



REPUBLIC OF KENYA



Independent Policing
Oversight Authority



ANNUAL REPORT AND FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30TH JUNE 2018

Guarding Public Interest in Policing

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.

VALUES

Transparency: The Authority shall be open to all, frank and honest in all the Authority's communications, transactions and operations;

Integrity: The Authority shall maintain honest practices when carrying out its mandate at all times;

Independence & Impartiality: The Authority shall remain free from outside influence and interference when it comes to the implementation of its mandate;

Respect for Diversity: IPOA shall uphold that every citizen and community, particularly those that have been historically disadvantaged, will have equal opportunities and protection; and

Compassion: The Authority shall deal with victims and survivors of police brutality and unfairness.

ANNUAL REPORT

JULY 2017- JUNE 2018

Guarding Public Interest in Policing

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ABBREVIATIONS AND ACRONYMS

AIE	Authority to Incur Expenditure
CAJ	Commission on Administrative Justice
CEO	Chief Executive Officer
CIC	Case Intake Committee
EACC	Ethics and Anti-Corruption Commission
IAU	Internal Affairs Unit
IJM	International Justice Mission
IPOA	Independent Policing Oversight Authority
KNCHR	Kenya National Commission on Human Rights
NPS	National Police Service
NPSC	National Police Service Commission
ODPP	Office of the Director of Public Prosecution
OPSA	Outstanding Police Service Awards
UNODC	United Nations Office on Drugs and Crime
WPA	Witness Protection Agency

CHAIRPERSON'S STATEMENT

On behalf of the Board, the Management and Staff, I am pleased to present the Independent Policing Oversight Authority's Annual Report for the financial year ended 30th June 2018. Being the 6th year since inception, the Authority reflects on the gains made in its mandate areas.

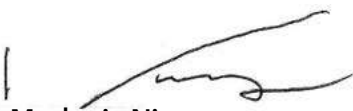
As stipulated in its Strategic Plan (2014-2018), the Authority continued to work closely and in partnership with the NPS, NPSC, Ministry of Interior and Coordination of National Government, the National Assembly, Media, Civil Society, and Development Partners among other stakeholders. The Authority is committed to achieving its mandate in a transparent and accountable manner, with strong working relationships with stakeholders and partners.

The Board continued to oversee the implementation of the Strategic Plan (2014-2018), which informed the final year targets for the FY 2017/18 work plan and were geared towards realization of the organizational five outcomes¹.

In the year, the Board remained committed in ensuring that high standards of internal controls were in place to safeguard the Authority's assets and stakeholders' interests. Risk management in the Authority was aligned to the principles of best practice and corporate governance and processes remain embedded in the operating systems so as to have current and dynamic responses to risks.

On behalf of the Authority, I thank the Government of Kenya, Ministry of Interior and Coordination of National Government, Parliamentary Committee on Administration and National Security, the National Treasury, US Embassy, the British High Commission and UNODC among other partners, for their enormous support during the year.

The Authority looks forward to another fruitful financial year 2018/2019.



Macharia Njeru
Chair, Independent Policing Oversight Authority.

1 (i) Compliance by police to human rights standards (ii) Restored public confidence and trust in police (iii) Improved detention facilities (iv) A functional Internal Affairs Unit (IAU) of NPS (v) A model institution on policing oversight in Africa.

Inaugural Board Members



Macharia Njeru

Board Chair



Jedidah Ntoyai

Vice Chair & Chair Human Resource Committee



Grace Madoka

Chair, Communications & Outreach Committee



Rose Bala

Chair, Audit & Risk Committee



Fatuma Ali Saman

Chair, Inspections, Research & Monitoring Committee



Njeri Onyango

Chair, ICT Committee



Vincent Kiptoo

Chair, Investigations & Legal Committee



Tom Kagwe

Chair, Finance & Administration Committee

CHIEF EXECUTIVE OFFICER'S STATEMENT

The Independent Policing Oversight Authority has continued to carry out its mandate of conducting impartial and independent investigations, inspections, audits and monitoring operations of the National Police Service affecting members of the public. In the financial year 2017/18, the Authority made tremendous progress in all areas of its operations, in line with the Annual Work Plan drawn from its Strategic Plan (2014-2018).

In the Financial Year 2017/18, the Authority received **Kshs.695.8M** from the National Treasury and recorded 85% budget absorption. The Authority received and processed **2,339** complaints; completed **197** investigations into police misconduct, conducted **243** inspections of police facilities and monitored **58** police operations affecting members of the public.

The Authority launched **5** additional regional offices in Nakuru, Eldoret, Kakamega, Nyeri and Meru in May 2018. This increased the regional offices to eight including the previously established in Mombasa, Kisumu and Garissa.

On behalf of the Management and Staff, I would like to thank the Board for the guidance and support they gave throughout the period. In addition, the Authority appreciates the cooperation received from all stakeholders.



Maina Njoroge
Director/ Chief Executive Officer
Independent Policing Oversight Authority.

EXECUTIVE SUMMARY

In the financial year 2017/2018, the Authority's budget increased by 43.5% to 695.8M compared to 484.9M in the FY 2016/17.

During the period **2,339** complaints were received and processed. Since inception, the Authority has received a total of **10,381** complaints.

The Authority completed **197** investigations out of which **27** cases were recommended to the ODPP. Cumulatively, **790** investigations have been completed, **53** case files were before courts and three police officers were convicted as at 30th June 2018. Of the three, one conviction was during the reporting period.

The Authority inspected **243** police facilities and made recommendations towards improvement of police premises and policing as contained in the Report. In the same period, **58** police operations were monitored. Cumulatively, **950** inspections have been conducted and **147** police operations have been monitored.

The Authority effectively participated in the inaugural National Policing Conference that was held on 17th April 2018 at the Kenya School of Government and whose theme was; "Harnessing Synergy, Accountability and Effectiveness in Today's Dynamic Policing Environment". The Conference was held in line with the Authority's mandate under Section 6(f) of the IPOA Act on cooperation with other institutions on issues of Police oversight, including other State organs in relation to services offered by them.

The Authority increased its accessibility by opening five additional regional offices in the month of April 2018 and continued to strengthen its collaboration with various partners including KNCHR, WPA, US Embassy, British High Commission, UNODC, Jamii Thabiti, Media, Civil Society Organizations, among others.

On 21st May 2018, the inaugural Board's term came to an end with a proposal to amend Section 11 of the Authority's Act on appointment of the Board. This proposal was meant to ensure continuity with the incoming Board being appointed three months before the exit of the existing Board. The Authority still upholds that proposal.

1.0 INTRODUCTION

1.1 Background

The Independent Policing Oversight Authority was established on 18th November 2011 through an Act of Parliament No. 35 of 2011. The objectives of the Authority are to;

- a) Hold police accountable to the public in the performance of their functions
- b) Give effect to the provision of Article 244 of the Constitution that the police shall strive for professionalism and discipline and shall promote and practice transparency and accountability
- c) Ensure independent oversight of the handling of complaints by the service.

1.2 Principal Functions

The principal functions of the Authority 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 the Service;
- f) Co-operate with other institutions on issues of Police oversight, including other State organs in relation to services offered by them;
- g) Review the patterns of Police misconduct and the functioning of the internal disciplinary process;
- h) Present any information it deems appropriate to an inquest conducted by a court of law;
- i) Take all reasonable steps to facilitate access to the Authority's services to the public;
- j) Subject to the Constitution and the laws related to freedom of information, publish findings of its investigations, monitoring, reviews and audits as it seems fit, including by means of the electronic or printed media;

- k) Make recommendations to the Police Service or any State organ;
- l) Report on all its functions under its Act or any written law; and
- m) Perform such other functions as may be necessary for promoting the objectives for which the Authority is established.

1.3 Vision

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

1.4 Mission Statement

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.

1.5 Motto

Guarding Public Interest in Policing.

1.6 Core Values

- a) Transparency and Accountability.
- b) Integrity
- c) Independence and Impartiality
- d) Respect for Diversity
- e) Compassion

2.0 FINANCIAL MANAGEMENT

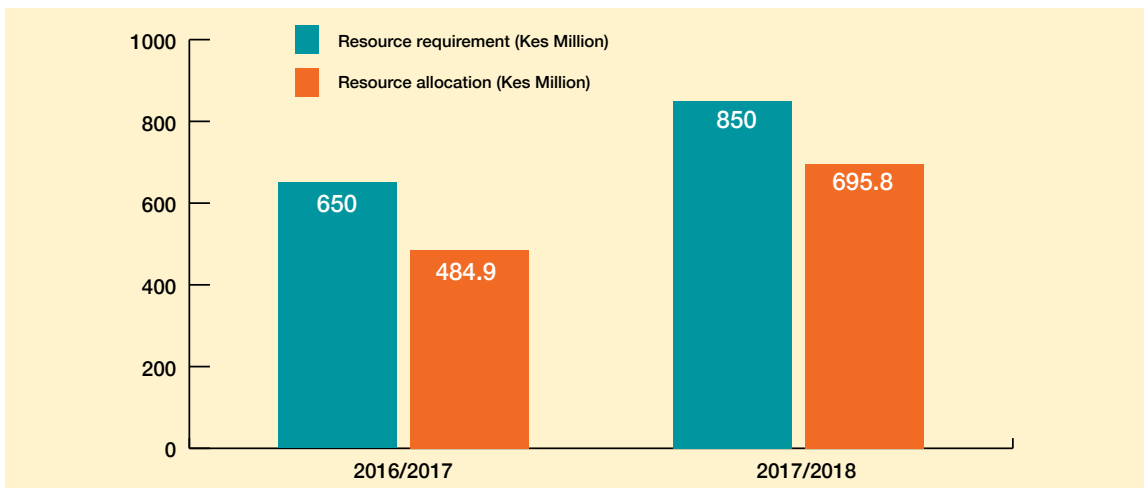
2.1 Opinion on Adequacy of Funds

In the financial year 2017/2018, the Authority budget grew by 43.5% from **Kshs. 484.9M** in FY 2016/17 to **Kshs. 695.8M**. The growth was attributed to the need to decentralize Authority services to the regions as guided by Section 3(3) of its Act. Despite the budget having grown steadily over the past six years, the amount was still insufficient as in the FY, the Authority required Kshs 850M and only Kshs. 695.8M was allocated in the printed estimates.

Kes (Million)	2017/2018	2016/2017	Level of funding (%)
Resource Requirement	850	650	76
Resource Allocation	695.8	484.9	81

Source: IPOA 2018

Figure 1: Resource requirement Vs Resource Allocation in Million Shillings

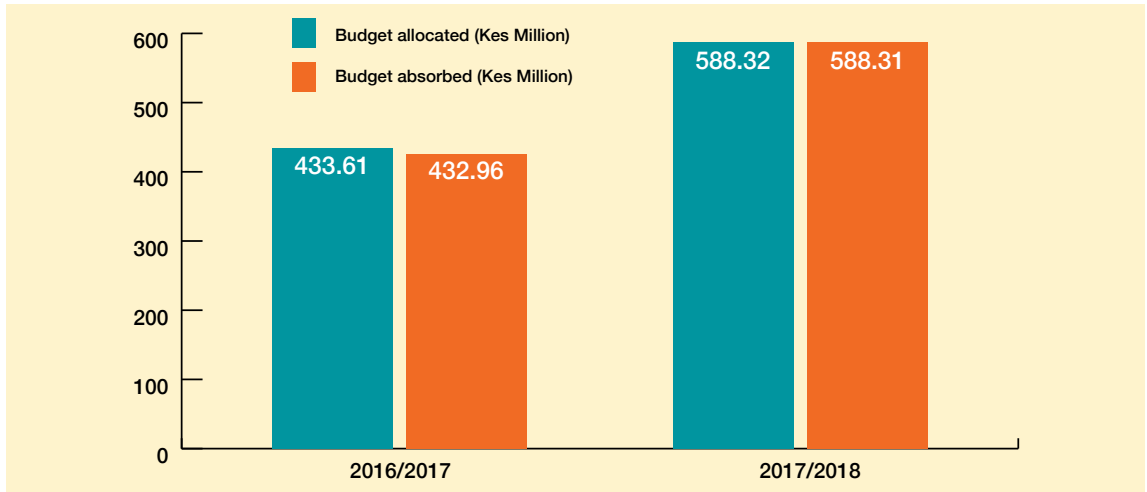


Source: IPOA 2018

2.2 Financial Statements

The exchequer releases from the National Treasury in the FY 2017/18 grew by 36% to **Kshs. 588,324,800** as compared to **Kshs. 433,610,000** in the FY 2016/17. The Authority absorbed **Kshs. 588,305,569** i.e. 85% compared to **Kshs. 432,955,780** (89%) in FY 2016/17. The decline in absorption was as a result of delay in release of funds from Treasury.

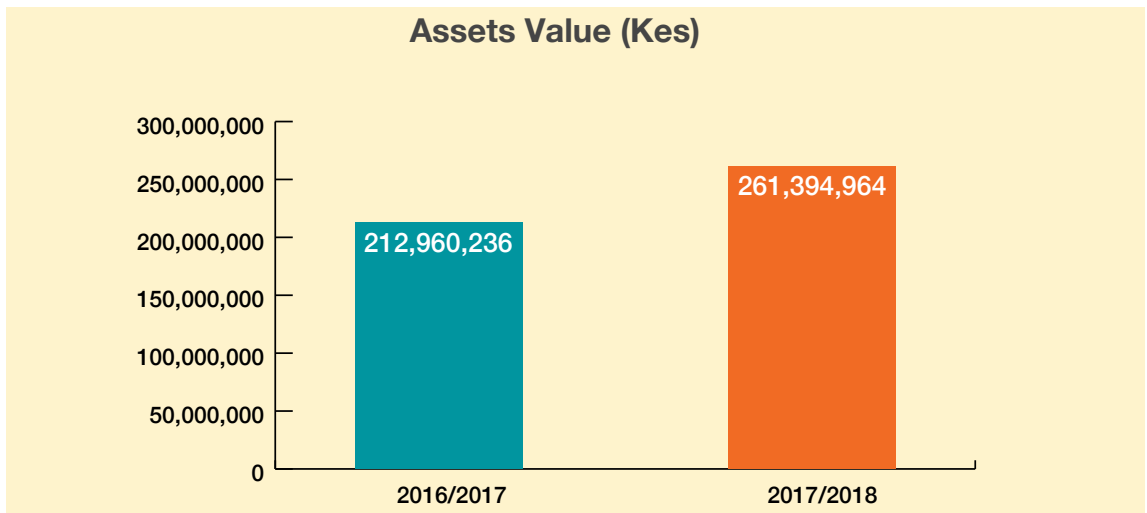
Figure 2: A Chart on the Budget Allocated Vs Budget Absorbed in Million Shillings



Source: IPOA 2018

The assets grew from Kshs. 212,960,236 in the Financial Year 2016/2017 to Kshs. 261,394,964 in the Financial Year 2017/2018. The growth in assets was majorly due to acquisition of additional vehicles and office equipment to facilitate operations in the regional offices.

Figure 3: A chart on the Authority's Asset value in Kes.



Source: IPOA 2018

The Audited Financial Statements and Audit Opinion are attached in **Annex A**.

2.3 Audit Opinion

The annual accounts of the Authority are prepared, audited and reported in accordance with the provisions of Articles 226 and 229 of the Constitution and the Public Audit Act, 2003. In the year under review, the Auditor General audited the Authority's Annual Financial Statements and issued an unqualified opinion as per the Audit Opinion below.

