



Independent Policing
Oversight Authority



**END-TERM
BOARD
REPORT
2012 - 2018**



IPOA Board and staff during the Strategic Plan mid-term review on 27th October 2016.



Independent Policing
Oversight Authority



BOARD END-TERM REPORT MAY 2012 - MAY 2018

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ABBREVIATIONS AND ACRONYMS

AIE	Authority to Incur Expenditure
APCOF	Africa Policing Civilian Oversight Forum
APS	Administration Police Service
BHC	British High Commission in Nairobi
CAJ	Commission on Administrative Justice
CCTV	Closed Circuit Television
CEO	Chief Executive Officer
CPD	Continuous Professional Development
CSOs	Civil Society Organizations
DCI	Directorate of Criminal Investigations
DPSM	Department of Public Service Management
EACC	Ethics and Anti-Corruption Commission
ECM	Enterprise Content Management
ERM	Enterprise Risk Framework
FBI	Federal Bureau of Investigations
FiRe	Financial Reporting Awards
HFCR	Hampshire Force Control Room
HMIC	Her Majesty's Inspectorate of Constabulary
HOD	Head of Department
HR	Human Resources
IAU	Internal Affairs Unit
ICT	Information Communication Technology
IG	Inspector General of Police
IP	Inspector of Police
IPCC	Independent Police Complaints Commission
IPID	Independent Police Investigative Directorate
IRM	Inspections, Research and Monitoring
KHRC	Kenya Human Rights Commission
KICC	Kenyatta International Convention Centre
KNCHR	Kenya National Commission on Human Rights
KNDR	Kenya National Dialogue and Reconciliation
KPS	Kenya Police Service
LAN	Local Area Network

MDAs	Ministries, Departments and Agencies
NCAJ	National Council for the Administration of Justice
NLC	National Land Commission
NPS	National Police Service
NPSC	National Police Service Commission
OCS	Officer Commanding Police Station
ODPP	Office of the Director of Public Prosecutions
OPSA	Outstanding Police Service Awards
PBNI	Policing Board for Northern Ireland
PC	Police Constable
PCCO	Police and Crime Commissioner's Office
PME	Performance Monitoring & Evaluation
PMF	Performance Management Framework
PONI	Police Ombudsman for Northern Ireland
POSU	Public Order Support Unit
PRIC	Police Reforms Implementation Committee
PRSC	Police Reforms Steering Committee
PSD	Professional Standards Department
PSNI	Professional Standards for Northern Ireland
SAPS	South Africa Police Services
SLO	State Law Office
TI	Transparency International
UAT	User Acceptance Testing
UK	United Kingdom
UNODC	United Nations Office on Drugs and Crime
US	United States of America
VOIP	Voice Over Internet Protocol
WAN	Wide Area Network
WPA	Witness Protection Agency

CHAIRPERSON'S STATEMENT



It is with great pleasure and pride, on behalf of the IPOA's inaugural Board, that I present this end-of-term report that documents a six-year journey travelled together as a united team. When the Board was appointed on 22nd May 2012 and later sworn-in on 4th June 2012, we were under no illusion of the task ahead. We looked into the future with hope and confidence. Six years down the road, we have finished our journey together with a great sense of satisfaction and achievement. We trusted one another, shared our experiences and challenges, and gave our very best. We are happy and grateful for the opportunity to serve the public and to have made a contribution in the civilian policing oversight initiative in Kenya.

The Board commenced its work fully aware of the Authority's huge, complex, difficult and unique mandate placed in its hands. This was in addition to the policing challenges at the time and ongoing reforms. It required tremendous courage, self-sacrifice, hope and faith. We look back with great pride on what the Board has achieved during its six years' tenure in office. We are convinced that we built a strong institution, and indeed a brand that will continue serving the people of Kenya effectively, diligently and with commitment.

Since inception, the Board embraced a culture of corporate governance, common approach to decision making, high level of integrity, respect for the rule of law, adhering to laid down institutional policies, procedures, and internal processes framework. The Board ensured a transparent integral processes of staff recruitment that ensured a diverse workforce and gender parity.

Reflecting on some of the successes, the Board is pleased that the Authority managed to decentralize its services to the public by establishing nine regional offices in the following Counties: Mombasa, Kisumu, Garissa, Nakuru, Uasin Gishu, Kakamega, Meru, Nyeri and in Turkana. All the offices are functional and ensure that the Authority's services are accessible closer to the public and police.

In 2016, the Authority with the support of the US Government embarked on an integrated Enterprise Content Management (ECM) system with eleven operational modules. The system was launched on 30th April 2018, and will remain one of the success stories during the Board's term of office.

Financially, the Authority has seen its annual budgetary allocations grow from the initial Kshs. 96m in 2012/13 to over Kshs. 800m for the 2018/19 financial year. The Authority prides itself with modern offices equipped with a state-of-the art data centre, ICT equipment, and a fleet of 27 motor vehicles.

This report further highlights achievements made in mandate areas such as processing of complaints, investigations, inspection of police premises, and monitoring of police operations. We urge the National Police Service to implement all the recommendations made through the Authority's bi-annual, annual and other thematic reports towards professionalizing the Service for the good of the public.

As the inaugural Board exits, there are a few unfinished key areas that the next Board and Management should carry on and finalize. These include the proposed legislative amendments to the IPOA Act, currently before the National Assembly as a Bill; review of IPOA Regulations by the State Law Office and eventual gazette; review of salary structure by SRC; review of the current Strategic Plan and development of the next one; and development of a framework for management and coordination of regional offices.

In recognition of its work, the Authority received the Huduma Ombudsman Award Third Edition (2017) in the Institution Category for professionalism, making the police accountable to the public thereby securing the rights of citizens, and enhancing trust in the police service. This is in addition to two Financial Reporting awards that the Authority received in 2016. As IPOA family, we cherish these awards and have been an encouragement for the challenging work that we have continued to do together.

I would like to express my thanks to all our stakeholders, partners, civil society and development partners for the invaluable support and encouragement that they have accorded us during the last six years. I would like to single out the US Government through its Embassy in Kenya that has hugely supported us through training, equipment, development of the ECM system that has automated the Authority's operations thus ensuring effective and efficient processing of transactions at the head office and regional offices. We remain grateful for this support and the US Government's assurance that it will continue supporting the Authority in future.

Since inception, United Nations Office on Drugs and Crime (UNODC) has remained a true partner that has supported the Authority in various programmes and supply of ICT equipment and other critical operational materials. We thank the UNODC for this support especially when the Authority needed support during the formative stages. The Embassy of Sweden in Kenya has also walked this journey with us. We express our gratitude to the Swedish Government for the great support to the Authority. The British High Commission in Nairobi has also been our key supporter, having sponsored the Board and Management to the UK for training in 2013 and 2016. In 2013, the Authority received support from the Kenya Transition Initiative that included furniture, computers, servers, printers and other ICT accessories. This support has continued to be appreciated by the IPOA fraternity.

We thank the Office of the Director of Public Prosecutions for taking up our investigation files and ensuring that the cases are prosecuted at the Courts. We also thank the Judiciary for the many cases that have been processed successfully and justice served to the police offenders. We thank the Witness Protection Agency for providing our witnesses with the much required protection and availing them in court, as required. We are also pleased with the ongoing cordial working relationships initiated by the Cabinet Secretary for Interior and National and National Coordination, Dr. Fred Matiangi, to bring the NPS, NPSC and IPOA towards a common purpose while each serving their respective mandates. We thank the CS for the commitment to ensure that all parties in this initiative are given their space and cooperation with all the stakeholders.

We thank the National Assembly's Departmental Committee on Administration and National

Security for their support over the years. Our thanks also go to the National Treasury for their continued support. As a key stakeholder, we thank the Inspector General of Police and the entire Service for their cooperation, and call upon for a better working partnership with the Authority in future.

I would like to pay tribute to Management and staff for their hard work, commitment, diligence in realization of the many achievements during the six years, despite the many operational challenges. You have been a great team. We owe all that the Authority has achieved during this period to each one of you. We have trust and confidence that we have put in place a strong team that will carry forward the work that we started six years ago into the future with even more achievements. We urge and encourage each one of them to remain focused and continue to nurture the momentum that we have built together as one institutional family.

Finally, but not least, I would like to express my special gratitude and appreciation to my fellow Board members for their unwavering support, passion to serve, unity of purpose, invaluable contributions during Board meetings, and commitment and participation in various Board Committees.

This is a team that served selflessly, working long hours, demonstrated a sense of duty and responsibility, guided discussions, and ensured that Board remained united and focused. It served its term diligently, with integrity and demonstrated courage and effective leadership at the top corporate level. I wish each Board member God's blessings and best wishes in their future career undertakings after we exit from our six-year dedicated service.

I wish the next Board and Management all the best in carrying on from where we have reached.

God bless you all.



Macharia Njeru
Chairperson
Independent Policing Oversight Authority

May 2018

CEO'S STATEMENT



On behalf of management and staff, I would like express our gratitude and appreciation to the inaugural Chairperson and the entire Board for steering the Authority diligently during their six-year tenure of office. This has been a committed and a visionary team that has inculcated a value system of integrity, transparency, accountability, quality service, sense of responsibility, and openness at both Board level and across the Authority. These values will indeed remain a pillar of identity for the Authority, and to propel it to the next phase of its development. It has been a spirited journey of building a corporate brand.

Right from the beginning, the Board has endeavoured to tap top talents and skills from the market to ensure that the Authority delivers its mandate efficiently and effectively. The Board worked as a team with unity of purpose, and remained focussed on realization of the Authority's mandate, and protecting its interests and staff at all costs.

As the Board retires on 21st May 2018, it leaves behind a strong legacy of leadership to be emulated by Management and the next Board. Building the Authority from scratch to what it is today heralds a major achievement for the Board. The Authority has grown in staff numbers, annual budget levels, facilities and in technological advancement. On this front, the Board leaves behind a well-resourced institution that will certainly carry forward from where it has left.

We wish the Chairperson and the Board members the very best and God's blessings in their future plans. We will remember each one of them for their contributions in building such a strong and respected institution.

We thank each one of them for leaving behind an example of good leadership and setting the tone from the top. Once again, we thank the outgoing Board for its demonstrated sterling performance, dedication, sacrifice, consistency and good stewardship.

A handwritten signature in black ink, appearing to read 'Maina Njoroge', written over a white background.

Maina Njoroge
Chief Executive Officer/Secretary to the Board

May 2018

EXECUTIVE SUMMARY

This Report documents the journey travelled by the inaugural Board of IPOA during its six-year term of office from 22nd May 2012 to 21st May 2018. It is arranged as follows: Chapter 1 covers the road walked towards civilian policing oversight in Kenya; Chapter 2, the establishment of the Authority, its mandate and functions; Chapter 3, strategic direction; Chapter 4 performance in mandate areas; Chapter 5, institutional strengthening; Chapter 6, decentralization of services; Chapter 7, financial management and resource mobilization; Chapter 8, public participation and partnerships; Chapter 9, challenges and proposed solutions; and Chapter 10 that outlines the unfinished business of the next Board.

The inaugural Chair and Board members were appointed vide Kenya Gazette Notices 6938 and 6939 respectively dated 22nd May 2012. Their term of office thus ends on 21st May 2018. IPOA is the second independent civilian policing oversight agency in Africa after South Africa's Independent Police Investigative Directorate (IPID).

In the UK there is the Independent Office for Police Conduct (formerly the Independent Police Complaints Commission) that is similar to the Kenyan model. The Authority has benchmarked with both, and this was the starting point towards establishment of IPOA. The establishment of the Authority followed the recommendations of the National Taskforce on Police Reform, popularly known as the Philip Ransley Taskforce.

The taskforce's report contained 200 recommendations that included the establishment of the Independent Policing Oversight Authority composed of civilians to focus on police conduct. The taskforce recommended that the Authority be established under the Constitution with clear legislative powers to execute its mandate.

The Authority was thus established under IPOA Act No. 35 of 2011 to bring to effect Article 244 of the Constitution that envisages that the National Police Service shall strive for professionalism and discipline and shall promote and practise transparency and accountability.

Once the Board was appointed, it embarked on commencement of 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; and staff and Board training.

As at 30th April 2018, the Authority had a staff compliment of 143 (33% women and 67% men) from the initial six recruited in 2013. The compliment is drawn from 41 Counties, a staff County representation of 87% of the 47 Counties. During the period, the Authority has offered the Board and staff extensive and appropriate training both locally and internationally.

The Authority has participated in several international civilian policing oversight engagements that have involved both the Board and staff during the last six years. As the Board exits, it leaves behind a strong secretariat that is composed of highly trained, qualified and experienced officers, who will be able to carry on the Authority's work with the next Board.

In 2014, the Authority developed its first four-year Strategic Plan. The Plan ends on 30th June 2018, and closely coincides with the end of the Board's term of office. The Plan envisioned four 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 in Africa.

In 2016, the Authority undertook a mid-term review of the Plan that revealed that the Authority was on track towards realization of the five outcomes, particularly those directly under its control. The Authority is pleased that the NPS has secured an office for the IAU, and indications are that the Unit will be operational by August 2018.

During the last six years, the Authority has made a name and earned continental and global recognition. This is demonstrated by the number of continental and international engagements that the Authority has participated in and several experiential learning processes from and to countries such as Indonesia, Egypt, Lesotho, Sierra Leone, South Africa, Tanzania, Nigeria and Zimbabwe.

The Management and the next Board should carry out a full term review of the Plan during the first quarter of 2018/19 financial year as well as develop the next cycle of the Strategic Plan.

As at 30th April 2018, the Authority had received and processed 9,878 complaints from the public and members of the police service of which 5,085 were classified for investigations. The balance of the cases were referred to the following for further action for undertaking part of its mandate: 748 to IAU; 364 to the Authority's inspections and monitoring directorate for further action; 249 to NPS; 319 to NPSC; 41 to KNCHR; 370 to Police Station OCS; 289 to DCI; and 312 to other agencies such as EACC, NLC, and CAJ.

459 complaints were non-mandate matters, and 1,642 cases were closed due to reasons such as withdrawal by complainants; matters before Court; not actionable; and insufficient information. The complaints were received from the public, police, non-state actors and from state agencies.

Complaints received involved the following: abuse of office; arbitrary arrests and unlawful detention; corruption and extortion; unfair administrative action including dismissal, transfers, promotions and training; malicious prosecution and dissatisfaction with court processes; deaths; obstruction of justice; debts and loans; police assault; land issues, improper investigations; police harassment; police inaction; police misconduct; and police shooting.

5,085 complaints were classified for investigations of which 752 cases were investigated and completed; 458 were closed after preliminary investigations; 72 still under active investigations; 76 under legal review within IPOA; 103 cases forwarded to ODPP for prosecution; 11 to EACC; and 6 to NPSC. As at the end of April 2018, 2,978 cases were under initial investigations assessment, and 1,355 cases were under active investigations. 64 cases were before the Courts.

The cases investigated involved the following: deaths arising out of police action or inaction; deaths in custody; serious injuries/assault/police brutality; sexual offences and sexual-related offences; harassment, intimidation, extortion, corruption/arbitrary arrests; police inaction - undue delay and partial investigations/negligence/collusion; enforced disappearance; theft/fraud/robbery; cases involving minors; dismissal from service; non-cooperation; unlawful wounding; and misconduct.

To date, the Authority has achieved 3 convictions: 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).

During the period, the Authority carried out a total of 885 inspections on police premises of which 579 (65%) were new inspections and 306 (35%) follow-up inspections.

The Authority monitored a total of 151 police operations that included 4 Police recruitments; 9 Government initiated matters; 12 beats and patrols; 14 traffic management; 22 referrals/own motion; 30 elections; 60 public order management.

In 2016, the Authority undertook a research study on police housing crisis in Kenya. The study made several recommendations such as a shift from government-supplied police housing to allowance-based scheme; enhancement of housing allowances for police officers; out-of-police lines residency; mortgages for police officers; and development of a National Police Service Housing Policy. The Authority is pleased to note that the Ministry of Interior and National Coordination has taken these recommendations seriously towards improving the welfare of police officers.

In July 2014, the Authority monitored the recruitment by the National Police Service Commission of members of the National Police Service in line with its mandate in various centers and observed that the exercise was marred with corruption, fraud and massive irregularities. The Authority filed a case in the High Court to nullify the whole exercise and order a repeat of the recruitment.

The High Court agreed with the Authority and the exercise was nullified. This order was upheld by the Court of Appeal under Petition No. 390 of 2014 and Civil Appeal No. 324 of 2014 (The Recruitment Decisions). This was a major milestone for the Authority in execution of its mandate. Since this nullification, the Authority monitored the police recruitment in 2015, 2016 and 2017, and was pleased to note that in all the three, there was remarkable improvement in the exercise.

On institutional strengthening, the Authority developed and implemented a performance management framework to entrench the culture of performance management across all staff. In addition, the Authority developed and implemented an enterprise risk framework in recognition that management of risk is a key element of sound governance and an important strategy for the achievement of its objectives.

During the period, 44 operational policies, manuals, guidelines and regulations were developed and implemented. On technology, the Authority has implemented an Enterprise Content Management (ECM) system that has 11 integrated operational modules, including complaints management, legal, investigations, inspections, and monitoring amongst others.

The ECM system was funded by the US Government and took two years of development, testing and implementation. A call centre, which is part of the project has also been established and currently under piloting before full implementation. On physical facilities, the Authority has made efforts to ensure that it has modern ICT equipment, offices that provide conducive work environment for staff and complainants. The Authority currently has a fleet of 27 motor vehicles to facilitate operations in the field, some of which are stationed at the regional offices.

Section 3(3) of the IPOA Act requires the Authority to decentralize its services to the Counties in accordance with Article 6 of the Constitution. In 2015, the Authority developed a decentralization strategy that has informed the establishment of 9 regional offices, 3 in 2017 and 6 in 2018.

During the period, the Authority's annual budget allocations grew from the initial Kshs. 96m to Kshs. 696m in 2017/18, and to over Kshs. 800m for 2018/19 financial year. In October 2016, the

Authority received two Financial Reporting (FiRe) Awards for best application of the International Public Sector Accounting Standards (Cash) in the Ministries, Departments and Agencies, and in the Constitutional Commissions and Independent Offices category.

To ensure integrity and accountability of various grants by development partners, the Authority has developed and implemented a resource mobilization and ethical fundraising policy. It is the deliberate intention of the Authority that grants are only received in-kind to support areas such as capacity building and equipment rather than in cash. This is to ensure that the Authority maintains its independence in executing its core mandate. The government continues to fund the core operations of the Authority.

During the period, the Authority built lasting partnerships with related government agencies, development partners, the National Assembly, the civil society and other stakeholders. This has enabled the Authority to work closely with all its partners in realization of its functions.

The Authority has also been active on public participation in form of public awareness initiatives. In 2014, the Authority with other partners came up with the Outstanding Police Service Awards scheme to recognize and award deserving police officers who have demonstrated exemplary performance in their work. The awards were held during the 2014/15, 2015/16 and 2016/17 financial years.

Despite its achievements during the six years, the Authority was faced with several challenges that include: non-cooperation by NPS; misunderstood mandate by the police and the public; and high staff turnover. In Chapter 9 of this report, the Authority has proposed solutions to these challenges, and also urgent actions that require the attention of both the NPS and NPSC.



The Board at the Authority's first offices at KICC in a 2012 photo

GOVERNANCE

Board and Senior Management Staff

The Board comprises eight members including the Chair. It operates through eight Board Committees, each with specific mandate-related terms of reference.

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 27 years. He was a member of the National Task Force on Police Reforms (Ransley Taskforce) that developed the program 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 is a past Chairman of FINA Bank Rwanda (now GT Bank Ltd.), has previously served as a Director in FINA Bank Uganda, FINA Bank Kenya, Board Member Kenya Airports Authority and Chair of the Board Finance, Anglican Church of Kenya, Nairobi Diocese.



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, sat on the Executive Board of Interreligious Council and has also worked with national and international faith-based organizations representing interests of marginalized and minority communities including the Regional Council of the Centre for Minority Rights Development (CEMIRIDE). Fatuma was also the founding Principal, Nairobi Muslim Academy and served at the National Education Board in the Ministry of Education, Science and Technology. She chairs the Inspections, Research and Monitoring Committee of the Board.



Grace Madoka

Grace is a lawyer with verifiable success in, among other areas, insurance strategy, communication, corporate governance, administrative justice, grievance management and trusteeship management. She served in the Public Complaints Standing Committee, the precursor to the Commission on Administrative Justice. During her term at the IPOA Grace chaired the Communication and Outreach Committee of the Board, and together with two other Board members she represented the Authority as Trustee in the IPOA Staff Retirement Benefits Scheme.

She has management and governance experience in both the private and public sectors. She served as Chairperson of the Central Bank of Kenya Pension Fund, Kenya Women's Finance Trust, Council Member of Kenyatta University, and St. Paul's University, and Board Member of the Independent Policing Oversight Authority amongst others. Grace Madoka has represented the IPOA Board in meetings in the UK, South Africa and the Netherlands.



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 and a BA (Hons) majoring in Political Science from the University of Nairobi. 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 conceptualization 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.



Vincent Kiptoo

Vincent is a Valuer, Investigator and Lead Environmental Impact Assessment Expert and is the Managing Director, Afriland Valuers Ltd. He chaired the Board Committee on Investigations, Complaints Management, Legal and Security, harnessing his over 10 years experience in criminal and anti-corruption investigations gained at EACC, KACC, ACPU and KACA. Previously, he served as a Member of Pending Bills Closing Committee and as Council Member of the Institution of Surveyors of Kenya. Vincent is a Chevening Scholar with a Master of Science degree in Urban Land Appraisal from the University of Reading, UK. He also holds Master of Arts in Housing Administration and a Bachelor of Arts degree in Land Economics both from the University of Nairobi. He is currently finalizing PHD in Environmental Policy.



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 Kriegler 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 **Chief Executive Officer/Board Secretary**

Mr Njoroge joined the Authority in September 2013 as Director Business Services until 13th April 2018 when he was appointed CEO/Board Secretary. He 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 Program (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.

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. Before joining IPOA in 2013, Mr Njoroge worked with the Kenya Institute for Public Policy Research and Analysis (KIPPRA) as Finance and Administration Manager and later Finance and Investments Manager for nearly seven years where he managed a large donor portfolio.

He was IPOA's acting CEO from October 2013 to May 2014, and March/April 2018. He is currently serving as a member of the Audit Committee at the Office of the Director of Public Prosecutions (ODPP).



Stephen Wetheo Musau **Director, Inspections, Research and Monitoring**

Mr Musau holds a Master of Arts in Human Rights and Conflict Management (MAHRCM) from the School of Advanced Studies (Pisa, Italy), Diplomas in International Law and Human Rights (University of Helsinki) and Organization Development and Management (Kenya Institute of Management), and a Bachelors of Arts Degree (Economics

and Sociology Major) from Egerton University.

He has Security in Peacekeeping Missions training at Centre of Excellence for Stability Police Units (CoESPU-Vicenza, Italy), certificates in Peace Operations from School of Peace Operations and International Investigations (Netherlands), with extensive experience in designing, leading and supervising national projects with keen interests on security, policing, and human rights; conflict prevention, management and transformation; and in leading and supervising teams for service delivery. Having been trained on Strategic Leadership, Management and Development including in Kenya School of Government, Mr. Musau has a wealth of experience in Strategic Thinking, Leadership, Planning and Implementation. He also has Project Monitoring, Evaluation, Reporting and Learning; Social Research and Surveys skills among other areas, with substantial experiential learning from UK, South Africa, Nigeria among others.

Before joining IPOA in August 2014, Mr Musau had served in the governance, democracy and human rights civil society sector, and practiced consultancy services in the same fields. Mr. Musau is a member of the Institute of Directors - Kenya.

David Nderitu
Director, Complaints and Legal



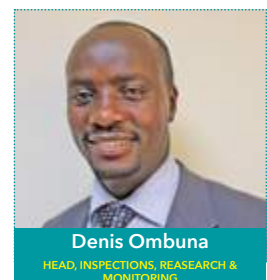
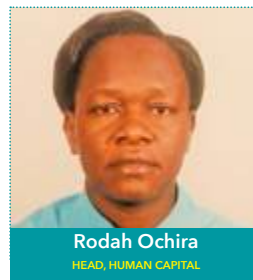
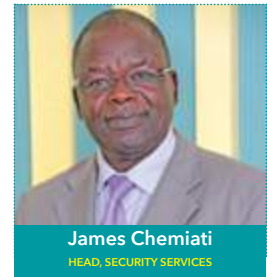
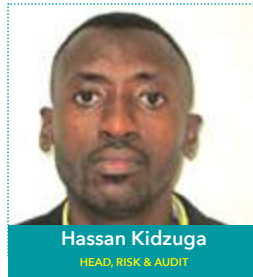
Mr Nderitu is an Advocate of the High Court of Kenya having been called to the bar in 1995. He holds a law degree (LLB) from the University of Nairobi and a post graduate diploma in law from Kenya School of law. He also holds a Master's degree in political science (MPA) from Eastern Washington University (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



Mr Arodi holds a BSc. 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.

Management Staff



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 areas, and in accordance with Section 18 of IPOA Act.

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 responsible for 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.

Board Committees

Finance & Administration Committee

Tom Kagwe (Chair)
Njeri Onyango
Njeri Onyango
Jedidah Ntoyai

Inspections, Research & Monitoring Committee

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

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

ICT Committee

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

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 Okwachto (Treasury representative, appointed 24 October 2016)

CHAPTER 1

TOWARDS CIVILIAN OVERSIGHT IN KENYA

1.1 Background

Establishing civilian oversights of policing is usually faced with many challenges. As Joel Miller argues in *Establishing Civilian Oversight: Lessons from Literature*, the challenges are similar all over the world¹. Miller argues that the strength of oversight lie in within four pillars: first, support by the political establishment; second, the strength of recommendations and also follow-up of the same; third, that these oversights need to be resources adequately; and finally, support by the civil society.

The Authority was created as a response to police excess, which occurred in 2008. It was established within the context of Agenda IV – Commissions and Independent Offices, which preceded the Constitution of Kenya, 2010. As part of the Agenda IV items, which were largely about reforming institutions of the judiciary, police, civil service and such others, IPOA was instituted.

1.2 Rationale for Civilian Oversight in Kenya

When the Constitution of Kenya, 2010, was promulgated, it sought to promote the establishment of a Police Service that would break with the unaccountable, often abusive policing of the past era. Oversight of the Police was made a priority in the transformation period. The then Kenyan Police Force had a reputation for ruthlessness in its dealings with the citizenry, employing both torture and gratuitous violence in the course of its often politically driven work.

No longer a Police “Force”, the new “Service” contemplated by the Constitution is to be both transparent and accountable. As provided in Article 244 of the Constitution, the National Police Service (NPS) shall endeavour for professionalism and discipline, promote and practise transparency and accountability. Further, the Constitution requires the Service to comply with Constitutional standards of human rights and fundamental freedoms and dignity. This is the fulcrum on which IPOA is hinged.

While it is recognized that ultimately, it is the responsibility of NPS to ensure the professionalism and integrity of its members, it was recognized the idea of the Police investigating their own would hardly restore public confidence and trust. Hence, in order to bring into effect these fundamental provisions of the Constitution, it became critical that a civilian oversight mechanism be put in place to monitor how the Service went about its duties of law enforcement without breaching the confines imposed by the Constitution.

