during the respective months. There is, therefore, correlation between publicity and rate of recorded complaints. Specifically, in July 2014 with 10% of the complaints received, the Authority conducted publicity on radio stations. The Authority recorded the highest proportion of recorded complaints at 11% due to increased publicity in August and September 2014 through media interviews with IPOA members on TV channels ahead of the launch of the Strategic Plan in September 2014. High cases of complaints received in March 2015 could perhaps be attributed to the publicised OPSA event.

Out of the 867 received between January and June 2015, 650 were cleared through the Case Intake Committee while 217 were awaiting determination by this committee as at 30th June 2015. This translated to a clearance rate of 74%. The Authority is committed towards ensuring that this rate is improved<sup>1</sup> in future. The Authority is putting a mechanism through the Complaints and Investigations Management System (CIMS) that is earmarked to speedy processing and tracking progress of each complaint received.

<sup>1</sup> All complaints received 2 weeks before the closure of the report period are expected to have been cleared.

A total of 218 or 34% complaints out of the 650 reviewed by CIC during the period were outside IPOA's mandate. This is a rise from the previous downward trend as shown in Figure 3 below. The upward rise of complaints outside the mandate could possibly be attributed to emergence of a section of the public who may have heard about IPOA but without a clear knowledge or understanding of its mandate. Increased publicity campaigns in the public domain on IPOA's mandate and functions will address this issue.

Figure 3: Trend on registered complaints outside IPOA's mandate



(Source: IPOA, 2015)

## 2.2 Complaints lodging modes

Complaints were received through diverse lodging modes<sup>2</sup>, appraised and recommended for subsequent action<sup>3</sup>. Out of 867 complaints received in January-June 2015, two hundred and ninety one (291) were lodged through walk-in, telephone calls at 17, online at 249 and 310 through letters. This translates to 34%, 2%, 29% and 36% respectively. From this trend, as shown in Figure 4 below, submission of 1,792 complaints to the Authority during the year was largely through walk-in at 37%, letters at 31% and online at 30%. Compared with the rate of utilization trends during the period (July-December 2014), shows a consistent trend of high utilization of the three lodging modes.

It is therefore evident that Authority's capacity to handle complaints through the 3 lodging modes need to be continuously enhanced so as to handle and provide feedback to the complainants within a reasonable timeframe. This should however be supported with desired rate of investigations or other actions as may be recommended by the internal Complaints Intake Committee.

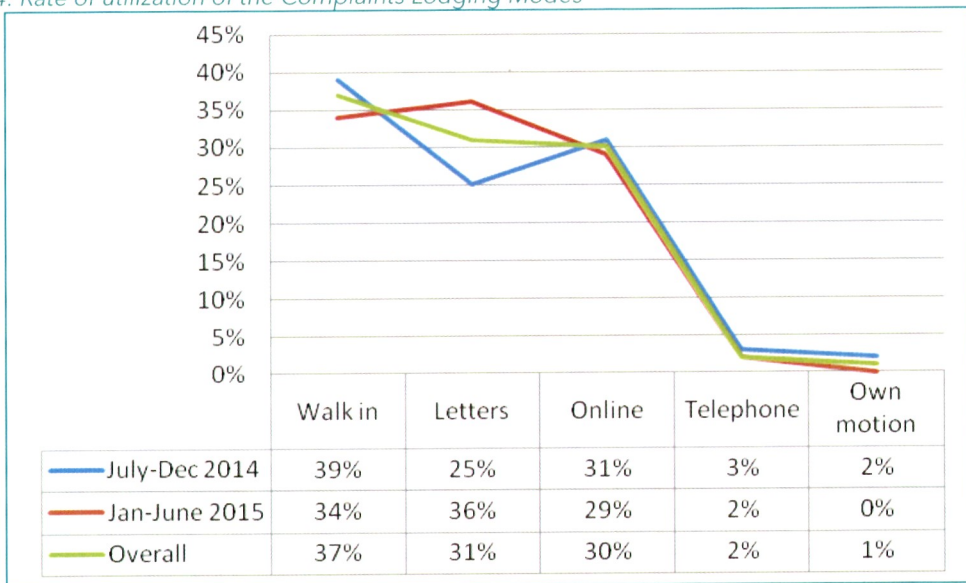
<sup>2</sup> Available complaints lodging modes are: walk -in, postal mail, telephone, fax, website, social media, and email

<sup>3</sup> Recommendations could be to have the complaint investigated by IPOA or forward to other agencies such as IAU.



A walk-in complainant being attended by a Complaints Management Officer at Kituo Cha Sheria organised Legal Clinic. (Source: IPOA, 2015)

Figure 4: Rate of utilization of the Complaints Lodging Modes



(Source: IPOA, 2015)

### 2.3 Recommendations on complaints by Case Intake Committee

Screening of the complaints by the Case Intake Committee (CIC) led to varied recommendations that informed the next course of action on the 650<sup>4</sup> complaints reviewed during the period.

One hundred and thirty one (131) out of the 650 screened complaints were admitted for varied action within IPOA; full investigation, preliminary investigations or inspection of the police facilities. Ninety three (93) complaints were referred to NPSC, 208 to IAU while 218 were referred to other relevant agencies for appropriate action. Evidently, the highest proportion (32%) of the complaints were referred to IAU followed by those taken up by IPOA for investigations at 20%.

A trend on where complaints were referred after appraisal, is as presented in Figure 5. On average, IPOA takes up the largest portion of the complaints for investigation. However, there

<sup>4</sup> Out of 867 complaints, 218 were outside IPOA's mandate while 217 were yet to be screened.

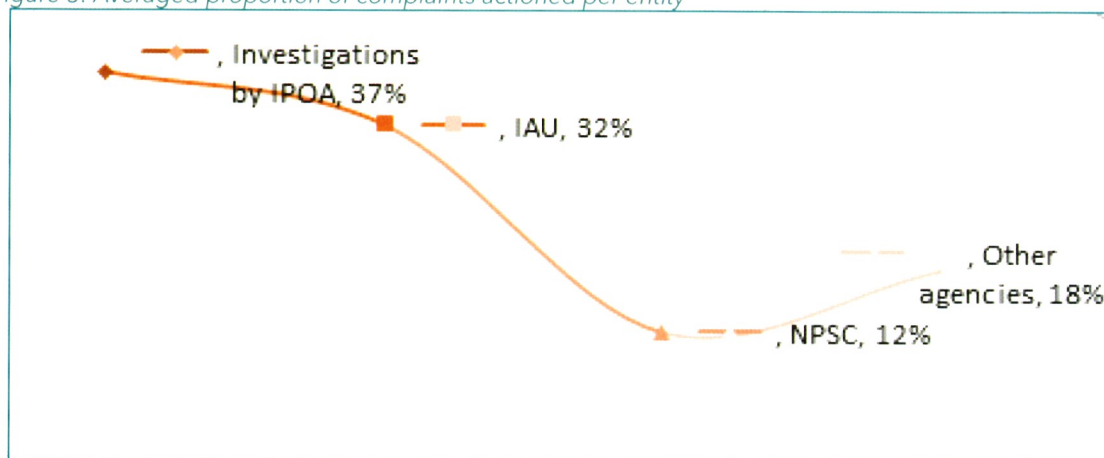
is a notable reduction during the period January-June 2015. This is attributed to the strategy adopted of confining to complaints related to serious injuries and deaths resulting from police action/inaction. IAU is on the other hand the largest recipient of referred complaints followed by NPSC.

Table 2: Proportion of Complaints actioned to various Agencies

Calendar Period	For investigations by IPOA	IAU	NPSC	Other agencies
July-Dec 2014	53%	31%	10%	2%
Jan-June 2015	20%	32%	14%	34%
<b>Average: July 2014-June 2015 combined</b>	<b>37%</b>	<b>32%</b>	<b>12%</b>	<b>18%</b>

(Source: IPOA, 2015)

Figure 5: Averaged proportion of complaints actioned per entity



(Source: IPOA, 2015)

As shown in Figure 5 above, it is crucial that the capacity of IAU be strengthened to facilitate timely action on referred complaints since the cases still bear IPOA's tag, and the complainants' expectations are usually high, considering that complaints were received by the Authority.