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OFFICE OF THE AUDITOR-GENERAL

**REPORT OF THE AUDITOR-GENERAL ON INDEPENDENT POLICING OVERSIGHT
 AUTHORITY FOR THE YEAR ENDED 30 JUNE 2018**

REPORT ON THE FINANCIAL STATEMENTS

Opinion

I have audited the accompanying financial statements of Independent Policing Oversight Authority set out on pages 16 to 36, which comprise the statement of assets and liabilities as at 30 June 2018, and the statement of receipts and payments, statement of cash flows, statement of comparison of budget and actual amounts for the year then ended, summary statement of appropriation – recurrent for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, the financial statements present fairly, in all material respects, the financial position of Independent Policing Oversight Authority as at 30 June 2018, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the Public Finance Management Act, 2012 and the Independent Policing Oversight Authority Act No. 35 of 2011.

Basis for Opinion

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of Independent Policing Oversight Authority in accordance with ISSAI 30 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Key Audit Matters

Key audit matters are those matters that, in my professional judgment, are of most significance in the audit of the financial statements. There are no key audit matters to communicate in my report.

Report of the Auditor-General on the Financial Statements of Independent Policing Oversight Authority for the year ended 30 June 2018

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

As required by Article 229(6) of the Constitution, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements are in compliance, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

Conclusion

As required by Section 7 (1) (a) of the Public Audit Act, 2015, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that internal controls, risk management and governance were not effective.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 1315 and ISSAI 1330. The standards require that I plan and perform the audit to obtain assurance about whether processes and systems of internal control, risk management and governance were operating effectively, in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

Responsibilities of Management and Those Charged with Governance

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Cash Basis) and for maintaining effective internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal control, risk management and governance.

In preparing the financial statements, management is responsible for assessing the Independent Policing Oversight Authority's ability to sustain services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of

Report of the Auditor-General on the Financial Statements of Independent Policing Oversight Authority for the year ended 30 June 2018

accounting unless the management either intends to cease operations, or have no realistic alternative but to do so.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities which govern them, and that public resources are applied in an effective way.

Those charged with governance are responsible for overseeing the financial reporting process, reviewing the effectiveness of how the entity monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

Auditor-General's Responsibilities for the Audit

The audit objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion in accordance with the provisions of Section 48 of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In addition to the audit of the financial statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in an effective way, in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution.

Further, in planning and performing the audit of the financial statements and audit of compliance, I consider internal control in order to give an assurance on the effectiveness of internal controls, risk management and governance processes and systems in accordance with the provisions of Section 7 (1) (a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal control would not necessarily disclose all matters in the internal control that might be material weaknesses under the ISSAIs. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively

low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

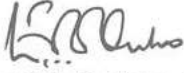
Because of its inherent limitations, internal control may not prevent or detect misstatements and instances of non-compliance. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

As part of an audit conducted in accordance with ISSAIs, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the management.
- Conclude on the appropriateness of the management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Authority's ability to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the Authority to cease sustaining its services.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Authority to express an opinion on the financial statements.
- Perform such other procedures as I consider necessary in the circumstances.

I communicate with the management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that are identified during the audit.

I also provide management with a statement that I have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence, and where applicable, related safeguards.



FCPA Edward R. O. Ouko, CBS
AUDITOR-GENERAL

Nairobi

03 April 2019

2.3.1 FiRe awards

The Authority received a Financial Reporting (FiRe) Awards for best application of the International Public Sector Accounting Standards (IPSAS) in the in the Constitutional Commissions and Independent Offices Category.

Photo: IPOA receiving the FiRe award.



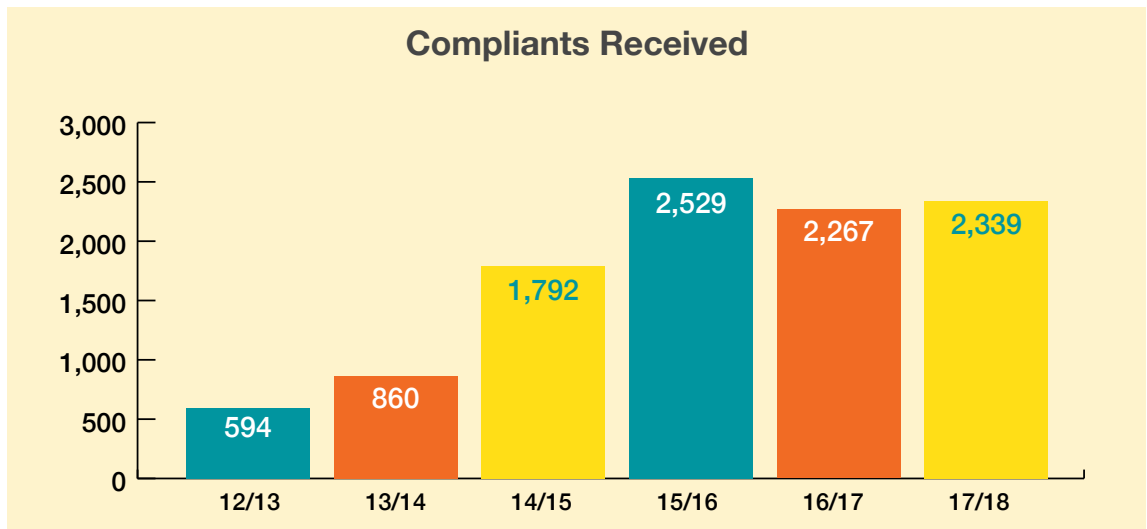
Source: IPOA 2018

3.0 DESCRIPTION OF THE AUTHORITY’S ACTIVITIES AND ACHIEVEMENTS

3.1 COMPLAINTS MANAGEMENT

During the year, the Authority received and processed **2,339** complaints against police misconduct compared to **2,267** in the FY 2016/2017 which was attributed to decentralisation of its services and increased awareness among Kenyans. Cumulatively, **10,381** complaints have been received and processed as shown in the Figure below.

Figure 4: Complaints received per year since inception



Source: IPOA 2018

The Authority remained a member of the Complaints Referral Network with four (4) meetings for complaints referral partners being held in the reporting period to discuss strategies on effective complaints management. Further, the Authority held monthly meetings with the IAU and NPSC to address complaints management challenges.

3.1.1 Source of Complaints

During the reporting period, complaints were received from various sources as shown in the figure below. The largest proportion (74.5%) of the complaints was from members of the public and the lowest (4.2%) from members of the Police Service.

Table 1 : Sources of complaints

Source	Number	Proportion (%)
Public	1,742	74.5
Police officers	98	4.2
Non-state actors	166	7.1

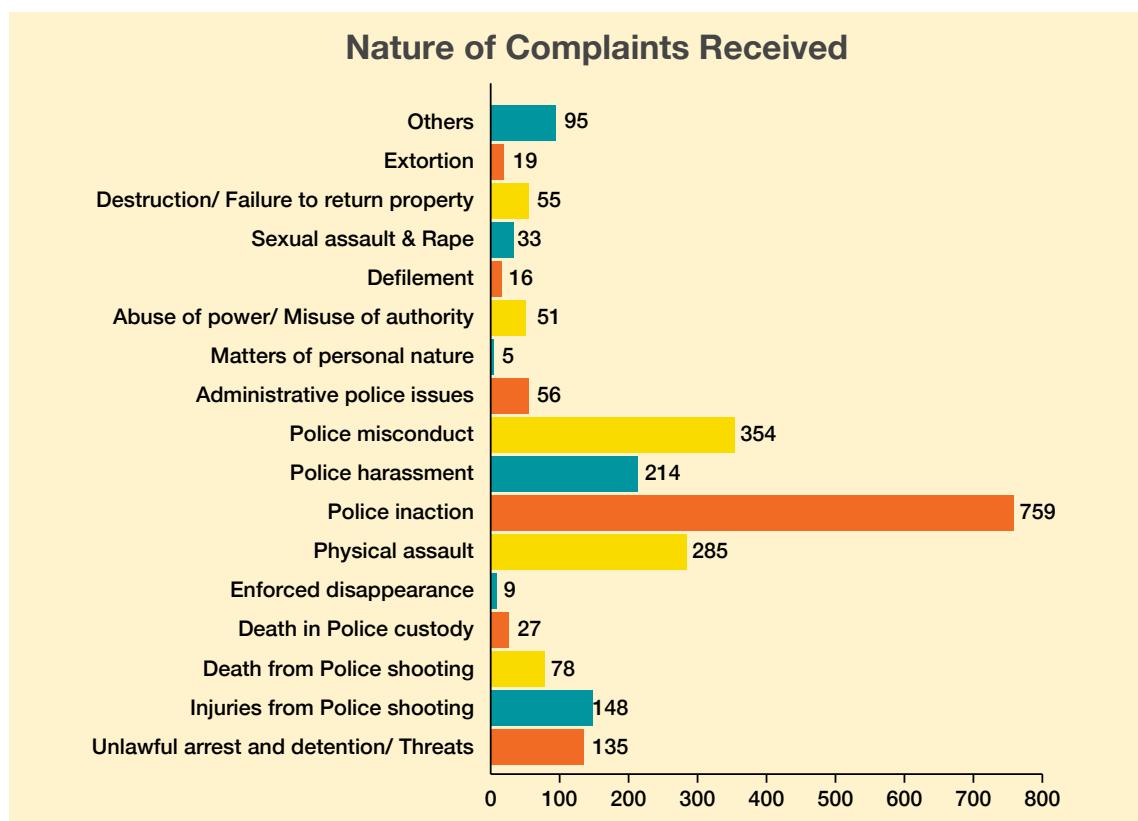
State actors	110	4.7
Own Motion	223	9.5
Total	2,339	100%

Source: IPOA 2018

3.1.2 Nature of Complaints Received

The Authority received complaints whose nature varied as shown in the figure below. Out of **2,339** complaints, **759** were on police inaction² while **354** were on police misconduct³.

Figure 5: Nature of complaints received



Source: IPOA 2018

3.1.3 Recommendations and Referral of Complaints

The Case Intake Committee⁴ (CIC) reviewed the complaints received and recommended **482** for investigations by the Authority, **119** were referred to IAU and **90** to NPSC. One hundred

² Police inaction means failure of the police to act as required by Law, Service Standing Orders, Policing Policies and Regulations.

³ Police misconduct is as defined in the IPOA Act section 2(1).

⁴ CIC is IPOA's internal structure that appraises the received complaints and recommends for subsequent action by IPOA and other Agencies.

and seventy-one (171) complaints were recommended for inspection or monitoring by the Authority.

Table 2: CIC recommendations

CIC Recommendations	Number of Complaints
Complaints Handled Internally	
Recommended for investigations by IPOA	482
Recommended for Inspection and Monitoring by IPOA	171
Referred to other agencies (EACC, CAJ, NLC, NTSA, RBA) among others	113
Preliminary Inquiry /Requested information/details for further review	546
Complaints closed (Due to withdrawal of complainants, Non Mandate, not actionable, insufficient information, resolved)	381
Sub- total	1693
Complaints Referred Externally	
Forwarded to Internal Affairs Unit of the Police	119
Referred to NPS	415
Forwarded to NPSC	90
Referred to KNCHR	10
Forwarded to DCI	12
Subtotal	646
Total	2,339

Source: IPOA 2018

3.2 Investigations

One hundred and ninety-seven (**197**) investigations were completed during the financial year and **27** files were forwarded to the ODPP. The nature of cases referred to the ODPP varied but included criminal offences such as murder, physical or sexual assault, and use of excessive force.

Cumulatively, **53** case files were before court, while **63** others were closed with no need for further action. The reasons for closure included; the case being investigated by other agencies, withdrawal of the complaint by the complainant, lack of evidence, alternative resolution mechanisms such as arbitration, negotiation, among other reasons reached.

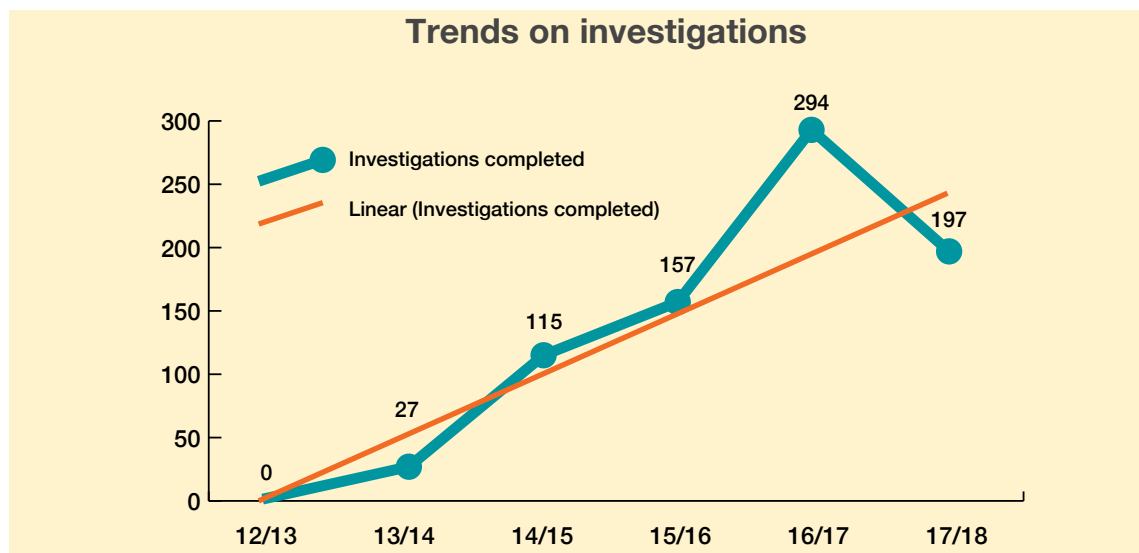
One of the outstanding cases investigated by the Authority was that of Titus Musila Ngamau alias Katitu who was charged with the offence of murder leading to an imprisonment of 12 years, High Court Criminal Case No.78 of 2014.

3.2.1. Investigations Completed Since Inception

The number of cases investigated by the Authority has been increasing since inception with a

slight decline in the year under review. A linear trend was depicted from a growth of 27 in FY 2013/2014 to 294 in FY 2016/2017. In the FY 2017/18, 197 cases were completed as shown in the figure below:

Figure 6: Trends on investigation since inception



Source: IPOA 2018

The slight decline was due to the challenges arising from the complexities around the electioneering period.

3.2.2. Status of Investigated Cases as at June 2018

Since inception **790** case investigation files had been concluded while cumulatively **105** case files had been forwarded to the ODPP for further action. Out of these 3⁵ successful convictions had been concluded. The cases before Courts as at June 2018 were **53**.