1.3 Initiatives that informed Police Reforms

1.3.1 Background

In the past, several efforts were made by the Kenyan Government, with distinctive mandate towards police reforms. However, the events of the 2007/8 post-election violence which led to the 28th February 2008 signing of the ‘Agreement on the Principles of Partnership of the Coalition Government’, which further led to the Kenya National Dialogue and Reconciliation (KNDR) saw a raft of measures being put in place to end the political crisis. Among these was Agenda 4 that was meant to address long term issues, including constitutional, legal and

¹ Joel Miller, (2002): *Establishing civilian Oversight: Lessons from Literature*, Vera Institute.

institutional reforms; land reforms; tackling youth unemployment, tackling poverty, inequity and regional development imbalances, consolidating national unity and cohesion, and addressing impunity, transparency and accountability. The Police Force was placed among the institutions that needed reforms, and with these, the following several key steps were made.

1.3.1.1 Commission of Inquiry into the Post-Election Violence

The establishment of the Commission of Inquiry into the Post-Election Violence (Philip Waki Report, 2008) which reaffirmed that security agencies failed institutionally to anticipate, prepare for, and contain the 2007/8 post-election violence. Often individual members of the state security agencies were also guilty of acts of violence and gross violations of the human rights of the citizens which included deaths, arbitrary arrests, beatings, harassments and unlawful detainment.

The Commission recommended concrete measures to improve performance and accountability of state security agencies and coordination within the state security mechanism, including strengthening joint operational preparedness arrangements; developing comprehensive operational review processes; merging the two police agencies; and establishing an Independent Police Complaints Authority.

1.3.1.2 The UN Special Rapporteur

The Mission of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (Philip Alston, 16-25 February 2009) was to ascertain the types and causes of unlawful killings; to investigate whether those responsible for such killings were held to account; and to propose constructive measures to reduce the incidence of killings and impunity. The Report of the Special Rapporteur on the Mission to Kenya concluded that police in Kenya frequently execute individuals and that a climate of impunity prevails. Most troubling was the existence of police death squads operating on the orders of senior police officials, thus strengthening the Waki Commission Report.

1.3.1.3 The National Taskforce on Police Reform

In May 2009, the Government set up the National Taskforce on Police Reform (Ransley Taskforce) to carry out the required reviews, make recommendations and draft an implementation matrix. The taskforce was mandated to examine the existing policy, institutional, legislative, administrative and operational structures, systems and strategies in the police and recommend comprehensive reforms with a view to enhancing police efficiency, effectiveness and institutionalize professionalism and accountability.

Its report which contained 200 recommendations was released in October 2009, and approved by the Cabinet by end of 2009. The report recommended the establishment of the Independent Policing Oversight Authority to focus on police conduct composed of civilians. The report articulated that the Authority be established under the Constitution and with clear legislative powers to execute its mandate.

1.3.1.4 Police Reforms Implementation Committee

The Police Reforms Implementation Committee (PRIC), 2010-2012 was appointed to coordinate, supervise and provide technical guidance and facilitation for the implementation of police reforms. The Committee released its report in June 2012 articulating the progress and status of

all the reform programs that it had introduced.

1.3.1.5 Police Reforms Steering Committee

The Ministry of Interior and National Coordination established the Police Reforms Steering Committee (PRSC) in 2013. The Committee is responsible for providing a framework for coordinating the ongoing police reforms in the National Police Service and ensure sustainability of the police reforms agenda in Kenya.

Since 2013, the Authority has been a member of the Committee and contributed actively in the monthly meetings. Indeed, the Authority initiated and sponsored the first meeting in 2013.

In August 2015, the Ministry of Interior and Coordination of National Government issued a revised Police Reforms Program Document (2015-2018), which outlined the strategy framework for implementation of reforms in the National Police Service.

1.4 Police Accountability and the Rule of Law

The Constitution of Kenya, 2010, seeks to promote the establishment of a Police Service that is disciplined and carries its work in a professional manner. The Police Service contemplated by the Constitution is to be both transparent and accountable. Article 244 of the Constitution articulates that *'The National Police Service shall strive for professionalism and discipline and shall promote and practise transparency and accountability'*. This remains an ongoing process.



The Board engaging with stakeholders and development partners in a breakfast meeting on 5th November 2013.

CHAPTER 2

ESTABLISHMENT OF THE AUTHORITY, MANDATE AND FUNCTIONS

2.1 Establishment of IPOA and Board Appointment

The Authority was established through an Act of Parliament No. 35 of 2011 to provide oversight on the work of the Police. The Chair and Board members were appointed by the President on 22nd May 2012 vide Kenya Gazette Notice No. 6938 and No. 6939 respectively for a period of six years. The term of the Board will thus end on 21st May 2018.

The Authority is the second civilian oversight on police accountability mechanism in Africa after the South Africa's Independent Police Investigative Directorate (IPID).



Swearing in of the Board on 4th June 2012. Back: Vincent Kiptoo, Victor Okioma (Deputy PS - Internal Security), Fatuma Saman, Rose Bala, Njeri Onyango, Grace Madoka, Jedidah Ntoyai (Vice-Chair, IPOA) Front: Tom Kagwe, Macharia Njeru (Chair, IPOA), Dr. Willy Mutunga (Chief Justice and President of Supreme Court), Mutea Iringo (Ag. PS, Internal Security).

2.2 Independence of the Authority

Section 4 of IPOA Act guarantees the Authority independence in execution of its mandate, as follows:

- 4(1): In the performance of its functions the Authority shall subject to Section 34, not be subject to any person, office or authority.

- 4(2): The Authority shall observe the principle of impartiality and rules of natural justice in the exercise of its powers and the performance of its functions.
- 4(3): Every Government officer or institution shall accord the Authority such assistance and protection as may be necessary to ensure its independence, impartiality, dignity and effectiveness.
- 4(4): No person or body may interfere with the decision making, functioning or operations of the Authority.
- 4(5): Parliament shall ensure that the Authority is adequately funded for it to effectively and efficiently perform all its functions.

During the last six years, the Board has made every effort to maintain the independence of the Authority, as enshrined in its Act. This has enabled the Authority to deliver on its mandate without any internal or external influence.

2.3 Objectives

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 practise transparency and accountability; and
- c) Ensure independent oversight of the handling of complaints by the National Police Service.

2.4 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.

2.5 Vision

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

2.6 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.

2.7 Motto

Guarding Public Interest in Policing.

2.8 Core Values

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

2.9 Commencement of Operations

The Authority commenced operations in July 2012, and was initially offered temporary accommodation at Bruce House, and later moved to KICC before relocating to its current office address at the ACK Garden Annex, Upper Hill, Nairobi, in September 2013.

Upon appointment, the Board embarked on the following tasks:

- Development of internal policy framework,
- Formulation of Regulations (Section 39 of the Act) with public participation and inputs,
- Recruitment of staff,
- Training of Board Members and staff,
- Acquiring of suitable office premises, and
- Seeking budget allocation from the National Treasury.

2.10 Initial Meetings, Retreats and Brainstorming Sessions

In its initial meetings, the Board made intensive efforts on interpretation of the Authority's mandate. This involved conceptualization and internalization of the Authority's mandate. The Board held several bonding sessions and brainstorming meetings at the Bruce House, Parklands Sports Club, and went on a retreat at the Great Rift Valley Lodge in Naivasha. During the retreat, the Board developed the Authority's Values, Mission, Motto, Vision, and a draft organizational structure, which was closely aligned to the mandate.

At its first meeting, the Board elected Ms. Jedidah Ntoyai as the vice chairperson in line with Section 9(2) of IPOA Act.

Two Consultants, Ms. Anneke Osse and Robert Grinstead assisted the Board with the development of internal policy framework and investigations manual respectively.

2.10 Framework for Committees and Terms of Reference

The Board also developed a framework and terms of reference for Board Committees as well as structures and systems to guarantee its independence. In addition, the Board engaged Consultants in ICT, Communications, Investigations and Policy who developed draft policies on ICT strategy, communication strategy, investigations, policy and regulations respectively.

2.11 Seeking for Resources and Budget Vote

With no official funding at the beginning, the Board had to rely on own resources to carry out official engagements during the formative stage. The Board later engaged the National Treasury upon which a dedicated Budget Vote No. 2151 was opened for the Authority. This was followed by an initial disbursement of Kshs. 96m, which was followed by an additional Kshs. 150m, making a total of Kshs. 246m for 2012/13 financial year.

2.12 Reaching Out to Stakeholders

The Board acknowledged the need to bring all the stakeholders together. As such it identified and visited key stakeholders such as government agencies, police leadership, potential development partners, civil society undertaking human rights, and the media. Over time, the Authority built strong partnerships with various stakeholders such as National Assembly, Ministry of Interior, UNODC, various Embassies in Kenya (particularly USA and Sweden), and Civil Society Organizations (CSOs) that are particularly involved in police reforms.

Beyond these relationships, the Authority has had special partnership with other independent offices and the constitutional Commissions, where the IPOA Chairman represents the Authority in the Chairpersons' Forum.

The Authority is a member of the National Council for the Administration of Justice (NCAJ), chaired by the Chief Justice. The Council brings together significant actors in the criminal justice sector, and has aided the Authority to deliver on its mandate. All these relationships were built right from the beginning, and have enabled the Board not only manage public expectations, but also harness synergies.

2.13 Baseline Survey on Policing Standards and Gaps in Kenya

In 2013, the Authority commissioned a Baseline Survey on Policing Standards and Gaps in Kenya. The survey report was launched at the Laico Hotel in September 2013. The study was aimed at gathering data/information and perceptions of Kenyans, including the police officers on policing standards and factors/challenges affecting effective and efficient policing in Kenya.

This was the starting point for the inaugural Board. The Authority was to use the study findings as a baseline to measure progress and evaluate the effectiveness of the police reform agenda, and specifically on its work.

The distribution of the household survey population constituted 2,912 households in rural areas and 2,170 in urban areas. A total of 515 police officers, selected through a stratified sampling and based on their ranks, were interviewed.

While the field survey was going on, the Board visited several police stations, issued press releases, and received the initial complaints from the members of the public.

The Survey came up with the following findings, amongst others:

- a) 30% of respondents had experienced police malpractice including assault/brutality, falsification of evidence, bribery, and threat of imprisonment within 12 months prior to the study. The incidence of police malpractice was higher in rural areas at 61% than in urban areas at 31%.
- b) Only 30% of those who experienced incidences of police malpractice reported to the relevant authorities.
- c) 71% of Kenyans were willing to report/to be witnesses in cases of police misconduct.
- d) Of the police officers interviewed, 53% admitted to have experienced incidences of police misconduct.
- e) Police officers who did not report cases of malpractice indicated that they did so for 'fear of reprisal'.
- f) The most important in Kenya then was low pay and incentives at 54.6%, limited resources including transport to fight crime at 24.7%, corruption at 3%, discrimination, ethnicity, nepotism/favouritism at 2.7%, lack of ICT infrastructure at 1.6%, lack of proper training at 1.2%, and other factors at 2.6%.
- g) 63.3% of police officers had confidence with crime detection and prevention systems/mechanisms by the Service. Only 49.1% of the officers interviewed had confidence with intelligence gathering within the Police Service.

- h) 61% of the public had confidence in the police to effectively discharge their duties.
- i) About 34.3% of the public had confidence in IPOA's ability to effectively hold the police accountable for their misconduct while 13.7% had no confidence at all.
- j) Majority of police officers at 62.5% had confidence in IPOA and believed that it could deliver on its mandate.

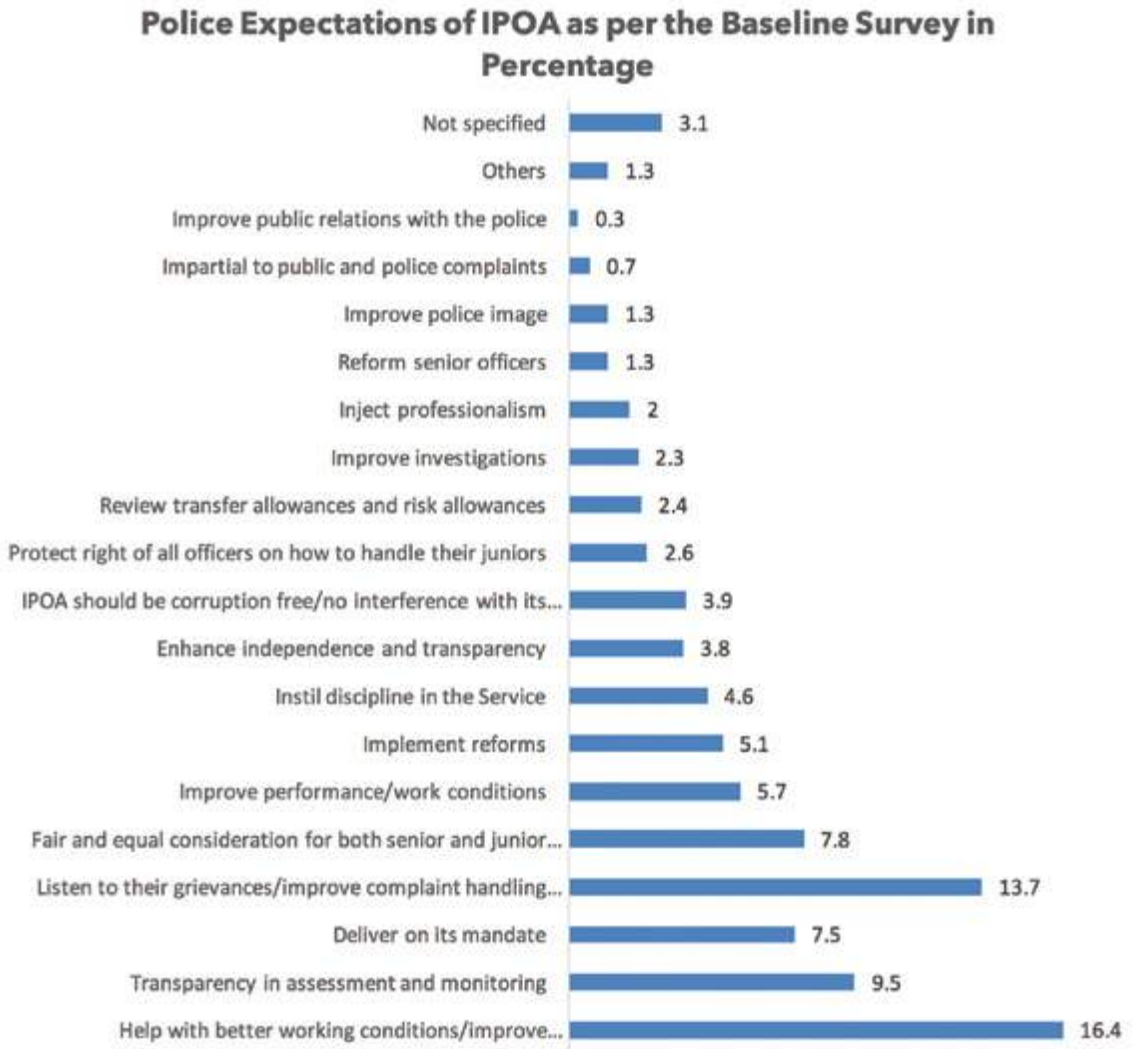
On expectations of IPOA by the police officers, the survey came up with the following findings as shown in Table 8 and Figure 1 below.

Table 8

	Police Expectations	%
1	Help with better working conditions/improve salaries/living conditions/terms of service	16.4
2	Transparency in assessment and monitoring	9.5
3	Deliver on its mandate	7.5
4	Listen to their grievances/improve complaint handling system	13.7
5	Fair and equal consideration for both senior and junior officers	7.8
6	Improve performance/work conditions	5.7
7	Implement reforms	5.1
8	Instil discipline in the Service	4.6
9	Enhance independence and transparency	3.8
10	IPOA should be corruption free/no interference with its work	3.9
11	Protect right of all officers on how to handle their juniors	2.6
12	Review transfer allowances and risk allowances	2.4
13	Improve investigations	2.3
14	Inject professionalism	2.0
15	Reform senior officers	1.3
16	Improve police image	1.3
17	Impartial to public and police complaints	0.7
18	Improve public relations with the police	0.3
19	Others	1.3
20	Not specified	3.1

Source: IPOA Baseline Survey

Figure 1



Source: IPOA Baseline Survey

In summary, the report indicated that:

- Policing in Kenya required to be professionalized as envisaged in the Constitution,
- Positive public confidence on policing needed to be revived, nurtured and sustained,
- Police officers needed professional training and support to be able to effectively and efficiently carry out their work,
- There was need for comprehensive civic education on policing and rights awareness,
- To succeed, IPOA needed support from the national and county governments, and from the police and the public, and
- Kenyans had a role to play in ensuring that civilian oversight of the police became a reality.

The Authority is currently planning to commission an end-line survey to gauge the progress of the Baseline Survey findings, and release the study report in the course of 2018/19 financial year.

2.14 Staff Recruitment and Establishment of Secretariat

To enable IPOA to deliver on its mandate, it was important to have a functional, effective and efficient Secretariat. Since its inception in 2012, the Board has continued with efforts to operationalize and strengthen the Secretariat. In 2013, the Authority commenced staff recruitment for various management and technical positions.

Through the assistance of a Human Resource Consultant, the Board developed the initial organizational structure and job descriptions that informed the recruitment of the first members of staff. To ensure that the officers recruited were of the highest integrity, the Board developed and implemented a vetting tool, which has since continued to be applied during subsequent recruitment of staff. The Board has consistently ensured adherence to this vetting process.

The Board recruited the first members of staff in January 2013 consisting of six investigators. Due to staff capacity and financial constraints at the time, the Board requested the Government to second 15 officers to assist the Authority to get started.

The Authority remains grateful to the Government for deploying the officers, who included finance, HR, administration and procurement experts.

In 2013, the Board commissioned a Human Resource firm to recruit additional staff, mainly Directors and Heads of Departments. The senior officers were appointed in August 2013. This was followed by recruitment of other appropriate technical officers, which was conducted by the Board and the newly-recruited directors and HODs.

2.15 Directorate, Departments and Staff Complement

The Board has been making deliberate efforts to put in place an organizational structure to enable the Authority execute its mandate. Part of this structure is recruitment of the following senior management at director level in-charge of four directorates: Business Services; Complaints Management and Legal Services; and Investigations and Inspections, Research and Monitoring. The Directors are a critical link between the Board and technical operational departments.

The departments include: Human Capital, Procurement, Risk and Audit, Security, Performance Management & Monitoring, and Communications & Outreach.

2.16 Staff Establishment

In 2013, the Board commissioned the Department of Public Service Management (DPSM) to establish the optimal staffing levels amongst other assignments. DPSM recommended an optimal staffing establishment of 326. The Authority is progressively, and on annual basis, working towards this optimal staffing level, subject to budget availability.

As at 30 April 2018, the Authority has a staff compliment of 143 employees. The number is projected to grow to over 150 by June 2018 once the current recruitment is completed. The number is expected to grow further during the 2018/19 financial year to accommodate staff requirement in the regional offices.

2.17 Staff Welfare and Retention Strategy

As part of the staff retention strategy, the Authority has established a staff retirement benefits scheme. The scheme has already been given approval by the National Treasury, registered with the Retirement Benefits Authority, and the Kenya Revenue Authority. The scheme became operational in January 2018. The Authority has also initiated a Staff Welfare Association and a Sacco Society, which are growing in membership and financial muscle over the years.

The Authority has continued to put in place measures that would attract and retain staff. The Authority has developed several policies aimed at creating a better working environment for staff. These include:

- a) HR Policies and Procedures Manual
- b) Career Progression Guideline
- c) Performance Management Framework Manual
- d) Workplace Policy on HIV and AIDS
- e) Guidelines on Staff Training and Bonding
- f) Gender Equality Policy
- g) Alcohol, Drug and Substance Abuse Policy
- h) Sexual Harassment Policy
- i) Employee Recognition, Reward and Retention Policy

The current staff complement is as follows:

Table 1: Staff by Directorates and Departments

Staff Compliment as at 30 April 2018	No.
CEO's Office	3
Directorates:	
Inspections Research & Monitoring	19
Business Services	32
Complaints & Legal	23
Investigations	47
Departments & Units:	
Performance Management & Monitoring	2
Communications & Outreach	4
Human Resource	4
Procurement	4
Risk & Audit	3
Security	2
Total	143

Source: IPOA

2.18 Management and Staff

As the Board exits, it is convinced that it has left behind a qualified, experienced, committed, and a vibrant team of senior management and staff, who with the next Board will effectively carry on the Authority's work in the future. The Board has ensured that there will be continuity in the implementation of the Authority's mandate, and full implementation of the decentralization strategy.

In staff recruitment, the Board ensured that considerations such as meritocracy, gender parity and diversity in terms of face of Kenya were adhered to as shown here below:

Table 2

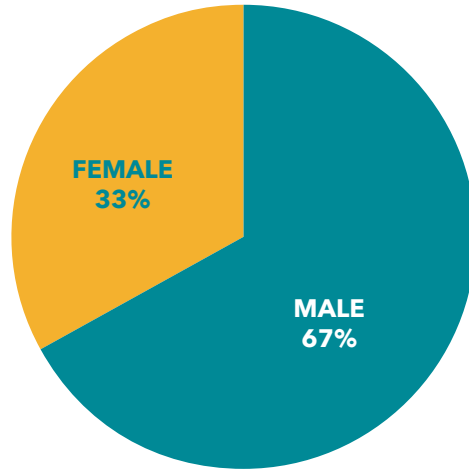
Departmental Gender Analysis by Number			
Count of Department	Column Labels		
Row Labels	Female	Male	Grand Total
Business Services	9	20	29
Communications & Outreach	2	2	4
Complaints & Legal Services	12	11	23
Human Resources	2	2	4
ICT		3	3
Inspections, Research & Monitoring	4	15	19
Investigations	15	32	47
CEO's Office	2	3	5
Procurement	1	3	4
Risk & Audit		3	3
Security		2	2
Grand Total	47	96	143

Source: IPOA

As shown in Table 2 above and Table 3 and Figure 2 below, the Authority has 47 female employees (33%), and 96 male employees (67%), which is within the Constitutional threshold on gender parity. However, Management is working towards achieving even a higher of female employees.

Figure 2

Staff Gender Composition



Source: IPOA

Table 3

Departmental Gender Analysis by Percentage			
Count of Department	Column Labels		
Row Labels	Female	Male	Grand Total
Business Services	6%	14%	20%
Communications & Outreach	1%	1%	3%
Complaints & Legal Services	8%	8%	16%
Human Resources	1%	1%	3%
ICT	0%	2%	2%
Inspections, Research and Monitoring	3%	10%	13%
Investigations	10%	22%	33%
CEO's Office	1%	2%	3%
Procurement	1%	2%	3%
Risk & Audit	0%	2%	2%
Security	0%	1%	1%
Grand Total	33%	67%	100%

Source: IPOA

Table 4

Ethnic Gender Analysis by Number			
Count of Ethnicity	Column Labels	Levels	
Row Labels	Female	Male	Grand Total
Borana		1	1
Chonyi		2	2
Digo		2	2
Embu	5	2	7
Giryama	2		2
Kalenjin	4	13	17
Kamba	4	7	11
Kikuyu	11	13	24
Kisii	3	7	10
Kuria	1		1
Luhya	8	13	21
Luo	4	18	22
Masai		1	1
Meru	2	6	8
Orma		1	1
Pokot		3	3
Rabai		1	1
Somali	2	4	6
Suba	1		1
Taita		2	2
Grand Total	47	96	143

Source: IPOA

Table 5

Ethnic Gender Analysis by Percentage			
Count of Ethnicity	Column Labels		
Row Labels	Female	Male	Grand Total
Borana	0%	1%	1%
Chonyi	0%	1%	1%
Digo	0%	1%	1%
Embu	3%	1%	5%
Giryama	1%	0%	1%
Kalenjin	3%	9%	12%
Kamba	3%	5%	8%
Kikuyu	8%	9%	17%
Kisii	2%	5%	7%
Kuria	1%	0%	1%
Luhya	6%	9%	15%
Luo	3%	13%	15%
Masai	0%	1%	1%
Meru	1%	4%	6%
Orma	0%	1%	1%
Pokot	0%	2%	2%
Rabai	0%	1%	1%
Somali	1%	3%	4%
Suba	1%	0%	1%
Taita	0%	1%	1%
Grand Total	33%	67%	100%

Source: IPOA

Tables 4 and 5 above show the distribution of employees across the Kenyan diversity. The highest ethnic percentage of one community is 17% followed by 15%.

Table 6

County Gender Analysis by Number			
Count of Home County	Column Labels	Elements	
Row Labels	Female	Male	Grand Total
Baringo		5	5
Bomet	1	1	2
Bungoma	2	4	6
Busia	2	4	6
Elgeyo Marakwet	1	2	3
Embu	3	1	4
Garissa	1	2	3
Homa Bay	1	5	6
Isiolo		1	1
Kajiado	1	1	2
Kakamega		5	5
Kericho		2	2
Kiambu	6	1	7
Kilifi	1	3	4
Kirinyaga	1	2	3
Kisii	2	5	7
Kisumu	1	6	7
Kitui	3	1	4
Kwale		1	1
Laikipia		1	1
Machakos		2	2
Makueni	1	4	5
Marsabit		1	1
Meru	2	4	6
Migori	2		2
Mombasa	1	1	2
Nairobi	4		4
Nakuru		2	2
Nandi		3	3
Nyamira		2	2
Nyandarua		1	1
Nyeri	2	5	7
Siaya	1	7	8
Taita Taveta		2	2
Tana River County		1	1
Tharaka Nithi	1	2	3
Trans Nzoia	2	1	3
Uasin Gishu	2	1	3
Vihiga	2		2
Wajir	1	2	3
West Pokot		2	2
Grand Total	47	96	143

Source: IPOA

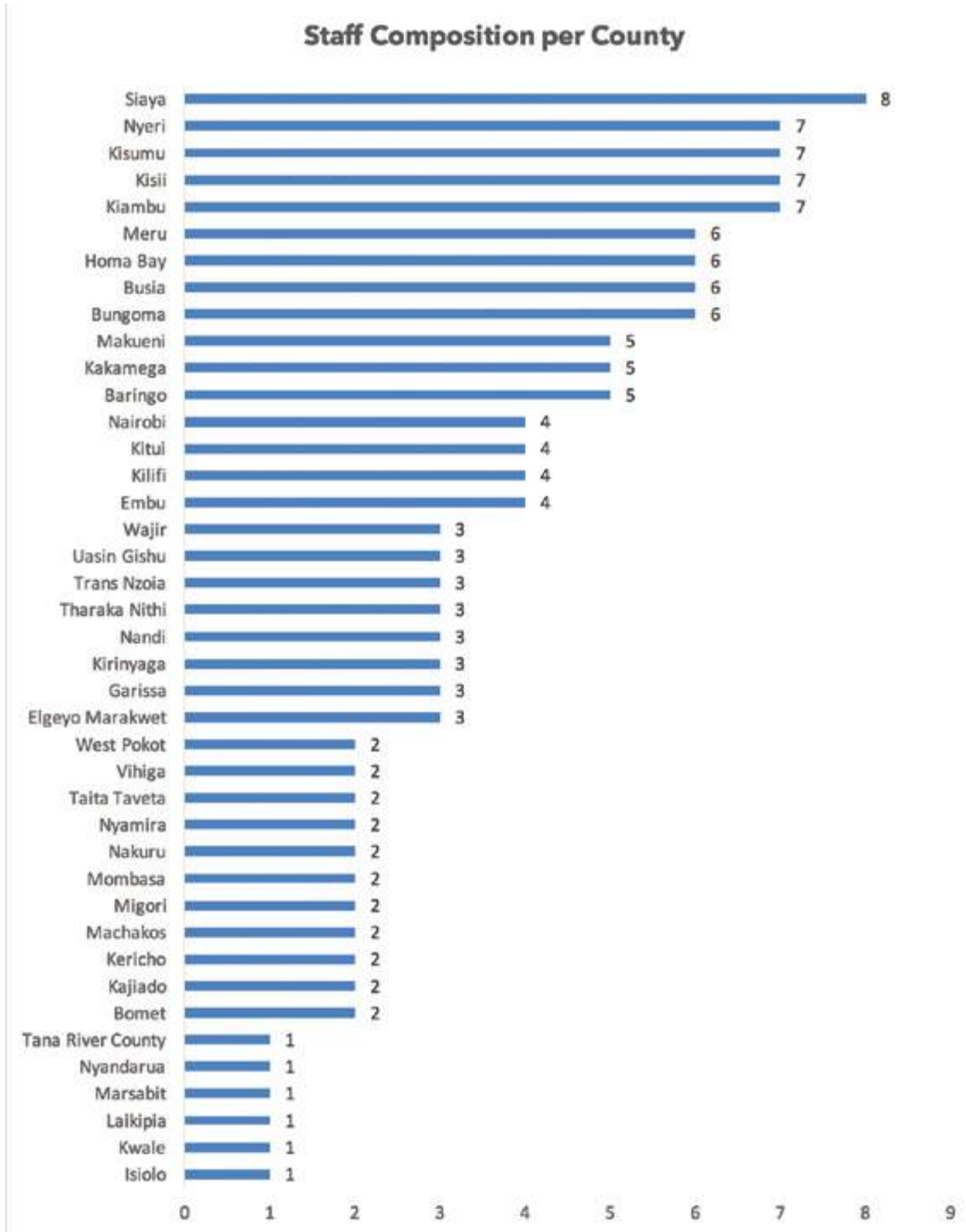
Table 6 above shows the gender distribution of employees across the Counties while Table 7 below shows the distribution in percentages.