## 2.4 Gender analysis

Gender analysis of the 867 complaints received during the period shows that the male gender continues to constitute the largest<sup>5</sup> portion of complainants. They accounted for 573 or 83% while the female complainants were 130 or 15%. One hundred and forty four (144) complaints were referrals from other agencies that did not bear gender identification<sup>6</sup>.

## 2.5 Notifications

During the period, a total of 9 notifications were received from the NPS as shown in Table 3.

<sup>5</sup> A need for a study to analyze the underlying factors resulting to this trend.

<sup>6</sup> The agency in this case was the parent complainant or/and complained on behalf of a group of people.

Table 3: Notifications on Deaths

Originating Police Station/Post	County	No.
Igembe AP Post	Meru	1
Chebilat AP Post	Kericho County	1
Pangani Police Station	Nairobi	1
Langas Police Post	Uasin Gishu	1
Lang'ata Police Station	Nairobi	1
Githurai Kimbo	Kiambu	1
Highrise AP Camp	Nairobi	1
Shauri Moyo Police Station	Nairobi	1
DCIO Kirinyaga	Kirinyaga	1
<b>Total</b>		<b>9</b>

(Source: IPOA, 2015)

All of them were on alleged shooting to death by the police. All were admitted for investigations by the Authority. Cumulatively, the police notifications received by the Authority so far are 235; (2012/2013 at 48; 2013/2014 at 116; and 2014/2015 at 71). The Authority has noted with great concern the consistent delays in providing these notifications and will pursue with the NPS to ensure adherence to the 24-hour rule.

## 2.6 Complaints handling by IAU

Under Section 6(d) of the IPOA Act, the Authority is mandated to monitor, review and audit reports from the IAU of the NPS. The Authority, through its Legal Services department, perused and reviewed legal opinions and investigation files from the IAU with a view to identifying the veracity of their findings and recommendations. During the reporting period, twelve (12) files from IAU were reviewed and feedback provided while 6 were under review by close of 30th June 2015.

## 2.7 Counselling services

### 2.7.1 External Counselling Services

Some of the complainants and victims who seek assistance from the Authority are usually in dire need of psychosocial support service. This service is made available by the Authority through its counsellor as appropriate and is part of the CHM.

During the period, the counsellor continued to offer support services to repeat clients as well as new ones that were received. Appropriate support was given to the pupils of Lang'ata Road Primary School when they demonstrated against alleged grabbing of their school land, where the police opened teargas canisters on these minors. About 50 pupils were debriefed by the counsellor through group therapy before any contact with the Authority's investigators. As shown in Table 4 below, 21 new adult clients were seen at the unit during the period out of whom 62% were male while 8 or 38% were female.

Table 4: Clients served by Gender

Complainant Gender	Number	Percentage
Male	13	62%
Female	8	38%
Total	21	100%

(Source: IPOA, 2015)

### 2.7.2 Psychosocial Support to staff

Due to the nature of the Authority's work, staff members are highly likely to suffer from burnout and stress as they deal with traumatized clients during handling of complaints, investigations and monitoring of police operations.

During the period, the counsellor provided support to 9 staff members who sought for the counselling services for various reasons. Of these, 4 were male while 5 were female.

All the investigators were debriefed in their respective groups and a group session for all the complaints officers was conducted. A total of 22 staff members attended the sessions.

### 2.7.3 Field based psychosocial support:

The psychologist accompanied investigation officers to the field to see clients who were under distress or who needed support during the recording of their statements.

### 3.0 INVESTIGATIONS AND OTHER LEGAL MATTERS

Conducting investigations on complaints against police is the day to day engagement of the Authority as required under Section 6 (a) of IPOA Act No. 35 of 2011. During the reporting period, investigations on complaints related to disciplinary or criminal offences by police intensified, in tandem with the increasing number of complaints received by the Authority.

#### 3.1 Completed investigations

During this period, the Authority completed investigations on 59 cases.

Table 5: Completed investigations by county

	County	No of Cases
1	Nairobi	30
2	Nakuru	3
3	Kajiado	3
4	Kisumu	2
5	Makueni	2
6	Narok	2
7	Bungoma	2
8	Busia	2
9	Lamu	2
10	Uasin Gishu	2
11	Kakamega	1
12	Kiambu	1
13	Garissa	1
14	Nyeri	1
15	Migori	1
16	Embu	1
17	Meru	1
18	Kisii	1
19	Nyandarua	1
<b>Total</b>		<b>59</b>

(Source: IPOA, 2015)

The number of completed investigations is consistently highest in Nairobi. This can be attributed to the fact that IPOA is located in Nairobi with no outlets and also the ever increasing population in the city. It is envisaged that once decentralization of Authority's services is achieved, the status could change with higher numbers coming up from the other counties.

Upon completion of the investigations, 25 out of the 59 cases were recommended for review by the Authority's Legal team and onward submission to the ODPP for prosecution as appropriate. The recommended action to ODPP varied and included mainly criminal charges

including murder, assault, use of excessive force, providing false information to the Authority and negligence, but also include non-criminal proceedings such as public inquest.

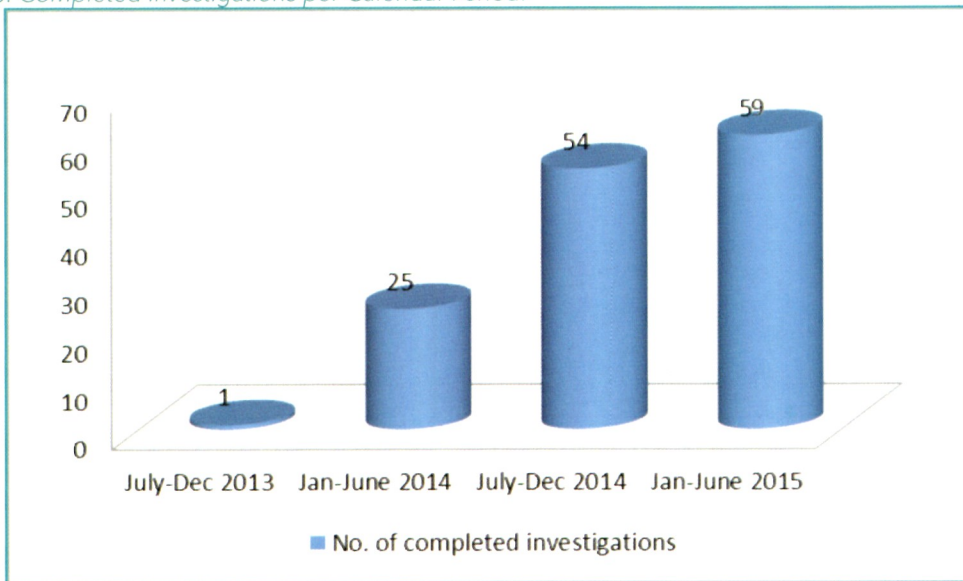
17 investigations were completed without the need for further action owing to various reasons. Cases closed without the need for further action included those where another agency was already investigating or taking relevant action. This could be where the Police had already instituted criminal action against a police officer or civil proceedings were ongoing in relation to the subject matter.

Cases were also closed without need for further action where the complaint was withdrawn by the complainant, and the withdrawal accepted by the Authority or due to lack of cooperation from the complainant or victim. Cases where the subject matter of the complaint had been resolved through other means such as arbitration or negotiation were also closed without further action. Where applicable, the Authority will continue to embrace alternative dispute resolution mechanisms to resolve minor complaints.

Ten (10) cases were referred to other State Agencies such as the National Police Service Commission, the National Police Service and the Internal Affairs Unit for action.

Since its establishment, the Authority has so far completed 139 investigations; 1 (July-December); 25 (January-June 2014); 54 (July-December 2014); and 59 (January-June 2015). The completion has progressively grown through time as shown in Figure 6 and this is projected to grow further with the recruitment of additional investigators during the 2015/2016 financial year.

Figure 6: Completed investigations per Calendar Period.