Table 3: Status of Cases as at June 2018

Status	Number
Concluded investigations	790
Cases forwarded to ODPP	105
Cases before Courts as at 30 th June 2018	53
Successful Convictions	3

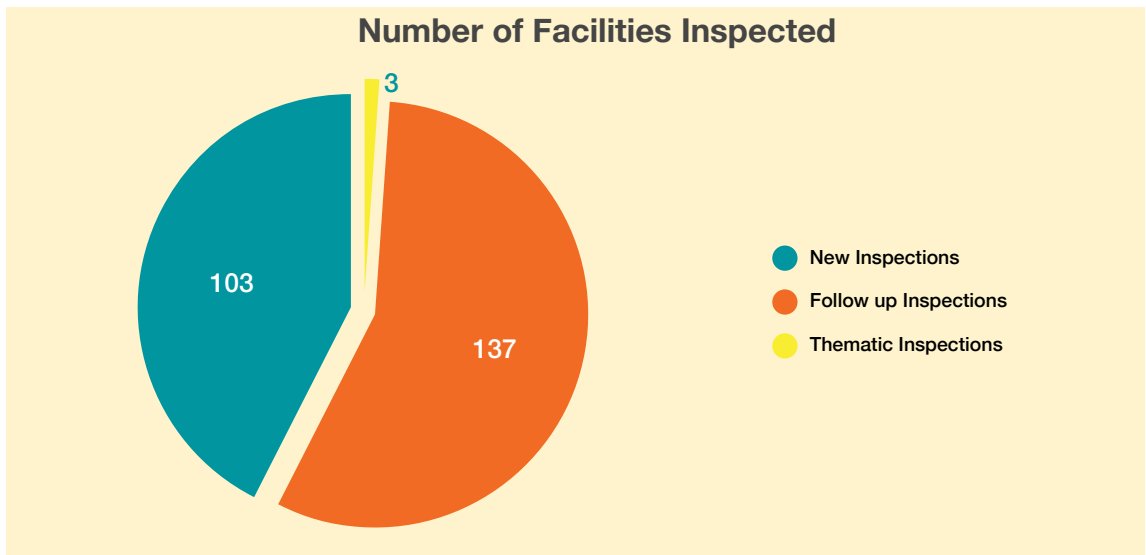
Source: IPOA 2018

5 1) High Court Criminal Case No. 41 of 2014 (Republic Vs IP Veronicah Gitahi and PC Issa Mzee and Criminal Appeal No. 23 of 2016 (IP Veronicah Gitahi and PC Issa Mzee Vs Republic), and 2) High Court Case No. 78 of 2014 (Titus Ngamau Musila).

3.3 Inspections of Police premises

A total of **243** police premises were inspected in the financial year 2017/18. **103** (42.4%) were new inspections⁶, **137**(56.4%) were follow-up inspections while **3**(1.2%) were thematic inspections⁷. The three thematic inspections were necessitated by complaints by the public concerning arbitrary arrest and bribery for release of detainees by officers at Riruta, Diani and Msambweni Police stations.

Figure 7: Number of Police Facilities Inspected



Source: IPOA 2018

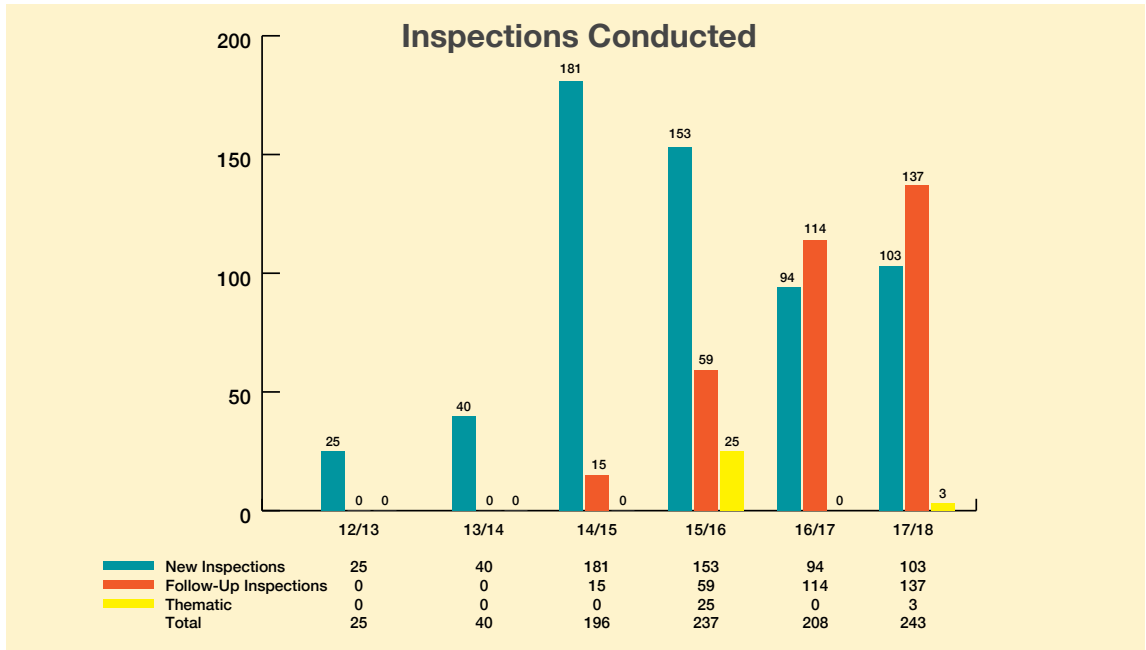
3.3.1 Inspections Conducted Since Inception

The number of inspections of police facilities has been increasing over the years. A total of **950** inspections have been conducted since inception with the year 2017/18 recording the highest number at **243**. The number of inspections conducted since inception is as shown below.

⁶ Police premises that had not been inspected by the Authority before.

⁷ Thematic inspections are those selected on a specific aspect or informed by complaints received

Figure 7: Categories of inspections conducted since inception



Source: IPOA 2018

3.4 Monitoring of police operations

The Authority monitored **58** police operations affecting members of the public in the financial year. Of these, **33** were on public order management or crowd control, **5** on traffic management, **13** on police conduct during the electioneering period, **3** were sanctioned by Government⁸ and **4** monitoring activities as were informed by CIC referrals⁹. In monitoring of police operations, the Authority observed that police officers in several instances used excessive force against members of the public and made recommendations on the need to adhere to the Sixth Schedule of the NPS Act, 2011.

Since inception, **147** police operations have been monitored in the categories highlighted in the table below:

Table 4: Categories of Police Operations Conducted

Operation Conducted	12/13	13/14	14/15	15/16	16/17	17/18	Subtotal
Public Order Management	0	2	6	8	10	33	59
Government initiated	0	2	0	1	4	3	10
Traffic Management	0	0	0	1	13	5	19
Police Recruitment	0	0	2	1	1	0	4
CIC ¹⁰ referrals/ Own motion	0	0	0	1	8	4	13

⁸ This is where the Government writes to the Authority to monitor certain operation or where the Government has publicly declared an operation.

⁹ The Case Intake Committee upon processing of complaints refers some of these for monitoring

¹⁰ CIC is IPOA's internal structure that appraises the received complaints and recommends for subsequent action to IPOA and other Agencies

Beats & Patrol	0	0	0	0	12	0	12
Elections	1	0	0	0	16	13	30
Sub-Total	1	4	8	12	64	58	147

Source: IPOA 2018

3.5 Risk and Audit

Risk assessment and audit remained a critical component in ensuring that the Authority's functions were executed. The Risk and Audit Board Committee supported the maintenance of effective operational environment, risk management and integrity in financial management.

3.6 Stakeholder engagement

The Authority engaged stakeholders through talk shows in various media houses to enhance awareness on IPOA mandate and promote cooperation with stakeholders. The Authority printed and disseminated IEC materials for sensitization forums which were conducted in Mombasa, Turkana, Isiolo, Nairobi, Uasin Gishu, Nakuru, Kakamega, Meru, Nyeri, Garissa, Busia, Wajir, Mandera and Bungoma Counties. The outreach forums targeted members of the public and police officers with a theme on the role of the Authority in policing. The Authority also held various Outreach forums targeting the youth, women and special interest groups.

The Authority sustained partnership with key policing stakeholders including the National Police Service, the National Police Service Commission, the Ministry of Interior and Coordination of National Government, Witness Protection Agency, KNCHR, Civil Society Organizations, the US Embassy, the British High Commission, UNODC, among others.

The Authority was invited by the Legal Action World-wide (LAW) to train the Somali Civilian Oversight Board in Mogadishu in March 2018. The training mainly focused on Human Rights Standards for police and how to monitor and oversee police conduct within and outside police stations. The Independent Policing Complaints Board (IPCB) from Sierra Leone also visited the Authority for a benchmarking mission where the Board and the Management were able to share experiences and expertise.

In addition, the Authority was a key planner and participated in the inaugural National Policing Conference that was held at the Kenya School of Government on 17th April 2018 under the leadership of the Cabinet Secretary, Ministry of Interior and Coordination of National Government, Dr. Fred Matiang'i, and has remained engaged in several high level platforms on police reforms.



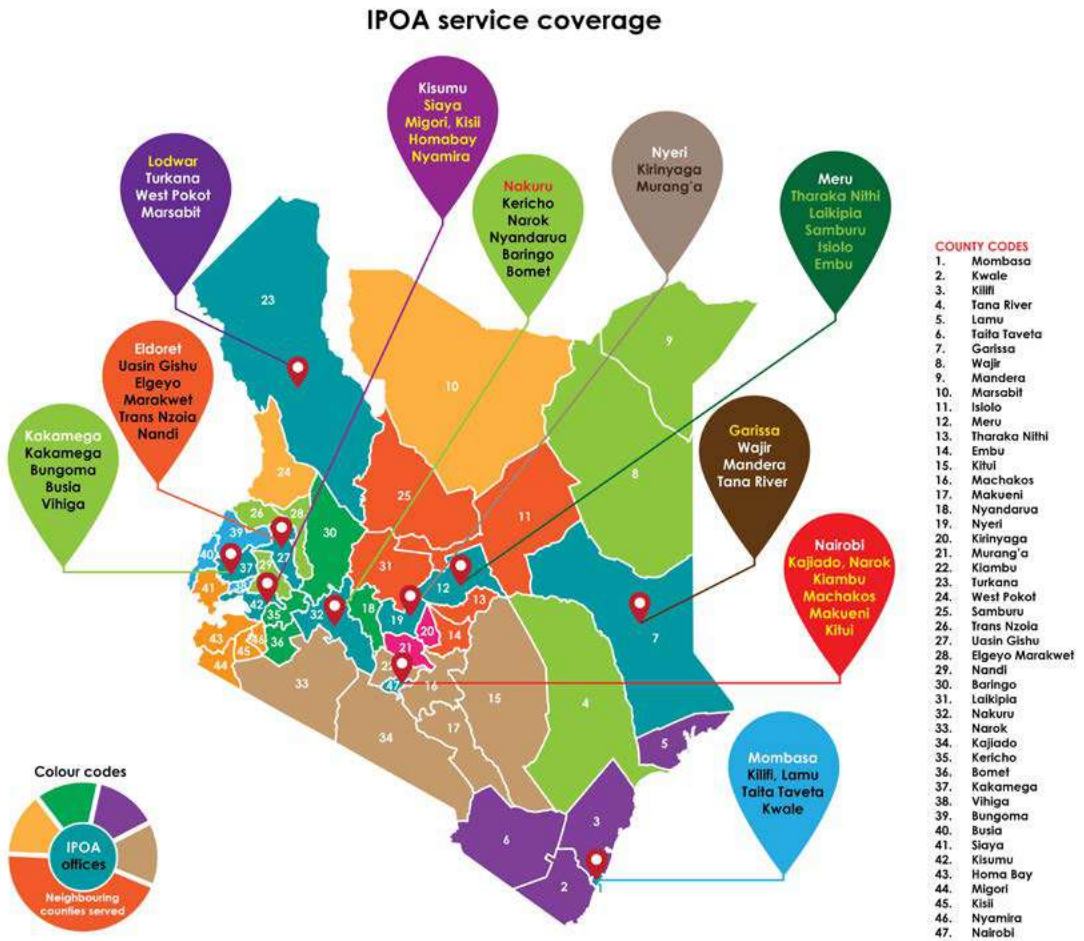
PHOTO: CS for Interior sharing a with IG of Police Joseph Boinett, NPSC Chairperson Johnston Kavuludi, IPOA Chairperson Macharia Njeru sharing during the National Policing Conference.

3.7 Institutional strengthening

The Authority continued to decentralize its services to the regions by launching five additional offices in Nakuru, Eldoret, Kakamega, Nyeri and Meru, in April 2018. This increased the regional offices to eight including the previously launched in Mombasa, Kisumu and Garissa.

To meet the needs of the newly established offices, the Authority recruited 81 new staff and equipped the offices with the necessary tools and equipment.

Figure 9: Map showing IPOA regional offices



Source: IPOA 2018

To strengthen internal capacities, 54 members of staff were facilitated to undertake various courses including in Dispute and Conflict Resolution, Investigation, Senior Management Course, Strategic Leadership and Development Program, Report Writing among others.

4.0. END TERM OF THE AUTHORITY’S INAUGURAL BOARD

4.1 Appointment and Commencement of Operations

The inaugural Board of the Authority was appointed through Kenya Gazette Notice No. 6938 and No. 6939 dated 22nd May 2012 for a six-year term which ended on 21st May 2018. After appointment, the Board embarked on commencement of the Authority’s operations that

involved conceptualization and internalization of the mandate; seeking for resources; reaching out to stakeholders; staff recruitment; commissioning of a Baseline Survey on Policing Standards and Gaps in Kenya; besides Board and Staff training.

4.2 Staffing and Development of a Strategic Plan

By the end of the Inaugural Board’s tenure, IPOA had 143 staff from the initial six recruited in 2013. In 2014, IPOA developed its first four-year Strategic Plan which lapsed on 30th June 2018. The Plan had five strategic outcomes: compliance by police to human rights standards; restored public confidence and trust in police; improved detention facilities; a functional Internal Affairs Unit (IAU) of NPS; and a model institution on policing oversight in Africa.

4.3 Performance in the Six Years (2012-2018)

As at the end of the Inaugural Board’s term, the Authority had received **9,878** complaints from the public and members of the police service¹¹. Of the 9,878 complaints, **5,085** were accepted for investigations, **364** for inspections and monitoring, **748** to IAU, **908** to NPS, **319** to NPSC; **41** to KNCHR and **312** to other agencies including EACC, NLC, and CAJ. **459** complaints were non-mandate complaints and **1,642** cases were closed due to various reasons including withdrawal by complainants. **752** cases were investigated and completed, **53** cases were before Courts, while three officers had been convicted in two separate cases.

In the six-year term, the trends and patterns of reported police misconduct were as shown in the table below:

Table 5: Nature of reported complaints on police misconduct

Nature of Misconduct	Percentage
Abuse of office and neglect of duty	45.1%
Harassment by Police	18.1%
Assault by the Police	6.5%
Issues of Police Welfare	7.6%
Deaths Associated with the Police	3.3%
Serious injuries caused by the Police	3.8%
Sexual Offences by the Police	0.4%
Other (Minor discourtesy, unknown complainants etc.)	13.8%
Total	100%

Source: IPOA 2018

The Authority carried out a total of **885** inspections of police premises of which **579** (65%) were new inspections and **306** (35%) follow-up inspections. The Authority also monitored a total of **151** police operations and undertook a research study on police housing crisis in Kenya. The study provided grounds for policy shift on police housing to an allowance-based scheme which its rationalisation is ongoing.

The Authority automated its operations through an Enterprise Content Management (ECM) system that has 11 integrated operational modules in technical and support areas. In addition,

¹¹ IPOA End Term Board Report 2012-2018

44 operational policies, manuals, guidelines and regulations were developed and implemented.