Table 7

County Gender Analysis by Percentage			
Count of Home County	Column Labels		
Row Labels	Female	Male	Grand Total
Baringo	0%	3%	3%
Bomet	1%	1%	1%
Bungoma	1%	3%	4%
Busia	1%	3%	4%
Elgeyo Marakwet	1%	1%	2%
Embu	2%	1%	3%
Garissa	1%	1%	2%
Homa Bay	1%	3%	4%
Isiolo	0%	1%	1%
Kajiado	1%	1%	1%
Kakamega	0%	3%	3%
Kericho	0%	1%	1%
Kiambu	4%	1%	5%
Kilifi	1%	2%	3%
Kirinyaga	1%	1%	2%
Kisii	1%	3%	5%
Kisumu	1%	4%	5%
Kitui	2%	1%	3%
Kwale	0%	1%	1%
Laikipia	0%	1%	1%
Machakos	0%	1%	1%
Makueni	1%	3%	3%
Marsabit	0%	1%	1%
Meru	1%	3%	4%
Migori	1%	0%	1%
Mombasa	1%	1%	1%
Nairobi	3%	0%	3%
Nakuru	0%	1%	1%
Nandi	0%	2%	2%
Nyamira	0%	1%	1%
Nyandarua	0%	1%	1%
Nyeri	1%	3%	5%
Siaya	1%	5%	6%
Taita Taveta	0%	1%	1%
Tana River County	0%	1%	1%
Tharaka Nithi	1%	1%	2%
Trans Nzoia	1%	1%	2%
Uasin Gishu	1%	1%	2%
Vihiga	1%	0%	1%
Wajir	1%	1%	2%
West Pokot	0%	1%	1%
Grand Total	33%	67%	100%

Source: IPOA

Figure 3



Source: IPOA

Figure 3 above shows the number of employees across 41 Counties. This is a staff representation of 87% from the 47 Counties. Only six Counties are not represented in the Authority's staff compliment. However, the Authority is working towards 100% County representation.

2.19 Capacity Building for Board and Staff

Being a new institution in Kenya, the legislation establishing IPOA recognized the need to build the capacity of both its Board and Staff with the requisite skills so as to achieve its objectives and goals. The rationale for this empowerment is articulated under Section 22 (2) of the IPOA Act which stipulates that *“the Board shall ensure that all Board members and members of staff are adequately trained for their respective positions...”*

Thus, the Authority continuously seeks training and learning opportunities for both its Board and staff to sharpen their skills as they carry out their respective duties, to fulfil the Authority's heavily laden and onerous mandate.

2.19.1 Board Corporate Governance Training

To entrench corporate governance at the top, the Board, in 2013, attended one-week corporate governance training in Mombasa, which was delivered by the Center for Corporate Governance. The training has been invaluable to the Board in its corporate conduct and discipline, and setting the tone from the top for Management and staff.

2.19.2 Board and Staff Training on Human Rights

In July 2013, the Board attended a five-day high level course at the Centre for Human Rights, University of Pretoria in South Africa on Police Oversight and Accountability in Africa organized by Africa Policing Civilian Oversight Forum (APCOF). The training covered a wide range of topics including: democratic policing; architecture of police oversight bodies; challenges and opportunities for police oversight in Africa; use of force; and torture.

The Board established contacts with other policing agencies across Africa and also met some members of the South Africa Police Services (SAPS). Most of these contacts have made emboldened the Authority in its decision-making processes especially in running its affairs and programs.

One of the most significant development or outcomes was for the Authority to join the APCOF, which has immensely supported IPOA through training of technical staff in various areas on management of oversight institutions, professional investigations, and also building solidarity and networks across the continent and within the region. The Authority is thus making steady and good progress towards realization of the fifth outcome of the Strategic Plan.

The Authority has also ensured that Board members and staff are adequately trained for their respective positions, and in particular that all members of staff directly involved in investigations undergo appropriate training on human rights and fundamental freedoms, as per Section 22(2) IPOA Act.

2.19.3 Local Staff Training

During the last six years, the Authority has sponsored a large number of staff for local and appropriate and targeted courses at the Kenya School of Government and at other recognized training centers. The Board members have also been sponsored for appropriate local training programs.

The Authority has also continued to support staff by paying their annual professional subscriptions to their respective affiliated association, as well as sponsoring them for

Continuous Professional Development (CPD) programs. Some of these affiliations include: The Institute of Certified Public Accountants of Kenya; Institute of Internal Auditors; Kenya Institute of Supplies Management; Kenya Institute of Management; Law Society of Kenya; Institute of Human Resource Management; Public Society of Kenya; and Institute of Certified Investment and Financial Analysts, amongst others.

Other trainings offered include media training; social media; and amongst others.

2.19.4 Technical Training on Investigations

The Authority has, during the six years, benefitted from training of its technical staff by the US Federal Bureau of Investigations (FBI). The US Government and UNODC have also funded in-house trainings of investigators by police Consultants, ranging from 6 months to one year.

One of the Consultants hired by the US Government and UNODC, Mr. Robert Grinstead has assisted the Authority to develop and implement an Investigations Manual, in addition to training the investigations team. He has been with the Authority for most of the time since 2013.

2.19.5 Overseas Technical Training

In August 2013, a Board member a Senior Investigator attended a training course on investigations organized by APCOF in Pretoria, South Africa. The training was aimed at building the capacity of policing oversight bodies in Africa and to refine and contextualize the revision of APCOF's 2010 training manual on building capacity in the civilian oversight of African policing.

In 2017 and 2018, the US Government has sponsored nine senior officers for training, 5 at the International Law Enforcement Academy in Roswell, New Mexico, US, and 4 in Gaborone, Botswana. The Board has played an instrumental role in securing these training opportunities for eligible and deserving officers.

Through this goodwill, the Board has persuaded the US Government through its Embassy in Kenya to continue offering the Authority such essential training opportunities in future, and as an ongoing training program. The Board is convinced that the training opportunities have enhanced the staff skills and capacity to carry out their work.



The Board and Senior Management during a technical training session.

CHAPTER 3

STRATEGIC DIRECTION

3.1 Development of 2014/18 Strategic Plan

In March 2014, the Board and Management embarked on the development of the Authority's inaugural four-year Strategic Plan. The Plan was developed through a participatory process with internal and external stakeholders.

The Board, with the assistance of a Consultant, Ms. Helena Kithinji, led the senior Management team in a working retreat at the Mt. Kenya Safari Club in Nanyuki, during which a framework for the Plan was developed. The process was kindly supported by UNODC.

The Plan, covering 2014/15 to 2017/18 financial years, was launched at the Kenyatta International Convention Centre in September 2014.



Internal and external stakeholder validation of the Strategic Plan on 16th April, 2014 at the Norfolk Hotel.

By the end of the four-year planning period in June 2018, the Authority expects to realize the following five broad strategic outcomes:

1. Compliance by police to human rights standards;
2. Restored public confidence and trust in police;
3. Improved detention facilities;
4. A functional Internal Affairs Unit of NPS; and
5. A model institution on policing oversight in Africa.

To achieve the above outcomes, the Authority came up with the following eight strategies:

- Organizational development,
- Performance management,
- ICT,
- Resource mobilization,
- Stakeholder engagement,
- Communication,
- Mainstreaming human rights, diversity and ethical behavior, and
- Mainstreaming gender.

3.2 Implementation of 2014/18 Strategic Plan

During the FY 2016/17, the Authority undertook a mid-term review of the Strategic Plan. The review was aimed at assessing the success of the implementation of the Plan's key objectives and outcomes during the first two years.

The Authority has since been implementing the recommendations of the review, setting in motion strategies to realize the outcomes of the Plan during the remaining two years.

A full assessment of the implementation of the Plan is planned during the first Quarter of the 2018/19 financial year. The development of the next Plan is also planned to be undertaken during the same year, under the oversight of the new Board. However, the current Board has initiated and approved framework that will guide Management to commence the two processes starting from July 2018 and await ratification by the next Board when eventually appointed.

3.3 Framework for Review of 2014/18 Strategic Plan

3.3.1 End of the Strategic Plan

The IPOA's four-year Strategic Plan (2014/18) commenced on 1st July 2014 and will end on 30th June 2018.

3.3.2 Review Methodologies

The Strategic Plan envisioned the following self-review methodologies (under Section 2.11.5, Page 44):

- a) Development, dissemination and implementation of standard templates for all Authority's functions;
- b) Monthly directorate reviews of progress achieved and lessons learnt;
- c) Quarterly directorate progress reports with analysis of trends;
- d) Bi-annual directorates' meetings to check progress under the leadership of PM&E Officer with other appropriate staff to ensure that Performance Reports are compiled and disseminated;

- e) Regular/periodic monitoring and analysing relevant external sources of data such as media reports from international human rights organizations, reports from the Government and its agencies;
- f) Annual staff survey on job satisfaction, leadership and management performance and work environment; and
- g) Annual review with an external facilitator to analyse past performance for re-strategizing and operational planning for the subsequent financial year.

3.3.3 Outcome of the Mid-Term Review

Under d) above, a mid-term review of its implementation was conducted in 2016 by a Consultant hired through the support of UNODC. The review report was shared with the Board, Management and staff. The report made several recommendations towards full realization of the main outcome objectives. A summary of the assessment report is as follows, specifically on the five strategic outcomes of the Strategic Plan.

3.3.3.1 Outcome 1: Compliance by Police to Human Rights Standards

The review was undertaken at a period when the police service was in the news with regard to allegations of many incidents of extra-judicial killings. In public debates in the media and also in discussions with IPOA Board and staff members as well as with key stakeholders, there was a perception and a conclusion that police compliance with human rights standards has not appreciably improved. Indeed, many felt that the police were regressing in terms of their conduct.

Within IPOA, reference was made to a growing hostility to the Authority and principles of accountability from the very top leadership of the police as well as the Ministry of Interior. Compliance with human rights standards is being undermined by failure by the police and political leadership that sees accountability as an inconvenience. None of those interviewed (including the IAU) challenged the perception that overall the police record on compliance with human rights standards has remained poor.

However, the fact that compliance is now accepted as part of the expectations of police conduct is an important development. This acceptance should be considered part of the successes flowing from the Authority's continued interventions with the police and other relevant actors. The Authority's official and public statements reminding the police of their responsibility to comply with these standards as well as investigations, inspections of detention places and prosecutions of police officers have significantly contributed to the acceptance of the norm of compliance.

3.3.3.2 Outcome 2: Restored Public Confidence and Trust in Police

It was gauged from interviews with key informants as well as information from secondary literature that public confidence in the police in Kenya to protect adhere to the rule of law is still a challenge. Moreover, public confidence is also linked to the performance of the police in other outcome areas. This outcome should therefore be seen as the product of results in those other areas.

3.3.3.3 Outcome 3: Improved Detention Facilities and Police Premises

The Authority has undertaken a large number of inspections of detention facilities and premises. By July 2016, about 508 inspections had been done in several counties in the country. Inspections have yielded positive results with station commanders willing to take immediate corrective actions as per the IPOA recommendations.

However significant challenges remain. There are many reports that conditions still remain poor in many detention facilities in spite of IPOA's intervention. Improvement of conditions irrespective of IPOA interventions has also not been adopted as a matter of policy and practice by the police.

In many cases, station commanders complain that they have very limited resources to improve the conditions. Whereas there are significant changes station commanders can make that do not require resources, it is correct that significant resources would be needed to systematically address the weaknesses.

3.3.3.4 Outcome 4: A functional Internal Affairs Unit

Interviews with various key informants confirmed that the Internal Affairs Unit (IAU) is by all metrics of assessment largely non-functional. IAU itself concedes that it is not as functional as it is supposed to be. IPOA had correctly identified in its Strategic Plan that a functional IAU was key to the success of its own work. The Unit is not fully and independently operational, has no adequate financial resources and personnel. Indeed, a functional IAU can be said to be the litmus test that the police and the state have finally embraced and are driving police reforms.

As at the time of writing this report, the IAU had secured an office though it was yet to operationalize. IPOA notes that this is one outcome area where not much had been achieved. Again, this is an outcome that is considerably dependent on the will and commitment by the police and the Ministry of Interior.

3.3.3.5 Outcome 5: A Model Institution on Policing Oversight in Africa

Under this outcome, the Authority has made a number of achievements in the period under review. First, the Authority has established an effective Secretariat with a large, qualified and increasing staff complement. It should be remembered that IPOA was established from the ground up and recruited virtually all its staff. The Authority has also put in place governance structures for the effective running of the Authority. The Authority has also trained the staff in the relevant areas, including in the areas of human rights as required by the Act.

Interviews with stakeholders at different levels pointed out that the Authority is now the most respected institution in the policing sector. The Authority's unbending commitment to the enforcement of the law and the integrity of its Board and in particular the Chairperson were often cited on many occasions as exemplary in the sector. Surprisingly, this view was shared even by actors within the state agencies.

IPOA is also regularly invited to various countries to share experiences and expertise. This is an indicator of the growing recognition and prestige of the Authority in the region. The Authority's achievements under this outcome are however linked to results in other outcome areas. To

a considerable extent therefore, Outcome 5 should also be seen as partly a product how successful the Authority is in the other outcome areas.

3.3.4 End-Term Review

A full end-term review of the Strategic Plan will be required during the first Quarter of 2018/19 financial year. The review should inform the development of the next Plan in terms of the lessons learnt, successes, failures, and objectives/goals that should be carried forward into the next Plan.

3.3.5 External Consultant for End of Term Review and Timeline

The Authority should thus plan to secure the services of a qualified and experienced external Consultant to carry out the review, with specific terms of reference and timeline.

The assignment should be carried out within a period of 1-2 months, and its outcome shared with the Board/Management and staff. The review should be aimed at assessing the implementation of the Plan, and its impact both to the external and internal stakeholders.

The budget for 2018/19 financial year has already made adequate provisions for this assignment.

3.4 Development of the Next Strategic Plan

3.4.1 Planning Period Cycle

After the conclusion of the 2014/18 Strategic Plan, it will be critical to commence the development of the next one during the first Quarter of 2018/19 financial year. The Board and Management will need to determine on the planning period (continuation of a cycle of 4 years, or go for 5-6 years).

3.4.2 Development Process and Funding

The development of a Strategic Plan is a very involving process that requires outlining strategic objectives/goal to be achieved during the planning period. It requires full participation of Board, Management, staff and key stakeholders. It also requires adequate resources for its completion and success.

3.4.3 Consultant's Responsibilities and Deliverables

The Consultant's deliverables should include the following:

- a) Work plan and a comprehensive assessment report with clear recommendations for the development and outlines for the implementation of the new Plan;
- b) Annual Work Plan for 2018/19 financial year, and for subsequent years are aligned to the new Plan;
- c) An action plan for the development and implementation of the Strategy;
- d) A final and validated Plan, taking into account the following, amongst others:

- Lessons learnt from 2014/18 Strategic Plan.
- Successes and failures in the implementation of 2014/18 Plan.
- Relevant legislative framework, policies and strategies.
- Consultation with all key stakeholders.
- Formulation of the strategic objectives/goals, both short and long term, results indicators, activities, and timeframe that will lead to the expected outcomes.
- Formulation of institutional and managerial aspects of the framework – responsibilities for the management, leadership and coordination of the implementation of the Plan.
- Formulation of all the required resources (human and financial) necessary to implement the framework’s activities on annual basis.

A framework for development of the next Strategic Plan is presented in Appendix 8.

3.5 Experiential Learning and Benchmarking

Being new and the second civilian policing oversight mechanism in Africa, the Authority sought support from its developing partners to enable the Board and senior Management to undertake experiential learning and benchmarking trips to other jurisdictions with similar agencies, specifically the UK and South Africa.

The Board and Management participated in the following learning visits, upon which a report for each was prepared together with a detailed implementation matrix.

3.5.1 Board Learning Visit to England, Wales and Northern Ireland

Being a relatively new institution, the Board acknowledged the need and benefits accruing from benchmarking with similar jurisdictions. Accordingly, in 2013, the Board shared the idea of benchmarking with the British High Commission (BHC) in Kenya upon realizing that the United Kingdom (UK) was not only actively involved in efforts to reform the NPS, but was also one of the few jurisdictions with a well-established civilian oversight agency. The High Commission agreed to sponsor seven members of the board for a learning experience to the United Kingdom, specifically England, Wales and Northern Ireland.

During the study tour, the Board was taken through a number of programs which greatly helped to enhance their understanding of the operations of a civilian oversight agency. Specifically, the Board:

1. Attended a number of interactive lectures at the International Academy (College of Policing) at Bramshill, conducted by various facilitators and practitioners from different backgrounds and institutions. This helped the Board members greatly in understanding the models, policies, structures and practices of policing in the United Kingdom;
2. Interacted with, and practically learnt from various institutions such as the Independent Police Complaints Commission (IPCC); the Professional Standards Department (PSD); Police and Crime Commissioner’s Office (PCC); Public Order Support Unit (POSU); Hampshire Force Control Room (HFCR); Police Ombudsman for Northern Ireland

- (PONI); Professional Standards for Northern Ireland (PSNI) and Policing Board for Northern Ireland (PBNI), among other institutions; and
3. Went through the exposure of re-building public trust and confidence in the Police in a post-conflict era such as in Northern Ireland.

The Board was therefore able to significantly learn from the interactive lectures and visits to various related institutions. Following the visit to the above institutions, the Board has continued to make steady progress in establishing a police oversight institution that Kenyans have gradually started trusting and building confidence in.



Board learning visit to England, Wales and Northern Ireland.

3.5.2 Senior Management Learning Visit to England

In 2016, the British High Commission in Nairobi supported the Authority through funding of a learning visit to London by senior management team, and accompanied by the Board vice Chair. The visit took place between 6th and 14th February 2016. The delegation visited the IPCC, Crown Prosecution Service and the Metropolitan Police Professional Standards Directorate. The site visits allowed the delegation to meet practitioners and understand their operating context.

In addition to the site visits, the delegation attended training sessions at the Union Jack Club, Sandell Street. The delegation was hosted by three UK experts with high level experience working at IPCC, Her Majesty's Inspectorate of Constabulary (HMIC) and within police professional standards departments. The delegation was also trained by a senior officer from HIMC. The Authority submitted a detailed report on the learning visit to the BHC in Nairobi in April 2016, which detailed a 52-point action plan for implementation.

In November 2016, the BHC funded a trip to Nairobi of three Consultants, Simon Martin, Peter Spindler and Simon Cousins, who trained the delegation in the UK to make a follow up of lessons learnt. The team was in Nairobi from 29th to 9th December 2016. The team of experienced law enforcement and police oversight professionals conducted a review of the Authority against agreed objectives aimed at strengthening its capacity and capability towards greater police accountability in Kenya.

The team submitted its findings in January 2017. These findings and lessons learnt continue

to be an invaluable input towards enhancing the Authority's performance and execution of its mandate. In their findings, the Consultants reported as follows:

- That considerable work had been completed by the Kenyan delegation and that serious thought had gone into how best to implement relevant learning within the Authority.
- The plan met all the areas in terms of action points with action leaders, timescales and that the Authority was able to indicate the levels of progress made under each area.
- The team identified various areas of improvement including the potential benefit of streamlining the number of action points for ease of implementation.
- The team was impressed by the efforts made and apparent value added by the UK experience.



Senior Management learning visit to England.

3.5.3 Board Learning Visit to South Africa

Through funding from the UNODC, three Board members and four directors attended a benchmarking visit to IPID in Pretoria, South Africa, between 19th and 25th June 2016. The delegation was accompanied by four members of the National Assembly's Departmental Committee on Administration and National Security, and one Clerk.

The team visited IPID's head office in Pretoria and two of its Provincial Offices in East London (Eastern Cape) and Polokwane (Limpopo). The Authority has continued to implement lessons learnt, and particularly informed the setting up of the first three regional offices in 2017.

3.5.4 International and Regional Invitations

As the work of the Authority gained momentum and recognition within the country and internationally, the Board and Management started receiving invitations from several countries

to share their civilian policing oversight experience.

Through these invitations, the Board members and senior staff attended conferences in countries such as Senegal, South Africa, Zimbabwe, Somalia, Netherlands, France, Nigeria, Morocco, and Indonesia. In November 2015, the Chairman and CEO attended an International Gathering of Police Oversight held in Jakarta, Indonesia.

In February 2018, the Authority hosted a delegation from the Independent Police Complaints Board from Sierra Leone, who were on learning and benchmarking tour.

3.6 Conference on Civilian Oversight

In March 2015, the Authority in collaboration with APCOF held an international conference in Nairobi, whose theme was: *Civilian Oversight Mechanism of Good Governance in Policing in Africa*. The conference brought together representatives from African organizations charged with civilian policing oversight.



Participants of the Civilian Oversight Mechanism of Good Governance in Policing in Africa Conference.

CHAPTER 4

PERFORMANCE IN MANDATE AREAS

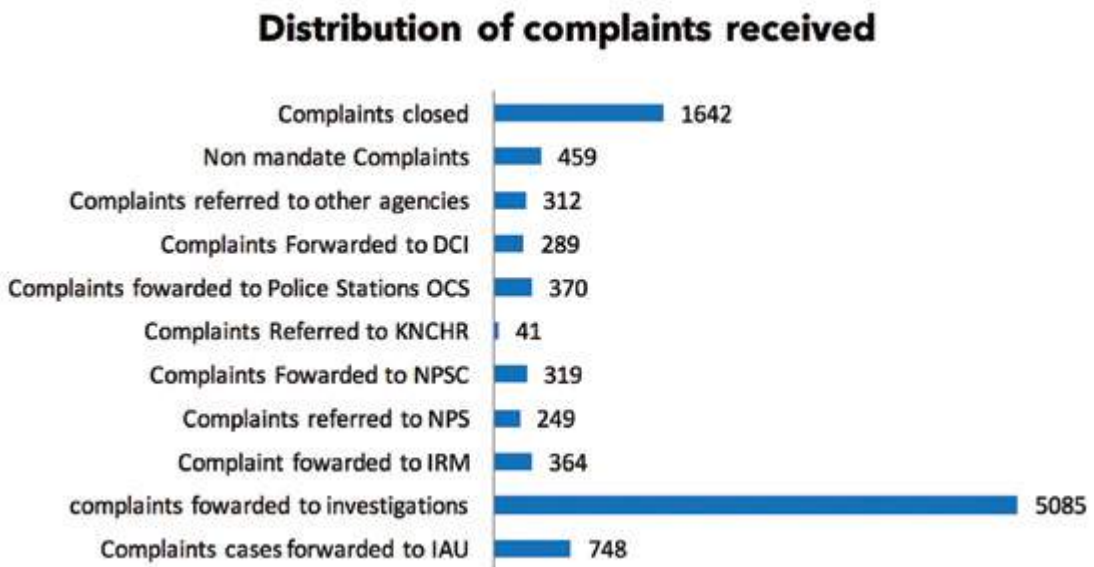
4.1 Complaints Management

Section 24(1) of the IPOA Act provides that a person wishing to lodge a complaint against the police may do so orally or in writing or in such an appropriate format as may be prescribed in the Regulations.

As at 30 April 2018, the Authority had received a total of 9,878 complaints from the public and members of the police service. After analysis of the complaints, 5,085 complaints were classified for investigations. The balance of the cases were referred as follows: 748 to IAU; 364 to the Authority's inspections and monitoring directorate for further action; 249 to NPS; 319 to NPSC; 41 to KNCHR; 370 to Police Station OCS; 289 to DCI; and 312 to other agencies such as EACC, NLC, and CAJ.

459 complaints were non-mandate matters, and 1,642 cases were closed due to withdrawal by complainants, matters before Court, not actionable, and due to insufficient information. Complaints were received from the public, police, non-state actors and from state agencies. They were received through walk-ins, letters, online, by telephone, own motion, media, social media and through outreach public engagements.

Figure 3



Source: IPOA

Figure 4



Source: IPOA

As shown in Figure 4 above, on annual basis, the Authority received 594 complaints during 2012/13 financial year; 860 in 2013/14; 1792 in 2014/15; 2529 in 2015/16; 2267 in 2016/18; and 1836 to 30 April 2018 of 2017/18 financial year.

4.1.1 Nature of Complaints Received

Complaints received involved the following: abuse of office; arbitrary arrests and unlawful detention; corruption and extortion; unfair administrative action including dismissal, transfers, promotions and training; malicious prosecution and dissatisfaction with court processes; deaths; obstruction of justice; debts and loans; police assault; land issues, improper investigations; police harassment; police inaction; police misconduct; and police shooting.

4.2 Investigations Management

5,085 complaints were received by the investigations directorate for investigations of which 752 cases were investigated and completed; 458 were closed after preliminary investigations; 72 still under active investigations; 76 under legal review; 103 cases forwarded to ODPP for further action; 11 to EACC; and 6 to NPSC. As at 30 April 2018, 2978 cases were under initial investigations assessment while 1355 cases were under active investigations. At the same time, 64 cases were before Courts.