(Source: IPOA, 2015)

### 3.2 Nature of cases investigated

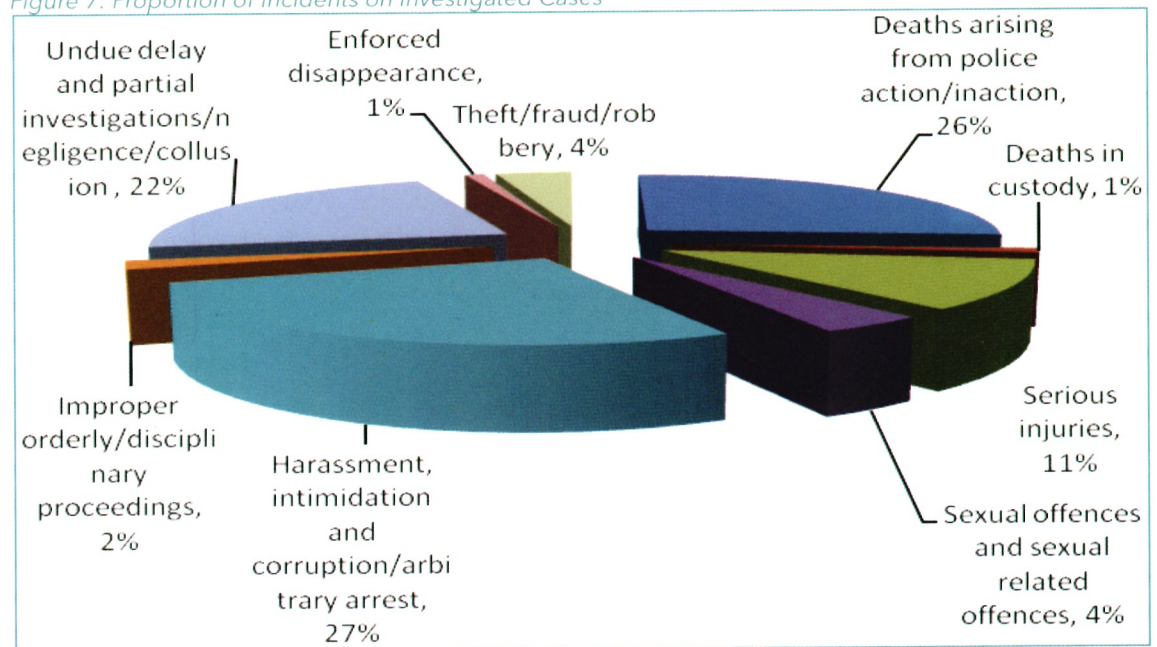
Cases investigated varied in nature ranging from deaths, serious injuries, sexual offences, to harassment among others. During the period, the nature of the 59 cases investigated were as in Table 6.

Table 6: Nature of cases investigated

Nature of case	Number of incidences (July-December 2014)	Number of incidences (January-June 2015)	Total Number of incidences (July 2014 -June 2015)	% (cumulative)
Deaths arising out of police action or inaction	9	26	35	26
Deaths in custody	1	1	2	1
Serious injuries	3	12	15	11
Sexual offences and sexual related offences	2	4	6	4
Harassment, intimidation and corruption/arbitrary arrest	21	16	37	27
Improper orderly/disciplinary proceedings	1	2	3	2
Undue delay and partial investigations/negligence/collusion	11	19	30	22
Enforced disappearance	1	1	2	1
Theft/fraud/robbery	4	2	6	4
<b>Total</b>	<b>53</b>	<b>83</b>	<b>136</b>	

(Source: IPOA, 2015)

Figure 7: Proportion of Incidents on Investigated Cases



(Source: IPOA, 2015)

From Table 6 and Figure 7 above, incidents on deaths remained high among the complaints that the Authority considered for investigations. IPOA plans to gradually hand over other categories

of complaints to IAU and confine itself to the most serious categories of deaths and injuries caused by police action or inaction. This will lessen the current overwhelming burden on the Authority to deal with less serious complaints thus overstretching the existing constrained capacity.

### 3.3 Overall status of cases

The status of cases considered for investigations is as in table 7 below:

Table 7: Status of cases

Investigation stage	No. of cases	%
Cases currently under investigations	230	25
Completed investigations	141	15
Cases awaiting commencement of investigations	540	59
Total cases received for investigation	911	100
Cumulative cases forwarded to ODPP	21	

(Source: IPOA, 2015)

As presented in Table 6 above, the number of cases awaiting investigations by the Authority remains high at 540 or 59% out of the total received for investigations. This situation remains a major concern for the Authority and it is expected that the recruitment of additional staff will greatly support in reducing the outstanding and emerging cases.

### 3.4 Status of files forwarded to ODPP

As at 30th June 2015, twenty one (21) files had been reviewed and recommendations for prosecution made to the ODPP. The ODPP concurred with nine (9) of the recommendations and the matters were in court by 30th June 2015. Further, a response from the ODPP on twelve (12) other files was being awaited by the closing of the reporting period.

### 3.5 Challenges and recommendations

The Authority continues to face challenges in the finalisation of cases, some owing to capacity constraints which the Authority has continued to make efforts to address.

One of the biggest external challenge faced by the Authority remains the lack of understanding and failure to appreciate the Authority's mandate and objectives by members of the National Police Service. This has resulted in misunderstanding of the investigations, delays in response to requests for information, contamination of evidence and provision of misleading information to the Authority. This is due to either evidence contamination, mishandling of exhibits by the police, inconclusive forensic or other evidence owing to flawed recording, collection and preservation of information and evidence.

### 3.6 Status of other legal matters

The Authority is continuously represented by its legal team in court on criminal and civil matters that are of interest to the Authority. Seventeen (17) Court matters were handled during the period. Five (5) of these sought warrants to enable investigators to access records requisite to complete investigations and the warrants were duly obtained. Three (3) civil matters were finalized with no adverse order against the Authority while eight (8) matters were ongoing in court at the close of the period.

## 4.0 INSPECTIONS AND MONITORING

Under Section 6 (e) of the IPOA Act No. 35, the Authority is mandated to conduct inspections of police premises, including detention facilities under the control of the National Police Service as well as monitor police operations. The objectives of this undertaking are: improved standards of detention facilities, detainee welfare and police working conditions; and improved standards of police operations.

### 4.1 Inspection of police premises

During the reporting period, a total of 27 (22 initial and 5 follow-up) inspections were conducted in 27 police premises. Nineteen or 70% of the inspections were conducted in Police Stations, 3 or 11% in Police Posts, 1 or 4% in a Police Patrol Base and 4 or 15% in Administration Police Post/Camps. The inspections were conducted in 5 counties: 13 in Nairobi, 6 in Kilifi, 4 in Mombasa, 3 in Kiambu and 1 in Kajiado.

Table 8: Inspections of Police Premises

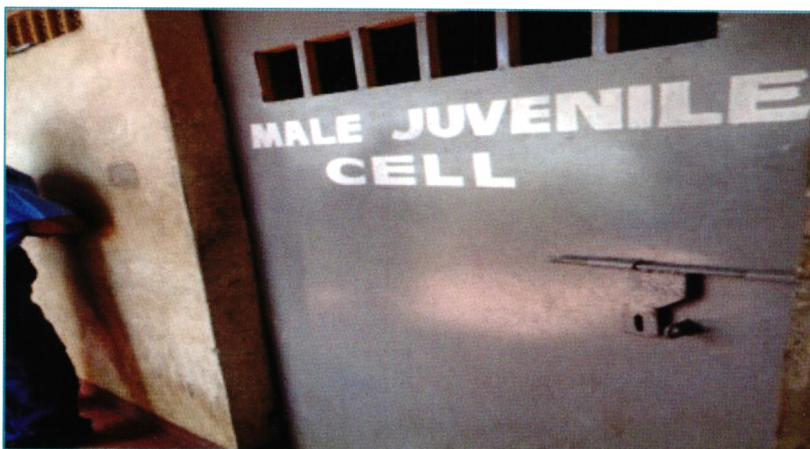
<b>Police Premises</b>	<b>No.</b>	<b>%</b>
Police Stations	19	70
Police Posts	3	11
Police Patrol Base	1	4
Administration Post/Camps	4	15
<b>Total</b>	<b>27</b>	<b>100</b>
<b>County Distribution</b>	<b>No.</b>	<b>%</b>
Nairobi	13	48
Kilifi	6	22
Mombasa	4	15
Kiambu	3	11
Kajiado	1	4
<b>Total</b>	<b>27</b>	<b>100</b>

(Source: IPOA, 2015)

During the full year (July 2014-June 2015) 199 police premises were inspected totaling to 264 since establishment of the Authority.