4.4 Resource Mobilization

The Authority's annual budget allocations grew from the initial Kshs. 96m in 2012/13 to Kshs. 696m in 2017/18 and received two Financial Reporting (FiRe) Awards for best application of the International Public Sector Accounting Standards (IPSAS) in the in the Constitutional Commissions and Independent Offices category.

Through public participation, engagement and partnership with its stakeholders, the Authority managed to conduct three consecutive (2014/15, 2015/16 and 2016/17) Outstanding Police Service Awards (OPSA) to recognize and award deserving members of the Police Service.

Despite its achievements during the six years, the Authority was faced with several challenges among these: non-cooperation by NPS; misunderstood mandate by members of the Service and the public; and unresolved police welfare issues which impacted negatively on realization of the Authority's mandate.

4.5 Recommendations Made and their Statuses¹² as at May 2018

Inspections of Police Premises and Detention Facilities¹³

S/No.	Recommendation Made	Implementation Status ¹⁴ of the Recommendations Made Since 2012
On Police Premises and Detention Facilities		
1.1	Cleanliness of Cells & Toilets: Officer-in-Charge of Police Stations should always ensure that the detention facilities (cells and toilets) are scrupulously clean as per Rule 5 (a) and (b) of the Fifth Schedule in the NPS Act, 2011, which states that a lock up facility shall have hygienic conditions conducive for human habitation and adequate light, toilet and washing facilities and outdoor area.	As per follow up inspections, 24% of the detention facilities improved in terms of cleanliness of cells and toilets as a result of IPOA recommendations.
1.2	Lighting in Cells: Officers-in-Charge of Stations and DIG-KPS should make sure that detention facilities are well lit by putting artificial lighting in cells as per Rule 5 (b) of the Fifth Schedule of the National Police Service Act, 2011 which requires the lock-up facility to always have adequate lighting.	Follow up inspections showed that 6% of the detention facilities inspected had a decline in lighting largely due to unpaid bills to the power suppliers.

¹² The Details of these Recommendations and their Statuses as at 21st May 2018 can be found in the End Term Report (2012-2018)

¹³ For further details, these recommendations are contained in the many Inspection and Performance Reports that have been made by the Authority

¹⁴ Source: The Inspections, Research and Monitoring Directorate Performance Report July-December 2017

S/No.	Recommendation Made	Implementation Status ¹⁴ of the Recommendations Made Since 2012
1.3	Beddings in the Cells: DIG KPS should ensure that all detention facilities are provided with beddings as this will prevent detainees from opportunistic infections caused by adverse weather conditions. Article 10 of the Standard Minimum Rules for the Treatment of Prisoners provides that all accommodation provided for the use of prisoners and, in particular all sleeping accommodation, shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.	There was no change in all detention facilities where follow up inspections were done on beddings.
1.4	Separation of Cells: The National Assembly and the IG should provide Station Commanders with resources to ensure that a lock-up facility meets the required standards as per Section 116 (1) and (2) of the NPS Act. Further, Fifth Schedule of the NPS Act 2011, Section 5 (c) and (d), stipulates that a lock-up facility shall have men and women kept separately as well as juveniles and children separately from adults.	Upon follow up inspections, 24% of the detention facilities improved in terms of marking separate cells for male and female gender as a result of IPOA recommendations. Juvenile cells have however remained unchanged.
1.5	Officers housing: IG and NPSC in consultation with the Salaries and Remuneration Commission should consider improving the NPS officers' house allowances to the current market rate. This will enable the officers rent better houses and live comfortably, within communities ¹⁵ . The NPS should also consider leasing houses for the officers towards realisation of Article 43(b) of the Constitution of Kenya 2010, with every person having the right to adequate housing and to reasonable standards of sanitation.	There was a decline by 8% which could be explained by the increased number of police officers recruited in the Service. However the Authority's Report on Police Housing Crisis was given attention to address house shortage for officers and provided them with alternatives.

S/No.	Recommendation Made	Implementation Status ¹⁴ of the Recommendations Made Since 2012
1.6	<p>Detainee treatment and protection of rights of the vulnerable groups (women, children and persons with disabilities): Station Commanders, DIG KPS/APS, NPSC and IG to ensure that they have guarded customer desks and gender desks to meet the different needs of the public who seek their services¹⁶.</p>	<p>There was 10% improvement as a result of recommendations made on how detainees were treated in the cells, including provision of medical care to detainees in need. 24% of the facilities inspected showed improvement on guarded customer care desk and 8% of the facilities inspected showed improvement on guarded gender desk as a result of recommendations made by the Authority, and there was an increase of 4% on detention facilities with a Children Protection Unit. On access by persons with physical disabilities, there was 12% decrease during the follow ups as these were based on the structural design (the ramps) as the facilities were the follow ups happened did not have ramps initially. On provision of special hygienic services for women i.e. sanitary towels there was 2% improvement as a result of IPOA recommendations.</p>
1.7	<p>Security Measures: Station/Camp Commanders to put up perimeter fences and other security measures within their premises to ensure that their premises are well guarded 24 hours.</p>	<p>There was 2% uptake of IPOA recommendations on guarding of the main gate; 4% uptake on security at the Report Desk as well as 4% uptake on perimeter fencing of the police premises; and 2% on clear signage to the police facility. However there was 37% decline on availability of fire equipment at the police facilities allegedly due to limited resource allocations. There was uptake of First Aid Box in police facilities by 2%.</p>
1.8	<p>Vehicles and fuel allocation: DIG APS &KPS and the Inspector General should ensure that the NPS are well facilitated with vehicles and fuel, as stipulated in National Police Service Act, 2011, Section 116(2), which requires the IG to ensure adequate and fair distribution of finances and resources to fund police stations, camps, posts and bases for effective policing operations.</p>	<p>Vehicles and fuel allocations saw an improvement by 8% upon follow up inspections. However, fuel worth Kshs. 20,004,118 was not properly accounted for, that was incurred on provision of fuel for leased National Police Service vehicles¹⁷.</p>

S/No.	Recommendation Made	Implementation Status ¹⁴ of the Recommendations Made Since 2012
1.9	Budget Making Process: IG & DIG KPS, APS to incorporate station commanders in the budget preparations process so that they present their priority areas for funding. The OCS should also be holders of Authority to Incur Expenditures. This measure will ensure the station commanders plan to fund their priority areas to support effective policing.	This recommendation had not been factored as at 21 st May 2018 but from June 2018, it was implemented by the Service.
1.10	Coordination in the Service: the IG should make deliberate efforts to integrate the two services for better policing.	As at 21 st May 2018, there had been appointment of Regional Coordinators, with 3 County Commanders (KPS/APS/CCIO) with the senior most Officer being the overall Commander in the County. The harmonisation of the Services has fully been considered and in good progress.
1.11	Promotions and training in the Service: NPSC in consultation with the NPS should ensure that promotions and trainings, including refresher courses, are based on merit and with clear set regulations.	This recommendation had remained unchanged as at 21 st May 2018, however the Service has taken it up, with policies in place.
1.12	Counselling and Psychological support: IG, DIG KPS & APS to ensure a continuous counselling program is put in place to ensure regular counselling for the officers, especially those in operational areas, and those faced with difficult and traumatic situations while discharging their duties, which leave the officers drained and troubled.	This recommendation had remained unchanged as at 21 st May 2018, however the Service is now taking it up with a policy in place.
1.13	Officer's Allowances: the DIG KPS and APS should ensure that officers deployed in operations or transferred to operational areas do receive their allowances. Also officers attending court cases should be facilitated, as theirs remains part of their duty to ensure justice is done. Furthermore, there is need to urgently improve the security and infrastructure of police stations, patrol bases, posts and specialized NPS units in operation zones so as to protect officers from the imminent threats of terror attacks. More officers should also be posted in these operational areas.	This recommendation needs attention as officers keep making allegations/complaints around allowances, with many in operational areas stating that they do not receive their allowances and food rations.

S/No.	Recommendation Made	Implementation Status ¹⁴ of the Recommendations Made Since 2012
1.14	Review Police Training Curriculum: the police training curriculum should be reviewed to accommodate the three policing agencies including the NPSC, NPS and IPOA. The sensitisation that was done by IPOA Board Members saw a gap that needs to be filled towards realisation of Article 244 of the Constitution. This can be done through an elaborate recognition of the three security related state agencies in the curriculum.	There was been development of Basic Training Curriculum for the Police Recruits, and was part of the materials recently launched. Its applicability is yet to be tested.
1.15	Coordination, Command, Control and Communication in the Service: The IG to provide a command structure and system as per Sec. 10(1) of the NPS Act, 2011 for efficient administration of Service delivery. In this, there should be a specific officer, whether from KPS or APS to be in charge of an area, ensuring there are no doubts on command and control even where KDF/ NPS operations are involved. Under any operations, the Operations Commanders should ensure establishment of Operations Centre or Command Post, which should be well-coordinated to avoid disjointedness and duplication of roles, and cut costs as per Art. 243 and 245 of the Constitution.	Through follow up on this recommendation, the Inspector General had taken up the recommendation with appointment of Regional Coordinators and police operations have established Operations Command Centre.
1.16	Public order management and Rights of the people: A policy on public order management, where management of right to assembly, demonstration, picketing, or presentation petitions to public authorities' falls, should be developed.	This policy had not been developed and police officers rely on the Public Order Act and the Public Order Management as laid out under Chapter 58 of the Service Standing Orders to manage the public, also the NPS Act, Sixth Schedule.

¹⁵ See also the Research on Housing and its Recommendations

¹⁶ See recommendations on the CPUs, PwDs and Gender Reports (the Thematic Reports)

¹⁷ Report of the Auditor-General on the Financial Statements for National Government for the Year 2015/2016 pg. 1

5.0 RECOMMENDATIONS AND CONCLUSION

5.1 Status of Previous Recommendations

Towards accomplishing its function of making recommendations to the Service and any State organ as per Section 6(k) of its Act, the Authority had made various recommendations during the previous reporting period. The level of implementation of these recommendations is as shown in table below. The Authority will keep reviewing these recommendations with the respective state agencies towards their intake and improvement.

Table 6: Previous Recommendations status.

RECOMMENDATIONS	STATUS
1. To ensure accountability at the station level, the Inspector General of police should ensure that the Authority to Incur Expenditure (AIEs) is delegated from the OCPDs to the Officer Commanding Station (OCS).	This recommendation was implemented and the Authority wrote to the Inspector General vide letter Ref: IPOA/ADM.F/I&M/17 and a response was done on 14 th June 2018 stating that the Service had commenced issuing AIEs to the OCSs from the Third Quarter of the FY 2017/18 and this was to be done on quarterly basis.
2. Article 43 (b) of the Constitution stipulates that every person has the right to adequate housing and to reasonable standards of sanitation. The Authority did a research on Police Housing Crisis in Kenya, and recommended that to address the crisis in housing in the Service, the Cabinet Secretary and the IG should facilitate for adequate housing for officers serving under the National Police Service by giving officers decent house allowance, having a mortgage scheme and leasing more houses.	As a result of this recommendation, the Service took strides to provide house allowance for police officers, with a Housing Policy being developed under the leadership of the NPSC. The Housing Allowance to police officers was implemented in the 2018/2019 FY. With supplementing efforts still under consideration for the Service including the Specialised Units.
3. To effectively and efficiently perform all its functions, including decentralization of services, the Authority had recommended for a budget increment as per Section 4(5) of the IPOA Act.	IPOA budget was increased from Kes. 484.9M in FY 2016/2017 to Kes. 695.8M in FY 2017/18.
4. The Inspector General of Police to investigate and hold accountable the operational commanders in the public order management operations where officers under their command were using excessive force leading to deaths and serious injuries.	During monitoring, cases of police brutality, harassment and use of excessive force were observed. Recommendations were made to the IG to take disciplinary measures against officers who use excessive force when managing public order or in crowd control.

- | | |
|--|---|
| <p>5. The IG to ensure police officers cooperate with the Authority officers and avoid impediments to the Authority's investigations. Further, it was recommended that the Judiciary to issue court orders to compel police officers to honour summons and produce documents needed during investigations.</p> | <p>The Authority experienced cases of non-cooperation from some police officers. The Senior NPS Commanders, especially in Nairobi County, impeded the work of the Authority as required by law and the Authority prayed to the Courts to issue court orders on officers who failed to cooperate by either ignoring court summons or failure to provide information.</p> |
|--|---|

Source: IPOA 2018

5.2 This Year's Recommendations

5.2.1 Police Accountability

As per Section 116 (2) of the NPS Act 2011, it is the responsibility of the Inspector General to ensure that every Police Station, Post, Outpost, Unit, Base is allocated sufficient funds to finance its activities. With the provision of AIEs to the OCSs, the Authority expects that accountability of the resources allocated to them would address the stationery, registers, airtime, fuel shortage, and enhance people-centred policing effectively.

5.2.2 Use of excessive force by police officers

During monitoring of police operations, cases of police brutality, harassment and use of excessive force were observed. The IG should ensure that disciplinary action is taken against officers who use excessive force during public order management.

5.2.3 Community policing and Nyumba Kumi Initiative

The Authority in the course of conducting inspections observed that some officers could not differentiate between the Nyumba Kumi Initiative and Community Policing Committees. This report recommends that the Ministry of Interior enhances communication on the policy direction towards harmonization and implementation of the two policing initiatives.

5.2.4 Staff Strength in the Service

This report recommends that the NPSC to initiate a process of strategic, competency and skills-driven recruitment to address staff shortage in the Service. Further gender driven recruitment should be considered as this will help in ensuring gender mainstreaming in the Service.

5.2.5 Police Working Conditions and Deployment

This report recommends that the IG makes all necessary arrangements to ensure that the working conditions for the officers are tenable and facilities are well equipped and facilitated. This includes development and implementation of an overtime policy and allowances for officers. Further Section 46(2) of the NPS Act, 2011 stipulating that "the working hours of police officers shall be reasonable and where excessive overtime is required, police officers shall be compensated with commensurate periods of rest and they shall be allowed a minimum time of rest during and in between shifts" should be implemented. Greater attention should be on proper deployment of officers for quality policing with re-deployment of officers who have overstayed in operational areas for more than three as per the law.

5.2.6 Separation of Cells

This report recommends that the IG ensures that in conformance to the fifth schedule of the NPS Act 2011, Rule 5 (c) and (d), all people under detention are locked-up separately with respect to gender (male and female) and age (adult and juvenile).

5.2.7 Security of police premises and facilities

This report recommends that the IG ensures that Station Commanders put up perimeter fences and other security measures within their premises and to ensure that they are well guarded 24 hours around the clock. Further the main gate and the Report Desk must also be manned throughout. Clear signage is also requisite to effective delivery of policing services.

5.2.8 Equipment and Resource Allocation

The report recommends that the Inspector General ensures that stationery, registers, vehicles and fuel allocation are sufficient to address the needs of the stations, inclusive of communication gadgets. Further the IG needs to ensure that each police Station/camp/post has at least a computer, which is internet enabled and a printer, for efficient and effective performance of police duties.

5.2.9 Rights of Arrested Persons

The report recommends that the IG should ensure all Station Commanders should produce detainees before a court of law within 24hrs as per article 49(f) of the Constitution. Further the rights of detained persons must be upheld as enshrined in the Constitution of Kenya, under Article 29(f) and Rule 33 of the Standard Minimum Rules for the Treatment of Prisoners.