4.2.1 Nature of Cases Investigated

The cases investigated involved the following: deaths arising out of police action or inaction; deaths in custody; serious injuries/assault/police brutality; sexual offences and sexual-related offences; harassment, intimidation, extortion, corruption/arbitrary arrests; police inaction – undue delay and partial investigations/negligence/collusion; enforced disappearance; theft/fraud/robbery; cases involving minors; dismissal from service; non-cooperation; unlawful wounding; and misconduct.

4.2.2 Convictions

So far, the Authority has achieved 3 convictions: 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). Briefs on the two cases and lessons learnt thereof are presented in Appendix 1.

4.2.2.1 Brief facts - High Court Criminal Case No. 41 of 2014

On or about 24th August, 2014, the Authority through Muslims for Human Rights and also through media reports, became aware of the death of one Kwekwe Mwandaza, a 14-year-old girl, who died on 22nd August 2014 after being allegedly shot by the Police.

Since the death was not reported to the Authority by the National Police Service as required under Section 25 of the IPOA Act and Rule 5 of the Sixth Schedule to the National Police Service Act, the Authority upon being informed of the incident and in execution of its mandate, commenced investigations with a view to establishing the circumstances leading to the death of Kwekwe Mwandaza.

Investigations by the Authority revealed that Kwekwe Mwandaza (the deceased) was a 14-year old girl who lived with her maternal cousins, Mgandi George and Luvuno George in her maternal uncle, Salim Chaka Zani alias George's rural home in Maweu village, Kwale County. Police Officers on 22nd August, 2014 at about 2.00 a.m. went to the house where the deceased and her cousins were asleep and discharged a total of five ammunitions thereby killing Kwekwe.

The evidence collected in the course of the investigations identified I.P Veronicah Gitahi and PC Issa Mzee as the police officers who went to the house where the deceased was sleeping and discharged their firearms occasioning fatal head injuries to the deceased.

The investigations further established that given the obtaining circumstances at the time of the incident, the use of the firearms by the two officers did not fall under the provisions of Rule 1 of the Sixth Schedule to the National Police Service Act and therefore the use of firearms was unlawful and unjustified.

After analyzing the evidence on record, the Authority was satisfied that the facts therein disclosed the offence of murder against the two police officers and subsequently made recommendations to the Director of Public Prosecutions accordingly.

The DPP concurred with the Authority's recommendations that Veronica and Issa Mzee be charged with the offence of murder of Kwekwe Mwandaza contrary to section 203 as read with Section 204 of the penal code and in that regard High Court Criminal Case No. 41 of 2014 was instituted against the two police officers at the High Court in Mombasa.

4.2.2.2 Brief facts - High Court Criminal Case No. 78 of 2014

On 17th April, 2013, the Authority, pursuant to Section 25(2) of the IPOA Act and Rule 5 of the Sixth Schedule to the NPS Act, received from Githurai Police Station an official notification of the death of Kenneth Kimani Mwangi, a 26 years old man who was allegedly gunned down by a member of the NPS on 14th April, 2013.

The Authority upon becoming aware of the incident and in execution of its mandate commenced investigations with a view to establishing the circumstances leading to the death of Kenneth Kimani Mwangi.

The investigations by the Authority revealed that Kenneth Kimani Mwangi (the deceased) was a 26 years old man who lived with his mother, Purity Wanjiku Mwangi, in Githurai estate within Nairobi County. On Sunday 14th April 2013 at about 4.00pm, Kenneth was at the Githurai 45 Bus Stage when a Police Officer shot him thrice on his head thereby occasioning his death.

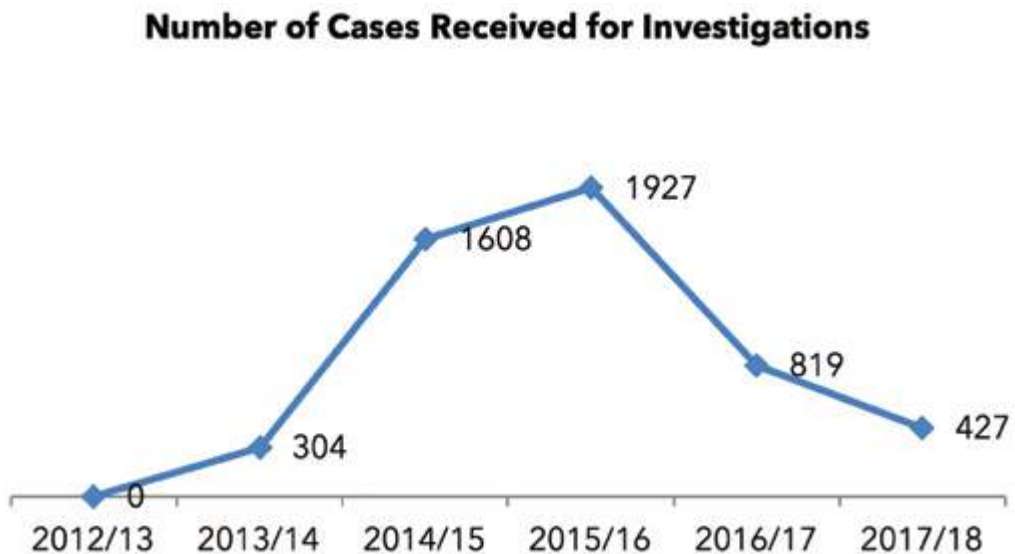
From the evidence on record, P.C Titus Ngamau Musila alias Katitu was identified as the officer who discharged his firearm three times on the deceased and caused the death.

The investigations further established the use of firearms by the officer, during the incident that led to the death of the deceased, to be unlawful and unjustified particularly given that the obtaining circumstances at the time of the incident made the use of the firearm to fall outside the provisions of Rule 1 of the Sixth Schedule to the National Police Service Act.

On analysis of the evidence on record, the Authority was satisfied that the facts therein disclosed the offence of murder against the police officer. A recommendation was therefore made to the Director of Public Prosecutions that the Police officer, Titus Ngamau Musila be charged with the offence of murder of Kenneth Kimani Mwangi contrary to section 203 as read with Section 204 of the penal code.

The DPP concurred with the Authority's recommendation and thereby instituted High Court Criminal Case No. 78 of 2014 against the implicated police officer.

Figure 5



Source: IPOA

As shown in Figure 5 above, the number of cases received for investigations during the past six years are: 2012/13, Nil; 304 in 2013/4; 1608 in 2014/15; 1927 in 2015/16; 819 in 2016/17; and 427 from July 2017 to April 2018.

Figure 6



Source: IPOA

During the six years, the Authority completed 752 cases as follows, as shown in Figure 6 above; Nil in 2012/13; 27 in 2013/14; 115 in 2014/15; 157 in 2015/16; 294 in 2016/17; and 159 to April 2018 during the 2017/18 financial year.

Figure 7



Source: IPOA

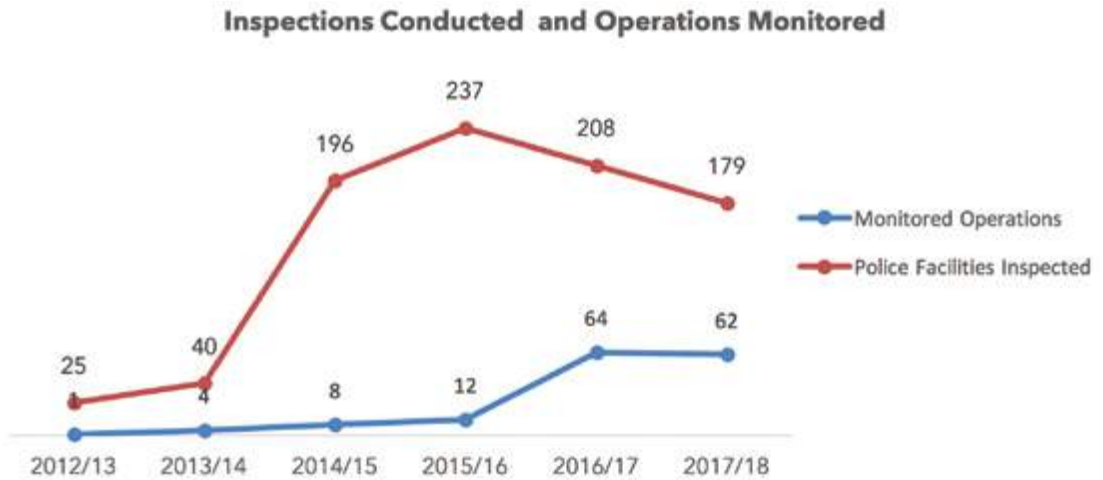
Figure 7 above shows the distribution of investigated cases as at 30 April 2018. Of the total of 752 investigated cases, 458 were closed after preliminary investigations, as no further action could be taken mainly due to lack of actionable evidence.

4.3 Inspections & Monitoring

4.3.1 Inspection of Police Premises

As shown in Figure 8 below, the Authority carried out a total of 885 inspections on police premises as follows: 25 in 2012/13; 40 in 2013/14; 196 in 2014/15; 237 in 2015/16; 208 in 2016/17; and 179 for the period July 2017 to April 2018.

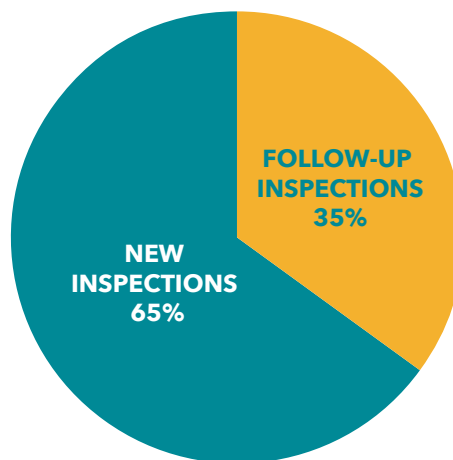
Figure 8



Source: IPOA

Figure 9

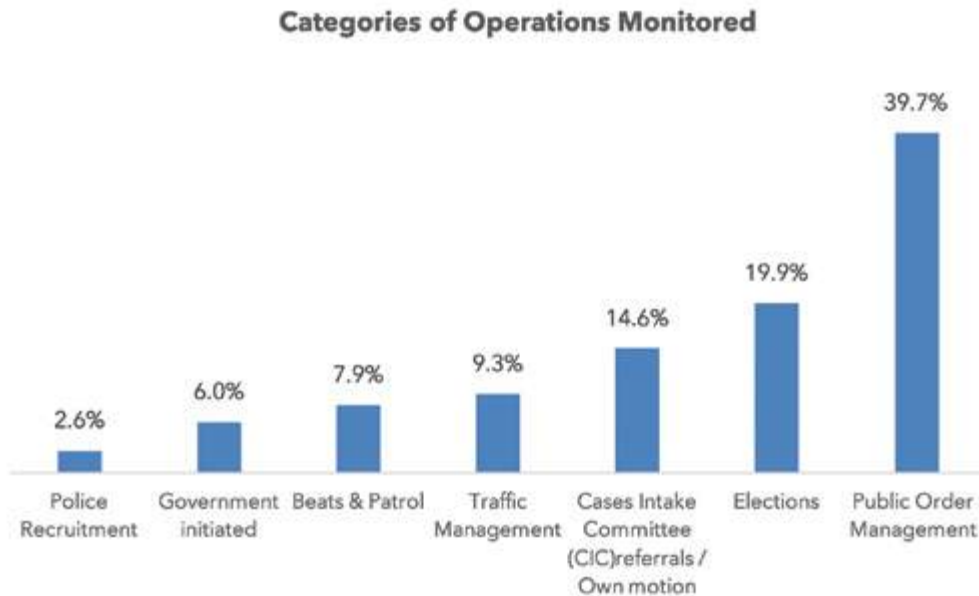
Categories of Inspections Conducted



Source: IPOA

As shown in Figure 9 above, the Authority undertook 885 inspections on police facilities during the six years under review, of which 579 (65%) were new inspections and 306 (35%) follow-up inspections. A full report of the recommendations made from these inspections during the six years is presented in Appendix 2.

Figure 10



Source: IPOA

4.3.2 Monitoring of Police Operations

The Authority monitored a total of 151 police operations during the period. As shown in Figure 10 above, the operations included the following: Police recruitment, 4 (2.6%); Government initiated, 9 (6%); beats and patrols, 12 (7.9%); traffic management, 14 (9.3%); referrals/own motion, 22 (14.6%); elections, 30 (19.9%); and public order management, 60 (39.7%). Appendix 3 presents the recommendations made from the monitoring of these operations.

4.3.3 Nullification of Police Recruitment

On or about 14th July 2014, the National Police Service Commission caused to be carried out a recruitment exercise of members of the National Police Service. The Authority in line with its mandate monitored the exercise in various centers and observed that the exercise was marred with corruption, fraud and massive irregularities.

These observations by the Authority were also supported by myriad complaints the Authority received from Kenyans from all walks of life. Further, during the hearing of the petition the Commission itself filed documents in court detailing complaints from all over the country regarding massive corruption and malpractices during the recruitment exercise.

The Authority contended that the root cause of the corruption and massive irregularities was the illegal delegation by the Commission of the recruitment exercise to Sub-County Recruitment Committees which were the entities that actually carried out the recruitment on the ground. These Sub-County committees were also singled out in the observations by the Authority and complaints by Kenyans as the entities that were involved in corruption, fraud, manipulation and all manner of malpractices. The Authority contended that delegation of powers by the Commission to Sub County Recruitment Committees was in violation of Article 246 of the constitution and Section 10 of the National Police Service Commission Act.

A summary of this case (Petition No. 390 of 2014 and Civil Appeal No. 324 of 2014 – The Recruitment Decisions) is presented in Appendix 1.

4.4 Recommendations Made by the Authority

4.4.1 Introduction

Since inception, the Authority guided by Sections 6 (c), (e), (f), (g) and (h) has made various recommendations towards improvement of police premises, detention facilities and police operations. These recommendations are contained in various reports, and are all geared towards professionalizing of policing services and realization of Article 244 of the Constitution. The status of these reports is presented in Appendix 6.

4.4.2 Legal Mandate of the Authority in Terms of Recommendations

The IPOA Act has various requirements on recommendations made to the Service and other State organs. This is presented in various Sections of the Act including:

1. **Section 6. Functions of the Authority:** The functions of the Authority shall be to: (a) investigate any complaints related to disciplinary or criminal offences committed by any member of the 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; (k) make recommendations to the Service or any State organ;
2. **Section 7. Powers of the Authority:** (1) The Authority shall have all the powers necessary for the execution of its functions under this Act, and without prejudice to the generality of the foregoing, the Authority shall have the power to – (e) require the Service to within a specified, reasonable time, provide it with information on issues relating to policy, its implementation and its effectiveness, and its response to any recommendation made to it by the Authority;
3. **Section 30. Performance Report:** (1) The Authority shall submit to the Cabinet Secretary, at least once in every six months, a report of the performance of the functions of the Authority, making such recommendations as it may consider necessary. (4) The report contemplated in subsection (1) shall include– (a) the recommendations made by the Authority during the period under review; (b) the action taken by the responsible authorities in response to the Authority’s recommendations or lack thereof;

With these legal provisions, the Authority presents in Appendix 6 the recommendations that have been made for enhanced tracking and follow up. The recommendations are organised thematically, presenting the status of each of the recommendation, for ease of understanding and monitoring.

4.5 Research Report on Police Housing Crisis in Kenya

In January 2016, the Authority release a research report on police housing crisis in Kenya.

The report was highly published by the media, and was shared with the Interior Ministry, NPS,

NPS and National Treasury amongst other agencies. The main recommendations of the report included the following:

- a) Abandon Government-supplied police housing and shift to allowance-based scheme;
- b) Enhance housing allowances for police officers;
- c) Proposal for out-of-police lines residency;
- d) Negotiate special mortgage schemes for police officers;
- e) The Government/NPS should actualize the single family occupancy policy;
- f) Develop a National Police Service Housing Policy



IPOA has monitored four Police recruitment exercises since inception.

CHAPTER 5

INSTITUTIONAL STRENGTHENING

5.1 Performance Management Framework

The Authority recognizes that meaningful achievement of its mandate will be achieved through the performance management strategy as spelt out in the Strategic Plan thus the existence of an elaborate Performance Management system. This was one of the Authority's key deliverables in the 2014/18 Strategic Plan.

It is for this reason, therefore, that the Authority developed a Performance Management Framework (PMF) during the 2014/15 financial year. The Framework was aimed at entrenching a culture of performance management within all the operational areas, and also for each member of staff.

The adoption of this strategy has resulted to the development and application of Planning, Monitoring and Evaluation frameworks, tools and methods as well as individual performance appraisal.

The PMF is geared towards setting expectations, continually monitoring and evaluating performance, developing the capacity to perform, periodically rating and recording performance, and recognizing and rewarding good performance.

5.2 Enterprise Risk Framework

The Authority's activities expose it to a variety of risks. The Authority's overall risk management program 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.

Accordingly, the Authority developed an Enterprise Risk Management (ERM) Framework in 2014, upon which a risk register is maintained and reviewed regularly. Since development, the ERM framework has undergone continuous reviews on need basis.

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

5.3 Development of Operational Policies and Manuals

During the last six years, the Authority has developed appropriate policies and manuals across all its operational areas. The Board has been very clear that operational decisions should be guided by approved policies rather than through discretion. This has seen the Authority carry out its work effectively. The policies, manuals and guidelines include the following:

1. Audit Charter
2. Risk Management Policy
3. Enterprise Risk Management Framework
4. Investigations Policy
5. Witness Facilitation Policy
6. Inspections Policy
7. Monitoring Policy
8. Security Policy
9. Internship Policy
10. Gender and Equality Policy
11. Sexual Harassment Policy
12. Employee Recognition, Reward and Retention policy
13. Workplace Policy on HIV & AIDs
14. Alcohol, Drug and Substance Abuse Policy
15. Staff Code of Conduct
16. Staff Mortgage and Car Loan guidelines
17. Communication Policy
18. Social Media Policy
19. Stakeholder Engagement Policy
20. Protocol and Etiquette Policy
21. ICT Policy
22. ICT Naming Convention Policy Document
23. Disaster Recovery Plan for ICT Department
24. ICT Equipment Usage Document
25. Research Policy
26. Authority to Drive Official Motor Vehicle Policy
27. Resource Mobilization & Ethical Fundraising Policy
28. Records Management Policy
29. Inspections Manual
30. Monitoring Manual
31. Security Manual
32. HR Manual
33. Investigations Manual
34. Financial Policies and Procedures Manual
35. Transport/Motor Vehicles Policies Manual

36. Performance Management Framework Manual
37. IPOA Research and Surveys Procedure Manual
38. Risk and Audit Committee Terms of Reference
39. Checklist for measuring effectiveness of Risk and Audit Committee
40. Career Progression Guidelines
41. Staff Bonding Regulations
42. IPOA Social Media Use Procedures
43. Code of Conduct during Inspections and Monitoring
44. Investigations Case Completion Strategies

A full list of the Authority's status of the developed policies, regulations and manuals is presented in Appendix 4.

5.3 Harnessing Technology

5.3.1 ICT Strategy

One of the strategic choices envisaged in the Authority's Strategic Plan was an ICT Strategy. The envisioned outcome was to entrench the use of a modern ICT platform to enable the Authority achieve its mandate.

5.3.2 Role of a Robust ICT Infrastructure

A robust ICT infrastructure enhances delivery of services. It enables the collection and storage of information and data, ensuring efficient delivery of services. Further, it ensures interconnectivity for fast and effective communication to enable prompt decision making and feedback.

In 2015, the US Government committed to support the Authority with supply of an integrated ICT infrastructure, both software and hardware. This was aimed at supporting the Authority core operational areas and the decentralization initiative to ensure an effective and a reliable ICT platform that will support the devolved units.

5.3.3 ICT Equipment

The Authority is proud to host a state of the art data center for its integrated computer system. The Authority has ensured that each officer is allocated a personal computer both at the head office and at all the regional offices. The Authority has also provided staff with laptops for office use and also while in the field. At the head office, the Authority provides high speed Wi-Fi access to staff and visitors.

In addition, the Authority has modern multi-function printers that enable staff to execute their work efficiently and effectively. The Authority has installed several layers of firewalls to protect the integrity of its computer system from external interference.

In 2017, the Authority installed a modern CISCO telephone system that will interconnect all the regional offices through Voice Over Internet Protocol (VOIP) platform. In addition to the Local Area Network (LAN), the Authority has rolled out Wide Area Network (WAN) that has interconnected Kisumu, Mombasa and Garissa offices, and later to other regional offices.

5.3.4 Enterprise Content Management System

In May 2016, the Authority commenced the implement of the Enterprise Content Management (ECM), which is a case management system aimed at improving its operational areas. The five-year project was funded by the US Government and involved design, development and implementation of ECM, with 2 years dedicated to system development and 3 for support.

5.3.4.1 The Benefits of the ECM System

The benefits that have been realized from this implementation include:

1. Improved and faster decision making due to the availability of real time data, reports and dashboards.
2. A single Complaints Management System that integrates all the needs of different departments and directorates within IPOA.
3. A revolutionized policing authority that has been the role model and benchmark for similar service organisations globally.
4. Simpler, faster and smarter ways of working.
5. A central source of credible Authority information.
6. Elimination of duplication of cases, processes, records and tasks thus saving the Authority time and resources.
7. Reduction of complaints against IPOA due to lack of follow through on cases.

There were other components in the scope of the project to make the implementation a success. These are:

5.3.4.2 Stages of System Development

The diagram below illustrates the stages of the development of the system from requirements gathering to training, go-live and support:



5.3.4.4 System Operational Modules

The system has 11 modules that include: Complaints; Investigations; Legal; Inspections, Research and Monitoring; Records Management; IT Service Desk; Transport, Inventory and Assets; Risk & Audit Management; Communications & Outreach; Performance Management & Evaluation; and Human Resource Management.

5.3.4.5 Digitization of Historical Records

IPOA's processes were manual before the technology transformation. The registry had piles of files from the various directorates and departments. With the system implementation, the historical records of over 7,138 needed to be digitized so that they could be accessible through an online repository, SharePoint, for progression of cases.

5.3.4.6 Data Center Upgrade

At the beginning of the project, the Authority's data center was revamped and state of the art servers, firewalls, storage facilities, and switches were installed to support the case management system to run optimally.

5.3.4.7 Implementation of the VoIP System and Contact Center

The project also included replacing all old handsets with a high-end CISCO telephony system that will eventually be integrated in all the regional offices for faster communication within the regions using the assigned extension numbers.

A contact center has been implemented that integrates with the IPOAcloud Connect system for ease of identification of complainants and to provide a more efficient way of working for the Complaints Officers with real time performance analytics.

5.3.4.8 System Support

The project is currently at the support phase where the implementation team is actively training staff and responding to queries regarding step by step guidance on processes within the system and resolving any issues arising from the use of the system.

5.3.4.9 Launch of ECM

The system was launched by the US Ambassador to Kenya, Mr. Robert Godec, during a colorful ceremony held at the Sarova Panafric Hotel on 30th April 2018. In his speech, the Ambassador said:

"IPOA has existed only a few years, yet it has proven itself ready to investigate allegations against police for using excessive force and bring such cases to court as appropriate. The people of Kenya now have the means of reporting such actions knowing IPOA will investigate the reports effectively and efficiently. The US has supported technical experts who have helped IPOA develop its operating procedures. I am proud that the US has financed the ECM

project. The US will continue to support IPOA and the vital work it is doing to end impunity in Kenya and make the NPS even stronger than it already is”.



Guests following the launch of the ECM system keenly.

5.4 Physical Facilities

5.4.1 Office Accommodation

When the Board was appointed one the key areas they wanted to pursue was to search for an appropriate office accommodation for the Authority. Through these efforts, space was secured at the ACK Garden Annex on 1st Ngong Avenue. Initially the Authority took space on the 2nd and 3rd floors, and later added more space on the 4th floor due to staff expansion. The offices premises are easily accessible to complainants, and provide a hospitable environment.

The Authority has modern offices that were suitably partitioned to provide a conducive working environment for its staff, and for its visitors, particularly complainants. The office has adequate meeting rooms, and sufficient working space with open plan sitting arrangement. To ensure security, the offices are monitored through CCTV cameras and access is through an electronic biometric system.

For the 9 regional offices and one satellite office, the Authority has secured modern offices in suitably located areas. The Authority is in the process of having all the offices partitioned and fitted with all the necessary facilities and security features. Partitioning of Mombasa and Kisumu offices is in progress, and is expected to be completed by end of June 2018. For the offices, work will commence during the first Quarter of 2018/19 financial year.

5.4.2 Motor Vehicles

In a span of six years, the Authority has increased its fleet of 10 motor vehicles to 27 in 2018. This has facilitated investigations, inspections and monitoring across the country, and also made it easy for other operations that require transport. All the motor vehicles have been fitted with a tracking device. Tracking reports are produced and reviewed on monthly basis. The regional offices have been assigned at least one motor vehicle to facilitate field work.

The Authority has developed and approved a policy to authorize selected technical staff to

drive IPOA motor vehicles for official duties, particularly the investigators. These officers have been issued with special driving permits after obtaining the relevant suitability test certificate from the appropriate government agency.



The Board and US Government officials during the ECM prototype review on 27th April, 2017.



The Board Chair and US Government official Ms. Courtenay Morris fete an IPOA staff member for winning in the ECM name competition on 8th February, 2017.

CHAPTER 6

DECENTRALIZATION OF SERVICES

6.1 Legal and Constitutional Requirements

Section 3 of IPOA Act provides that the headquarters of the Authority shall be in the capital city of Kenya, and the Authority shall devolve its services to the counties in accordance with Article 6 of the Constitution. **Article 6 (3)** articulates that a national State organ shall ensure reasonable access of services in all parts of the Republic, so far as it is appropriate to do so having regard to the nature of the service. Security is one of the most critical services that the national Government is expected to provide to all its citizens, regardless of their geographical locations.

It is for this reason, therefore, that NPS has its presence across the country so as to extend its services even in the remotest regions of Kenya. Whereas the Constitution and the legislation establishing the Authority do not dictate the modalities of devolving its services to the public, it is important that the Authority fulfils the legal requirements to ensure that citizens can easily access its services.

6.2 Decentralization of Services

Section 3(3) of the IPOA Act requires the Authority to devolve its services to the Counties in accordance with Article 6 of the Constitution.

In 2015, the Authority developed a Decentralization Strategy aimed at devolving its services closer to the public. The Strategy Paper was shared widely with all stakeholders including the National Assembly's Departmental Committee on Administration and National Security in April 2016.