### 4.2 Conditions of the inspected police premises

Out of the 22 police premises inspected for the first time (initial inspections), only 16 or 73% had detention facilities thus the findings on the condition in this section will be referenced on the 16. Out of the 16 detention facilities, 13 or 81% had separate cells for male and female while 3 had only one cell. Female detainees were allegedly held in the report office. Only 2 detention facilities had juvenile and children cells translating to 13% thus fourteen or 88% lacked these provisions. The 2 detention facilities that had juvenile and children cells were found in Ngong and Kayole Police Stations in Kajiado and Nairobi County respectively and were clearly labelled.

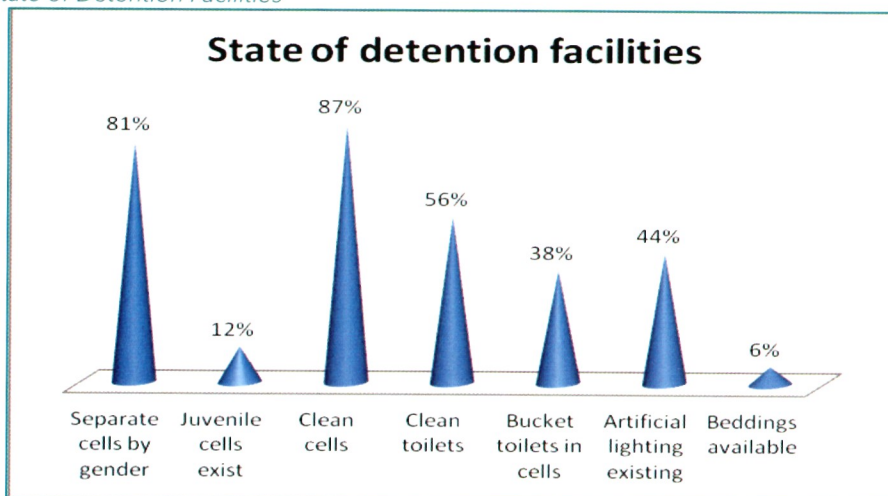


Labelled juvenile cell at Kayole Police Station in Nairobi County (Source: IPOA, 2015)

Thirteen or 87% of the detention facilities inspected had clean cells with exceptional cleanliness observed in Kileleshwa Police Station. This was the only facility with beddings for the detainees. Nine or 56% of the detention facilities inspected lacked artificial lighting in the cells and detainees were subjected to dark cells, which amounts to psychological torture and is contrary to Rule 5 (b) of the Fifth Schedule of the National Police Service Act. Cells in Kiamumbi Police Station and Kahawa Sukari Police Post were awfully dark and lacked ventilation.

Seven or 44% of the detention facilities had dirty toilets and blocked (Kayole, Karuri, Ngong, Kiamumbi and Ndonya) while the other 6 or 38% provided detainees with buckets inside the cells, which is dehumanizing and amounts to degrading treatment of detainees (Bamba, Marereni and Mtwapa Police Stations in Kilifi County, Soweto Police Station and Kahawa Sukari Police Post in Nairobi County and Karuri in Kiambu County). Summarized state of detention facilities is as depicted in Figure 7 below.

Figure 8: State of Detention Facilities



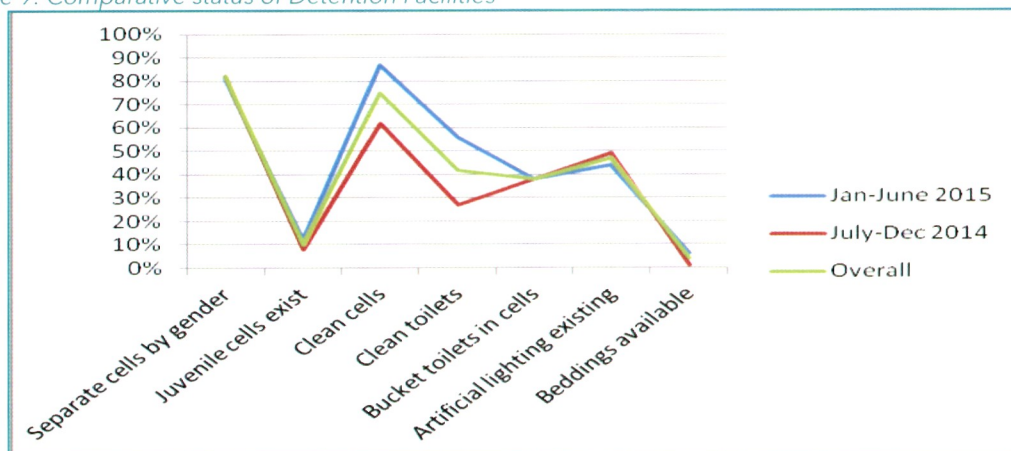
(Source: IPOA, 2015)

In reference to Figure 8 above, the level of cleanliness and provision of separate cells by gender was observed to be fairly good. The worst condition was lack of toilets in 38% of the facilities and 46% with unpleasant dirty toilets. Provision of juvenile cells was extremely low and remains

an area of concern, while provision of beddings to detainees seems to be the least considered. NPS should urgently address these concerns.

Based on comparative findings on the 16 and 108 detention facilities inspected in January-June 2015 and July-December 2014, there seemed to be a consistent overall status as reflected in Figure 9 below. The consistency shows a fairly good status on provision of separate cells by gender averaging at 82% and cleanliness of cells at 75%. Deplorable status or lack of toilets in 38% of cells subjecting detainees to use of buckets is dehumanizing and unacceptable. It is also noted that 58% of the toilets available in cells were dirty, characterized by blockages and strong offensive stench.

Figure 9: Comparative status of Detention Facilities



(Source: IPOA, 2015)

From the above analysis of conditions of detention facilities, it is imperative that NPS needs to implement recommendations by the Authority on the detention facilities improvement action plan aimed at enhancing compliance with human rights standards for detainees.

### 4.3 Improvements observed in follow-up inspections

During January-June 2015, the Authority conducted follow-up inspections in 5 Police Stations. These inspections were conducted in Riruta, Hardy and Huruma Police Stations in Nairobi County, Ruiru Police Station in Kiambu County and Bamburi Police Station in Mombasa County. During the inspections, remarkable improvement was noted in Riruta and Bamburi Police Stations where the cells had good and adequate artificial lighting and deliberate efforts had been made to improve ventilation of the cells. The toilets shared with staff were also clean.

At Huruma Police Station, improvement was noted in manning of the main gate. Ruiru Police Station had established a customer care desk and operationalized the Gender office. However, for both stations no improvements had been realized in the cells. At Huruma Police Station it was noted that the cells and the toilets were dirty and lacked artificial lighting. Cell conditions at Ruiru Police Station had not improved at all.

During the year (July 2014-June 2015), a total of 15 follow-up inspections were conducted 10 or 67% of which were observed to have made some improvements on cleanliness and artificial lighting of the detention facilities. This was attributed to the cooperation witnessed from the Officers Commanding the Stations.

#### 4.4 Treatment of detainees

Out of the 16 detention facilities inspected during the period, 12 or 75% of them provided detainees with three meals a day and drinking water. Kahawa and Mukuru Kwa Njenga Police Posts in Nairobi County, Kiembeni in Mombasa County and Ndongya in Kilifi County were not providing food to detainees. Those held relied on relatives and goodwill of the officers for their food needs. This is violation of the right to food as embedded in Article 43 (1)(c) of the Kenyan Constitution that every person has the right to be free from hunger and to have adequate food of acceptable quality.

Huruma and Kayole Police Stations were noted to hold detainees for over 24 hours contrary to the Constitution Article 49 1 (f), which stipulates that an arrested person be produced before a court of law not later than 24 hours.

At Kiembeni Police Station, the cells were small cubicles and not suitable for detaining human beings. The cells space was barely enough for a person to stand or sit comfortably.