5.2.10 Conditions of Police Cells

In conformance with the NPS Act, rightly recognizes that the confinement of detainees should be lawful. Paragraph 5 of the Fifth Schedule of the NPS Act, 2011, lays responsibility to the Officer Commanding Station to ensure lock-up facilities are hygienic, conducive for human habitation, adequately lit, have ablution facilities and an outdoor area. Some of these requirements can be achieved at station level and thus Officers Commanding Stations are encouraged to exercise leadership through mobilization of officers under their command. In addition, the detention facilities should have toilets within the cells to avoid use of buckets.

5.2.11 Records Keeping in Police Facilities

Station Commanders should ensure that records are well maintained as stipulated in Section 50 (1) of the NPS Act 2011. The Station Commanders must ensure that the outlined particulars of detainees are correctly captured in the records and registers. Station Commanders should also ensure that all Exhibits Registers are always well entered and the IG should ensure construction of enough exhibit stores. Further Station Commanders should ensure that exhibits are well labelled. Further, the Prisoners Property Register needs to be changed to read Detainees Property Register to ensure that detainees are always presumed innocent until proven guilty.

5.2.12 Adequacy of Funding

With increased number of regional offices and thus expanded expenditure needs; the Authority

requests for an increased budgetary allocation.

5.3 Conclusion

In the Financial year 2017/18 the Authority maintained sound financial controls that enhanced prudent use of resources throughout the Year. As such, the Authority got an unqualified audit opinion from the Auditor General.

The Authority's performance and financial management aspects have shown progress in provision of civilian oversight with enhanced cooperation with state and non-state actors. The Authority anticipates that the criminal justice system would be strengthened to enhance fair administration of justice with efficiency and effectiveness.

The Authority has offered its recommendations on areas that would further professionalize and enhance discipline in the NPS as required under the objects and functions of the NPS in Article 244 of the Constitution.

ANNEX A: FINANCIAL STATEMENTS

REPUBLIC OF KENYA



OFFICE OF THE AUDITOR-GENERAL

REPORT

OF

THE AUDITOR-GENERAL

ON

**THE FINANCIAL STATEMENTS OF
INDEPENDENT POLICING OVERSIGHT
AUTHORITY**

**FOR THE YEAR ENDED
30 JUNE 2018**



OFFICE OF THE AUDITOR GENERAL
P.O. Box 30889 - 0100 NAIROBI
REGISTRY
4 MAR 2018
RECEIVED

IPOA Independent Policing
Oversight Authority

INDEPENDENT POLICING OVERSIGHT AUTHORITY (IPOA)

**REPORTS AND FINANCIAL STATEMENTS
FOR THE FINANCIAL YEAR ENDED
JUNE 30, 2018**

**Prepared in accordance with the Cash Basis of Accounting Method under the International Public Sector
Accounting Standards (IPSAS)**

INDEPENDENT POLICING OVERSIGHT AUTHORITY
Reports and Financial Statements
For the year ended June 30, 2018

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INDEPENDENT POLICING OVERSIGHT AUTHORITY
Reports and Financial Statements
For the year ended June 30, 2017

KEY ENTITY INFORMATION AND MANAGEMENT

a) Background information

Incorporation/Objectives

The Independent Policing Oversight Authority (IPOA) was established through Act No. 35 of 2011.

The objectives of the Authority are to:

- a) Hold the Police accountable to the public in the performance of their functions;
- b) Give effect to the provision of Article 244 of the Constitution that the Police shall strive for professionalism and discipline and shall promote and practice transparency and accountability; and
- c) Ensure independent oversight of the handling of complaints by the National Police Service.

Principal Functions

The principal functions of the Authority 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 the Service;
- f) Co-operate with other institutions on issues of Police oversight, including other State organs in relation to services offered by them;
- g) Review the patterns of Police misconduct and the functioning of the internal disciplinary process;
- h) Present any information it deems appropriate to an inquest conducted by a court of law;
- i) Take all reasonable steps to facilitate access to the Authority's services to the public;
- j) Subject to the Constitution and the laws related to freedom of information, publish findings of its investigations, monitoring, reviews and audits as it seems fit, including by means of the electronic or printed media;
- k) Make recommendations to the Police Service or any State organ;
- l) Report on all its functions under its Act or any written law; and
- m) Perform such other functions as may be necessary for promoting the objectives for which the Authority is established.

INDEPENDENT POLICING OVERSIGHT AUTHORITY
Reports and Financial Statements
For the year ended June 30, 2018

KEY ENTITY INFORMATION AND MANAGEMENT (continued)

b) Board and Senior Management Staff

Members of the Board:



Macharia Njeru, Chairman

Mr. Njeru is the Chairman of the Independent Policing Oversight Authority. An advocate of the High Court of Kenya, and founding managing partner of Macharia-Mwangi & Njeru Advocates, he has practiced law for the past 23 years. He was a member of the National Task Force on Police Reforms (Ransley Taskforce) that developed the programme for police reforms in Kenya. He subsequently sat in the Police Reforms Implementation Committee (PRIC) where he led the drafting of policing related legislation that was later enacted into law. He has studied policing practices including experiential visits in the UK and Northern Ireland, Sweden, Botswana and South Africa and has attended a course on police accountability at the Centre for Human Rights, University of Pretoria.



Jedidah Ntoyai, Vice Chair

Jedidah, the Vice Chairperson of the Authority, is a psychologist with vast experience in human resource management. She has worked in the public sector for over 25 years and currently consults for various institutions. She holds an MA in Psychology from the United States International University (USIU). She chairs the Human Resources and Compensation Committee of the Board. Jedidah is a former Commissioner with the Interim Independent Boundaries Review Commission which determined electoral boundaries.



Fatuma Ali Saman

Fatuma holds a B.Ed and is currently undertaking an Executive MA in Policy and Leadership. She served on the devolved government taskforce and helped develop the Bill of Rights and Devolution chapter. Fatuma represented Muslim women in the National Constitutional Conference and has also worked with national and international faith-based organisations representing interests of marginalised and minority communities. She chairs the Inspections, Research and Monitoring Committee of the Board.

INDEPENDENT POLICING OVERSIGHT AUTHORITY
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Grace Madoka

Grace is a lawyer with long standing experience in legal, communications, advocacy and development work. She served in the Public Complaints Standing Committee the precursor of the Commission on Administrative Justice (Office of the Ombudsman) before being appointed to the Independent Policing Oversight Authority in 2012. She has worked in a number of national taskforce committees and boards on HIV/AIDs, microfinance, pension and education. She chairs the Communications and Outreach Committee of the Board.



Rose Bala

Rose holds a BA (Hons) in Sociology, an MA in Social Work and another in International Child Welfare. Previously, she worked in the Children’s Department of the Ministry of Home Affairs. She initiated a technical co-operation between the Government of Kenya and the Japan International Cooperation Agency (JICA), trained children officers, probation officers and judicial officers on the rehabilitation of children in the justice system. Rose also spearheaded the introduction of child protection units in police stations and the amendment of the Children Act that led to the ban on Corporal Punishment within the Children Act. Rose chairs the Adoption Case Committee at Little Angels Network. She is the Chair of the Risk and Audit Committee of the Board.



Tom Kagwe

Tom holds an MA in International Studies from the University of Nairobi and a BA (Hons) in Political Science. He has a wealth of experience in research, human rights law and practice. In addition to authoring numerous scholarly works on general reforms and police reforms in particular, Tom participated in the initial conceptualisation of a police oversight framework in Kenya, which led to enactment of the Independent Policing Oversight Authority Act of 2011. He chairs the Finance and Administration Committee of the Board.

INDEPENDENT POLICING OVERSIGHT AUTHORITY
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Vincent Kiptoo

Vincent is a valuer and lead environmental impact assessment expert. He holds an MSc degree in Urban Land Appraisal from the University of Reading (UK), MA Arts in Housing Administration and a BA in Land Economics both from the University of Nairobi. Vincent has extensive experience in criminal and asset tracing investigations having worked with KACA, Anti-Corruption Police Unit, KACC and Ethics and Anti-Corruption Commission for over 10 years. He has also served as a Member of the Pending Bills Closing Committee and as Council Member of the Institution of Surveyors of Kenya (ISK). He is the Managing Director, Afriland Valuers Ltd. He chairs the Investigation, Complaints, Legal and Security Committee of the Board.



Njeri Onyango

An ardent sportswoman, Njeri is an advocate of the High Court of Kenya and member of the Chartered Institute of Arbitrators. She sits on the Kenya Premier League Independent Complaints Committee, Kenya Volleyball Federation Constitutional Review Committee among other sporting bodies. In 2008/9 Njeri served as a legal consultant to the Krieger Commission that reviewed the disputed 2007 General Elections. She is the chair of the Information, Communication and Technology Committee of the Board.

Senior Management Staff:



Maina Njoroge

Director, Business Services

Mr Njoroge holds a Master in Business Administration (MBA) degree in Finance, and a Bachelor of Commerce (Accounting) degree from the University of Nairobi. He has attended the Senior Management Leadership Programme (SMLP) at Strathmore Business School (Strathmore University) and Antai College of Economics and Management (Shanghai Jiao Tong University, China). He has attended several local, regional and international training courses in finance, management and strategic leadership. He has travelled extensively on official duties and training in countries such as Burkina Faso, Uganda, Tanzania, Ethiopia, USA, China, Malaysia, Turkey, Egypt, UAE, Singapore, Thailand, Hong Kong, South Africa and Zimbabwe.

INDEPENDENT POLICING OVERSIGHT AUTHORITY

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He is a Certified Public Accountant of Kenya, CPA (K), and a Certified Investment and Financial Analyst. He is member of the Institute of Certified Public Accountants of Kenya (ICPAK), Kenya Institute of Management (KIM), Institute of Certified Investment and Financial Analysts (ICIFA), and Institute of Directors (Kenya). He has vast experience in finance and accounting spanning over 20 years. He has a track record of accomplishment in financial management in both private and public sectors. Additionally, he has substantial experience in human resource, strategic and administrative management, and has special interest in corporate governance and investments. He has experience in managing multi-donor grants and writing funding proposals. He has previously worked with an auditing firm, and as Senior Accountant, Chief Accountant and Finance and Administration Manager with large manufacturing and service industry firms.

Before joining IPOA in 2013, Mr Njoroge worked with the Kenya Institute for Public Policy Research and Analysis (KIPPR) as Finance and Administration Manager and later Finance and Investments Manager for nearly seven years where he managed a large donor portfolio, including grants from USAID, EU, ACBF, IDRC/TTI, and Brookings Institution, and several projects commissioned by local and international organizations.

He was IPOA's acting CEO from October 2013 to May 2014. He is currently serving as a member of the Audit Committee at the Office of the Director of Public Prosecutions (ODPP).



Stephen Wetho Musau

Director, Inspections, Research and Monitoring

Mr Musau holds an MA Human Rights and Conflict Management from the School of Advanced Studies (Pisa, Italy). He also holds diplomas in International Law and Human Rights (University of Helsinki); Organisation Development and Management (Kenya Institute of Management) and Security in Peacekeeping Missions training at Centre of Excellence for Stability Police Units (CoESPU-Vicenza, Italy).

He also holds certificates in Peace Operations from School of Peace Operations (Netherlands); International Investigations; Proposal Writing, Logframe Analysis and Report Writing; Participatory Monitoring, Evaluation and Learning; and a Bachelors of Arts Degree (Economics and Sociology Major) from Egerton University.

He has sat on the Boards of several civil society organisations and worked and served in the civil society sector since 1999 in various capacities including being in the Board.

He has a wealth of experience in human rights; advocacy and civic engagements and networking. He has a keen interest in monitoring and documentation of human rights issues related to security and law enforcement; most recently in Cambodia with an international non-governmental organisation.

Mr Musau's other skills and competencies include facilitation and training on development issues such as change management; Human Rights Based Approaches (HRBA) to programming and development; conflict prevention, management and transformation; and participatory monitoring and evaluation.

INDEPENDENT POLICING OVERSIGHT AUTHORITY

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David Nderitu

Director, Complaints and Legal

Mr Nderitu is an advocate of the High Court of Kenya having been called to the bar in 1995. He holds a law degree (LLB) from the University of Nairobi and a post graduate diploma in law from Kenya School of law. He also holds a Master's degree in political science (MPA) from Eastern Washington University (EWU) (USA), specializing in public administration. Mr. Nderitu has been in legal practice in Kenya for over 20 years. Before joining IPOA he served as a senior assistant director of public prosecutions at ODPP.



Jeremiah Arodi

Director, Investigations

Jeremiah holds a Bachelor of Science Degree from Kenyatta University. He is currently pursuing a Master's Degree at Egerton University. He has extensive experience in Forensics Crime Scene Management and general investigations. Jeremiah served for seven years in the National Police Service in the Directorate of Criminal Investigations. He later joined the EACC where he worked in the Investigations Directorate for six years. Jeremiah has specialised training in Forensic Crime Scene Management by the FBI, Prevention Interdiction and Investigations on acts of Terrorism through the Terrorism Assistance Programme by United States of America Department of Justice. He has also attended FBI training in Crime Scene

INDEPENDENT POLICING OVERSIGHT AUTHORITY

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For the year ended June 30, 2018

c) Fiduciary Management:

The key management personnel who held office during the financial year ended 30th June 2018 and who had direct fiduciary responsibility were:

	Name	Designation
1	Maina Njoroge	Chief Executive Officer/Board Secretary
2	Stephen Musau	Director, Inspections Research and Monitoring
3	Jeremiah Arodi	Director, Investigations
4	David Nderitu	Director, Complaints & Legal Services
5	Agatha Chepkoech	Chief Accountant

d) Fiduciary Oversight Arrangements

The Board has seven standing Committees, which meet as required. The Committees have been set up with clear terms of reference to facilitate efficient and effective decision-making of the Board in discharging its duties, powers and authorities. The Committees are aligned in accordance with the Authority's mandate and functions.

The Finance and Administration Committee reviews annual budgets and procurement plans, quarterly and annual financial reports. The Committee also provides oversight on administration issues within the Authority.

The Inspections, Research and Monitoring Committee provides oversight over the Authority's inspections, research and monitoring function.

The Human Resource and Compensation Committee advises the Board on organizational structure, human resource policy and capacity enhancement/building, reviews the salaries, benefit packages and service contracts, recruitment of senior staff ensuring that these are competitively structured and linked to performance. The Committee also makes recommendations for broad guidelines that promote operational efficiency.

The Complaints, Investigations, Legal and Security Committee is charged with the complaints and investigations mandate. The Committee also advises the Board on legal and security matters.

The Communication and Outreach Committee is charged with the Authority's communication and outreach function and programs.

The Risk & Audit Committee works closely with the internal audit unit and plays a critical role in reviewing financial information and ensuring that the system of internal controls is effectively administered. It considers significant audit findings identified by the Authority's internal and external auditors. The Committee maintains oversight on internal controls, and makes recommendations on financial information, risk management, policies and audit issues.

The ICT Committee provides oversight on the implementation of the Authority's ICT strategy.