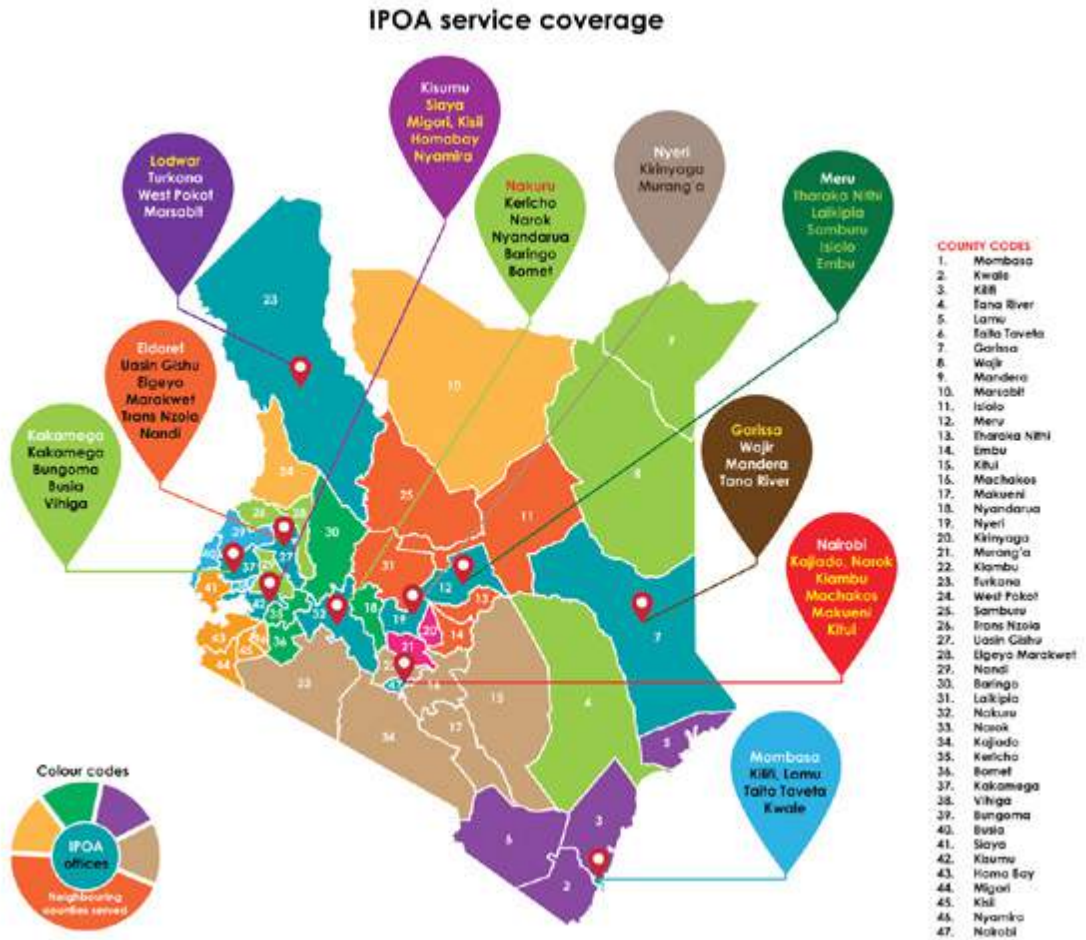
All the stakeholders gave unanimous support towards this initiative, both the executive and legislature.

It was indeed from this engagement and support from the National Treasury that the first three regional offices in Mombasa, Kisumu and Garissa were established in March 2017 - during the 2016/17 financial year. The offices have significantly up-scaled their operations and have continued to serve the public with enthusiasm and commitment.

During the 2017/18 financial year, the Authority established 5 additional regional offices in Nakuru, Eldoret (with a satellite office in Lodwar), Kakamega, Nyeri and Meru. The five offices were launched in May 2018.

The existing Performance Management Framework will be cascaded and rolled out in all the regional offices and this will ensure the receipt and feedback of performance information between the Headquarters and the decentralized units. This will facilitate clear setting of expectations (targets), continuous assessing of performance and developing of capacity to the desired performance for the Authority.

Figure 11



Source: IPOA

Figure 11 above shows the spread clusters of the Authority's regional offices and clustered Counties, 3 established in 2017, and 6 in 2018.

6.3 Rationale for Decentralization of IPOA Services

- a) Devolution is one of the assurances of the transition from a previously centralized governance system, which was largely blamed for vast inequality, marginalization, exclusion and deep divisions in terms of public access to goods and services in Kenya. Through decentralization of its services, the Authority will be complying with its Act as well as the expectations of the Constitution.
- b) The establishment of IPOA was a significant step towards strengthening the institutional structures for policing oversight that would ensure police accountability. As the devolved system of governance takes root, it is imperative that agencies such as IPOA and other structures that provide oversight and accountability mechanism devolve their services to local levels. The newly-established system of county governments and

accompanying process of devolution provides an excellent opportunity to improve security and thus service delivery, making institutions more responsive and closer to public needs and priorities.

- c) Currently, IPOA is based in the capital city, and there is a growing need for the authority to start exploring modalities towards devolving its services, build partnerships and linkages with the County Governments. The growing number of public complaints against the police that the Authority has continued to receive is a testimony and the need to establish cluster offices across the country through which the public can better access the Authority at the local levels.
- d) Empirical evidence has also pointed out that policing in rural and peripheral areas is often open to significant abuse because the scrutiny of oversight institutions, civil society organizations and the media is often not as intense as is the case in urban areas, towns and large cities like Nairobi. This situation exacerbates police brutality to the public with no possibility of these actions being known to the public, and more so the victims suffering in silence. Decentralization will therefore provide avenues for the victims of police abuses to get quicker attention even from the remotest of the areas of the country.
- e) As devolution takes effect, opportunities for creating effective systems of accountability within the security sector is inevitable. An important framework through which IPOA's decentralization process can be anchored is the County Policing Authority. As provided by Section 40 and 41 of the NPS Act, the County Policing Authority provides a platform for IPOA and stakeholders to leverage upon and build partnerships for increasing better access, integrating good governance, professionalism, principles of human rights and accountable policing at the local levels in Kenya.
- f) The ultimate aim of Authority's decentralization is to ensure a professional police service that is accountable, effective and efficient, capable of providing security to its citizens in a manner consistent with the rule of law and human rights. Effectively, the Authority would be in a position to carry out its policing oversight mandate closer to the public.

It is important to note that the Authority does not require offices in all the 47 Counties, as the current clustering of the Counties provides adequate coverage in terms of access to services. Further the initial setting up of offices is prohibitive and thus great to ensure the available resources are utilized in the most economical manner.

6.4 Opportunities and Challenges of Decentralization of Services

6.4.1 Opportunities

Some of the opportunities that exist for the Authority to decentralize its services include:

- a) Leverage on capacities that exist at local levels for promoting and strengthening police accountability through collaborations. Such capacities include the County Policing Authorities;
- b) Closer monitoring policing activities to identify any policing irregularities with rapid response to complaints/investigations, and particularly preservation and collection of evidence while fresh;

- c) The publicity and awareness program in selected Counties. During the period July-December 2015, the Authority carried out an awareness initiative to the following Counties (15): Coast: Mombasa, Kwale & Kilifi; Nyanza: Kisumu, Migori & Kisii; North Rift: Uasin Gishu, Nakuru and Kericho; Western: Bungoma, Busia & Kakamega; and Central: Murangá, Nyeri and Lakipia.
- d) The growing public confidence in IPOA from its past performance. There is thus a great opportunity for the Authority to continue engaging the public in its work;
- e) An established performance management framework to track the performance of each decentralized unit and offer with an effective feedback reporting system;
- f) By late 2015, the US Government planned to provide technical assistance to the Authority amongst others to enhance police accountability. Indeed, this assistance was to include supply of an integrated ICT platform that will support key operational areas;
- g) During the US President's visit to Kenya in July 2015, the US Government and Kenya Government signed a joint commitment to promote good governance and anti-corruption efforts in Kenya. The Kenya Government committed to support oversight bodies including IPOA through a progressive initiative to build capacity, and increase of resources;
- h) The increasing desire to devolve OPSA, towards motivating the police officers at the lower levels and encouraging communities to partner with the Service, is another opportunity to be explored; and
- i) Qualified and experienced staff complement at the head office, guided by approved operational policies and procedures manuals.

6.4.2 Challenges

The decentralization of services to the regional offices will pose several challenges to the Authority as follows:

- a) Financial and human resource: In the past, the capacity to implement the Authority's oversight mandate has been adversely affected by inadequate financial and human resources. However, with the increased budget allocations, this challenge may be overcome in the long term.
- b) Management and coordination: Running of 9 regional offices will be a challenge at the beginning in terms of management and coordination.
- c) Equipment and facilities: A functional office requires heavy investment in equipment physical facilities.
- d) Lease of offices: Each regional office will require adequate leased office space with all the necessary operational services.
- e) Management and accountability of financial resources: This calls for frequent travels to each office for audit assurance.
- f) ICT infrastructure: The cost of integration of the ICT infrastructure with the head office and reliability of such interconnection.
- g) Familiarity with local police officers: This may compromise the Authority's independence in executing its mandate and mitigation measures will be required.



IPOA Kakamega Regional Office launch event on 13th May, 2018.



IPOA Garissa Regional Office launch event on 5th October, 2017.

CHAPTER 7

FINANCIAL MANAGEMENT & RESOURCE MOBILIZATION

7.1 Annual Budget Estimates/ Allocations

To strengthen its independence, Section 4(5) of IPOA Act requires Parliament to ensure that the Authority is adequately funded to be able to discharge its duties. The Authority is a sub-sector in the GJLO Budget Sector, and has actively been participating in the annual budgeting preparation process.

During the last six years, the Authority has seen its annual budget estimates grow exponentially from Kshs. 246m in 2012/13 to Kshs. 696m during 2017/18 financial year. Right from the beginning, the Board acknowledged that adequate financial resources would be instrumental in enabling it to implement its huge mandate. Further, being a new institution, sufficient resources were required to furnish the Authority with working tools.

During the period, the Board and Management have made intensive efforts to engage the National Treasury and the National Assembly for increased budget allocations every year. The Authority is grateful to both the National Treasury and the National Assembly's Departmental Committee on Administration and National Security for the support rendered to ensure that IPOA continued to receive additional funding every year.

Table 9 below shows the Authority's budget allocations during the last six years.

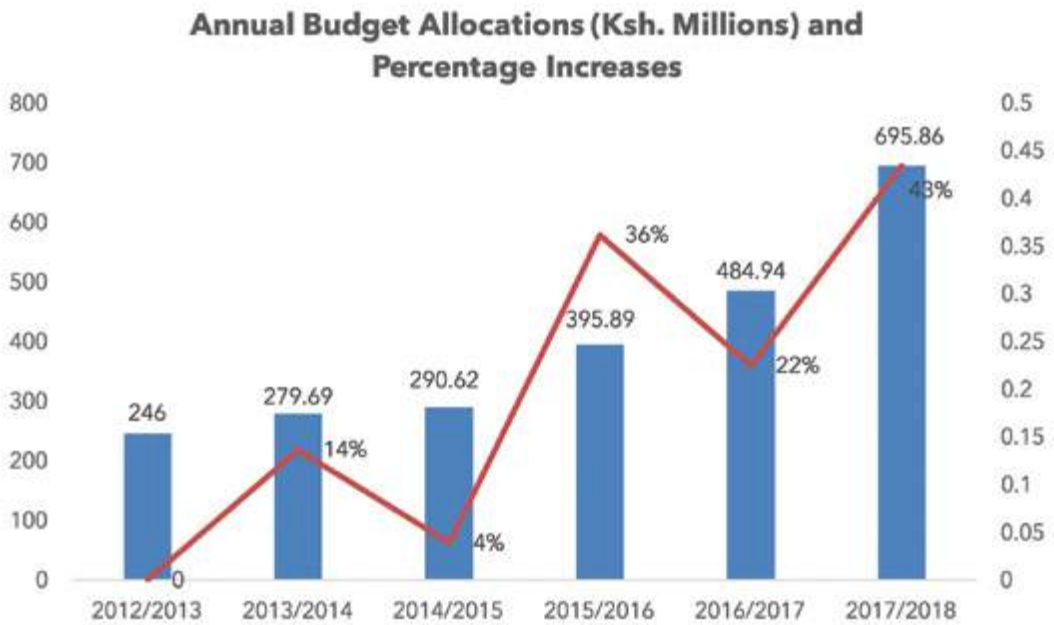
Table 9

Year	Financial Year	Approved Budget, Kshs.	Growth, %
1	2012/13	246,000,000	
2	2013/14	279,687,996	14
3	2014/15	290,621,165	4
4	2015/16	395,893,898	36
5	2016/17	484,935,269	22
6	2017/18	695,860,000	43
	Total for Six Years	2,392,998,328	

Source: IPOA

By June 2018, the Authority's cumulative approved budget allocations during the six years will amount to **Kshs. 2.4 billion**.

Figure 12



Source: IPOA

As shown in Figure 12 above, the highest growth in annual budgetary allocations was in 2016/17 with **22%**; 2015/16 with **36%** followed by 2017/18 financial year with **43%**.

As the Board exits in May 2018, it has ensured that the Authority has secured adequate resources amounting to Kshs. 870m for financial year 2018/19, the highest budget allocation to date, to ensure continuity of the work that it started will not be affected due to lack of resources. This has been the Board’s commitment to ensure that it leaves behind a strong institution with all the required resources to continue implementing its mandate in the years to come.

7.2 Financial Management of Public Resources

During its term, the Board has inculcated a culture of integrity and accountability in the management of public resources. This has been demonstrated through the annual audit reports issued by the Auditor General. The Board is hopeful that this culture and practice will be carried forward to ensure that the Authority remains an institution of integrity and respected in the public domain, as it continues to carry out its oversight role.

During the period, the Authority complied with Article 201(d) of the Constitution on principles of public finance - public money shall be used in a prudent and responsible way. Additionally, the Authority has strictly adhered to the provisions of the Public Finance Management Act, 2012, and Public Finance Management Act Regulations, 2015.

The Board is proud that the Authority continues to be recognized as one of the public-sector institutions that has maintained a strict financial discipline and integrity in management of its operations. This is an area that the Board has inculcated in staff since inception, and hopes that the same will be carried forward after the Board’s exit.

7.3 Recognition - Financial Reporting Awards

During the last 6 years, the Authority has continued to demonstrate high standards of accountability, transparency, integrity and reporting in the utilization of resources approved by the National Assembly through annual budget allocations.

In October 2016, the Authority received two Financial Reporting (FiRe) Awards for best application of the International Public Sector Accounting Standards (Cash Basis) in the Ministries, Departments and Agencies category, and in the Constitutional Commissions and Independent Offices category.

In 2017, the Authority was declared the Winner of the Institution Award in the Huduma Ombudsman Awards.



IPOA officials receiving the Financial Reporting (FiRe) Awards in October, 2016.

7.4 Resource Mobilization Strategy

Financial resources are a critical component of any organization. During the development of the Strategic Plan, the Board and Management identified Resource Mobilization Strategy as one of the key strategic choices. It was considered that both financial and human resources would be key for the Authority to execute its mandate, and an enabler towards the implementation of the Plan.

It was, therefore, critical to identify the necessary sources of funding, engage the relevant government agencies and ensure that the Authority continued to secure adequate resources, on an annual basis, and ensure that the resources were utilized efficiently and effectively. Strategies identified in mapping out sources of funding included: developing an ethical fundraising policy, and developing priorities for funding.

7.4.1 Resource Mobilization and Ethical Fundraising

The Board and Management have remained committed to ensuring that fundraising activities are carried out in an ethical and coordinated manner. It is for this reason, therefore, that the Authority has developed and implemented a Resource Mobilization and Ethical Fundraising Policy.

The Authority's resource mobilization plan closely follows its vision, mission, goals and core values, and is aligned with specific objectives for raising resources. The Board and the Management team have been fully involved in the resource mobilization planning.

Resource mobilization has included building valuable contacts and networks, and garnering the interest, support, and in-kind contributions of strategic development partners important to the Authority.

Due to competing funding needs within Government, the Authority has continued to explore other funding options, particularly from donors and development partners, to supplement annual budget funding from the Exchequer. Funding from such partners, preferably in-kind, have specifically been directed towards staff training, outreach programs, furniture and fittings, and ICT hardware/software while core activities such as investigations, inspections and monitoring will be expected to be financed from the Exchequer to maintain independence in the core operational areas.

During the last six years, the Authority has received donor support in form of targeted training programs; ICT equipment; furniture; investigation kits; technical consultancies; funding of venues for retreats to develop policies and for team building activities; and sponsorship of OPSA awards from the US Government, and through the Basket Fund managed by UNODC. As a policy, the Authority has thus not received any cash grants from development partners. The Board has strongly felt that the Authority's mandate should not be influenced whatsoever through external funding or otherwise.

7.4.2 Policy Statement

The Authority will apply fundraising techniques that will ensure its independence; in adherence to its functions and mandate as per IPOA Act, maintain high standards of integrity, transparency and abide by its core values. In doing so, the Authority will adhere to the following standards:

- a) Fundraising activities will comply with all relevant laws;
- b) Any communications in fundraising efforts through proposals shall be accurate and truthful;
- c) All resources raised through fundraising activities shall be used for the stated purpose and will comply with the authority's mission and objectives;
- d) No staff member shall accept commissions, bonuses or payments for fundraising activities on behalf of the authority in his/her personal capacity;
- e) No funding shall be accepted if it may be detrimental to the image of the Authority or pose significant potential financial or non-financial risk; and
- f) Financial contributions will only be accepted from development partners that the Authority considers ethical.

7.4.3 Objectives/Rationale of the Ethical Fundraising Policy

IPOA aims at resource mobilization efforts to secure adequate resources required to enable it to implement its mandate and functions effectively. The policy is geared towards the following resource mobilization objectives:

- a) Adequate funding to match the Authority's annual work plan budget requirements.
- b) To supplement Government funding through Appropriation in Aid initiatives.
- c) Ensure timely and predictable funding streams for effective planning and implementation of annual plans and programs.

7.4.4 Adherence to Laws on Ethical Fundraising

The Authority shall adhere to laws governing donations to public institutions such as the Public Finance Management Act, 2012, Public Finance Management Act Regulations, 2015, IPOA Act and other National Treasury guidelines that may be issued from time to time.

7.4.5 Legal Provisions

Funds of the Authority are guided by IPOA Act, 2011 and the Public Finance Management Act, 2012 and the Public Finance Management (National Government) Regulations, 2015.

7.4.6 Ethical Fundraising Acceptance Criteria

In fundraising efforts, the Authority will adhere to the following standards and acceptance criteria:

- a) Fundraising activities shall comply with all relevant laws applicable to government procedures on public finance management;
- b) Any communications in fundraising efforts through proposals shall accurately describe the Authority's activities and the intended use of donated funds, truthful, non-deceptive and in line with IPOA Act, policies, procedures, rules and regulations;
- c) Resources raised through fundraising activities shall be used for the stated purpose and will comply with the Authority's mission and objectives;
- d) No staff member shall accept commissions, bonuses or payments for fundraising activities on behalf of the Authority;
- e) No funding shall be accepted if it may be detrimental to the image of the Authority or pose significant potential financial or non-financial risk;
- f) Contributions, both financial and non-financial shall only be accepted from development partners that the Authority considers ethical and credible;
- g) No solicitations shall be undertaken other than through an approved funding proposal. All solicitations will disclose the Authority's name and the purpose the funds are requested for; and
- h) The Authority shall respond promptly to concerns raised by a funder in relation to their specific contributions.

7.4.7 Funding Avoidance Criteria

The Authority will not accept funding in cases where to do so would not be in its best interests such that might:

- a) Compromise its status as an independent institution;
- b) Create unacceptable conflicts of interest;
- c) Expose the Authority to undue adverse publicity or reputational risk;
- d) Cause any damage, including financial, for example, deterring other donors from associating with the Authority;
- e) In any way be in conflict with the values and aims of the Authority;
- f) Be suspected to derive from proceeds of crime or from an illegal source;
- g) Be derived from a source conflicting with the Authority's objectives or its work hence affects its reputation;
- h) Be derived from a source which has evaded tax or has been involved in fraudulent activity; and
- i) Be a source known or suspected to be closely associated with violation of human rights



The Board attending a Parliamentary Committee meeting in which IPOA was recognized as one of the public-sector institutions that has maintained strict financial discipline and integrity in management of its resources on 31st March, 2018.

CHAPTER 8

PUBLIC PARTICIPATION & PARTNERSHIPS

8.1 Partnerships

Over the six years, the Authority has managed to build strong and effective partnerships that have seen its oversight work being entrenched towards realisation of Article 244 of the Constitution. Some of the critical partnerships have been;

8.1.1 Departmental Committee on Administration and National Security

Under Article 94(2) of the Constitution of Kenya, the Parliament manifests the diversity of the Kenyan nation, represents the will of the people, and exercises their sovereignty as the overall oversight organ of the state and its organs. Under this the Departmental Committee on Administration and National Security Committee is charged with providing oversight over the national security and police services and others matters touching on home affairs, public administration, public service among others.

The Authority could not have been impactful without close working relationship with the Parliament through this Departmental Committee, and also sought legal interventions on various issues that related to policing and effective oversight.

8.1.2 Budget and Appropriation Committee

The Budget and Appropriation Committee has been very useful in recommending annual budget allocations. This Committee has ensured that the Authority received additional budgetary allocations following the recommendations of the Departmental Committee on Administration and National Security.

8.1.3 Ministry of Interior and Coordination of National Government

The Ministry is charged with several mandates including coordination of National Government at the lower levels of governance in the country; Police Services and policies on Training of Security Personnel; Small arms and Light Weapons Management; Correctional Services among others. Under Section 126 of the NPS Act, the Cabinet Secretary in this Ministry is responsible for providing policy guidelines to NPS, monitoring and evaluating the performance of the functions of the Service, facilitating the involvement of the public in the activities of the Service among others.

Despite some teething challenges within the six years, the Board related well with the Ministry and also made various policy recommendations for effective oversight of the Service. It is based on these mutual engagements, together with other actors, that the Ministry organised the National Policing Conference, to enhance policing policy dialogues with promotion of human rights by the Service through the National Policing Consultative Group composed of the Ministry of Interior, IPOA, NPSC, NPS, KNCHR, EACC, ODPP, NCAJ, Faith Based Organisations, Civil Society Actors under the Police Reforms Working Group among other actors.

8.1.4 National Police Service

Under Article 243 of the Constitution of Kenya, the National Police Service consists of the Kenya Police Service and the Administration Police Service which functions throughout the country. Article 244 of the Constitution which provides the objects and functions of the Service, lays the foundation and mandate of the Authority. These objects and functions of the Service include; strive for the highest standards of professionalism and discipline among its members; prevent corruption and promote and practice transparency and accountability; comply with constitutional standards of human rights and fundamental freedoms; train staff to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity; and foster and promote relationships with the broader society.

The Authority's mandate functions are succinctly meant to ensure compliance with these Constitutional provisions. Notwithstanding the challenges that have been highlighted in Chapter 10 of this report and their proposed solutions, the Authority has largely partnered with the Service and the Internal Affairs Unit for delivery of its mandate functions, including making far-reaching recommendations for realisation of Article 244. To date, 249 complaints have been forwarded to the Service and 748 referred to the Internal Affairs Unit for further action.

8.1.5 National Police Service Commission

This is a constitutional commission established under Article 246. The Commission is mandated to recruit and appoint persons to hold or act in offices in the Service, confirm appointments, and determine promotions and transfers within the National Police Service while observing due process, exercising disciplinary control over and removing persons holding or acting in offices within the Service. With this mandate, the Commission is one of the key partners with the Authority especially on matters to do with exercising disciplinary control and removal of persons holding or acting in offices within in the Service, and especially who have been found guilty or whose disciplinary matters have been referred to by the Authority.

Both institutions remain critical in realisation of Article 244, particularly towards professionalising recruitment and appointment of persons to the Service, promotions, transfers and other human resource management aspects. To date, 319 complaints have been forwarded to the Commission for further action.

8.1.6 Office of Director of Public Prosecutions

Under Article 157(4), the Director of Public Prosecutions has the power to direct the Inspector-General of the NPS to investigate any information or allegation of criminal conduct, and the Inspector-General should comply with any such direction. The Director of Public Prosecutions exercises State powers of prosecution and may take over and continue any criminal proceedings commenced in any court, other than a court martial, that have been instituted or undertaken by another person or authority, with the permission of the person or authority. With these powers to prosecute, the Authority has had a close working relationship with the Office of Director for criminal prosecution of roguish police officers. This has seen the Authority raise the stakes for accountability within the Service. To date, 103 investigation files have been forwarded to ODP.

8.1.7 Kenya National Commission on Human Rights

This is another Constitutional Commission established under Article 59 to promote respect for

human rights and develop a culture of human rights in Kenya; to promote the protection, and observance of human rights in public and private institutions, among others. The Commission plays two key broad mandates acting as a watch-dog over the Government in the area of human rights and providing leadership in moving the country towards a human rights state.

Under Section 9(1)(c) of the Authority's Act, the Chairperson of the Kenya National Commission on Human Rights sits as an ex-officio member in the Authority's Board. The Commission has had a good working relationship with the Authority, always sharing crucial leads to assist in the Authority's investigations while enabling a workable partnership in the field/regions.

8.1.8 Witness Protection Agency

This agency is established under the Witness Protection (Amendment) Act, No. 2 of 2010 to provide the framework and procedures for giving special protection, on behalf of the State, to persons in possession of important information and who are facing potential risk or intimidation due to their co-operation with prosecution and other law enforcement agencies. As a state body, the Agency has been helpful in realising the Authority's work in protecting the rule of law and towards realisation of Article 244 with a signed Memorandum of Understanding.

8.1.9 Ethics and Anti-Corruption Commission

As corruption is one of the impediments to realisation of Article 244 of the Constitution, the Authority works closely with the EACC, referring many of the complaints on police corruption to the Commission. These partnership works to combat and prevent corruption and economic crime within the Service through law enforcement, preventive measures, public education and promotion of standards and practices of integrity, ethics and anti-corruption in the Service just as in the members of the public. To date, 11 investigation matters have been forwarded to the Commission for further action.

8.1.10 Commission on Administrative Justice

The Authority works closely with the Ombudsman, referring complaints that touch on other public servants and not the Police Service. The Commission has mandate of enforcing administrative justice and promotion of constitutional values, which are accomplished through effective complaints handling and dispute resolution. The Commission facilitates the awarding of the best performing public institution and the Authority won the Award in the 2016/17 Financial Year.

8.1.11 Judiciary

Article 159 rightly states that the Judicial authority is derived from the people and vests in, and shall be exercised by, the courts and tribunals established by or under the Constitution. In exercising the judicial authority, courts are guided by principles of justice to all, irrespective of their status and without delay. Some of the Authority's investigative work ends at the courts or tribunals, and therefore the Authority has had good working relationship with the Judiciary with 64 cases in various courts across the country.

8.1.12 National Council for the Administration of Justice

This is a statutory organ mandated to oversee and promote sector-wide partnership through regular Council meetings; issue based special working committees and the implementation of the recommendations of Court Users Committees. The Authority remains an active member in the Council to advance the course for justice upon its mandate functions.

8.1.13 Independent Electoral and Boundaries Commission

Article 238 (2) (b) of the Constitution directs that national security shall be pursued in compliance with the law and with utmost respect for the rule of law, democracy, human rights and fundamental freedoms and Article 239 (3) states that in performing their functions and exercising their powers, the national security organs and every member of the national security organs shall not, act in a partisan manner, further any interests of a political party or cause, or prejudice a political interest or political cause that is legitimate under the Constitution. T

he Authority partners with the IEBC to ensure adherence to these provisions for an impartial, professional and disciplined service before, during and after electioneering period.

Other government agencies also have partnered with the Authority such as the National Land Commission on matters relating to land issues, the National Crime and Research Centre among others.

8.1.14 Civil Society Actors

The Authority partners with civil society actors, particularly those working on police reforms in the country to advance realisation of Article 244 of the Constitution. One such umbrella group is the Police Reforms Working Group which brings together many civil society organisations around policing issues.