*Extremely small cell at Kiembeni Police Station in Mombasa County*

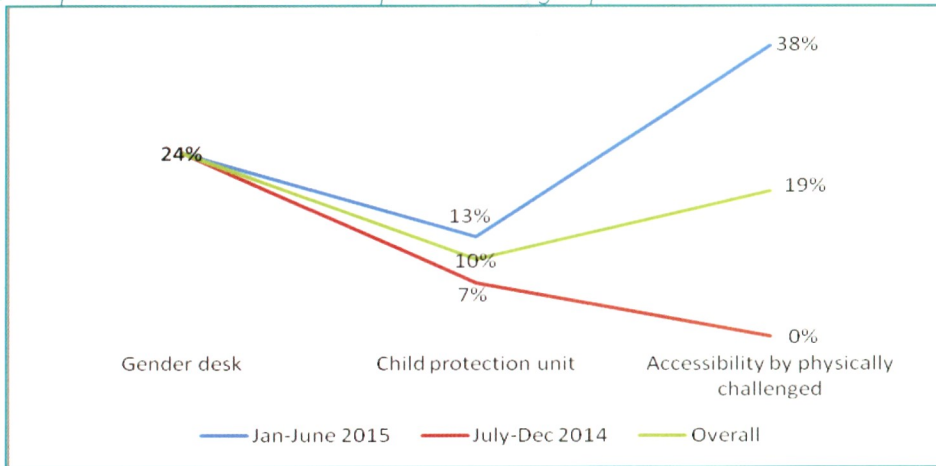
*(Source: IPOA, 2015)*

#### 4.5 Vulnerable / Special Groups

As shown in Figure 10 below, only 2 or 13% (Kayole and Kamukunji Police Stations) of the 16 detention facilities inspected had children protection units (CPUs). It was also noted that only 4 or 25% of the facilities had gender desks.

Six or 38% of the detention facilities inspected were not friendly for the physically challenged and thus people with physical disabilities would have difficulties in accessing the police facilities.

Figure 10: Responsiveness to the needs of special interest groups



(Source: IPOA, 2015)

From the above figure, it is clear that in the 92 and 19 police stations inspected during July-December 2014 and January-June 2015 respectively, the responsiveness in establishment of gender desks is still very low at 24%. Establishment of child protection units was observed to be the lowest at 10% while that of ensuring accessibility to the stations by the physically challenged was also notably low at 19%. It is clear that much more improvements are expected in these three areas, some of which, like the establishment and operationalizing basic gender desks, do not have high cost implications and thus easy to implement.

#### 4.6 Poor working conditions

Five or 19% of the 111 police premises inspected during the year were lacking in terms of infrastructure for effective and efficient policing. The office spaces were limited and exhibit stores were unacceptably congested.

All the Administration Police Service premises inspected were housed by the Sub-county administrators thus making it impossible for modification to meet the expected standards.



Bamba Police Station lacking a roof

(Source: IPOA, 2015)

#### 4.7 Housing for police officers

Out of the 27 police premises inspected only 2 or 7% had adequate housing for the officers working at the premises. At Bamba Police Station in Kilifi County there was no single housing unit for the officers serving there. The officers rent houses in the Bamba Market which goes for Ksh. 5,000/- per month.

#### 4.8 Security

Only 5 or 19% of police premises inspected had a manned gate which depicted a worrying exposure to insecurity in the event of attacks to police premises. It is thus critical that station commanders put in place security measures within their premises, and especially a perimeter fence and manned at the entrance gates.

#### 4.9 Records management

Out of the 16 police premises with detention facilities, 24% had incorrectly filled cell registers. In 12 or 71% of the detention facilities, the Occurrence Book was well filled and in tandem with the contents in the cell registers while 14 or 88% had a well filled and updated Arms and Ammunition Movement Register.



*Modified Occurrence Book at Kiembeni Police Station*

*(Source: IPOA, 2015)*

#### 4.10 Operational capacity

Under staffing, shortage of vehicles, inadequate fuel, funds to support operations continue to adversely affect the delivery of police services to the public.

#### 4.11 Recommendations on police premises

Based on the findings above, specific recommendations were made to the NPS for action as presented in **Annex 1**.

#### 4.12 Monitoring of police operations

During the period, monitoring was done on two police operations namely Lang'ata Primary School and the Recruitment exercise of Police Constables. A total of 8 operations were monitored during the year cumulating to 12 since IPOA's establishment.

#### 4.12.1 Monitoring of police recruitment

Pursuant to the Constitution, particularly, Article 10; 235; 238(d); 243; 246(3); 246(4) and Chapter 6, Sections 10,11, and 12 of NPSC Act 2011, and the NPS Act, 2011, the NPSC is mandated to recruit suitable and qualified candidates as police constables. During the 14th July 2014 recruitment exercise, IPOA monitored the recruitment in partnership with Usalama Reforms Forum (URF) in 110 centres across the country. The exercise was marred by corruption and lack of accountability, which led the Authority to file a petition to have it nullified, and repeated. IPOA filed a petition filed at the High Court where ruling was delivered on 31st October 2014, nullifying the exercise and ordered a repeat. Thereafter, the Attorney General and NPSC filed an appeal at the Court of Appeal, whose ruling was made on 8th May 2015 affirming judgement delivered on 31st October 2014 by the High Court.

The 2015 recruitment exercise was conducted on 20th April 2015 in 320 centres in all the 47 counties targeting 10,000 recruits; 6000 for Kenya Police Service, and 4000 for Administration Police Service. IPOA monitored the recruitment exercise in 68 centres (21.3%) in 31 counties (66%) spread across the country. The exercise was led by officers from the NPS in the rank of Senior Superintendent and Superintendent. The panel also had officers from the Ministry of Education and Ministry of Health.

The Authority's findings on the recruitment exercise are presented in **Annex 2** of this report. Although there were complaints of discrimination on the basis of ethnicity and undefined physical tests which disqualified the candidates in the final stages, IPOA's verdict is that the 2015 police constables recruitment exercise showed a significant improvement as compared to the July 2014 one.



*Police Recruitment Exercise at Ruiru Stadium on April 20, 2015*

*(Source: IPOA, 2015)*

## 5.0 COMMUNICATION AND OUTREACH

Dissemination and publicity events have a correlation with the number of complaints registered with the Authority by the public. The Authority will continuously endeavour to step up advocacy and publicity interventions for greater awareness amongst the public and a wider coverage in the delivery of its services.

During the period, some of the key events on publicity were public outreach forums at Loesho Senior Officer Training School, Kituo Cha Sheria (Legal Aid Centre) and two in Nyahururu. Four communication campaigns were conducted on OPSA through radio, social and print media.



Senior Corporate Communications and Outreach Officer at an outreach exercise at Kituo Cha Sheria Legal Aid Center on Ole Dume Road (Kilimani). (Source: IPOA, 2015)



IPOA Director Complaints and Legal, Mr. James Olola (second right) speaking about the Authority during one of NTV talk Shows on 7th May 2015 at the Alliance Française in Nairobi. (Source: IPOA, 2015)

## 6.0 RISK AND PERFORMANCE MANAGEMENT

### 6.1 Risk management

During January-June 2015, the Authority developed an Enterprise Risk Management (ERM) framework, compiled and disseminated one report on status of risk management, one risk-based audit plan was conducted and 2 risk-based audits were conducted.

A workshop on ERM framework was held in Naivasha in June 2015. An opportunity was provided for team representatives to familiarise themselves with the possible risks and mitigation strategies for their actions. Subsequent sessions with the rest of IPOA team will continue as planned in 2015/2016 for wider understanding and ownership.



*IPOA members in one of the break up groups discussing the ERM framework at SOPA Lodge in Naivasha in June 2015.*  
(Source: IPOA, 2015)

### 6.2 Performance management

During the period, the Authority established and operationalised the Performance Monitoring and Evaluation System as well as the Performance Appraisal System. A workshop to finalize the Performance Management Framework (PMF) Manual was held in Naivasha in April 2015, followed by Board approval of the manual later that month.

Additionally, a 2015/16 Annual Work Plan and Budget were prepared, a basis for which staff will draw their Individual Work Plans.

## 7.0 ORGANIZATIONAL DEVELOPMENT

### 7.1 Strengthening Staff Capacity

During the reporting period, the Authority conducted a team building session in Naivasha in April 2015. The internship policy was developed and approved by the Board ready for implementation. Staff recruitment particularly to strengthen the investigations capacity.



Part of IPOA team in a team building events at Great Rift Valley Lodge in Naivasha. (Source: IPOA, 2015)

### 7.2 Capacity building and Training

Since establishment, the Authority has continued to seek training opportunities for its staff, particularly in core technical areas. During the period, staff members were offered an in-house training on fire safety and building evacuation. The objective of the training was to sensitize staff on security and occupational safety measures.

## **8.0 INFORMATION, COMMUNICATION & TECHNOLOGY (ICT)**

In line with the Strategic Plan objectives, the Authority continues to enhance its ICT capacity and long term sustainability.