Finance & Administration Committee

Tom Kagwe (Chair)
Njeri Onyango
Vincent Kiptoo
Jedidah Ntoyai

Inspections, Research & Monitoring Committee

Fatuma Saman (Chair)
Jedidah Ntoyai
Rose Bala
Vincent Kiptoo
Tom Kagwe

INDEPENDENT POLICING OVERSIGHT AUTHORITY

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Human Resource Committee

Jedidah Ntoyai (Chair)
Grace Madoka
Fatuma Saman
Tom Kagwe
Njeri Onyango

Investigations, Complaints/Legal and Security Committee

Vincent Kiptoo (Chair)
Njeri Onyango
Tom Kagwe
Rose Bala
Grace Madoka

Communications & Outreach Committee

Grace Madoka (Chair)
Fatuma Saman
Vincent Kiptoo
Rose Bala
Njeri Onyango

Audit & Risk Committee

Rose Bala (Chair)
Fatuma Saman
Grace Madoka
Willis Okwachko (Treasury representative,
appointed 24 October 2016)

ICT Committee

Njeri Onyango (Chair)
Fatuma Saman
Grace Madoka
Vincent Kiptoo
Rose Bala
Jedidah Ntoyai

e) Headquarters

ACK Garden Annex,
2nd/3rd Floor,
1st Ngong Avenue,
P O Box 23035-00100 GPO,
NAIROBI.

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Behind Texas Petrol Station,
P.O Box 1261-70100, Garissa,
Tel: 0777 040400.
E-mail: garissa@ipoa.go.ke

Mombasa:

Jubilee Insurance Building (Arcade) along Moi Avenue,
P.O Box 99758- 80107 Kilindini, Mombasa,
Tel: 0799 019998.
E-mail: mombasa@ipoa.go.ke

INDEPENDENT POLICING OVERSIGHT AUTHORITY
Reports and Financial Statements
For the year ended June 30, 2018

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P.O Box 3560-40100, Kisumu,
Tel: 0799 862244.
E-mail: kisumu@ipoa.go.ke

Kakamega:

Daaron Foundation Trust Building, Opposite Nala Community Hospital,
P.O. Box 1642-50100, Kakamega,
Telephone: 020 440 3549.
Email: kakamega@ipoa.go.ke

Nakuru:

Assumption Centre, Opposite St. Paul University,
P.O. Box 2400-20100, Nakuru,
Telephone: 020 440 1076.
Email: nakuru@ipoa.go.ke

Meru:

Meru Makutano Road, Union Square,
P.O. Box 203-60200, Meru,
Telephone: 020 201 7237.
Email: meru@ipoa.go.ke

Nyeri:

County Mall, Next to Veterinary Department,
P.O. Box 30-10100, Nyeri,
Telephone: 020 200 4664.
Email: nyeri@ipoa.go.ke

Eldoret:

Kerio Valley Development Authority (KVDA) Annex Plaza,
P.O. Box 109-30100, Eldoret,
Telephone: 020 440 3548.
Email: eldoret@ipoa.go.ke

F) Bankers

Central Bank of Kenya,

Haile Selassie Avenue Street,
P O Box 60000, 00200 City Square,
Tel: 2860 000,
NAIROBI.

National Bank of Kenya,

Hill Branch,
NHIF Building,
NAIROBI.

INDEPENDENT POLICING OVERSIGHT AUTHORITY
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For the year ended June 30, 2018

g) Independent Auditors

Auditor General,
Kenya National Audit Office (KENAO),
Anniversary Towers,
P O Box 49384, 00100 GPO,
NAIROBI.

h) Principal Legal Adviser

The Attorney General,
State Law Office,
Harambee Avenue
P.O. Box 40112,
City Square 00200,
NAIROBI.

INDEPENDENT POLICING OVERSIGHT AUTHORITY
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FOREWORD BY THE CHAIRMAN

During the 2017/18 financial year, the Authority was allocated recurrent budget estimates amounting to Kshs. 600,000,000. The budget was, however, revised upwards by Kshs. 95,860,000 to Kshs. 695,860,000 during Supplementary Estimates. Exchequer releases during the period amounted to Kshs. 588,314,800 or 85% of the revised budget.


The total expenditure during the period was Kshs. 588,324,800 of which Kshs. 253,340,332 was on compensation of employees, Kshs. 286,035,294 on use of goods and services, and Kshs. 48,929,944 on acquisition of assets. The Authority absorbed 85% of the total budget, as compared to an absorption rate of 89% recorded during the 2016/2017 financial year.

During the period, the Authority received a total of 2,339 complaints from the public and the police, bringing the total complaints received since the Authority was established in 2012 to 10,381. The Authority conducted 240 inspections of police facilities, and investigated 197 cases bringing the total to 950 and 790 respectively since inception.

During the year, the Authority established five additional regional offices in Nakuru, Eldoret, Kakamega, Nyeri and Meru. This is in addition to the three regional offices established in Mombasa, Kisumu and Garissa during the previous year. With eight regional offices, the Authority looks forward to serving the public closer to their areas thus improving the current uptake of complaints against the police.

Looking into the future, the Authority will continue to carry out its work in a transparent, impartial, just and in a fair manner. It will continue to work and cooperate with all its key stakeholders for realization of this objective.

The term of office of the inaugural Board on 21st May 2018 upon which the Government initiated the recruitment process of the next Board. The President appointed the Chairperson and Board members vide Gazette Notice No. 9559 and No. 9560 respectively with effect from 1st September 2018 for a period of six years. The new Board was sworn-in by the Chief Justice on 21st September 2018.



Chairman
September 2018

STATEMENT OF MANAGEMENT RESPONSIBILITIES

Section 81 (1) of the Public Finance Management Act, 2012 requires that, at the end of each financial year, the accounting officer for a National Government Entity shall prepare financial statements in respect of that entity. Section 81 (3) requires the financial statements so prepared to be in a form that complies with relevant accounting standards as prescribed by the Public Sector Accounting Standards Board of Kenya from time to time.


The Accounting Officer in-charge of the Independent Policing Oversight Authority (IPOA) is responsible for the preparation and presentation of the Authority's financial statements, which give a true and fair view of the state of affairs of the Authority for and as at the end of the financial year ended on June 30, 2018. This responsibility includes: (i) maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period; (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of IPOA entity; (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) safeguarding the assets of the Authority; (v) selecting and applying appropriate accounting policies; and (vi) making accounting estimates that are reasonable in the circumstances.

The Accounting Officer in-charge of IPOA accepts responsibility for the Authority's financial statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with International Public Sector Accounting Standards (IPSAS). The Accounting Officer is of the opinion that the Authority's financial statements give a true and fair view of the state of IPOA's transactions during the financial year ended June 30, 2018, and of the Authority's financial position as at that date. The Accounting Officer in-charge of the Independent Policing Oversight Authority further confirms the completeness of the accounting records maintained for the Authority, which have been relied upon in the preparation of the Authority's financial statements as well as the adequacy of the systems of internal financial control.

The Accounting Officer in charge of IPOA confirms that the Authority has complied fully with applicable Government Regulations and the terms of external financing covenants (where applicable), and that the Authority's funds received during the year under audit were used for the eligible purposes for which they were intended and were properly accounted for. Further, the Accounting Officer confirms that the Authority's financial statements have been prepared in a form that complies with relevant accounting standards prescribed by the Public Sector Accounting Standards Board of Kenya.

Approval of the financial statements

The Authority's financial statements were approved and signed by the Accounting Officer on *18th September 2018*.



Maina Njoroge
Accounting Officer/CEO



Agatha Chepkoech
Chief Accountant, ICPAK Member No. 10017

REPUBLIC OF KENYA

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P.O. Box 30084-00100
 NAIROBI

OFFICE OF THE AUDITOR-GENERAL

REPORT OF THE AUDITOR-GENERAL ON INDEPENDENT POLICING OVERSIGHT AUTHORITY FOR THE YEAR ENDED 30 JUNE 2018

REPORT ON THE FINANCIAL STATEMENTS

Opinion

I have audited the accompanying financial statements of Independent Policing Oversight Authority set out on pages 16 to 36, which comprise the statement of assets and liabilities as at 30 June 2018, and the statement of receipts and payments, statement of cash flows, statement of comparison of budget and actual amounts for the year then ended, summary statement of appropriation – recurrent for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, the financial statements present fairly, in all material respects, the financial position of Independent Policing Oversight Authority as at 30 June 2018, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the Public Finance Management Act, 2012 and the Independent Policing Oversight Authority Act No. 35 of 2011.

Basis for Opinion

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of Independent Policing Oversight Authority in accordance with ISSAI 30 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Key Audit Matters

Key audit matters are those matters that, in my professional judgment, are of most significance in the audit of the financial statements. There are no key audit matters to communicate in my report.

Report of the Auditor-General on the Financial Statements of Independent Policing Oversight Authority for the year ended 30 June 2018.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

As required by Article 229(6) of the Constitution, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements are in compliance, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

Conclusion

As required by Section 7 (1) (a) of the Public Audit Act, 2015, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that internal controls, risk management and governance were not effective.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 1315 and ISSAI 1330. The standards require that I plan and perform the audit to obtain assurance about whether processes and systems of internal control, risk management and governance were operating effectively, in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

Responsibilities of Management and Those Charged with Governance

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Cash Basis) and for maintaining effective internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal control, risk management and governance.

In preparing the financial statements, management is responsible for assessing the Independent Policing Oversight Authority's ability to sustain services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of

Report of the Auditor-General on the Financial Statements of Independent Policing Oversight Authority for the year ended 30 June 2018

accounting unless the management either intends to cease operations, or have no realistic alternative but to do so.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities which govern them, and that public resources are applied in an effective way.

Those charged with governance are responsible for overseeing the financial reporting process, reviewing the effectiveness of how the entity monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

Auditor-General's Responsibilities for the Audit

The audit objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion in accordance with the provisions of Section 48 of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In addition to the audit of the financial statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in an effective way, in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution.

Further, in planning and performing the audit of the financial statements and audit of compliance, I consider internal control in order to give an assurance on the effectiveness of internal controls, risk management and governance processes and systems in accordance with the provisions of Section 7 (1) (a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal control would not necessarily disclose all matters in the internal control that might be material weaknesses under the ISSAIs. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively

low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

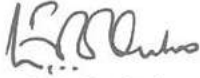
Because of its inherent limitations, internal control may not prevent or detect misstatements and instances of non-compliance. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

As part of an audit conducted in accordance with ISSAIs, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the management.
- Conclude on the appropriateness of the management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Authority's ability to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the Authority to cease sustaining its services.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Authority to express an opinion on the financial statements.
- Perform such other procedures as I consider necessary in the circumstances.

I communicate with the management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that are identified during the audit.

I also provide management with a statement that I have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence, and where applicable, related safeguards.



FCPA Edward R. O. Ouko, CBS
AUDITOR-GENERAL

Nairobi

03 April 2019

INDEPENDENT POLICING OVERSIGHT AUTHORITY
Reports and Financial Statements
For the year ended June 30, 2018

REPORT OF THE INDEPENDENT AUDITORS

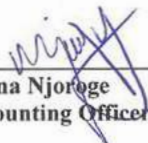


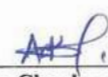
INDEPENDENT POLICING OVERSIGHT AUTHORITY
Reports and Financial Statements
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STATEMENT OF RECEIPTS AND PAYMENTS

	Note	2017/2018 Kshs.	2016/2017 Kshs.
RECEIPTS			
Exchequer releases	1	588,314,800	433,610,000
A.I.A (Sale of Tender documents)	2	10,000	-
TOTAL RECEIPTS		588,324,800	433,610,000
PAYMENTS			
Compensation of employees	3	253,343,332	222,770,601
Use of goods and services	4	286,527,509	164,321,505
Acquisition of assets	5	48,434,728	45,863,674
TOTAL PAYMENTS		588,305,569	432,955,780
SURPLUS/(DEFICIT)		19,231	654,220

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The financial statements were approved on *18th September 2018* and signed by:


 Maina Njoroge
 Accounting Officer/CEO


 Agatha Chepkoech
 Chief Accountant, ICPAK Member No. 10017


INDEPENDENT POLICING OVERSIGHT AUTHORITY
Reports and Financial Statements
For the year ended June 30, 2018

STATEMENT OF ASSETS AND LIABILITIES

	Note	2017/2018 Kshs.	2016/2017 Kshs.
FINANCIAL ASSETS			
Cash and Cash Equivalents			
Bank balances	6	748,726	1,858,846
Total Cash and Cash Equivalents		748,726	1,858,846
Accounts Receivables -Imprests	7	-	72,800
TOTAL FINANCIAL ASSETS		748,726	1,931,646
LESS: FINANCIAL LIABILITIES			
Accounts payables - deposits	8	729,495	1,277,426
NET FINANCIAL ASSETS		19,231	654,220
REPRESENTED BY:			
Fund balance brought forward	10	654,220	1,151,941
Adjusted for: returns to Exchequer	11	(654,220)	(1,151,941)
Surplus/(Deficit) for the year		19,231	654,220
NET FINANCIAL POSITION		19,231	654,220

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The financial statements were approved on 18th September 2018 and signed by:


 Maina Njoroge
 Accounting Officer/CEO


 Agatha Chepkoech
 Chief Accountant, ICPAK Member No. 10017

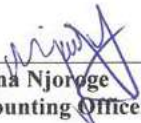
INDEPENDENT POLICING OVERSIGHT AUTHORITY
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
STATEMENT OF CASH FLOW

	Note	2017/2018 Kshs.	2016/2017 Kshs.
CASH FLOW FROM OPERATING ACTIVITIES			
Receipts for operating income			
Exchequer releases from the National Treasury	1	588,314,800	433,610,000
A.I.A (Sale of Tender documents)	2	10,000	-
Total Receipts for operating income		588,324,800	433,610,000
Payments for operating expenses			
Compensation of employees	3	(253,343,332)	(222,770,601)
Use of goods and services	4	(286,527,509)	(164,321,505)
Adjusted for:			
Changes in receivables		72,800	(72,800)
Returns to Exchequer*		(654,220)	(1,151,941)
Net cash flow from operating activities		47,872,539	45,293,153
CASH FLOW FROM INVESTING ACTIVITIES			
Acquisition of assets	5	(48,434,728)	(45,863,674)
Net cash flows from investing activities		(48,434,728)	(45,863,674)
CASH FLOW FROM BORROWING ACTIVITIES			
Domestic currency/domestic deposits (A/cs payable)		(547,931)	(5,152,225)
Net cash flow from financing activities		(547,931)	(5,152,225)
NET INCREASE IN CASH & CASH EQUIVALENT		(1,110,120)	(5,722,746)
Cash and cash equivalent at BEGINNING of the year		1,858,846	7,581,592
Cash and cash equivalent at END of the year		748,726	1,858,846

*An amount of Kshs. 654,220 being the unutilized funds during the year was returned to the Exchequer on 12th September 2017.