The civil society organisations played a key role in the formation of the Authority and they keep on enhancing accountability around policing issues. Within their operations, they raise voices around allegations targeted killings of suspected criminals; they challenge the dysfunctional criminal justice systems which incentivizes police to counter crime by killing suspected criminals, rather than arresting them; they call for internal and external police accountability mechanisms and their strengthening with check and balances, they call for independent investigations of alleged police abuses, use of force, protection of witnesses to abuse are often intimidated and demand for a police service which is sufficiently trained, disciplined and professional, with addressing of its welfare needs and capacities.

8.1.15 Relationship with the Media

During the last six years, the media has been a stakeholder and a partner with the Authority. The media continued to support the Authority's activities through extensive coverage through print and electronic channels. The coverage has been very useful in bringing awareness of the Authority's work, and particularly its mandate, to the public. The Authority's press releases on important issues and public interest matters under investigations were quickly picked by the media and disseminated promptly to the public.

8.2 Public Participation

8.2.1 Public Awareness Initiative

Section 5 of the Authority's Act lists the objectives of the Authority which include to hold the Police accountable to the public in the performance of their functions; 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 ensure independent oversight of the handling of complaints by the Service.

These objectives could not be realised without effective public participation. And to ensure that members of the public participate in the Authority affairs, the Authority came up with the Communications and Outreach Department in its structures.

The Authority undertook public forums in 20 counties including Mombasa, Kwale, Kilifi, Kisumu, Migori, Kisii, Uasin Gishu, Nakuru, Kericho, Bungoma, Busia, Kakamega, Murang'a, Nyeri, Laikipia, Nairobi, Turkana, Wajir, Tana River and Garissa.

Through these forums, it became clear that police misconduct would greatly reduce if the Authority decentralised its services to the counties; more outreach programmes were needed to reinforce the Authority's; special outreach programmes were necessary to reach the remote areas; and police and IPOA would be more effective if they embraced technology in their processes, including complaints lodging and a digitised Occurrence Book (OB).



Members of the public during a public awareness initiative in Kisii County on 23rd September 2015.

8.2.2 Outstanding Police Service Awards

In August 2014, the Authority with other partner institutions initiated OPSA to recognize deserving police officers for exemplary performance in their duties. The initiative identified the

following five categories for the awards:

- Best individual police officer,
- Best detention facility,
- Best police facility in order and cleanliness,
- Best facility implementing community policing, and
- OPSA special category - Extra Mile.

Within the six years and in line with appreciating and recognising the work done by police officers, the Authority managed to coordinate three successive editions of the awards. These Awards are meant for the outstanding police officers and police facilities. The Awards had nomination from members of the public across the country, and the planning and execution the three OPSA events replete with lessons.

The aim of the OPSA process was to motivate police officers to carry out their work in accordance with the principles of democratic policing, promote public trust and confidence in the police service, and give effect to Article 244 of the Constitution of Kenya.

The Authority recognizes and appreciates the enormous tasks and responsibilities given to the police men and women who put their lives at risk on a daily basis while protecting lives and property as per the law. The process entails planning, designing of nomination forms, distribution of these forms in the 47 counties, sensitisations through media, return of the forms to IPOA offices, a thorough evaluation process with an evaluation criteria, verification exercise with a verification criteria and lastly the Awards ceremony. The categories of the Awards were:

1. The Best Individual Police Officer male
2. The Best Individual Police Officer female
3. Best Officers in Respect of Human Rights
4. Post Humous Awards
5. The Extra Mile Awards
6. The Best Detention/Holding Facility
7. The Best Facility in Orderliness and Cleanliness
8. The Best Facility in Community Policing initiatives

A total of 179 police officers were awarded within the three Award events that were held in 2014/15, 2015/16 and 2016/17 financial years.

The OPSA Steering Committee was composed of the Authority; NPSC; NPS (KPS, APS and DCI); KNCHR; KHRC; Transparency International (TI) - Kenya; Usalama Reforms Forum and the Rotary Club of Nairobi. The 2nd and 3rd OPSA events were generously supported by the US Embassy.

Overall, the OPSA process gave the members of the NPS and the public, an opportunity to nominate and rate individual officers and the police premises which they have interacted with. It is IPOA's goal to see a professional police service, quality detention facilities, clean and orderly facilities, and good community policing initiatives observing all human rights standards. With mutual understanding on approaches towards professionalising the Service, OPSA remains a viable route towards building public trust and confidence in the Service.



Outstanding Police Service Awards winners for the period 2016/17 posing with IPOA officials and guests.



Former Interior CS Nkaiserry flanked by IPOA Chairman awarding the Best Overall Winner Award to Ms. Losyline Muthoni Njuki in the 2015/16 OPSA ceremony.

CHAPTER 9

CHALLENGES & PROPOSED SOLUTIONS

9.1 Challenges

Since the Authority commenced operations, it has continued to experience the following challenges:

9.1.1 Non-Cooperation - National Police Service

Since inception, the Authority has had some challenges in execution of its mandate and functions. Chronologically, some of the notable challenges are highlighted below in a summarised manner.

Non-cooperation by the National Police Service has been one of the vastest challenges the Authority has faced. Notwithstanding numerous engagements with the NPS, the Authority has incessantly found itself in difficult circumstances to complete investigation cases due to lack of cooperation by the Service. This situation has led to many incomplete investigation cases due to lack of crucial evidence. Under the Sixth Schedule to the NPS Act, 2011 Part B on Conditions as to the Use of Firearms Rule 5, *“any use of fire arms that leads to death, serious injury and other grave consequences shall be reported by the officer in charge or another direct superior of the person who caused the death or injury, to the Independent Police Oversight Authority who shall investigate the case”*.

Further, Rule 7 requires that *“a police officer who makes a report to the Independent Police Oversight Authority shall secure the scene of the act for purposes of investigations and notify the next of kin, their relative or friend of the death or injury as soon as reasonably practical”* immediately having reported to the officer’s superior. These provisions of the NPS Act have largely not been complied with, and have been the bastion of non-cooperation with the Service. Numerous failures to notify the Authority on deaths and serious injuries as a result of police action have been noted, with mishandling, mismanagement or interference of incidence scenes.

In addition, non-cooperation by the Service have seen concerted efforts by officers to cover-up crimes, with official documents and exhibits being tampered with, shoddy and hasty investigations by police to defeat justice, charging in court of victims of police misconduct to circumvent IPOA investigations, skewed interpretation of applicable laws to justify police actions, poor record keeping and failure to maintain proper records as per the law or service standing orders, deliberate records tampering and loss of vital documents, manipulation of Arms and Ammunition Movement Register, un-serialised or unsealed documents to circumvent justice course.

It is also because of non-cooperation that the Service has infrequently been unappreciative and unacknowledged the Authority’s many recommendations, which have been made towards professionalising the Service. Some of these recommendations have been around the need for harmonized command and coordination structure to the lowest levels of policing, the need to aggressively embrace technology to improve on its operations and service delivery to the public especially at the Police Station levels, and with empowerment of Station Commanders as AIE holders among others.

These recommendations among others would in return impact on police officers morale, affirming Section 46(2) of the NPS Act, 2011 which stipulates that Police Officers should have reasonable working hours and where excessive overtime is required, officers shall be compensated with commensurate periods of rest and they shall be allowed a minimum time of rest during and in between shifts. This provision if adhered to would see officers working effectively, while partnering with communities through operationalization of community policing initiatives. The Service would further enhance professionalism by cooperating with the Authority during its investigations and implementing the many recommendations that have been made while giving implementation status of these recommendations as requested, while ensuring adherence to the rule of law in all operations.

9.1.2 Other Agencies

Apart from the Service, there has also been non-cooperation from other service providers such as mobile telephone providers (specifically Safaricom) and other service providers as a result of some seconded police officers who sabotage the Authority's investigations on requisitions of telephone data's, non-cooperation from the Criminal Intelligence Unit of the DCI on matters of telephone tracking, lack of cooperation on matters of conducting ID parades, including effecting arrest of suspect officers. This is largely due to less understanding of the Authority mandate

Also, key experts' such as prosecutors², pathologists³, government analysts⁴ and hospitals⁵ have been reluctant to assist and cooperate with the Authority's investigations owing to interference by police. These in the long run impedes justice course including witness intimidation and threats if not elimination, and heavy police presence in court during IPOA cases. All these are against Section 31 of the Authority's Act.

9.1.3 Misunderstood Mandate

There has also been lack of clarity in understanding of the Authority's mandate and objectives by both the Service and members of the public. This has severally led to very high expectations by both the state and non-state actors; misapprehension of information; delays in response to requests made; rumours and hearsays across the actors. Further, there were incidences where the Authority's mandate and objectives were tested especially during the Police Recruitment Case that was filed under Petition No. 390 of 2014 against the Attorney General, the NPSC and the NPS as the 1st, 2nd and 3rd respondents on grounds of corruption around the police recruitment exercise.

This further clarified the Authority's mandate and objectives with no malice intended. It was due to clarity of purpose and intent of the Authority that the Statute Law (Miscellaneous Amendments) Bill, 2015 which sought to amend Section 14 of IPOA Act without the procedure of receiving a recommendation from a tribunal established for the purpose of removal of Board members and the Statute law (Miscellaneous Amendments) Bill 2016, published in November 2016 which proposed amendment to prevent the Authority from interrogating, accessing records and evidence lodged against rogue officers on grounds of "privileged information", were withdrawn.

2 IPOA relies on ODPP for prosecutorial services and has no control of investigation files once submitted to the Courts.

3 The Authority solely depends on pathologists who it has no control, and this poses a challenge to obtain postmortem reports as quickly as may be desired.

4 The Authority heavily relies on these analysts who are housed in other government agencies, and cooperation becomes a challenge.

5 The Authority seeks assistance from private and government hospitals and terms of engagements are sometimes difficult.

All these challenges presented the right opportunity for the Authority to be understood on its role and mandate for enhanced respect for human rights during policing.

9.1.4 High Staff Turnover

As a young and glowing institution, the Authority was able to attract high quality members of staff and its lustrous outlook meant high demand of such staff elsewhere. This resulted to a high staff turnover which has remained a major challenge the Authority continues to experience, to other public institutions. The high staff turnover has also been attributed to uncompetitive terms and conditions of employment, an issue which is still part of the unfinished business with the Salary and Remuneration Commission.

In most cases, staff left for more competitive terms and conditions of employment in other organizations. At the moment, the Authority engages its entire staff on a four-year contract arrangement, a situation that most employees feel insecure in terms of their future careers as opposed to permanent and pensionable terms. Contractual engagement has also been a constraint for staff to obtain short to long term development loans and mortgages. The nature of the Authority's work has also contributed to staff exits due to fear of personal security.

9.2 Proposed Solutions to the Challenges

9.2.1 Non-Cooperation

On non-cooperation by the Service and other actors, the Authority appreciates the initiative that has been taken up by the Cabinet Secretary for Interior and Coordination of National Government on holding the Annual National Policing Conference. The Conference that was held on 17th April 2018 was a breakthrough to unshackling all actors to do their work as per their legal mandate and functions, while collectively addressing any challenges being faced.

Guided by Section 126 of the NPS Act, 2011, the Authority believes that provision of policy guidelines to the Service; monitoring and evaluating the performance of the functions of the Service from the rest of policing actors including the NPSC, IPOA and the other state and non-state actors, would provide better platform for assessing and addressing non-cooperation issues between the Authority, the Service and the rest of the actors around policing.

This initiative also facilitates the involvement of the public in the activities of the Service and provides an avenue to assess the intake of the Authority's recommendations to the Service and other state organs as required by law, and in compliance with policy, overall performance and functioning of the Service for quality policing. Section 126 (2) (b) to the NPS Act also requires the Cabinet Secretary to establish a Police Reform Unit for ensuring continuous and sustainable police reforms, and developing guidelines on the promotion of human rights by the Service.

The Conference and other platforms being created by the Cabinet Secretary augments the efforts the Authority had tried by entering into a Tripartite Agreement between the Authority, the Service and the Office of Director of Public Prosecutions which was dishonoured by the Service and the Authority had to withdraw, despite the progressive arrangements that had been put in place. The Authority therefore embraces the robust path being taken by the Cabinet Secretary to bring all policing actors to dialogue together. This is laudable and needs support by authentic policing actors. The Resolutions of the Inaugural National Policing Conference need to be implemented to realise the objectives of the Conference.

Further, adherence to the rule of law would also address non-cooperation issues by the Service, any person or body. Rigorous adherence to Section 31 of the Authority's Act would serve to end impunity. The Section states that a person or body who disobeys a summons by the Authority; fails to produce any document, papers or thing on the order of the Authority; refuses to be examined before or to answer questions relating to an inquiry put to him by the Authority; fails to comply with any lawful order or direction of the Authority; presents to the Authority a false document or makes a false statement with the intent to deceive or mislead the investigating officers; wilfully obstructs or hinders a person acting in the performance of functions or exercise of powers conferred by this Act; fails to co-operate with the Authority on issues of Police oversight; in any way interferes with the functioning or operations of the Authority, whether unduly or unlawfully; or contravenes any provision of this Act for which no specific penalty is provided, commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment not exceeding three years or to both.

9.2.2 Legislative Amendments to IPOA Act

Progressive legal provisions have been proposed to amend the IPOA Act, having been drafted and discussed with key stakeholders, and presented to the National Assembly for due consideration. Key among this is the tenure of office of the Board where the Authority proposed to the National Assembly to amend Sections 11 and 12 of the IPOA Act to allow recruitment of a new Board 3 months prior to the expiry of the term of the exiting Board.

9.2.3 High Staff Turnover

This will ensure that there is a seamless transition between the exiting and incoming Board.

On high staff turnover, the Authority will continue engaging the Salaries and Remuneration Commission for improvement of staff salaries and benefits, taking into account the high risks attached to the Authority's nature of work. Also, avenues for unlocking the use of Confidential Fund by the Authority would cushion some of the challenges staff have had around policing oversight issues.

To specifically address the high staff turnover, the Authority has:

- a) Established a staff retirement benefits scheme, which has received the approval of the National Treasury. The Authority has already secured funds to operationalize the scheme effective January 2018.
- b) Introduced annual staff satisfaction surveys. The surveys are aimed at addressing staff concerns with a view to raising the level of staff satisfaction.
- c) Conducted a job evaluation in line with guidelines issued by SRC. The job evaluation report has already been submitted to SRC for consideration. The Authority hopes that its recommendations in the report will be considered favorably by SRC in terms of upgrading staff salaries as well as approving a risk allowance to all Authority's staff, taking into account the occupational risks involved in the Authority's nature of work.

9.2.4 Police Officers' Welfare

Lastly, police officer's welfare in all areas including housing, allowances, transfers and promotions needs urgent attention for accountability to be holistic. More so, as a way of motivating performing police officers, the Authority still upholds that the National Police Service Commission should find ways of motivating and recognising officers beyond financial

considerations, and the Authority's OPISA initiative provided such an venue for recognizing officers who demonstrate exemplary performance and as were nominated by members of the public.

9.3 Urgent Actions by the National Police Service

In addition to other concerns, the Authority wishes to request the NPS to address the following issues, aimed at improving the Service, and service delivery to the public.

- a) Police numbers versus quality/review of training curriculum
- b) A harmonized command structure - KP/AP/DCI
- c) Use of ICT - the Service needs to embrace technology in its operations
- d) Empowerment of police at the station/local level
- e) Police welfare - housing remains a great challenge
- f) IAU still not fully operational - aimed at improving internal police accountability mechanism/IPOA handling cases meant for IAU
- g) Organized crime/extortion/assault of young girls in custody
- h) The NPS Act of 2011 Section 46(2) stipulates for reasonable working hours of police officers where if excessive overtime is required, officers shall be compensated with commensurate periods of rest and they shall be allowed a minimum time of rest during and in between shifts. This provision should be granted for police officers to work effectively.
- i) The NPS should partner with communities through operationalization of community policing initiatives in order to improve on policing.
- k) NPS should equip cells and build more rooms in the detention facilities to the required standards
- l) NPS should implement IPOA recommendations, and give implementation status as requested
- m) Continued use of excess force by police officers - need to deal with the public in accordance with the law
- n) Death in custody notifications to IPOA within the stipulated 24 hours
- o) Continuous training at the Regional Training College Centres
- p) Implementation of the Authority's recommendations

NPS needs to take up the above action points, which are part of the recommendations made by the Authority as outlined in Appendix 2 and 3.

9.4 Urgent Actions by the National Police Service Commission

The Authority would like to request the NPSC to attend to the following issues, amongst others,

towards improving the performance of the police officers.

- a) The NPSC Recruitment and Appointment Regulations, 2015 need to be reviewed to capture what entails 1st stage, 2nd stage and 3rd stage of the recruitment exercise as recommended by the Report of the National Task Force on Police Reforms (Ransley Report).
- b) In order to protect citizens' rights, the NPSC should consider continuous officer training on human rights.
- c) The NPSC should find ways of motivating officers for exemplary performance such as officers recognized through IPOA's Outstanding Police Service Awards for others to emulate such as promotion.
- d) Implementation of the Authority's recommendations on disciplinary actions.

The Authority requests the Commission to implement the above action points together with other critical recommendations contained in Appendix 2 and 3.



The Authority Strategic Plan launch ceremony on 11th September, 2014.

CHAPTER 10

UNFINISHED BUSINESS

10.1 Legislative Amendments to IPOA Act

The Authority has already proposed amendments to Sections 11 and 12 of the Independent Policing Oversight Authority Act, Cap 88 of the Laws of Kenya.

Section 11(1): Procedure for appointment of the members of the Board. This *does not provide for recruitment process to commence before the vacancy arises*. By amending this provision and section 12, it will allow recruitment of a new Board 3 months prior to the expiry of the term of the exiting Board. This will ensure there is seamless transition between the one and the next Board.

Section 12 (Filling of Vacancy): *“Whenever there is a vacancy in the Board, the procedure set out under section 11 shall apply”*. The proposed amendment to section 12 provides for recruitment of new board members to commence **3 months** before lapse of the term of the exiting Board members.

The amendments were published in The Statute Law (Miscellaneous Amendments) Bill, 2018, on 10th April 2018 under National Assembly Bills, 2018, and are awaiting discussion and passing by the National Assembly. Management should make the necessary follow up on progress and eventual approval of the amendments⁶.

10.2 Gazettement of IPOA Regulations

The Authority has already developed IPOA Regulation in pursuant of Section 39 of IPOA Act. The draft regulations have already gone through a validation process by stakeholders.

The draft Regulations were forwarded to the State Law Office (SLO) in January 2018 for review and eventual gazette.

The Management and the next Board should make the necessary follow up with the SLO to ensure that the review process is completed and the Regulations gazette. Once gazette, the Regulations will lay a firm foundation for the implementation of the Authority's made, including investigations, inspections, audit, review and monitoring of IAU of the NPS.

10.3 Review of Staff Salary Structure

The current Authority's staff salary structure was developed and issued by SRC in 2013. Due to the unique nature and thus the associated risks with Authority's work, the Board and Management have made several submissions to SRC to review the salary structure so to attract and retain qualified and experienced staff. These efforts have not borne fruit to date.

However, Commission started a salary review program for all Ministries, Departments and Agencies (MDAs) and state corporations in 2016. It is only in 2017 that the Authority sought SRC to have its salaries also included in the program, having been left due to categorization issues.

The Authority together with a Consultant, Ernst & Young, commissioned by SRC started the review process during the last quarter of 2017. This involved a thorough review and re-writing *6 It is expected that the proposed amendments will be passed during the current sitting of the National Assembly.*

of Job Descriptions (JDs). Unfortunately, the process was not fully completed by the time the term of the SRC Commissioners ended in November 2017.

To ensure that this process is completed, the Management and the incoming Board should spare no efforts to ensure that the work started on the review of the JDs is completed, and the Authority considered for an enhanced salary package, including risk allowance for the staff. This should be one of the priority agenda items for the new Board.

10.4 Strategic Plan

As covered in Chapter 4, there is need to review the Authority's four-year Strategic Plan, 2014/2018 and develop the next one during the first half of the 2018/19 financial year. The current Board has requested the Management to start the process by procuring a Consultant to assist with the two assignments ahead of the appointment of the next Board.

It is important that the strategic planning direction initiated by the current Board is continued into the future. The incoming Board should also prioritize this in its agenda items to ensure that the process is completed.

10.5 Management and Coordination of Regional Offices

The Authority has already established nine regional offices in Mombasa, Kisumu, Garissa, Nyeri, Meru, Nakuru, Kakamega, and Eldoret (with a satellite office in Lodwar). The next Board and Management should develop a framework for effective and efficient management and coordination of the regional offices.

A lot of effort and resources have been expended to establish these units, and as such, they should deliver services to the public in their areas of operations as expected. The incoming Board and Management should ensure that the units operate optimally, and that a clear reporting relationship is maintained with the head office. With time, it would be necessary to increase staff capacity of at least 20 in each of the regional offices.

10.6 End Line Survey

In 2013, the Board commissioned a Baseline Survey on Policing Standards and Gaps in Kenya. The Management and the next Board should commission an end-line survey to gauge the Authority's performance against the expectations arising from the Baseline Survey. This should be carried out during the first half of 2018/19 financial year.

10.7 Infrastructural Improvement

The refurbishment of Mombasa and Kisumu regional offices commenced in April 2018 and expected to be completed within two months. The works are ongoing, and Management should ensure that the contractor does a quality job, as specified in the bills of quantities. Management should also commence preparation of the bills of quantities for partitioning of the five new offices by end of June 2018, and if practically possible advertise for tenders before the end of the current financial year.

The works should commence early in July 2018, and completed during the first Quarter of 2018/19 financial year. This will require Management to work in a well-coordinated fashion to ensure that quality work is maintained at all the sites, and that value for money is achieved.

10.8 Outreach & Awareness Initiative

In the past the Authority has undertaken an outreach, publicity and an awareness program across 20 Counties amongst them; Coast, Mombasa, Kwale & Kilifi; Nyanza: Kisumu, Migori & Kisii; North Rift: Uasin Gishu, Nakuru and Kericho; Western: Bungoma, Busia & Kakamega; and Central: Murangá, Nyeri and Lakipia.

There is still a lot of ground not covered, and Management and the next Board should ensure that the remaining Counties are reached in the near future. One challenge that the Authority has experienced during the last six has been lack of public awareness, leading IPOA to receiving a huge of non-mandate complaints. This should be addressed through an aggressive public awareness initiative.

10.9 Review of Policies & Manuals

As indicated in Chapter 5, the Authority has so far developed 45 policies, procedures, guidelines, regulations and manuals across all the operational areas, as contained in Appendix 4. However, there are a few that Management require to finalize and submit them to the next Board for review and approval. Further, each policy document needs review as recommended in each document.

The Management and Board should ensure that implementation of all the policies and procedures manuals is continued for Authority's effective and efficient operational systems and controls. One of the areas of attention for the current Board was to ensure that Authority's decisions are informed and guided by approved policies and procedures manual to avoid room for discretion at all levels of Management.



The Board undertaking an outreach, publicity and awareness program at Kiganjo Police Training College on 10th September, 2015.

APPENDICES

Appendix 1: Lessons from Court Cases

Case No. 41 of 2014

REPORT ON LESSONS TO BE DRAWN FROM HIGH COURT CRIMINAL CASE NO. 41 OF 2014 (R VS IP VERONICAH GITAHU AND PC ISSA MZEE) AND CRIMINAL APPEAL NUMBER 23 OF 2016 (IP VERONICAH GITAHU AND PC ISSA MZEE VS R)

Introduction

The objectives of the Authority as set out in Section 5 of the Independent Policing Oversight Authority Act are to;

- a) Hold the Police accountable to the public in the performance of their functions;
- b) Give effect to the provisions 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.

To ensure that the Authority meets the above set out objectives, Section 6 of the IPOA Act mandates the Authority to inter alia" investigate any complaints related to disciplinary or criminal offences committed by any member of the Service, whether on its own motion or on receipt of a complaint, and make recommendation 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."

Regarding incidents of shooting resulting to death or serious injury occasioned by members of the National Police Service, Section 25 of the Act enjoins the Authority to investigate any such death or serious injury including death or serious injury while in police custody, which are the result of police action or were caused by members of the Service while on duty.

Brief facts

On or about 24th August, 2014, the Authority through Muslims for Human Rights and also through media reports, became aware of the death of one Kwekwe Mwandaza, a 14-year-old girl, who died on 22nd August 2014 after being allegedly shot by the Police.

Since the death was not reported to the Authority by the National Police Service as required under Section 25 of the IPOA Act and Rule 5 of the Sixth Schedule to the National Police Service Act, the Authority upon being informed of the incident and in execution of its mandate, commenced investigations with a view to establishing the circumstances leading to the death of Kwekwe Mwandaza.

Investigations by the Authority revealed that Kwekwe Mwandaza (the deceased) was a 14-year old girl who lived with her maternal cousins, Mgandi George and Luvuno George in her maternal uncle, Salim Chaka Zani alias George's rural home in Maweu village, Kwale County. Police Officers on 22nd August, 2014 at about 2.00 a.m. went to the house where the deceased

and her cousins were asleep and discharged a total of five ammunitions thereby killing Kwekwe.

The evidence collected in the course of the investigations identified I.P Veronicah Gitahi and P.C Issa Mzee as the police officers who went to the house where the deceased was sleeping and discharged their firearms occasioning fatal head injuries to the deceased.

The investigations further established that given the obtaining circumstances at the time of the incident, the use of the firearms by the two officers did not fall under the provisions of Rule 1 of the Sixth Schedule to the National Police Service Act and therefore the use of firearms was unlawful and unjustified.

After analyzing the evidence on record, the Authority was satisfied that the facts therein disclosed the offence of murder against the two police officers and subsequently made recommendations to the Director of Public Prosecutions accordingly.

The DPP concurred with the Authority's recommendations that Veronica and Issa Mzee be charged with the offence of murder of Kwekwe Mwandaza contrary to section 203 as read with Section 204 of the penal code and in that regard High Court Criminal Case No. 41 of 2014 was instituted against the two police officers at the High Court in Mombasa.

The Decision of the High Court

After hearing both the prosecution and the defence case, Mr. Justice Martin Muya made the following observations in his judgment:

1. That the cause of death to the deceased was not in dispute. At page 6 of the Judgment, the Judge noted;

"There is no dispute in this case that the deceased died as a result of gunshot wounds"

2. That Veronicah and Issa Mzee occasioned the fatal injuries that led to the death of Kwekwe Mwandaza. Pointedly, at page 9 the Judge noted;

"Certain facts have been established and are not in dispute. That five rounds of ammunition were fired by the two accused persons on the fateful night.... Kwekwe the deceased died as a result of the gunshot wounds one to the head and the other to the chest.

The Judge went further and identified the following as the key issues for determination:

1. Whether the accused persons were justified to use firearms bearing in mind the circumstances on the ground

On this issue the Court considered the following sub-issues:

- a) Whether the accused persons faced any danger either from the deceased or George Zani - the dangerous criminal they had purportedly gone to arrest, to warrant them to shoot in self-defence.**

The Court found and held that George Zani was not present at the scene of shooting and therefore there was no way he could have issued threats to the two accused persons. The Court called in aid Safaricom call data in support of this fact.

b) Whether proper surveillance was conducted prior to conducting the police operation

The Court found that no proper surveillance had been conducted prior to the mounting of the police operation. The surveillance would have established whether the wanted man was in the house at the time of the incident and also the presence of children in the house.

c) Whether the accused persons observed the provisions on the use of firearms contained in the Sixth Schedule to the National Police Service Act.