Improvements on the Complaints and Investigations Managements System (CIMS) were ongoing by 30th June 2015. Design for the Enterprise Resource Planning system (ERP) through the planned support of the US Embassy in Nairobi was ongoing and its development was expected to effectively commence and completed during the 2015/2016 financial year. Once completed the system is expected to support all the core operational areas such as complaints, investigations, inspections, monitoring and HR among others.

## **9.0 FINANCIAL MANAGEMENT AND RESOURCE MOBILIZATION**

### **9.1 Financial management and budgeting**

During the 2014/2015 financial year, the Authority was allocated Ksh 205.1m in the Printed Estimates. The budget was revised to Kshs. 290.6m during Supplementary I and II Estimates. The additional resources amounting to Kshs. 85.5m was largely to support personnel emoluments costs. By 30th June 2015, the Authority reported a total expenditure of Kshs. 265.1m with a budget absorption rate of 91%. The rate was less than expected due to late release of Supplementary Budget funds.

During the period, the Authority appeared before the National Assembly's Administration and National Security Committee in May 2015 to defend its 2015/2016 annual budget. The Authority is pleased to report that its 2015/16 budget was raised to Kshs. 419.5m, an increase of 105%, as compared to the initial budget of Kshs. 205.1m for FY 2014/15. The increase will support the Authority's operations that have been underfunded during the last three financial years.

In line with the National Treasury requirement, the Authority installed IFMIS and by 30th June 2015 it was already interfaced with the Central Bank of Kenya's Internet Banking. This was a great improvement and has continued to facilitate processing of financial transactions online while at the same time enabling the Authority to obtain relevant financial reports from the system. By 30th June 2015, the Authority was working with the National Treasury to finalize installation and implementation of e-procurement.

### **9.2 Resource mobilization**

The Authority recognizes the competing demands for resources on the Exchequer. It is for this reason, therefore, that the Authority has continued to explore other funding options. During the period, the Authority secured funding amounting to Kshs. 29.2m (USD 324,720) from UNODC specifically targeted to support critical operations such as outreach initiatives, training, tool kits for investigations, inspections and monitoring. The funds also supported two staff workshops held in Naivasha in April and June 2015 to review the Performance Management Framework and Enterprise Risk Management Framework respectively. The grant will support similar activities during the first half of FY 2015/16.

## 10.0 STAKEHOLDER ENGAGEMENT AND PARTNERSHIPS

### 10.1 Stakeholder engagement

The Authority, in line with its stakeholder engagement strategy, continued to collaborate with its partners. These partners included the National Police Service, Internal Affairs Unit, the ODP, the WPA, the KNHRC, IJM, IMLU, EACC, NPS, CAJ among other government agencies and stakeholders.

### 10.2 Memorandum of understanding

During the period, the Authority signed an MoU with the KNCHR on areas of collaboration that includes management of complaints and investigations, public awareness and tapping of expertise amongst the two institutions.

MoUs with institutions will be accomplished during the 2015/2016 financial year.



*IPOA and KNCHR Chairpersons exchanging the signed MOU*

*(Source: IPOA, 2015)*

### 10.3 Outstanding Police Service Awards (OPSA)

In August 2014, the Authority in partnership with the Rotary Club of Nairobi, NPSC, NPS, Usalama Reforms Forum and KNCHR initiated the OPSA to recognize deserving police officers for exemplary performance in their duties. The initiative identified the following five categories for the awards:

- a. Best Individual Police Officer,
- b. Best Detention Facility,
- c. Best Police Facility in Order and Cleanliness,
- d. Best Facility Implementing Community Policing, and
- e. Outstanding Police Service Awards Special Category - Extra Mile.

The nominations were made by the members of the public. The nomination campaign was done through print and electronic media. The nomination for awards were for members of NPS and police facilities e.g. police stations, posts, outposts, bases and camps. A total of 1299 nominations forms and 1885 SMS nominations were received.

The awards ceremony was held on 12th March 2015.

The overall winners were as follows:

Table 9: OPSA top winners

Award	Winner	Station	County
Best Individual Police Officer	PC Sylvana Lengaina	Bungoma Police Station	Bungoma
Best Detention Facility	Voi Police Station	Voi	Taita Taveta
Best Police Facility in Order and Cleanliness	Voi Police Station	Voi	Taita Taveta
Best Facility Implementing Community Policing	Shauri Moyo Police Station	Shauri Moyo Police Station	Nairobi
Outstanding Police Service Awards Special Category - Extra Mile	CI Paul Mwenda Nkanatha	AP Commander, Othaya	Nyeri

(Source: IPOA, 2015)

The full list of awardees is contained in **Annex 3**. Due to the success of the initiative, the Authority will make this awards an event in its annual calendar. IPOA believes that excellent performance in policing should be recognized as a way of boosting the morale of the police officers towards professionalizing the service. Despite the challenging work environment, the Authority recognizes that there are many police officers across the country who are ready to sacrifice and go the extra mile to execute their duties. Such officers should be acknowledged and rewarded.



One of the police officers receiving the award from Mr. Macharia Njeru, Chairman of the IPOA Board during the OPSA event held at Nairobi Railways Club on March 12th 2015. Looking on is Ms. Kelly Irwin of the British High Commission. (Source: IPOA, 2015)

## 10.4 Conference on Civilian Oversight

On 13th March, IPOA in partnership with APCOF convened a conference in Nairobi, whose theme was *'Civilian oversight as mechanism of good governance in policing in Africa'*. The conference brought together representatives from African organizations charged with civilian oversight on police or related engagement. This was an invaluable learning opportunity for the Authority and a forum for sharing civilian police oversight experiences with the participants from other jurisdictions. The key speakers included; Mr. Sean Tait, Director, APCOF (South Africa); Mr. Eddyson Nyale, Ministry of Interior and Coordination of National Government; Mr. Macharia Njeru, Chairman, IPOA; Mr. Thomas Tshabalala, former Provincial Head, Independent Police Investigative Directorate (South Africa); Ms. Amina Bouayach, Secretary General, FIDH (Morocco); Dr. Mutuma Ruteere, UN Special Rapporteur; Justice (Mrs) Hon. Adekeye Olufunlola, Commissioner, Police Service Commission (Nigeria); Mr. Ojango Omumu, CEO, NPSC (Kenya); and Ms. Louise Edwards, APCOF (South Africa).



*Participants keenly following the proceedings during the Conference on 'Civilian Oversighting as a Mechanism for Good Governance in Africa' in March 2015. Front row right to left IPOA Board Members: Tom Kagwe, Macharia Njeru, Fatuma Saman and Jedidah Ntoyai. (Source: IPOA, 2015)*

## 11.0 CHALLENGES AND RECOMMENDATIONS

In the course of implementing its mandate, the Authority has continued to experience various challenges, key of which are highlighted in Tables 10 and 11 here below.

Table 10: Technical challenges

Challenges	Recommendations	Responsible
Lack of understanding and failure to appreciate the Authority's mandate and objectives by members of the National Police Service	Increase awareness and outreach campaigns on IPOA	IPOA
Police undertaking investigations and recommending inquests before informing the Authority and thus legally barring IPOA's investigations	ODPP to address the issue IPOA to seek judicial review	ODPP
Backlog of cases due to inadequate staff to match the inflow of cases	Strengthen the investigative capacity Confine investigations by IPOA to category on deaths and serious injuries resulting from police action or inaction.	IPOA
Lack of an independent ballistic or forensic services provider thus reliance on Police Ballistics laboratory.	Step up engagement with the police on the need for integrity in the forensic capability on their part	IPOA NPS
Inadequate public awareness on IPOA resulting to registration of complaints outside IPOA's mandate	Increase publicity on IPOA Decentralize IPOA services	IPOA

(Source: IPOA, 2015)

Table 11: Operational challenges

Challenges	Recommendation	Responsible
Inadequate budgetary provision during FY 2014/15	IPOA to be allocated adequate resources commensurate with its wide mandate	The National Assembly and the National Treasury
A lengthy process in obtaining exchequer issue following the change in the mode of requesting funds	All payment requests should be prepared in good time for early booking of funds with the Exchequer	IPOA staff

(Source: IPOA, 2015)