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The financial statements were approved on 18th September 2018 and signed by:


 Maina Njoroge
 Accounting Officer/CEO


 Agatha Chepkoech
 Chief Accountant, ICPAK Member No. 10017

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SUMMARY STATEMENT OF APPROPRIATION; RECURRENT

Receipt/Expense Item	Original Budget Kshs a	Adjustments Kshs b	Final Budget Kshs c=a+b	Actual on Comparable Basis Kshs d	Budget Utilization Difference Kshs e=c-d	% of Utilization actual Kshs f=d/c %
RECEIPTS						
Exchequer releases from the National Treasury	600,000,000	95,860,000	695,860,000	588,314,800	107,545,200	85%
A.I.A-Sale of Tender documents	-	-	-	10,000	(10,000)	0%
Sub-Total	600,000,000	95,860,000	695,860,000	588,324,800	107,535,200	85%
PAYMENTS						
Compensation of employees	264,000,000	39,829,286	303,829,286	253,343,332	50,485,954	83%
Use of goods and services	313,180,000	(16,172,500)	297,007,500	286,527,509	10,479,991	96%
Acquisition of assets	22,820,000	72,203,214	95,023,214	48,434,728	46,588,486	51%
TOTALS	600,000,000	95,860,000	695,860,000	588,305,569	107,554,431	85%

Notes:

- (a) The Authority recorded an overall 85% budget absorption during the year.
- (b) Compensation of employees absorbed 83% of the approved budget. This was due to high staff turnover. This was also due to unavoidable circumstances in replacing vacant positions, and planned recruitment of additional staff.
- (c) On use of goods, the Authority recorded a budget absorption rate of 96%.
- (d) On acquisition of assets, an absorption rate of 51% was recorded. This was mainly due to the office refurbishment budget line earmarked for the regional offices. The interim certificates for the works were submitted late towards the end of June 2018, making it difficult to obtain the required Exchequer issue.
- (e) During the year, the Authority declared savings of Kshs. 150m allocated for Development Vote. The Authority requested the same to be rationalised and reallocated to the Recurrent Vote specifically for establishment of regional offices. The National Treasury allocated Kshs. 95.86m out of the savings to Recurrent Vote.

The financial statements were approved on *18th September 2018* and signed by:


Maina Njoroge
Accounting Officer/CEO


Agatha Chepkoech
Chief Accountant, ICPAK Member No. 10017

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BUDGET VERSUS ACTUAL AMOUNTS

Receipt/Expense Item	Original Budget	Adjustments	Final Budget	Actual on	Budget Utilization	% of
	Kshs a	Kshs b	Kshs c=a+b	Comparable Basis Kshs d	Difference Kshs e=c-d	Utilization Difference Kshs f=e/c %
RECEIPTS						
Exchequer releases from the National Treasury	600,000,000	95,860,000	695,860,000	588,314,800	107,545,200	15%
A.I.A-Sale of Tender documents	-	-	-	10,000	(10,000)	0%
Sub-Total	600,000,000	95,860,000	695,860,000	588,324,800	107,535,200	15%
PAYMENTS						
Compensation of employees	264,000,000	39,829,286	303,829,286	253,343,332	50,485,954	17%
Use of goods and services	313,180,000	(16,172,500)	297,007,500	286,527,509	10,479,991	4%
Acquisition of assets	22,820,000	72,203,214	95,023,214	48,434,728	46,588,486	49%
TOTALS	600,000,000	95,860,000	695,860,000	588,305,569	107,554,431	15%

Notes:

- (a) Total Exchequer receipts amounted to 85% of the revised budget, or 15% budget utilization difference.
- (b) Compensation to staff recorded a budget utilization of 17%, use of goods and services, 4%, and acquisition of assets, 49%.
- (c) The overall 15% budget utilization difference was mainly due to staff turnover and non-completion of the procurement process especially where bids were non-responsive, particularly on acquisition of assets.

The financial statements were approved on **18th September 2018** and signed by:


Maina Njoroge
 Accounting Officer/CEO


Agatha Chepkoech
 Chief Accountant, *JCPAK* Member No. 10017

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BUDGET EXECUTION BY PROGRAMMES AND SUB-PROGRAMMES

Programme/Sub-programme	Original Budget	Adjustments	Final Budget	Actual on comparable basis	Budget utilization difference
	Kshs	Kshs	Kshs	Kshs	Kshs
Programme 1: Policing Oversight Services					
Sub-Programme 1: Policing Oversight Services	600,000,000	95,860,000	695,860,000	588,305,569	107,554,431
Total	600,000,000	95,860,000	695,860,000	588,305,569	107,554,431

Notes:

- The Authority has only one Programme; Policing Oversight Services.
- The Authority's original approved budget was Kshs. 600,000,000. However, the budget was revised upwards by Kshs. 95,860,000 to Kshs. 695,860,000 during Supplementary Estimates I. The additional funds was meant to be used in establishment of six (6) regional offices.
- The total expenditure during the period amounted to Kshs. 588,305,569, leaving Kshs. 107,554,431 as budget utilization difference or 15% of the total revised budget.

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SIGNIFICANT ACCOUNTING POLICIES

1. Summary of Significant Accounting Policies

The principal accounting policies adopted in the preparation of these financial statements are set out below. These policies have been consistently applied to all years presented, unless otherwise stated.

a) Statement of compliance and basis of preparation

The financial statements have been prepared in accordance with Cash Basis International Public Sector Accounting Standards (IPSAS) financial reporting under the cash basis of Accounting, as prescribed by the Public Sector Accounting Standards Board (PSASB) of Kenya and set out in the accounting policy notes below. In addition, the financial statements are in compliance with the Public Finance Management Act, 2012, Public Finance Management Act Regulations, 2015, Public Audit Act, 2015, and in line with the requirements of IPOA Act, 2011.

This cash basis of accounting has been supplemented with accounting for: a) receivables that include imprests and salary advances and b) payables that include deposits and retentions. The receivables and payables are disclosed in the Statement of Assets and Liabilities. The Statement of Assets and Liabilities is not mandatory statement under the IPSAS Cash Basis but is encouraged in order to disclose information on assets and liabilities.

The financial statements are presented in Kenya Shillings, which is the functional and reporting currency of the Authority. All values are rounded to the nearest Kenya Shilling. The Accounting policies adopted have been consistently applied to all years presented.

The financial statements comply with and conform to the form of presentation prescribed by the PSASB.

b) Reporting entity

The financial statements are for the Independent Policing Oversight Authority (IPOA). The financial statements encompass the entity as specified under section 81 of the PFM Act 2012. The Authority did not implement any development projects during the reporting period.

c) Recognition of receipts and payments

Recognition of receipts:

- a. Receipts: The Authority recognises all receipts from the various sources when the event occurs and the related cash has actually been received by the Authority.
- b. Transfers from the Exchequer: Transfer from Exchequer is recognized in the books of accounts when cash is received. Cash is considered as received when payment instruction is issued to the bank and notified to the Authority.
- c. Other receipts: These include Appropriation-in-Aid and relates to receipts such as proceeds from disposal of assets and sale of tender documents. These are recognized in the financial statements at the time the associated cash is received.

Recognition of payments:

- d. Expenses: The Authority recognises all expenses when the event occurs and the related cash has actually been paid out by the Authority.
- e. Compensation of employees: Salaries and wages, allowances, statutory contributions for employees are recognized in the period when compensation is paid.

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Use of goods and services:

Goods and services are recognized as payments in the period when the goods/services are consumed and paid for. Such expenses, if not paid during the period where goods/services are consumed, shall be disclosed as pending bills.

Acquisition of fixed assets:

The payment on acquisition of property plant and equipment items is not capitalized. The cost of acquisition and proceeds from disposal of these items are treated as payments and receipts respectively. Where an asset is acquired in a non-exchange transaction for nil or nominal consideration and the fair value of the asset can be reliably established, a contra transaction is recorded as receipt as a payment.

A fixed asset register is maintained and a summary provided for purposes of disclosure. This summary is disclosed as an annexure to the financial statements.

d) In-kind contributions

In-kind contributions are donations that are made to the Authority in the form of actual goods and/or services rather than in money or cash terms. These donations may include vehicles, equipment or personnel services. Where the financial value received for in-kind contributions can be reliably determined, the Authority includes such value in the statement of receipts and payments both as revenue and as an expense in equal and opposite amounts; otherwise, the contribution is not recorded.

e) Cash and cash equivalents

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. Bank account balances include amounts held at the Central Bank of Kenya and at various commercial banks at the end of the financial year.

Restriction of cash:

Restricted cash represents amounts that are limited/restricted from being used to settle a liability for at least twelve months after the reporting period. This cash is limited for direct use as required by stipulation. Amounts maintained in the deposit bank account are restricted for use in refunding third party deposits. As at 30th June 2018, this amounted to Kshs. 729,495 compared to Kshs. 1,277,426 in prior period as indicated on Notes 6 and 8.

f) Accounts Receivable

For the purposes of these financial statements, imprests and advances to authorized public officers and/or institutions which were not surrendered or accounted for at the end of the financial year is treated as receivables. This is in recognition of the government practice where the imprest payments are recognized as expenditure when fully accounted for by the imprest or AIE holders. This is an enhancement to the cash accounting policy. Other accounts receivables are disclosed in the financial statements.

g) Accounts Payable

For the purpose of these financial statements, deposits and retentions held on behalf of third parties has been recognized as accounts payable. This is in recognition of the government practice of retaining a portion of contracted services and works pending fulfilment of obligations by the contractor and to hold deposits on behalf of third parties. This is an enhancement to the cash accounting policy adopted by National

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Government Ministries and Agencies. Other liabilities including pending bills are disclosed in the financial statements.

h) Non-current assets

Non-current assets are expensed at the time of acquisition while disposal proceeds are recognized as receipts at the time of disposal. However, the acquisitions and disposals are reflected in the entity fixed assets register a summary of which is provided as a memorandum to these financial statements.

i) Pending bills

Pending bills consist of unpaid liabilities at the end of the financial year arising from contracted goods or services during the year or in past years. As pending bills do not involve the payment of cash in the reporting period, they are recorded as 'memorandum' or 'off-balance' items to provide a sense of the overall net cash position of the Authority at the end of the year. When the pending bills are finally settled, such payments are included in the statement of receipts and payments in the year in which the payments are made.

j) Budget

The budget is developed on the same accounting basis (cash basis), the same accounts classification basis, and for the same period as the financial statements. The Authority's budget was approved as required by Law and as detailed in the Government of Kenya Budget Printed Estimates. A high-level assessment of the Authority's actual performance against the comparable budget for the financial year under review has been included in an annex to these financial statements.

k) Comparative figures

Where necessary comparative figures for the previous financial year have been amended or reconfigured to conform to the required changes in presentation.

l) Subsequent events

Events subsequent to submission of the financial year end financial statements to the National Treasury and other stakeholders with a significant impact on the financial statements may be adjusted with the concurrence of the National Treasury. No material events or circumstances have arisen between the accounting date and the date of this report.

2. Financial Risk Management Objectives and Policies

The Authority's activities expose it to a variety of financial risks including liquidity risks. The Authority's overall risk management programme focuses on unpredictability of changes in the business environment and seeks to minimize the potential adverse effects of such risks on its performance by setting acceptable level of risks. The Authority has developed an Enterprise Risk Management (ERM) Framework upon which a risk register is maintained and reviewed regularly.

The Board recognizes that management of risk is a key element of sound governance and an important strategy for the achievement of its mission and supporting objectives. The Board further recognizes that risk management is a holistic management process that is to be applied at all levels of activity across the Authority. The Authority is committed to consistent management of risk as an integral part of its operations, focusing on strategies to minimize risks towards achieving strategic goals and objectives.

The Board has the overall responsibility for the establishment and oversight of the enterprise risk management framework. The Board has delegated its risk management to the Risk and Audit Committee.

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The Committee is responsible for the implementation and reporting of the framework. The Board Finance and Administration Committee is charged with management of financial risks arising from financial transactions and processes.

The following are financial management objectives and policies:

a) Market risk

Market risk is the risk that changes in market prices, such as interest rate, equity prices, and foreign exchanges rates will affect IPOA's income or value of its holding financial instruments. The objective of market risk management is to manage and control market risk exposures within acceptable parameters, while optimizing the return on risk. The Authority's market risk is relatively low, based on its nature of business.

b) Credit risk

Credit risk is the risk of financial loss to the Authority if a client or counterparty to a financial instrument fails to meet its contractual obligations and arises principally from the Authority cash and cash equivalents and deposits with banks, as well as trade and other receivables. Due to the nature of business, the Authority does not have any significant concentrations of credit risk. However, the Authority assesses the credit risk quality of each client, taking into account its financial position, past experience and other critical factors. The Authority's funds received from the Exchequer are usually placed with the Central Bank of Kenya.

c) Liquidity risk

Liquidity risk is risk that the Authority will encounter difficulty in meeting its obligations from its financial obligations. The Authority's approach to managing liquidity is to ensure, as far as possible, that it will always have sufficient liquidity to meet its obligations when due without incurring unacceptable losses or risk of damaging its reputation. The Authority manages liquidity risk through continuous monitoring of forecasts and actual cash flows, ensuring that Exchequer release requests are made to the National Treasury on timely basis.

d) Capital risk

The Authority is not exposed to capital risk as it does not have share capital, being an independent State Agency.

e) Operational risk

Operational risk is the risk of direct or indirect loss arising from a wide variety of causes associated with the Authorities processes, personnel, technology and infrastructure, and from external factors other than credit, market and liquidity risks such as those arising from legal and regulatory requirements and generally acceptable standards.

The Authority's objective is to manage operational risks so as to balance the avoidance of financial losses and damage to its reputation with overall cost effectiveness and to avoid any control procedures that restrict initiative and creativity in the Authority.

The primary responsibility of the development and implementation of controls to address operational risk is assigned to the Authority's management, with the overall responsibility resting with the Board. This responsibility is supported by the development of overall standards for the management of operational risks in the following areas:

- a. Requirement for appropriate segregation of duties including independent authorization and approval of transactions;

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- b. Requirement for reconciliation and monitoring of transactions;
- c. Documentation of controls and procedures;
- d. Staff training and professional development;
- e. Ethical and business standards;
- f. Compliance with regulatory and other legal requirements;
- g. Requirement for periodic assessment of operational risks faced by the Authority, and adequacy of controls and procedures to address the risks identified;
- h. Requirement for the reporting of operational losses and proposed remedial action;
- i. Development of contingency plans;
- j. Risk mitigation, including insurance where this is effective; and
- k. Review of compliance with the Authority's standards is on an ongoing basis. The Authority has developed a staff code of conduct, which every employee is required to sign an integrity pact for compliance.

f) Reputational risk

Reputation risk is risk of failing to meet standards of performance or behaviour required or expected by the stakeholders in commercial activities or the way in which business is conducted. Reputational risk arise as a poor management of problems occurring in one or more of the primary risk areas and/or from social, ethical or environmental risk issues. All Board members and staff have a critical responsibility for maintaining the Authority's reputation through strict adherence of the highest level of personal and corporate conduct.

g) Governance risk compliance

Governance risk is risk that the Authority will not identify, measure, report and appropriately manage risks to achieve governance objectives with integrity and confidence. In order to mitigate governance risk, the Board ensures that it fulfils its regulatory obligations, duties and responsibilities. The Authority has developed and implemented a Board Charter, and has organized training on corporate governance for all the Board members.

h) Compliance and regulatory risk

Compliance and regulatory risk includes the risk of non-compliance with regulatory requirements. During the period, the Authority complied with all its statutory obligations.

i) Legal risk

Legal risk is the risk of unexpected loss, arising from defective transactions or contracts, claims being made or some other event resulting in a liability or the loss for the Authority, failure to protect the title to or liability control the rights to its assets, and changes in law. The Authority manages legal risk through the Risk and Audit Committee, legal department, use of effective internal controls and seeking legal opinion from the State Law Office.

3. Taxation

The Authority is not subject to taxation and, therefore, no provision for tax liability has been made in the financial statements.