On this issue, the Court held that the use of firearms by the accused persons was unlawful and unwarranted. On page 13 the last paragraph, the court noted;

“Kwekwe was a child aged 14 years old. There was no demonstrable effort used by the accused persons to avoid the use of firearms. There is evidence to the effect that the child was shot on the head and chest. If she was swinging a panga as alleged, she could have either been disarmed either physically or by shooting at the hand but not shooting the head or chest”.

The Court again pointedly held that:

“Rule 3 of the National Police Service Act was not followed. The two Accused persons did not make every effort to avoid the use of firearms, against those children. That omission was unlawful.”

2. Whether the accused persons had intention to cause death.

The Court found that intention to kill was lacking on the part of the accused persons. The court held that it was not the intention of the police officers to cause death when they left their station that fateful night.

3. Determination by the Court

From the foregoing, the Court held that, for lack of malice aforethought, the prosecution had not proved the offence of murder but that the evidence on record was sufficient to prove the offence of manslaughter and thereby convicted the accused persons accordingly. Each of the accused persons was sentenced to serve a term of 7 years in prison.

Appeal to the Court of Appeal

The accused persons were aggrieved by the conviction and sentence rendered by the High Court and preferred an appeal on the same. The memo of appeal laid common grounds of appeal as follows:

1. Convicting the appellants after the judge finding that they had no intention to kill or cause injury.
2. Finding that the appellants were reckless when they shot the deceased.
3. Failing to consider the surrounding circumstances.
4. Relying on Pw4’s cell phone data which did not rule out the possibility of his presence in the house where the deceased was shot.
5. Imposing a sentence which was manifestly excessive.

The State through the DPP also lodged an appeal against the conviction of the accused persons on manslaughter. The DPP was of the view that the facts disclosed the offence of murder.

The first issue that the court determined was whether the DPP had a right of appeal. It is important to note that the High court in the matter that was before it was exercising its original jurisdiction, and pursuant to Section 348A of the CPC as amended in 2014, it conferred upon the DPP a right of appeal to the Court of Appeal, where the accused person is acquitted by the High Court in exercise of its original jurisdiction. The Court of Appeal found that the High Court had not acquitted the appellants so as to entitle the DPP to appeal by the invocation of Section 179 of CPC. It held that where Section 179 of CPC is invoked, that amounts to a conviction and not an acquittal as urged by the DPP. The State had not right of appeal in this matter.

Secondly the Court of Appeal established that the application of common law principles as regards self-defence in Kenya is subject to any express provisions in the Penal Code or any other law in operation in Kenya. The Court noted that the constitution and the National Police Service Act, No. 11A of 2011 are relevant laws. The court cited Article 238(2) (b) which provides that national security is to be pursued in compliance with the law and with utmost respect for the rule of law, democracy, human rights and fundamental freedoms. Section 49(5) and 61 as read with schedule six of NPS Act, Part A provides for use of force by police. The provisions of the act are complete and exhaustive.

The court observed that the Act demands that the force used in self-defence must be:

- a) Proportional to the objective to be achieved.
- b) The seriousness of the offence and the level of resistance and only to the extent necessary.

The court of appeal agreed with the appellants as follows:

- That there was no credible evidence that the appellants used teargas against the deceased PW8 and PW9 or that they had ordered PW8 and PW9 to kneel down while threatening to shoot them.
- That the appellants were scooping soil to cover bloodstains in the house noting that it was raining at the time.
- That the mobile phone data could not conclusively prove that at the material time PW4 was at Kikambala.
- That there was no conclusive evidence in whose possession the mobile phone was when it was used in Kikambala.

Further it is noteworthy that the Court of Appeal noted that the High Court assigned PW8 and Pw9 a counselor, having found they were vulnerable witnesses and during cross examination, PW9 admitted that he had been counselled on what say regarding teargas, PW8 being kicked and being forced to kneel down and the covering of the blood stains.

The court believed on the evidence of PW4 who was being sought to the effect that he was not in the house on the material night as his evidence *was not shaken*. Also Pw4 was never subsequently arrested or even apprehended or questioned in relation to the offences that he is alleged to have committed causing a visit mission to PW4'S house that eventually resulted in

the shooting of Kwekwe.

The court took account that the raid was in the dead of the night, therefore, the use of force by the police ought to have considered that a family was living therein or reasonably expected to be living and therefore the use of firearms in such a situation was held to be inconsistent with the imperatives of the constitution and the National Police Service Act.

It is also noted that the 8 police officers who were armed would have simply disarmed the girl rather than shooting her on the head and the chest.

The Court of Appeal upheld the conviction and sentence of the Appellants and dismissed the Appeal and Cross-Appeal.

Case No. 78 of 2014

REPORT ON LESSONS TO BE DRAWN FROM TITUS NGAMAU MUSILA CASE (HIGH COURT CRIMINAL CASE NO 78 OF 2014)

1. Introduction

The objectives of the Authority as set out in Section 5 of the Independent Policing Oversight Authority Act are to;

- a) Hold the Police accountable to the public in the performance of their functions;
- b) Give effect to the provisions 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.

To ensure that the Authority meets the above set out objectives, Section 6 of the IPOA Act mandates the Authority to inter alia " investigate any complaints related to disciplinary or criminal offences committed by any member of the Service, whether on its own motion or on receipt of a complaint, and make recommendation 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."

Regarding incidents of shooting resulting to death or serious injury occasioned by members of the National Police Service, Section 25 of the Act enjoins the Authority to investigate any such death or serious injury including death or serious injury while in police custody, which are the result of police action or were caused by members of the Service while on duty.

2. Brief facts

On 17th April, 2013, the Authority, pursuant to Section 25(2) of the IPOA Act and Rule 5 of the Sixth Schedule to the National Police Service Act, received from Githurai Police Station an official notification of the death of Kenneth Kimani Mwangi, a 26 years old man who was allegedly gunned down by a member of the National Police Service on 14th April, 2013.

The Authority upon becoming aware of the incident and in execution of its mandate commenced investigations with a view to establishing the circumstances leading to the death of Kenneth Kimani Mwangi.

The investigations by the Authority revealed that Kenneth Kimani Mwangi (the deceased) was a 26 years old man who lived with his mother, Purity Wanjiku Mwangi, in Githurai estate within Nairobi County. On Sunday 14th April 2013 at about 4.00pm, Kenneth was at the Githurai 45 Bus Stage when a Police Officer shot him thrice on his head thereby occasioning his death.

From the evidence on record, P.C Titus Ngamau Musila alias Katitu was identified as the officer who discharged his firearm three times on the deceased and caused the death.

The investigations further established the use of firearms by the officer, during the incident that led to the death of the deceased, to be unlawful and unjustified particularly given that the obtaining circumstances at the time of the incident made the use of the firearm to fall outside the provisions of Rule 1 of the Sixth Schedule to the National Police Service Act. On analysis of the evidence on record, the Authority was satisfied that the facts therein disclosed the offence of murder against the police officer. A recommendation was therefore made to the Director of Public Prosecutions that the Police officer, Titus Ngamau Musila be charged with the offence of murder of Kenneth Kimani Mwangi contrary to section 203 as read with Section 204 of the penal code.

The DPP concurred with the Authority's recommendation and thereby instituted High Court Criminal Case No. 78 of 2014 against the implicated police officer.

3. The Decision of the High Court

After hearing both the prosecution and the defence case, Mr. Wakiaga, Justice, singled out the following issues for determination:

a) Whether proof had been tendered of the fact and cause of the death of the deceased

With regard to this first issue, the Court observed that the cause of death to the deceased was not in dispute. At page 15 of the Judgment, the Judge noted;

"The fact and cause of the death of the deceased has not been disputed throughout this trial there was on the material day a shootout at Githurai bus stage wherein the deceased was shot dead."

The judge further notes at page 16 that,

"The cause of death of the deceased was proved beyond reasonable doubt...that the cause of death was head injury due to gunshot fired at close range."

b) Whether proof had been tendered that the death of the deceased was caused by an act of commission or omission on the part of the accused person.

With regard to this issue the judge noted that it was the acts of the accused that occasioned the death of the deceased. At Paragraph 33, page 20, the Court stated,

"I am satisfied and find that the prosecution has proved beyond reasonable doubt that the accused shot the deceased who died as a result of the injuries sustained therefrom"

The court was keen to consider the explanation given by the investigation officer in the matter with regard to the issue of having inconclusive ballistic report and proceeded to note that the explanation that the police attempted to cover up the acts of the accused were satisfactory.

The court also observed that some of the prosecution witnesses contradicted themselves but quickly brushed the contradiction off given that they were looped in the cover up scheme.

c) Whether the accused committed the unlawful act or omission with malice afore thought.

On this issue the Court considered the following sub-issues:

i) Whether the accused was justified to shoot the deceased person given that the deceased had snatched a phone and was also known to be part of the youth terrorizing the residence of the area and passengers at the stage.

In considering this issue the court noted that the accused was not justified to shoot the deceased just because he was a known criminal. Instead, the accused should have arrested the deceased and subjected him to criminal prosecution.

The court stated at Paragraph 36, Page 23,

“The accused knew the area very well he knew the deceased and his group and even if they were criminals there was no justification to kill the same but to have him prosecuted in a court of law”

The court went further and stated the use of force by the accused to be unlawful and unjustified by quoting its decision in another case where it held;

“The accused was under a duty to preserve the life of the deceased and having established that they had seen the group running away, the use of excessive force in shooting at the deceased herein was unlawful and reckless...”

ii) Whether the accused persons faced any danger from the deceased to warrant shooting.

The Court found and held that the deceased at the time of the shooting posed no danger to the accused to warrant the shooting. Indeed, the court observed that the deceased ran away after snatching the phone and that *“the deceased was already lying down on the ground and had raised his hands up in submission to the authority and power to the accused.”*

The Court citing the case of **IP Veronicah Gitahi and Anor Vs R [2017] eKLR** found that compliance by police officers with provisions of section 49(5) and 61 of the National Police Service Act as read with the Sixth schedule to the National Police Service on use of firearms is mandatory. The court found the accused had not complied with those provisions

iii) Whether the accused persons had intention to cause death.

The Court found that there was sufficient evidence to prove that the accused had the intention to kill the deceased. At Paragraph 36 Page 22, the court stated,

“The fact that the deceased was shot three times in the head and while lying down clearly shows that the accused had the intention to kill and succeeded to kill the deceased...”

4. Determination by the Court

From the foregoing, the Court held that the evidence adduced in court proved beyond reasonable doubt all the ingredients of murder and proceeded to convict the accused accordingly.

5. Sentencing decision

Following conviction, the court vide a sentencing decision delivered on the 5th day of April 2018 sentenced the convict as follows (see para 26);

- a) Twelve years (12) imprisonment to act as a warning to any police officer who takes the life of anybody and to appease the family of the victim
- b) Three (3) years thereafter on probation to rehabilitate and correct the offender and to satisfy his supporters that their cry has been taken into account
- c) Of the twelve 12 years credit was given for a period from 1/9/2014 to 29/1/2016 being the pre-conviction detention period already served.

In arriving at that sentence the court begun by noting that even with regard to cases of murder, pursuant to supreme court decision in **Petition no. 15 and 16 of 2015 Francis Karioko Muruatetu and Anor V Republic [2017] Eklr**, under section 204 of the penal code it had discretion to impose any sentence up to and including death depending on the circumstance of each and every case (See paragraph 2).

In exercising this discretion, the court at Paragraphs 6-9 set out various factors the court should taking into account in exercising discretion while sentencing as encapsulated in case law and the sentencing policy guidelines. These include nature of the offence, circumstances of commission, age and character of the offender, injury to the individual or society, consequences of the crime to the victim or family.

With regard to the particular case in compliance with the sentencing guidelines the court at paragraphs 16-17 considered the following reports;

Firstly, it considered the presentencing report filed in accordance with Victims Protection Act and section 329 of the Criminal Procedure code. The report indicated that residents interviewed wanted the offender released and posted back to the area to fight crime.

Secondly it considered the victim impact statement filed by the mother of the deceased in which she asked the court to give the maximum available sentence apart from death sentence.

Thirdly the court considered mitigation by the convict in which he indicated he was remorseful, and was a first time offender having provided exemplary service to the National Police Service for twenty years and prayed for a noncustodial sentence.

The court noted at paragraph 21 that the gravamen of this case was all about use and/or misuse of firearm by the convict in the cause of duty as a police officer. From the evidence tendered the convict failed to follow any of the laid down regulations on use of firearms by police officers.

Having considered all those reports and circumstances, at paragraph 25 the court therefore came to the conclusion that the sentence to be passed should be a deterrent one, to deter the convict and other officers against unlawful use or misuse of firearms on unarmed civilians. The court therefore proceeded to sentence the accused as set out herein above.

SPECIFIC LESSONS TO BE DRAWN FROM THIS CASE

1. The members of NPS must strictly adhere to the provisions of Section 49(5) and 61 as read with Sixth Schedule of NPS Act when it comes to use of force. In investigations on police use of force, focus on compliance with those provisions must be key. This aspect was emphasized in the sentencing decision.
2. The Courts will not be swayed by public protest and media campaigns in it application of the law, fidelity to the law remains key. This was emphasized in the sentencing decision. Similarly, for IPOA in its investigations fidelity to the law should remain the only guiding principle.

3. Ensure that the witnesses presented in court are truthful and present credible evidence. The witnesses who may raise doubt or who may contradict evidence of credible witnesses may be left out so as to build a good case.
4. IPOA investigators should be well conversant with cases and be ready to explain to the court any gaps in the evidence that may jeopardize successful prosecution of cases.
5. The courts take note of attempts at cover up by police officers, and these factors in its analysis of evidence. Therefore, where there are attempts of cover up by police officers, the Investigating Officer should take note of the same and present it clearly and lucidly during examination in court.
6. The Authority must deploy sufficient resources, within its budget, so as to make sure proper investigations are conducted.
7. Ballistic results, though important in matters where shooting is involved, when they turn negative they do not necessarily lead to collapse of a case.
8. IPOA investigators should be trained especially on Scenes of Crime management in order to preserve and collect evidence.
9. Close collaboration with the office of the DPP during investigations, pre-trial and trial stages should be encouraged and nurtured.
10. Cases of immense public interest such as this should be monitored by an IPOA counsel, that is, counsel should be detailed to watch brief throughout the trial in order to point out to the investigation officer the gaps that they may need to address during their testimony before the court.
11. The court referenced the previous Kwekwe case as precedent. Lessons learnt from such cases are therefore critical and should therefore be included in a Guidebook for investigators for future reference.
12. Investigators must always build a strong case from the evidence available. Gaps in the evidence must be examined and explained candidly and honestly to the court. Such gaps should not necessarily lead to collapse of the case.

CONCLUSION

This case is a pointer to the fact that IPOA has capacity to mount a successful investigation. The Authority must build on this success and strengthen its cooperation with the ODPP to ensure successful prosecution of cases. Lessons drawn from the case must form part and parcel of the institutional memory of the Authority.

REPORT ON LESSONS TO BE DRAWN FROM HIGH COURT PETITION NUMBER 390 OF 2014 AND CIVIL APPEAL NUMBER 324 of 2014 (THE RECRUITMENT DECISIONS)

Introduction

The objectives of the Authority as set out in Section 5 of the Independent Policing Oversight Authority Act are to;

- a) Hold the Police accountable to the public in the performance of their functions;
- b) Give effect to the provisions 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.

To ensure that the Authority meets the above set out objectives, Section 6 of the IPOA Act mandates the Authority to inter alia monitor and investigate policing operations affecting members of the public.

Brief facts

On or about 14th July 2014, the National Police Service Commission caused to be carried out a recruitment exercise of members of the National Police Service. The Authority in line with its mandate monitored the exercise in various centers and observed that the exercise was marred with corruption, fraud and massive irregularities.

These observations by the Authority were also supported by myriad complaints the Authority received from Kenyans from all walks of life. Further, during the hearing of the petition the Commission itself filed documents in court detailing complaints from all over the country regarding massive corruption and malpractices during the recruitment exercise.

The Authority contended that the root cause of the corruption and massive irregularities was the illegal delegation by the Commission of the recruitment exercise to Sub County Recruitment Committees which were the entities that actually carried out the recruitment on the ground. These Sub County committees were also singled out in the observations by the Authority and complaints by Kenyans as the entities that were involved in corruption, fraud, manipulation and all manner of malpractices. The Authority contended that delegation of powers by the Commission to Sub County Recruitment Committees was in violation of Article 246 of the constitution and Section 10 of the National Police Service Commission Act.

Further, this state of affairs that engendered fraud and massive corruption during the recruitment exercise was enabled by the fact that the commission failed to develop regulations that were publicly available, to guide the recruitment exercise. These regulations would establish objective standards to be used in selecting successful candidates. Without such regulations, available to guide the process and ensure transparency and accountability, those seeking recruitment were left at the mercy of the Sub County Recruitment Committees. The recruitment exercise was thus carried out at the arbitrary discretion of the Sub County Recruitment Committees thus opening avenues for these Committees to engage in fraud, massive corruption and other malpractices.

The Authority thus contended that the exercise was carried out without transparency and accountability as required under Articles 10, 27, 73, 232,244 and 249 of the constitution.

The Authority also contended the exercise was discriminatory as against women, in violation of Article 27 (4) of the constitution, as it locked out pregnant women from the recruitment exercise without meeting parameters on limitation of rights as set out in the Constitution.

Finally, the above irregularities that marred the exercise were brought to the attention of the Commission and the National Police Service by the Authority whereby the Authority sought a repeat of the exercise to be carried out in tandem with provisions of the Constitution and the National Police Service Commission Act. The Commission declined to conduct a repeat of the exercise, therefore constraining the Authority, on the basis of the foregoing issues, to lodge a Constitutional Petition in the High Court, seeking nullification of the entire recruitment exercise⁷.

The Decision of the High Court (Petition N. 390 of 2014)

The court after hearing the Petition which was consolidated with 24 other petitions identified the following as the key issues for determination:

a) Whether the recruitment exercise was carried out with transparency and accountability.

Under this issue the court considered the following sub issues:

(i) Whether the recruitment exercise was carried out without any guidelines and regulations

The court found that there were no gazetted regulations enacted by the National Police Service Commission to guide the recruitment exercise. At para 64-65 the court noted;

“The issue raised by IPOA as I understand it, is that the NPSC did not have any guidelines post application to govern selection of successful candidates who would join the police service out of the many applications made or received by it. To that end IPOA as raised several questions and in addition I wish to ask the following questions;

What was the nature of the recruitment process after the announcement of vacancies? What were the requirements of shortlisting after the receipt of applications, how was physical and medical fitness to be determined? What factors did the NPSC take into account in that regard? How would complaints arising out of the recruitment be handled? I do not have answers to the above questions and the reason is obvious; that those answers are supposed to be available in the recruitment guidelines and regulations....

In the absence of such regulations and guidelines the evidence before me shows that the NPSC was using criteria known to itself alone. That being the case, it is not surprising that the recruitment was not uniform across the country and was largely left to the discretion of the Sub County Recruitment Committees. At this point I am constrained to ask myself, why could the NPSC not wait for the enactment of the National Police service Commission (Recruitment and Appointment) Draft regulations, 2014 before conducting the exercise?...It appears to me that the NPSC knew of the need to have regulations in place before conducting the recruitment but nonetheless went on to conduct recruitment without such guidelines. Those guidelines were crucial in enhancing accountability and transparency in the manner in which recruitment had to be conducted...Had it enacted the guidelines perhaps this litigation would have been avoided altogether.”

(ii) Whether the alleged recruitment guidelines for police constables were made public

The court found that the recruitment guidelines were never made public.

At para 68 the judge noted:

⁷ See High Court Constitutional Petition number 390 of 2014, *The Independent Policing Oversight Authority V the Attorney General and 660 others* (2014 ekr).

"I am unable to find that the NPSC actually made the recruitment guidelines public and I so find."

(iii) Whether the recruitment guidelines for the police constables were enacted without prior public participation

The court on this issue granted benefit of doubt to the commission, although it noted statements from the National police service Commission were inconclusive on whether or not there was public participation in the development of the draft regulations⁸.

b) Whether there was discrimination of women in the recruitment exercise

The court found there was no discrimination of pregnant women in the recruitment exercise this was because, according to the court, after recruitment, recruits would undergo rigorous training for a period, and this, according to the court, would imperil the lives of pregnant women and their unborn children. Consequently, the court found there was no violation of Article 27 of the constitution⁹.

c) Whether the commission acted illegally and in contravention of the constitution in delegating its powers.

The court found that the Commission had illegally and in contravention of the constitution delegated its powers to sub county recruitment committees.

At para 91 the judge noted:

"It cannot be denied that the commission by the circular earlier referred to delegated some of its powers to Sub- County Recruitment committees but in evidence before me, it emerged that save for the advertisement of vacancies and receipt of applications, the entire recruitment exercise was conducted solely by the said Sub- County Recruitment Committees without any input from Commission qua Commission."

Further at para 93 the court found:

"...I must agree with IPOA that the NPSC acted ultra vires its mandate by delegating its powers of recruitment to Sub County committees. That being my finding, it therefore means that the recruitment exercise conducted by the Sub- County Committees was invalid, a nullity in law and thus void ab initio."

Additionally, the court in granting reliefs sought noted, with regard to the sub county committees, that all complaints relating to the recruitment exercise regarding massive corruption and other malpractices, which complaints were even authenticated by the Report of the Multi Agency Working Committee related to the conduct of the Sub County Committees¹⁰.

d) Determination by the High Court

From the foregoing, the court held that the delegation by the Commission to Sub County Recruitment Committees on 14th July 2014 was illegal and ultra vires Article 246 of the Constitution and Section 10 of the of the National Police Service Commission Act¹¹.

The court further held that the Commission in conduct of the recruitment exercise had violated Articles 10, 27, 73, 232, 244 and 249 of the constitution and Section 12 of the National Police Service Commission Act, (which provisions relate to transparency and accountability)¹².

⁸ Ibid at Para 75

⁹ Ibid at para 81

¹⁰ See *ibid.* at Para 121

¹¹ See *ibid.* at para 93

¹² See *ibid.* at para 128

The Court therefore found and the recruitment exercise carried out by the Commission was illegal, null and void ab initio¹³.

The court further ordered the Commission to repeat the entire exercise in tandem with provisions of the Constitution and the National Police Service Commission Act¹⁴.

The Decision of the Court of Appeal (Civil Appeal No. 324 of 2014)

The Commission lodged an appeal against the High Court judgment. IPOA lodged a Cross-Appeal on whether the recruitment exercise discriminated against pregnant women in violation of Article 27 of the Constitution¹⁵.

a) Whether IPOA had locus to file Petition

The Court commenced its analysis by considering the question whether IPOA as a juristic body created by statute had locus to file the Petition against the commission.

The court held that it did. The court first noted the importance of IPOA in the new Constitutional dispensation; it stated at pages 4-5

*“The first respondent’s place in the new constitutional dispensation was therefore a very important one as, among other things, it was meant to oversee and keep in check any excesses that might be committed by the police force, re-baptized the National Police Service (3rd Appellant), and to ensure that the same was responsive to the needs of Wanjiku, who hitherto considered the same as the arbitrary and oppressive organ of the executive, which was not very responsive to the complaints of the common person. It was meant to hold the police accountable to the public in the performance of its functions in order to give effect to the provisions of **Article 244 of the Constitution**. Its more specific functions are set out in section 6 of the Act to:- [...]*

Since the Police Force had not been known to impartially investigate itself when complaints were raised against it, the IPOA was a welcome relief to the people of Kenya.

The Court then held that while IPOA did not have a supervisory mandate over the Commission, it had oversight role over the National Police Service and in that capacity it had locus under Articles 2, 22 or 258 (1) of the Constitution to lodge the petition. The court stated at pages 5;

“We agree with the learned Judge on his finding on that issue. The second appellant, as stated earlier on is a creature of the Constitution under Article 246. It cannot therefore be subjugated to the position of a supervisee of a body created by statute. We also appreciate that the 2nd appellant is one of the independent Commissions which the Constitution immunizes or shields from interference from other persons or authority. IPOA would therefore be overreaching its jurisdiction if it purported to exercise a supervisory role over the 2nd appellant.

IPOA is nonetheless mandated by the statute that creates it to keep the 3rd respondent on its toes. It is charged with the duty to hold the 3rd appellant accountable to the public in the performance of its functions. It is the equivalent of an ombudsperson who is supposed to receive complaints related to the 3rd respondent, from members of public, investigate them, and then make recommendations to the

13 Ibid.

14 Ibid.

15 See Civil Appeal Number 324 of 2014, *The Attorney General V The Independent Policing Oversight Authority and another* [2015] eKLR

relevant authorities for necessary action. It is Wanjiku's watchman to ensure that the third respondent lives up to its motto of "service to all".

It was in that capacity that IPOA received complaints from members of public in respect of the impugned recruitment and moved to court for redress. This could be under Article 22 of the Constitution, which opens the door for every person who feels that a right or fundamental freedom in the Bill of Rights has been infringed to move to court and seek relief. IPOA, being a juristic person would also be entitled to move to court in defence of the Constitution under Article 3, which enjoins every person to defend and protect the Constitution, as read with Article 258(1) of the Constitution [...]"

b) Whether the commission acted illegally and in contravention of the constitution in delegating its powers.

The Court of Appeal narrowed down on the question of delegation as the key issue on Appeal¹⁶. The entire Appeal therefore turned on the legality of the establishment of Sub-county recruitment Committees. While IPOA argued that these committees exercised powers illegally delegated, the Commission argued that they were legally constituted Committees of the Commission.

The Court of Appeal therefore dealt at length with the question of what amounts to delegation.

The court defined delegation as follows *"Delegation is the assignment of responsibility or authority to another usually one's subordinate or another officer of a lower rank. It is instructive however that the person delegating must remain fully accountable for the outcome of the delegated work. One can delegate authority but not responsibility. If a person delegates authority and responsibility then this becomes abdication of duty or denudation of authority and it is not acceptable."*¹⁷ The court also noted that where delegation is underpinned by statute, and there is a requirement that delegation must be in writing, then the delegation had to be in writing, failure to which such delegation would be null and void¹⁸.

The court first noted that powers to conduct recruitment of police officers was constitutionally reposed on the Commission under Article 246 of the Constitution. However, under section 10 of the NPSC Act the Commission was empowered to delegate the function of recruiting police officers under the rank of sergeant to the Inspector General, such delegation however had to be in writing¹⁹. The court held that from the facts it was clear there was no delegation from the Commission to the Inspector General as required by the Act, a fact conceded by the Appellants in their submission, that there was no instrument of delegation²⁰.

On the argument that the Sub-county recruitment Committees were Committees of the Commission established under section 13 of the NPSC Act, the court noted that such Committees had to be made up of Commissioners to the Commission. Sub county recruitment committees had no membership from the Commission²¹. On the argument that members of the Sub county committees were co-opted, the court noted that a Committee could not be co-opted from scratch, there had to be a legally established committee, where members could be co-opted into²². Sub county recruitment committee members thus could not be said to have

¹⁶ *Ibid.* at p. 16

¹⁷ *Ibid.* at p.22.

¹⁸ *Ibid.*

¹⁹ *Ibid.* at Pp 21-22.