## Annex 1: Inspection/Monitoring - Specific Recommendations

No.	Issue	Recommendations	Responsible
1	Dirty cells and toilets	Clean and maintain detention facilities (cells and toilets).	OCSs
2	Inadequate lighting of cells	Adequate lighting in the cells should be provided.	OCSs & IGP
3	Lack of beddings in the cells	Beddings should be provided to the detention facilities.	IGP
4	Lack of separation of cells	Provide commanders with resources to ensure that lock-up facilities have separate cells for men, women and juvenile cells.	IGP
5	Rights of an arrested person	<p>Detainees should be held in humane conditions at all times.</p> <p>Station Commanders must ensure that detainees are produced before court within the legislated 24 hours.</p> <p>The IGP should facilitate Station Commanders with adequate resources such as vehicles and fuel so that detainees can be produced in court within the requirements of the law.</p>	OCSs & IGP
6	Poor officers' working conditions	<p>Secure land for police premises.</p> <p>Develop police infrastructure to promote efficiency and effectiveness.</p>	IGP
7	Poor Officers' housing	<p>The IG, NPSC in consultation with the Salaries and Remuneration Commission should consider improving the NPS officers' house allowances to the current market rate.</p> <p>The NPS should also consider building or leasing houses for the officers.</p>	IG and NPSC
8	Inadequate services to Special Interest Groups	<p>All station commanders should ensure that they have manned customer and gender desks.</p> <p>Police premises should be modified and designed to meet the needs of the differently abled persons.</p>	OCSs & IGP
9	Inadequate security for police premises	The NPS Commanders should put in place security measures within their premises to ensure that their premises are guarded 24 hours a day.	OCSs/ Camp Commanders
10	Inadequate staffing (police officers)	The IG should explore possibilities of hiring additional police officers to beef up the existing capacity.	NPSC and IGP

<b>No.</b>	<b>Issue</b>	<b>Recommendations</b>	<b>Responsible</b>
11	Inadequate vehicles and fuel allocation	IGP to ensure adequate and fair distribution of resources to fund police stations, camps, posts and bases for effective policing operations.	IGP
12	Inadequate special equipment	Facilitate respective stations e.g. Lamu with special equipment such as boats and quad bikes.	IGP
13	Non-involvement of station Commanders in budget making process	Engage station commanders in the budget preparations process so that they present their priority areas for funding.  Consideration to be made on OCSs being holders of Authority to Incur Expenditures (AIEs).	IGP
14	Disharmony in the NPS	The IG should make deliberate efforts to integrate APS and KPS for better policing. Also, an overall commander should be appointed to coordinate the policing operations at the county level.	IGP
15	Inadequate stationery	Streamline the supply of crucial stationery and documents to all stations, camps and posts.	IGP
16	Lack of proper records management	Ensure that records are correctly entered in the Occurrence Book. Ensure that the outlined particulars of detainees are correctly captured in the registers; refresher courses required. Stringent measures should be put in place to bring about accountability in handling of firearms.	OCSs  OCSs/IGP  IGP
17	Poor handling of exhibits	There is need to construct enough stores to ensure that exhibits are safely kept; station commanders should ensure that exhibits are well labelled as evidence obtained are crucial to making or breaking a case.	OCSs and IGP
18	Inadequate uniforms for police officers	The DIG KPS should make sure that police officers are provided with adequate and complete set of uniforms through streamlining of issuance procedures and accountability in supply. The allegations of officers buying uniforms from the Quartermaster should be urgently investigated and disciplinary action taken.	DIG (KPS)

No.	Issue	Recommendations	Responsible
19	Redeployment of staff	There is need for regulations on the duration an officer is supposed to serve in an operational area.	NPSC, DIG (APS) & KPS
20	Delayed allowances (transfer, deployment or officers attending courts)	Streamline and automate payment systems so that such allowances are paid without unnecessary follow up from the officers (Payees).	DIG (APS) & KPS
21	Lack/inadequate computers and furniture	Provide police premises with at least a working computer, internet and printer to process stations documentation work and communicate with the headquarters.	DIG (KPS) / APS
22	Inadequate Police Communication gadgets	All stations/camps/posts/bases should be provided with modern communication gadgets to promote effective policing.	IGP
23	Lack of transparency in promotions and training in the Service	The NPSC, in consultation with the NPS, should ensure that promotions and trainings are based on merit and with clear set regulations. The NPS officers should undergo regular refresher training courses on human rights	NPSC & IGP
24	Lack/non-functioning of Community Policing Initiatives	All Officers in Charge of Stations should strive to have community policing committees functional and maintain minutes of the same. The DIGs should put in place mechanism to ensure the monitoring of the community policing implementation and operation.	OCSs/Camps  DIG (KPS) /APS
25	Inexperienced officers in operational areas	There should be a balance in the staff composition to the operational areas for effective policing.	DIG (APS) & KPS
26	Lack of protective gear	Officers in the stations should be provided with appropriate protective gear.	DIG (APS) & KPS
27	Counselling and Psychological support	Continuous counselling program should be in place that ensures regular counselling for the officers.	DIG (KPS) & APS
28	Unjustified transfers	Transfers should be effected according to set guidelines and procedures and that they are not applied as a punishment.	DIG (APS) & KPS
29	Delayed compensation after demise of officers	The next of kin of demised officers should be compensated without compelling them to make countless follow-up at the Headquarters.	DIG (APS) & KPS

No.	Issue	Recommendations	Responsible
30	Complaints handling mechanism	A structured and functional complaints handling mechanism should be set up for detainees during security operations.	IGP
31	Delay in establishing County Policing Authorities	Establish and operationalize the CPAs to fast track the operationalization of Community Policing Committees.	IGP

(Source: IPOA, 2015)

## Annex 2: Findings & recommendations on police recruitment

	Issue/Findings	Recommendations
1	Leadership of recruitment panels	The centres monitored were led by officers in the rank of senior superintendent and superintendent in line with the NPSC gazette Recruitment and Appointment Regulations. This should be enforced in the future.
2	Closing of recruitment centres	In some centres, the exercise went past the stipulated time. NPSC should in future that the centres close at the advertised time, and in line with Recruitment and Appointment Regulations.
3	Deployment of team leaders at recruitment centres	While deployment of recruitment team leaders was done in such a way that officers were posted to areas outside their jurisdictions, a few centres had the team leaders from within the centres. This should be avoided in future so as to render the exercise objective devoid of bias towards familiar recruits easily known to the panels.
4	Training of recruitment officers	NPSC should consider training recruitment officers to recruit as NPS and not separately for KPS and APS. This will provide an opportunity to unify the two services to work together as a national service.
5	Recruitment and Appointment Regulations not disseminated to recruitment officers	NPSC should disseminate the Regulations to all officers within the NPS, and also to the public ahead of future recruitments. The Commission should also adhere to the envisaged two-tier process as provided by Regulations 12(4-13), which was ignored during the exercise. Efforts should be made to ensure that the due process is followed to the letter.
6	Complaints desks, procedures and mechanisms	NPSC should ensure in future that every recruitment centre has an operational complaints desk to handle complaints from recruits, members of the public to build confidence in the exercise.
7	Medical examination	NPSC should ensure that there is an adequate number of medical officers to deal with medical examination, including mobile clinics, to avoid delays witnessed during the exercise. Additionally, adhering to the two-tier process could cure this challenge where medical tests will be carried later.
8	Guidelines and standardization on eligibility	NPSC should give clear guidelines and standardization on eligibility on whether one must be from the locality of the recruitment centre or is free to participate from any part of the country regardless of place of birth. It was observed that many candidates turned away on grounds of their birth place in their identity cards which did not match the area around the centres of recruitment.