4. Retirement benefit obligations

The Authority makes contributions to a statutory pension scheme, the National Social Security Fund (NSSF), for all its long-term contract employees. Contributions to the scheme are determined by statute at Kshs. 200/- per employee per month for the 12-month period ended 30 June 2017. The employees also

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contribute a similar amount per month. The Authority's obligations to NSSF are charged to the salary costs on monthly basis.

5. Staff service gratuity

IPOA employees in Job Grades 1-3 are employed on a four-year renewable period. They are entitled to service gratuity of 31% of their monthly basic salary. The gratuity is payable whenever an employee's contract comes to an end or whenever an employee leaves employment. No provision is made for future gratuity liability, as the Authority uses the cash basis of accounting.

With effect from January 2018, employees in Job Grades 4-9 were transitioned to permanent and pensionable terms. Outstanding accumulated service gratuity for this group was budgeted for in the 2018/19 budget. The Authority contributes 20% of the employees' monthly basic salary to the staff retirement benefits scheme while the employees contribute 10% of their monthly basic salary. The scheme is managed by Jubilee Insurance Company Ltd.

6. Legal status/going concern

IPOA is a non-profit state agency. It was established through an Act of Parliament No. 35 of 2011. Its existence is thus anchored on this Constitutive Act. There is no legal threat or otherwise to its existence, and therefore continues to execute its mandate and functions as a going concern.

During the year, the Authority was sued by an ex-employee for alleged wrongful termination of employment. The matter is before the Labour and Employment Court pending determination. The Authority is hopeful that the case will be determined in its favour.

7. Employees

As at 30 June 2018, the Authority had a staff compliment of 177.

8. Use of funds

The Authority's management ensures that funds received from the Exchequer are utilized with utmost care, and as stipulated in the approved annual estimates. This is done with due attention to economy, efficiency, accountability, and only for the purposes for which the funding was provided.

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EXPLANATORY NOTES

1. EXCHEQUER RELEASES

	2017/2018	2016/2017
	Kshs.	Kshs.
Total Exchequer Releases for Quarter 1	98,594,420	94,510,000
Total Exchequer Releases for Quarter 2	107,073,180	79,900,000
Total Exchequer Releases for Quarter 3	139,538,000	102,600,000
Total Exchequer Releases for Quarter 4	243,109,200	156,600,000
Total	588,314,000	433,610,000

2. APPROPRIATION IN AID

	2017/2018	2016/2017
	Kshs.	Kshs.
Sale of Tender documents	10,000	-
	10,000	-

3. COMPENSATION OF EMPLOYEES

	2017/2018	2016/2017
	Kshs.	Kshs.
Basic salaries of permanent employees	161,890,673	133,010,853
Basic wages of temporary employees	20,902,370	17,876,021
Personal allowances paid as part of salary	60,512,203	52,483,424
Compulsory National Social Security Schemes	635,200	502,800
Compulsory National Health Ins. Schemes	2,537,450	2,010,950
Staff Pension	6,865,436	-
Other personnel payments (service gratuity)	-	16,886,553
Total	253,343,332	222,770,601

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EXPLANATORY NOTES (CONTINUED)

4. USE OF GOODS AND SERVICES

	2017/2018	2016/2017
	Kshs.	Kshs.
Utilities	160,694	25,000
Specialized materials and supplies	887,123	210,400
Communication, supplies and services	8,417,201	5,858,762
Domestic travel and subsistence	35,390,805	32,206,814
Foreign travel and subsistence	2,133,354	1,553,692
Printing, advertising/inform supplies & services	2,370,796	3,669,530
Rentals of produced assets	44,999,946	38,149,317
Training expenses	4,157,610	4,078,034
Hospitality supplies and services	15,698,343	9,574,476
Board Sitting Allowances	14,527,000	19,890,000
Insurance costs	31,380,254	23,488,734
Office and general supplies and services	3,927,120	6,381,465
Other operating expenses	15,025,562	9,261,298
Routine maintenance – motor vehicles	3,871,600	2,760,048
Fuel oil and lubricants	4,978,520	5,016,514
Gratuity	97,054,465	-
Routine maintenance – other assets	1,547,116	2,197,421
Total	286,527,509	164,321,505

5. ACQUISITION OF ASSETS

Non-Financial Assets	2017/2018	2016/2017
	Kshs.	Kshs.
Refurbishment of buildings	1,095,968	9,602,135
Purchase of motor vehicles	37,054,796	18,590,000
Purchase of office furniture/equipment	8,578,520	14,920,176
Purchase of specialized plant/equipment	1,705,444	2,751,362
Total	48,434,728	45,863,673

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EXPLANATORY NOTES (CONTINUED)

6. BANK ACCOUNTS

Name of Bank, Account No. & currency	Type of Account	2017/2018	2016/2017
		Kshs.	Kshs.
Central Bank of Kenya, Account No. 1000181559	Recurrent	19,231	581,420
Central Bank of Kenya 165, Account No. 1000182717	CBK165	-	-
Central Bank of Kenya, Account No. 1000182393	Deposit	729,495	1,277,426
National Bank of Kenya, Account No. 01001094661400	Current	-	-
Total		748,726	1,858,846

During 2014/15 financial year, the Authority, through an approval of the National Treasury, opened a commercial bank account with the National Bank of Kenya (Account No. 01001094661400), Hill Branch, NHIF Building, Nairobi. The account remained dormant during the period with no cash balance.

7. ACCOUNTS RECEIVABLE – OUTSTANDING IMPRESTS

Description	2017/2018	2016/2017
	Kshs.	Kshs.
Temporary imprests	-	72,800
Total	-	72,800

8. ACCOUNTS PAYABLE

Description	2017/2018	2016/2017
	Kshs.	Kshs.
Retention – office refurbishment	173,623	64,026
IPOA Staff Welfare	555,872	208,900
IPOA Staff Sacco Society	-	1,004,500
Total	729,495	1,277,426

Notes:

- The Authority has established a staff welfare. The staff monthly contributions through the payroll are transferred to the Deposit Account awaiting the Welfare to open its bank account. IPOA Staff Sacco opened its bank account and the Authority transferred its accumulated contribution from Deposit Account to Sacco Account during the financial year.

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EXPLANATORY NOTES (CONTINUED)

10. FUND BALANCE BROUGHT FORWARD

<i>Description</i>	2017/2018	2016/2017
	Kshs.	Kshs.
Bank accounts	1,858,846	7,581,592
Temporary Imprest	72,800	-
Accounts payables	(1,277,426)	(6,429,651)
Total	654,220	1,151,941

11. PRIOR YEAR ADJUSTMENTS

<i>Description</i>	2017/2018	2016/2017
	Kshs.	Kshs.
Prior Year Adjustments	(654,220)	(1,151,941)

The prior year adjustments related to fund balances brought forward from the previous period and surrendered back to the Exchequer during the subsequent financial year.

12. RELATED PARTY DISCLOSURES

Related party disclosure is encouraged under non-mandatory section of the Cash Basis IPSAS.

The following comprise of related parties to the Independent Policing Oversight Authority:

- Key management personnel that include the Accounting Officer and four directors.

Related party transactions:

<i>Description</i>	2017/2018	2015/2016
	Kshs.	Kshs.
Key management compensation	26,070,600	26,488,665
Total	26,070,600	26,488,665

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EXPLANATORY NOTES (CONTINUED)

13 OTHER IMPORTANT DISCLOSURES

13.1 PENDING ACCOUNTS PAYABLE (Annex 1)

Non-Financial Assets	2017/2018	2016/2017
	Kshs.	Kshs.
Office partitioning project	24,758,725	1,095,339
Supply of goods	3,817,183	507,041
Supply of services	1,939,700	82,555
Total	30,534,168	1,684,935

13.2 PENDING STAFF PAYABLES (Annex 2)

	2017/2018	2016/2017
	Kshs.	Kshs.
Middle Management	218,749	17,629
Others -Staff payroll deductions	71,793	40,123
Total	290,542	57,752

EXPLANATORY NOTES (CONTINUED)

13.3 PROGRESS ON FOLLOW UP OF AUDITOR'S RECOMMENDATIONS

The Authority did not have any audit matters arising from the 2016/2017 financial year. Audit matters arising from the 2015/2016 financial year were fully resolved during the 2016/2017.

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ANNEX 1 – ANALYSIS OF PENDING ACCOUNTS PAYABLE

ANNEX 1 – ANALYSIS OF PENDING ACCOUNTS PAYABLE

Supplier of Goods or Services	Original Amount	Date Contracted	Amount Paid To-Date	Outstanding Balance 2018	Outstanding Balance 2017	Comments
Refurbishment of buildings						
Juba Concrete & Steel Limited	13,926,415	26/06/2018	13,926,415	-	-	Office Refurbishment – Mombasa office
Juba Concrete & Steel Limited	10,832,310	26/06/2018		10,832,310		Office Refurbishment – Kisumu office
Sub-total	24,758,725		13,926,415	10,832,310		
Supply of goods						
Laredo General Suppliers	62,700	26/06/2018		62,700		Toner TN321M
Leeds Solutions	560,000	26/06/2018		560,000		LCD Projector
Cosmos Trading Company Ltd	656,000	27/06/2018		656,000		Desktop Computers
MFI Document Solutions	922,800	07/06/2018		922,800		Kyocera Printers
Pioneer Computer Garage	564,330	20/04/2018		564,330		Assorted ICT Accessories
Com21	1,051,353	08/06/2018		1,051,353		Installation of CCTV Cameras in Garissa, Nyeri & Kakamega Office.
Sub-total	3,817,183		-	3,817,183		
Supply of Services						
Hatari Security Services	396,280	30/06/2018	396,280	-	-	June 2018 Outstanding Bill.
Long Rock Tours	67,030	25/06/2018	67,030	-	-	Air Ticket for IPOA Officers.
Metrocosmo Limited	1,052,120	13/3/2018	1,052,120	-	-	Rent & Parking for Nakuru Office April-June 2018.
Auto Drive Limited	335,903	17/05/2018	335,903	-	-	Rent Nyeri Office May & June 2018
River Cross Tracking Limited	33,439	23/05/2018		33,439		Outstanding VAT
Toyota Kenya	766	05/02/2018		766		VAT-February 2018
Toyota Kenya	647	26/02/2018		647		VAT-February 2018
Toyota Kenya	647	26/02/2018		647		VAT-February 2018

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Supplier of Goods or Services	Original Amount	Date Contracted	Amount Paid To-Date	Outstanding Balance 2018	Outstanding Balance 2017	Comments
Kenateco Taxis	52,868	31/05/2018	-	52,868	-	May 2018 Outstanding Bill
Auto Drive Limited	18,560	17/05/2018		18,560		Parking service-May & June 2018-Nyeri Office
Sub-total	1,958,260		1,851,333	106,927		
Total	30,534,168		15,777,748	14,756,420	-	

ANNEX 2 - ANALYSIS OF PENDING STAFF PAYABLES

Name of Staff	Job Group	Original Amount	Date Payable Contracted	Amount Paid To-date	Outstanding Balance 2018	Outstanding Balance 2017	Comments
Middle Management							
Vicky Ocharo	4	214,435			214,435		April 2018-Outstanding Salary.
Julius Wanyama	8	4,314		4,314	-		Outstanding Per diem
Sub-total		218,749		4,314	214,435		
Others (Payroll deductions)							
ICEA Insurance		55,605	23/05/2018	55,605	-		May 2018 Deduction
Jubilee Insurance		16,188	23/05/2018	16,188	-		May 2018 Deduction
Sub-total		71,793		71,793	-		
Total		290,542		76107	214,435		
Grand Total		30,824,710		15,853,855	14,970,855		

Notes:

The pending bills were mainly caused by the following, and not by lack of budgetary provisions:

1. Suppliers' invoices were received after the IFMIS commitments module was closed on 31st May 2018.
2. The payments were processed on time and booked the funds with Exchequer. However, the National Treasury did not issue the requested Exchequer by the close of the financial year.
3. The pending bills were within the Authority's budgetary provisions for the year.

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ANNEX 3 – SUMMARY OF FIXED ASSET REGISTER

Asset class	Historical Cost 2017/18 Kshs'000	Historical Cost 2016/17 Kshs'000
Office refurbishment (2 nd and 3 rd Floors, ACK Garden Annex, 1 st Ngong Avenue, Nairobi)	77,547,488	76,451,520
Motor vehicles	138,961,114	101,906,318
Office equipment, furniture and fittings	35,011,412	26,432,892
ICT equipment, software and other ICT assets	9,874,950	8,169,506
Total	261,394,964	212,960,236

ANNEX B: IPOA'S OPERATIONAL STATISTICS SINCE INCEPTION

Figure 9: Authority's operational statistics since inception.

IPOA OPERATIONAL STATISTICS SINCE INCEPTION TO JUNE 2018							
MANDATE	12/13	13/14	14/15	15/16	16/17	17/18	TOTAL
COMPLAINTS MANAGEMENT							
Complaints received	594	860	1,792	2,529	2,267	2,339	10,381
Complaints cases forwarded to IAU	125	40	25	105	355	119	769
complaints forwarded to investigations	0	304	1,608	1,927	819	482	5,140
Complaint forwarded to IRM	0	39	37	42	90	171	379
Complaints referred to NPS	20	33	15	25	103	30	226
Complaints forwarded to NPSC	49	39	13	39	105	90	335
Complaints Referred to KNCHR	8	3	3	8	9	10	41
Complaints Referred to Police Station OCS	23	26	12	38	129	385	613
Complaints Forwarded to DCI	16	20	16	49	116	12	229
Complaints referred to other agencies (EACC, CAJ, NLC, NTSA, RBA) among others	73	80	26	70	287	113	649
Complaints under preliminary inquiry (Ongoing visits to respective stations, interviewing clients and fact finding) to determine the nature, solve mild complaints, and refer the rest for action depending on the subject matter.						546	546
Complaints closed (Due to withdrawal of complainants, matter before court, Not Actionable, insufficient information, resolved)	280	276	37	226	254	381	1,454
Total	594		1,792	2,529	2,267	2,339	10,381
INVESTIGATIONS							
Total No of Cases received for investigation	0	304	1,608	1,927	819	482	5,140
Investigations Completed	0	27	115	157	294	197	790
Closed after Preliminary investigations							491
Closed after legal review							76
Cases under further investigations (cover points)							18
Ongoing Legal review							83

Cases Forwarded to ODPP	0	2	13	37	26	27	105
Cases forwarded to EACC							11
Cases forwarded to NPSC							6
Subtotal							790
Cases under Initial Investigations Assessment							2,874
Cases currently under investigations	0	76	230	140	649	321	1,476
Subtotal							4,350
Total No of Cases received for investigation							5,140
Cases before Courts							53
Convictions made	0		0	2	0	1	3
POLICE OPERATIONS MONITORED							
Public Order Management	0	2	6	8	10	33	59
Government initiated	0	2	0	1	4	3	10
Traffic Management	0	0	0	1	13	5	19
Police Recruitment	0	0	2	1	1	0	4
Cases Intake Committee (CIC) referrals / Own motion	0	0	0	1	8	4	13
Beats & Patrol	0	0	0	0	12	0	12
Elections	1	0	0	0	16	13	30
Subtotal							147
INSPECTIONS IN POLICE PREMISES							
New Inspections	25	40	181	153	94	103	596
Follow-up inspections		0	15	59	114	137	325
Thematic				25		3	28
Police Training schools					1		1
Subtotal							950

Source: IPOA 2018



Independent Policing
Oversight Authority



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**Guarding
Public
Interest in
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