	<b>Issue/Findings</b>	<b>Recommendations</b>
9	Educational certificates	NPSC should remain firm, as a policy, that photocopies of academic certificates and results slips would lead to automatic disqualification. The Commission should also make it clear on eligibility of certificates attained outside Kenya.
10	Physical fitness	NPSC should put in place standard criteria, measures and guidelines to avoid bias by the recruitment officers on matters on height, vision tests, flat feet etc. The standards should be clear and used across all recruitment centres. Further, the Commission should consider aptitude tests rather than just physical fitness.
11	Provision of basic facilities	NPSC should consider selecting centres with basic facilities such as bathrooms, water points, and shades for the recruits and members of the public.
12	Designated area for observers	NPSC should consider setting up a designated area for observers to avoid direct interference of the process. Additionally, the senior recruitment officers should conduct press briefings in the tent, update and answer any queries from the observers.
13	Ethnic balancing in cosmopolitan centres	NPSC should ensure that mapping of cosmopolitan centres is accurately done to ensure ethnic balancing. It was observed that there was lack of clear guidelines on what informed ethnic consideration and distribution of the recruits in cosmopolitan centres.
14	Counselling and briefing unsuccessful candidates	NPSC should consider having counsellors at the recruitment centres to counsel unsuccessful recruits. Also, the Commission should ensure that such recruits are briefly accordingly on the possibility of not being selected and modes of raising complaints, if any.
15	Number of recruits, gender and ethnic composition	NPSC should ensure that in future recruitment officers announce publicly the number to be recruited at each centre and the targeted gender and ethnic composition. Further, the Commission should be publishing such details, and ensure conformity at the end of the exercise.
16	Recruitment centre at NYS Headquarters	NPSC should investigate what happened and usually happens at the NYS Headquarters recruitment centre. There were several concerns on this centre.

(Source: IPOA, 2015)

## Annex 3: OPSA Awardees

### Category: Best Individual Officer

S/ No	County	Full Officer's Name	Officer's Service No.	Officer's Rank	Current Station
1	Bungoma	Sylvana Lengaina	93468	Constable	Bungoma police station
2	Kirinyaga	John Waruru Mwangi	204566	Senior Sergeant	Kagumo AP Post
3	Kilifi	Abdi Ali Dawe	87956	Corporal	Mtwapa Police Station
4	Isiolo	Godffrey Kirujah Mburugu	79150	Constable	Isiolo Police Station
5	Nairobi	Samwel Ngare Ondimu	225295	Corporal	KICC Uhuru Camp
6	Nairobi	Regina Wamugo	232452	AP Constable	Starehe AP Camp
7	Nakuru	Chrispine Nyaga Ivara	65540	Inspector (Acting)	Kasarani Police Post
8	Nairobi	Alphonse Mulinge Nzova	216181	Chief Inspector	Lunga Lunga AP Camp
9	Nairobi	Kevin Njora Mwangi	238365	AP Constable	Kamukunji AP Camp
10	Nairobi	Eliaphas Njiru Edward	65309	Corporal	GVCU Ruaraka
11	Kilifi	Paul Kiprono Langat	230251	Senior Superintendent	Malindi Police Station
12	Nakuru	Lilian Chepchirir	232511	Inspector	Deputy OCS Bondeni
13	Nairobi	Francis Gitonga	79679	Constable	Huruma Police Station
14	Nakuru	Charles Kivinda Mutua	36782	Sergeant	Rhonda Police Post
15	Kisii	John Khakina Wamocho	215407	Chief Inspector	Kisii Police station
16	Isiolo	Mercy Wanjugu Muriuki	230082	Corporal	Isiolo Sub County AP Camp
17	Nairobi	Evans Mayora	69506	Constable	Vigilance House
18	Nairobi	Timothy Githinji Mutahi	230614	Constable	RDU Head Quarters
19	Nairobi	Aaron Kiptumo	233434	Inspector	Kariobangi Police Station
20	Isiolo	Fredrick Owino Achola	213560	Chief Inspector	Isiolo AP Camp
21	Nairobi	Ezekiel Muchina	226969	AP Constable	Kiambiu AP Camp

<b>S/ No</b>	<b>County</b>	<b>Full Officer's Name</b>	<b>Officer's Service No.</b>	<b>Officer's Rank</b>	<b>Current Station</b>
22	Kiambu	Peter Njuguna Munga	227009	Corporal	AP Camp Gatundu
23	Nairobi	Dera Keiro	P/NO. 200814329	AP Constable	Kamukunji AP Camp
24	Nakuru	Daniel Mbole Ndiku	76851	Corporal	Hyrax Patrol Base
25	Nakuru	Frankline Gitonga Njau	84192	Constable	Mwariki Police Post
26	Kilifi	George Matika Wambulua	73761	Sergeant	Malindi Police Station
27	Nairobi	Ziporrah Kagure Nderitu	233635	Chief Inspector	PTC Nairobi Area
28	Trans Nzoia	Joseph Ndungu	66355	Constable	Matunda Police Station
29	Taita Taveta	Andrew Mwendwa Kituku	217240	Chief Inspector	Voi Police Station (OCPD)
30	Kericho	Thomas Parkolwa	234371	Inspector	Kandara Police Station (Deputy OCS)
31	Taita Taveta	Joseph Okuna	219335	Inspector	Voi AP HQ
32	Makueni	John Agevi	229801	Constable	Nzaui Sub-County, AP Headquarters
33	Taita Taveta	Patrick Mwangi Gichuhi	51209	Corporal	Voi Police Station
34	Nakuru	David Kipkorir Langat	81169	Constable	Menengai Police Station
35	Uasin Gishu	David Samoei Kipchirchir	216424	Constable	Ziwa Ap Post
36	Nairobi	Elijah Osiemo Nyagaka	74132	Constable	Ruaraka GSU Headquarters
37	Nairobi	Rem Mutabari Julius	239324	Inspector	AP Head Quarters
38	Kisii	Shem Otieno	204328	Chief Inspector	Kenyanya AP HQS
39	Nairobi	Antony Kamindo Gathirike	236590	Inspector	Westlands Administration Police
40	Nairobi	Lemington Gona Johnson	221704	Sergeant	Westlands Administration Police

S/ No	County	Full Officer's Name	Officer's Service No.	Officer's Rank	Current Station
41	Trans Nzoia	Lilian Akoth Okembo	217977	Senior Superintendent	County Commander
42	Kisumu	Ake Dawe Konti	83691	Constable	Kombewa police station
43	Kitui	Rose Ngui		AP Constable	Yatta Headquarters
44	Kitui	Lilian Kathini Mutie	241711	Constable	Makutano AP Post

(Source: IPOA, 2015)

### Category: Extra Mile

	Officer's Name	Officers Rank	Station	County
1	Paul Mwenda Nkanatha	Chief Inspector	AP Commander Othaya	Nyeri
2	Silvestre Otieno Kachero	Chief Inspector	OCS Makindu Police Station	Makueni
3	Titus Wanjala Juma	Inspector	Deputy OCS Karuri Police Station	Makueni
4	Francis Elamach Kooli	Superintendent	Sub County Commander, Kakamega	Kakamega
5	Lincoln Mutiso	Corporal	Nkoilale AP Post	Narok
6	Willy Mwaura Gaitho	Sergeant	Nkoilale AP Post	Narok
7	Erickson Rop	Corporal	Nkoilale AP Post	Narok
8	Stephen Karunde	Constable	Nkoilale AP Post	Narok
9	Nicholas Ondiga	Constable	Nkoilale AP Post	Narok
10	Wahome Samuel Hungi	Constable	Lokiriama Administration Police Camp	Turkana
11	Karuga Rueben Njoroge	Constable	Lokiriama Administration Police Camp	Turkana
12	James Amandi Mosoba	Constable	Lokiriama Administration Police Camp	Turkana
13	Sammy Ondimu Ngare	Corporal	KICC Uhuru Camp	Nairobi
14	Michael Ziki	Inspector	Naivasha AP Camp	Nakuru

(Source: IPOA, 2015)

## Category: The Best Police Facilities

<b>Best Detention Facility</b>			
S/No	Region	County	Facility
1	Coast	Taita Taveta	Voi Police Station
2	Rift Valley	Nakuru	Rhonda Police Post
3	Rift Valley	Nakuru	Menengai Police Station
<b>Best Facility in Order and Cleanliness</b>			
1	Coast	Taita Taveta	Voi Police Station
2	Coast	Kilifi	Malindi Police Station
3	Rift Valley	Nakuru	Menengai Police Station
<b>Best in Community Policing</b>			
1	Nairobi	Nairobi	Shauri Moyo Police Station
2	Coast	Kilifi	Malindi Police Station
3	Rift Valley	Nakuru	Menengai Police Station

(Source: IPOA, 2015)





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## Notes

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Back cover caption: PC Sylvana Lengaina (right), Best Individual Officer receiving her award from Mr. Macharia Njeru, Chairman of the IPOA Board and Nairobi County Commissioner Ndirangu (center) during the OPSA event held at Nairobi Railways Club on March 12th 2015 (Source: IPOA, 2015)