²⁰ *Ibid.* at p 22

²¹ *Ibid.*

²² *Ibid.* at p. 23

been co-opted members of the committee²³.

The court further noted that even *assuming arguendo* that power had been legally delegated to the Sub-County recruitment committees, to allow such committees to make the decisions as to the successful candidates, as was the case in this instance, amounted to abdication of duty by the Commission and was illegal. The court thus concluded that the Sub county recruitment committees were exercising illegally delegated authority²⁴. The court noted from the facts of the case it was clear that the entire recruitment exercise was carried out by the Sub-county recruitment committees²⁵.

The court thus upheld the high court's judgment that the entire recruitment exercise was null and void *ab initio*²⁶. The Court did not therefore proceed to consider other grounds and the Cross-Appeal.

The impact of the recruitment decisions on reforms in recruitment of police officers

a) Gazettement of recruitment regulations

The recruitment petition explored questions of transparency, accountability and public participation in the recruitment exercise. It was contended and upheld by the court that in order to ensure such transparency and accountability it was imperative that there are regulations available to the public to guide the process and which would provide clear procedures and standards upon which the exercise could audited. At the time of conducting the recruitment exercise in 2014 there were no gazetted regulations guiding the conduct of the recruitment exercise?

One of the commendable outcomes of the Petition was the development and gazetment of the recruitment regulations 2015.²⁷ These regulations were gazetted after the High Court decision and seek to address *inter alia* issues raised in the High Court regarding transparency of the recruitment process and therefore engender transparency and accountability in the process.

Areas still requiring improvement in the recruitment process

Reform of the manner of recruitment of police officers is an integral aspect of police reforms. The recruitment Petition sought to ensure there is transparency and accountability in the recruitment process, as a step towards giving effect to the provisions of Article 244 of the Constitution. There however remain certain areas in the process in the recruitment process where the Commission is yet to effect these reforms

a) Non- adherence to regulation in Conduct of recruitment exercises

As discussed above delegation of constitutional powers became the key issue in the case both before the high court and on appeal before the Court of appeal.

The current recruitment regulations reflect the idea of a phased recruitment exercise carried out in three (3) stages where the Commission is intimately involved in the exercise instead of simply delegating the entire exercise to recruitment panels. The first stage of the exercise entails written applications to the commission where the commission itself shortlists candidates to attend the 2nd stage²⁸. The 2nd stage entails physical and medical evaluation where shortlisted candidates attend evaluation which is to be carried out by recruitment panels, in accordance

²³ *Ibid.*

²⁴ *Ibid.* at p. 25

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ See *The National Police Service Commission (Recruitment and Appointment Regulations) 2015, LN 41/2015* available at <http://www.npsc.go.ke/index.php/2014-03-25-12-08-21/downloads> < accessed on 26th October 2015>.

²⁸ *Ibid.* regulations 11 and 12

with guidelines and manuals issued by the Commission²⁹. The panels are then expected to shortlist the successful candidates if possible twice the number required to go to the 3rd stage³⁰. In the 3rd and final stage the Commission then selects the final lists of successful candidates from the list provided by the recruitment panels³¹. This process is expected to engender transparency, accountability and meritocracy in recruitment.

However, the Commission in subsequent recruitment exercises 2015, 2016 and 2017 has opted to simply delegate the recruitment exercise, to be conducted as one day exercise by the Inspector General of police, thus diluting the import of the regulations.

b) Lack of a manual setting out physical and medical standards

One of the main concerns impeaching the transparency and accountability of the recruitment exercise carried out in 2014 were the lack of clear guidelines that set out the required physical and medical standards for eligibility for recruitment. The lack of clear standards provided a lacunae for sub-county recruitment committees to exercise a lot of discretion in disqualifying candidates. This wide unchecked discretion, therefore opened avenues for corruption by sub-county committees where persons were disqualified for flimsy reasons such as having brown teeth. The current recruitment regulations seek to cure this problem by providing for the development of a manual to set physical and medical standards to be used in recruitment exercises³². However, to date no manual has yet been developed to set these important standards.

c) Discrimination against women on account of pregnancy

As above discussed while the High Court did not find fault with discrimination against women in the recruitment exercise on account of pregnancy, the recruitment regulations 2015 themselves do not specifically provide for pregnancy as a ground for disqualification from recruitment. However, in subsequent recruitment exercises 2015, 2016 and 2017, this form of discrimination has persisted.

Specific lessons to be drawn from the case

1. Judicial notice has been taken of the import of the Authority as a watchdog over the National Police Service in the new constitutional dispensation. However, the courts noted Authority is a statutory body, created pursuant to the Independent Policing Oversight Authority Act, 2011.
2. The Authority may lodge a constitutional Petition in accordance with Articles 3, 22 and 258 of the constitution where a matter falls within its mandate, even if the orders sought would be against a Commission or an entity over which it has no oversight mandate.
3. Public entities exercise powers donated by statute or the Constitution, where the constitutive law does not allow delegation of power, an exercise conducted on the basis of illegally delegated powers is null and void.
4. Transparency and accountability are key yard sticks that the courts use in gauging the compliance with the constitution of any activity undertaken by a public entity.

Recommendations to the Commission on the recruitment process

1. The Commission should carry out recruitment in strict accordance with the regulations.
2. The Commission should fast track development of physical and medical standards manual.

²⁹ *Ibid.* regulations 13 and 14

³⁰ *Ibid.* regulation 12 (14).

³¹ *Ibid.* regulation 15.

³² *Ibid.* Regulation 14(8) and (9)

3. The Commission should stop the practice of discriminating against women on account of pregnancy during recruitment.

Conclusion

This case was the first constitutional petition lodged by the Authority. It sought to ensure there is transparency and accountability in the recruitment process, as a step towards giving effect to the provisions of Article 244 of the Constitution. The Petition had significant impact in the manner of conduct of recruitment in Kenya, however more needs to be done as highlighted above to realize the full impact and import of the decision on the recruitment process.³³



Board and Management in a performance review meeting on 2nd March, 2018.



Benchmarking team from Sierra Leone at the Authority.

³³ For a detailed analysis of the recruitment decisions see Festus M. Kinoti, *There and Back Again? Police Reforms Through the Prism of the Recruitment Decisions in the High Court and the Court of Appeal*, 24 Wm. & Mary J. Women & L. 127 (2017) available at <http://scholarship.law.wm.edu/wmjowl/vol24/iss1/6>.

Appendix 2: Recommendations Made by the Authority and their Statuses

1.0 Inspections of Police Premises and Detention Facilities³⁴

No.	Recommendation Made	Implementation Status ³⁵ 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.
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	Rights of an arrested person: Station Commanders should ensure that detainees are produced before court on time and the Inspector General needs to facilitate Station Commanders with adequate resources as per Section 116 (2) of the NPS Act so that detainee can be produced in court within the requirements of the law. DIG KPS should ensure rights of a person as enshrined in the Constitution of Kenya Article 29(f), which stipulate that every person has the right to freedom and security, including the right not to be treated or punished in a cruel, inhuman or degrading manner, are adhered to. Also Article 33 of the Standard Minimum Rules for the Treatment of Prisoners provides that instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Detainees should be held in humane conditions at all times.	On detainees held over 24hrs, there was 10% of lock up facilities holding detainees for more than 24 hours during the initial inspections. This was a clear violation of the law and Officers in Charge were warned of the legal consequences to these violations. Upon follow up inspections, there was 2% decline. The display of rights of arrested persons was emphasised although the lack of clear legal requirement to have these rights displayed in detention facilities was a drawback in enforcement. The law talks about informing of detainees about their rights but not display for them to read. This calls for legal intervention.

³⁴ For further details, these recommendations are contained in the many Inspection and Performance Reports that have been made by the Authority

³⁵ Source: The Inspections, Research and Monitoring Directorate Performance Report July-December 2017

No.	Recommendation Made	Implementation Status ³⁵ of the Recommendations Made Since 2012
1.6	<p>Meals for Detainees: DIG- KPS to ensure Article 51(1) of the Constitution of Kenya 2010, which requires that a person who is detained, held in custody or imprisoned under the law, retains all the rights and fundamental freedoms in the Bill of Rights, including to be free from hunger, and to have adequate food of acceptable quality as provided for under Article 43 (1) (c) of the Constitution, are adhered to through adequate resource allocations.</p>	<p>Follow Up Inspections showed that there was 2% improvement as a result of recommendations made by the Authority on these lines. On water provision, the initial inspections had shown that 76% of the facilities had water supply however on follow up of the same facilities, there was a decline of 7%. In some police premises water had been cut off by the providers due to accrued bills.</p>
1.7	<p>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 communities³⁷. 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.</p>	<p>There was a decline by 8% which could be explained by the increased number of police officers recruited in the Service. The Authority's Report on Police Housing Crisis needs more attention to address house shortage and provide them with alternatives.</p>
1.8	<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 services³⁶.</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>
1.9	<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>

³⁶ See also the Research on Housing and its Recommendations

No.	Recommendation Made	Implementation Status ³⁵ of the Recommendations Made Since 2012
1.10	<p>Capacity: NPSC and IG to ensure that shortage of staff and gender balance are addressed to ensure the third gender rule as enshrined in the constitution is implemented. The Authority opines that there is need to map afresh the establishment and strength of different police premises across the country with a view to addressing staff capacity. Further, the IG should explore possibilities of hiring professional civilians to perform police task such as customer care, gender and information desk. Also the concept of the police guarding private financial institutions should be reviewed. This measure will relieve officers to concentrate on key policing duties.</p>	<p>Although in all Follow Ups the Officers In Charge spoke of understrength which has not changed over the years despite the high number of recruitment, the Authority opines that specialised and targeted recruitment would solve the capacity gaps that have been noted in the Service.</p>
1.11	<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 vehicles³⁷.</p>
1.12	<p>Working conditions for officers: The IG should make all necessary arrangements to ensure that the working conditions for the officers are tenable, facilities have the necessary equipment and are facilitated with special equipment for delivery of their services. Further, the NPSC & IG needs to liaise with the Ministry of Interior to make deliberate efforts to secure land for all police premises. The Government needs to prioritize developing police infrastructure to promote efficiency and effectiveness in the Service and efforts should be made to ensure that the APS are housed in better infrastructural conditions to secure their arms and enhance efficient policing, with documents to proof ownership of the land they are located.</p>	<p>In general, Officers working conditions have remained low. In terms of office space, there was a decline by 3% of the facilities with enough office space. This was attributed to the increased demand of police working space with the increased number of recruited officers without a match in creation of more space. However, there was 2% improvement in terms of office set up. On separation of crime office from the rest of the offices, there was a decline by 4%. This was explained by the increasing number of police officers in need of space with no construction of new offices. Interrogation/ interview rooms also declined by 6% due to the same reasons.</p>
1.13	<p>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.</p>	<p>There was no change in this aspect, which remains a structural challenge for effective and efficient management of lock up facilities.</p>
1.14	<p>Coordination in the Service: the IG should make deliberate efforts to integrate the two services for better policing.</p>	<p>Although there have 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 coordination of the Service still remains work in progress.</p>

No.	Recommendation Made	Implementation Status ³⁵ of the Recommendations Made Since 2012
1.15	<p>Records management: DIG APS & KPS must make deliberate effort to streamline supply of these crucial documents to all stations, camps and posts. The issue of “sweet talking” the Quarter Master General for these resources should never arise if accountability is put in place. Station Commanders should ensure that records are correctly entered and well filled as stipulated in Section 50 (1) of the NPS Act 2011, that a police officer in charge of a police station or other post, unit or formation shall keep a record in such a form as the IG in consultation with DIG, direct and shall record all complaints and charges preferred, the names of all persons arrested and offences with which they were charged. The station commanders must ensure that the outlined particulars of detainees are correctly captured in the registers. DIG KPS/APS should ensure stringent measures are in place to bring about accountability in handling of firearms. The IG/ NPS should review the policy on arms and ammunition register to ensure that an officer signs upon being issued and on return of the firearm or ammunition. The Inspectorate Department in the Service should be robust and effective to ensure proper records keeping and management of all policing records and registers.</p>	<p>Upon follow up, there was 6% decline on entries in the Occurrence book in most of the stations. This was attributed to lack of these crucial Books and the new officers from Colleges who were being inducted in the police work. Again there was 4% decline on entries to the Cell Registers in most of the stations, attributable to the same factors as in the OB. On the Arms and Ammunition Movement Register there was 7% decline noted. This was attributed to officers being in operation for long and fear of attacks hence officers were not renewing their firearms frequently. Complaints against Police Register had 8% improvement as a result of IPOA recommendations that were made whereas the Weekly Duty Roster had 15% improvement due to IPOA's recommendations.</p>
1.16	<p>Exhibits Registers and Handling of exhibits: Station Commanders should ensure that all Exhibits Registered are always well entered and the IG should ensure construction of enough stores for exhibits. Station Commanders to ensure that exhibits are well labelled as evidence obtained are crucial to making or breaking a case in a court of law. Exhibits Registers should always be correctly entered. The Inspectorate Department in the Service should be robust and effective to ensure proper records keeping and management.</p>	<p>Lock up facilities inspected showed an improvement by 12% as a result of IPOA recommendations while Exhibits Stores increased by 6% in all the facilities that were inspected with follow ups, showing an intake of the Authority's recommendations.</p>
1.17	<p>Prisoner Property Register: The Authority opines that the Prisoners Property Register should be changed to read detainees Property Register this in essence ensures that detainees are presumed innocent until proven guilty. The Inspectorate Department in the Service should be robust and effective to ensure proper records keeping and management. The Inspectorate Department in the Service should be robust and effective to ensure proper records keeping and management.</p>	<p>There was 8% improvement on entries to the Prisoners (Detainee) Property Register as a result of IPOA recommendations that were made.</p>
1.18	<p>Uniforms and Protective Gears: DIG KPS/APS to make sure that police officers are provided with adequate and complete set of uniforms through streamlining issuance procedures and ensuring accountability in supply. Furthermore, the serious allegations of officers buying uniforms from the Police Quarter Master should be investigated and disciplinary action taken. On protective gears, the DIG KPS/APS should ensure the officers in the Stations are fully facilitated with enough of these for quality work.</p>	<p>On sufficient issue of uniforms, there was a decline by 8% with Officers alleging that there was laxity and corruption at the Quarter Master General on issuance of police uniforms. Issuance of protective gears (e.g. gloves, bullet proof vests etc.) also declined by 6% with allegations that the Service has not been supplying these in tandem with the increasing number of police officers being recruited.</p>

No.	Recommendation Made	Implementation Status ³⁵ of the Recommendations Made Since 2012
1.19	Deployment of Officers: DIG APS & KPS and NPSC should reconsider redeploying officers who have stayed in an operational area for more than three years to address challenges of fatigue and low morale amongst them. Also there is need for regulations on the duration an officer is supposed to serve in an operational area. Also the DIG APS and KPS should ensure that there is balance in composition of deployed officers; the experienced and inexperienced in the operational areas for effective policing.	This has not changed as complaints are still being received by the Authority of officers who have overstayed in some Stations or Operational Areas, some over 7 years. IPOA's Report on Deployment needs closer attention by the Service.
1.20	Stationeries and Computers: The DIG APS/KPS should ensure that the Police premises have at least a working computer, with internet and printer to process stations documentation work and enable digital communication with efficiency and effectiveness. The Inspectorate Department in the Service should be robust and effective to ensure proper records keeping and management.	On Computers, there was an improvement by 8% , and the capacity to make use of the supplied computers needs to be factored through training. Records, Registers and stationeries have remained unchanged and a big challenge at the Stations levels.
1.21	Police Communication: The IG and DIGs should make deliberate efforts to ensure all stations/camps/posts/bases are provided with communication gadgets to promote effective policing through communication.	Working communication gadgets improved by 2% although officers are still making use of their personal mobiles and resources to communicate.
1.22	Promotions and training in the Service: NPSC in consultation with the NPS should ensure that promotions and trainings, including refreshers, are based on merit and with clear set regulations.	This has remained unchanged as officers keep making allegations/complaints of biased promotions and selections of those to undergo any form of training.
1.23	Community Policing Initiatives: Officer commanding Stations/ Camps DIG KPS & APS should explore involving the community in policing matters for effective and efficient policing. Section 98 of the NPS Act, 2011 mandates a police officer in charge of an area in consultation with stakeholders to establish community policing committee. All stations should therefore strive to have community policing initiatives and maintain minutes of the same. The DIGs should put in place mechanism to ensure community policing implementation with formation of the County Policing Authorities.	On existence of community policing committees there was a decline from 43% to 41%. The 2% decline in community policing committees was in most cases alleged on the confusion that has been there between Nyumba Kumi and implementation of the Community Policing, with officers allowing Nyumba Kumi take precedence in line with the County Security Intelligence Committees (CSICs). This is an area for closer follow ups by the Authority.
1.24	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 has remained unchanged and many officers are in need of these services. There is a Report that has been developed around this aspect and it needs thorough scrutiny in line with the recently launched Scheme of Service.
1.25	Transfers of officers: the DIGs should move swiftly and address the issue of transfer to ensure that they are only effected according to set guidelines and procedure and that they are not applied as a punishment.	This has remained unchanged as officers keep making allegations/complaints of biased transfers, with no clear criterion being followed.

No.	Recommendation Made	Implementation Status ³⁵ of the Recommendations Made Since 2012
1.26	<p>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.</p>	<p>This has remained unchanged as officers keep making allegations/ complaints around allowances, with many in operational areas stating that they do not receive their allowances, e.g. the case of Operation Linda Boni.</p>
1.27	<p>Compensation after demise of colleagues: DIG APS &KPS to ensure that the next of kin of officers are compensated without compelling them to make countless follow up at the Headquarters.</p>	<p>Although the Insurance Cover/ NHIF have brought new standards, there is need to assess the workability of these for its effective functionality and fill in any gaps. Regular review of the Scheme would address any noted challenges.</p>
1.28	<p>Financial Audit of the NPS: the Auditor General should conduct audit of the National Police Service expenditures with emphasis on Police operations budget to the County and Sub- County level in order to establish how the Service has utilized its budget for better policing, over the years.</p>	<p>This has not yet been done as the Service is under the Ministry of Interior and has no separate accounts/ funds.</p>
On National Police Service Training Institutions		
1.1	<p>Set up a full directorate on police training and training facilities: the NPS leadership should creatively come up with a full-fledged directorate to deal with all training needs and issues around police. This directorate should be answerable to the Inspector General of Police and should not involve itself with other operational issues. The directorate should also have a budgetary vote of its own.</p>	<p>Report on the National Police Service Training Institutions, 2015 which was shared with the Inspector General of Police on 24th July 2017. Similar recommendations have been made in other specific inspections reports on the NPS Training Schools and Colleges. The Authority has not been given a go ahead to do follow up inspections of the NPS Training Colleges/Schools as per a reply letter from the IG dated 15th January 2018 Ref. NPS/IG/ SEC/4/11/VOL.V/82. The status of the recommendations that were made on the Colleges/Schools are yet to be confirmed through follow up inspections.</p>
1.2	<p>Revive the regional police training centres across the country: Due to the high numbers that were found in the police training colleges/schools, it is time the MICNG revives and refurbishes the police training centres that were within the regions. These centres could deal with all in-service training and refresher courses for the serving officers, hence reducing the costs of them travelling to the headquarters for their training. In partnership with the County Governments, these Centres would play a big role in enhancing safety and security in the counties.</p>	<p>The Regional Police Training Centres are yet to be revived, and this is an area for closer follow up.</p>

No.	Recommendation Made	Implementation Status ³⁵ of the Recommendations Made Since 2012
1.3	<p>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.</p>	<p>There has been development of Basic Training Curriculum for the Police Recruits, and was part of the materials recently launched by the Service and the NPSC. Its applicability is yet to be tested.</p>
1.4	<p>Assess progress made on the Ransley Task Force and PRIC reports recommendations on training facilities: the NPSC and NPS leadership should assess the extent to which the recommendations from the two reports on training facilities have been implemented, with proposals on how to address the gaps. Some of these include the reduction of the 15 months training to 9 months yet so much resources had gone into benchmarking and training of the trainers to take up the tasks. Other areas of concern would be resourcing of the facilities; number of classrooms; computer laboratories; libraries among other areas.</p>	<p>There was no feedback on this specific recommendation.</p>
1.5	<p>Ensure rightful numbers of in-service trainees and recruits are in the Training Colleges/Schools: The MICNG should be in the forefront in ensuring that, at all times, the training facilities have numbers they can accommodate. Further, NPSC and NPS leadership should come up with a recruitment strategy that will allow for noticeable and gradual improvements in the police training facilities. This could include continuous and transcended recruitment. The recruitments should be informed by the quality of improvements made in the Training Colleges and Schools. The excessive number of trainees at the KPC- Kiganjo and APTC, straining the facilities above its limits with over 200% and 400% respectively, should not be allowed. This compromises the quality of training, pressurises the instructors, the in-service trainees, the recruits and the facilities as well.</p>	<p>Follow up inspections have not been granted and this is yet to be confirmed. It is an area for follow up.</p>
1.6	<p>Develop infrastructure use and management policy in all training facilities: The NPS leadership should ensure that the Colleges/ Schools are well resourced. This should be in all forms of resources including human (administrators, instructors and staff); financial, equipment and facilities. Accommodation in the training facilities was highlighted as one of the key areas of urgent attention. All these call for increased budgetary allocations, while also making the institutional Commandants and Commanding Officers AIE holders. The NPS and NPSC leadership, together with the MICNG, should ensure that the training institutions have infrastructural resource including vehicles, stationeries and quality of uniforms.</p>	<p>Follow up inspections have not been granted and this is yet to be confirmed. It is an area for follow up.</p>
1.7	<p>Improve on governance and management at the Training Facilities: Each Training Institutions should have documented policies and regulations that include but not limited to human resources/ staffing, research, ICT, curriculum administration and development and Internal Quality Assurance. Further each Training Institution should develop internal rules, regulations and procedures for its effective operations, with an office responsible for the development and review of policies, rules, regulations and procedures.</p>	<p>It is an area for follow up inspections.</p>

No.	Recommendation Made	Implementation Status ³⁵ of the Recommendations Made Since 2012
1.8	<p>Review instructors/staff inventory and the training programme: the NPS and NPSC leadership should review the policy on identification of trainers and instructors posted to the training institutions. The idea that instructors are posted to the Colleges and Schools as a form of punishment should be interrogated and action taken as the country cannot afford undisciplined trainers and instructors, training the next calibre of police officers. The training institutions should not be dumping sites for the undisciplined officers. The Colleges/ Schools are meant to inculcate positive attitude, mind-sets, knowledge and skills and therefore need officers and trainers of integrity, discipline and with high standards. With trainers who are undergoing disciplinary measures, the policing culture will be hard to change.</p>	Follow up inspections have not been granted and it is an area for follow up inspections.
1.9	<p>Ensure quality training and trainers: the NPS and NPSC leadership should in addition to the instructors and trainers, ensure quality standards of training are created and maintained. This can be realised through engaging the services of professionally qualified trainers in specialised areas of training. The Colleges/ Schools should consider Universities and Colleges in specialized fields and in line with changing security needs. With these and modernisation of the instructing tools, kits and facilities, the quality of training would be better, resulting in quality police officers being produced from the Colleges/ Schools.</p>	Follow up inspections have not been granted and it is an area for follow up inspections.
1.10	<p>Address Instructors concerns: the NPSC and NPS leadership should address all the concerns that were raised by the instructors including delayed promotions, poor housing conditions, high staff turnover, lack of supplies of basic requirements including access to the internet, long working hours due to inadequate staffing, trainees to instructor ratios, instructors having not undergone training before being deployed in the training institutions among other concerns. These affected their work.</p>	Follow up inspections have not been granted and it is an area for follow up inspections.
1.11	<p>Establish an effective Complaints Handling Mechanism at the training facilities: the NPS should establish an effective, objective, impartial and reliable complaints handling mechanisms within the Colleges/ Schools. This would ensure those with complaints are tabled, documented and dealt with procedurally.</p>	Follow up inspections have not been granted and it is an area for follow up inspections.

Appendix 3: Monitoring Recommendations³⁸

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
1.1	Coordination, Command, Control and Communication in the Service:	
	a) 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	Through follow up on this recommendation, the Inspector General has seen appointment of Regional Coordinators, with 3 County Commanders (KPS/APS/CCIO) with the Senior Most Officer being the overall Commander in the County. Despite this, the seamless coordination of the Service still remains work in progress , especially at the lower levels.
	b) 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. The Centre should be the briefing point for dignities and media, and reduce interference of the operation. All operations be carried out professionally and transparently to ensure that rogue police officers don't extort the public.	This recommendation has been taken up in the areas of Operations. There was establishment of Operations Command Centre as was highlighted in the Post Garissa University Attack Report. Also, other ongoing operations in Boni, Laikipia and Baringo have Operations Command Centres. Such Centres enable effective and efficient communication with the media and ensure operational management of public expectations.
	c) Police Commanders to ensure that Police officers engaged in any operation have badges showing their names and force number. This will help the members of the public in identifying and launching complaints against officers engaged in misconduct and human rights abuses during the operation including public order management.	This recommendation has not been implemented . A closer check on the officers on Patrol shows the implementation of the recommendation has not been adhered to.
	d) The Inspector General to put in place mechanisms to ensure that the recommendations made by the Authority are implemented within the given timelines, with feedback.	There was no feedback on this recommendation.
	e) Inspector General to investigate failure of some Units to intervene in cases of attacks and responses when they ought to maintain law and order.	This was implemented in the Garissa University Attack of April 2, 2015.
	f) The NPS should ensure operationalisation of County Policing Authorities and Community Policing Committees for effective policing on the lower levels.	County Policing Authorities and Community Policing Committees are not fully in place despite some stations making efforts to have the Committees at their stations which are not supported financially (see Number 1.23 under Inspections above).

³⁸ For details, read the Monitoring Reports that have details on all these recommendations including 1) Operation Usalama Watch Monitoring Report; 2) The Mpeketoni Operation Report (15 and 16 June 2014); 3) The Joint KDF/NPS Operations; An Operation Monitoring Report Focusing on Lamu, Tana River and Garissa Counties; 4) Monitoring Report on Police Conduct During Public Protests and Gatherings; A focus on the Anti-IEBC Demonstrations; 5) IPOA Monitoring Report on the Recruitment of Police Constables; April 2015; 6) Police Constables Recruitment Report April 2016; 7) Report on the Police Constables Recruitment; May 2017; 8) Garissa University Attack on 2nd April 2015: A Post Attack Analysis Report; 9) Monitoring Report on Police Conduct Before, During and After the 2017 Electioneering Period; 10)

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	g) The Inspector General should ensure effective communication and communication gadgets are provided for in the Service	As highlighted under Inspections Recommendations (No. 1.21), working communication gadgets improved by 2% although officers are still making use of their personal mobiles and resources to communicate.
	h) The Operations Commanders should ensure that there are structured complaints handling mechanisms in places where there are ongoing police operations.	As has been highlighted above [1.1 (b)], follow up on this recommendation showed that Operations Command Centre are being established. However clear designated complaints handling mechanisms are slowly being effected as was reported upon follow up of Operations Linda Boni in Lamu. Their effectiveness is however not ascertained.
	i) The Inspector General and Operation Commanders to ensure logistical provisions during any police operations. The minimum equipment for any public order management should include body armour and helmets; shields; batons; water cannons; communication and video equipment; mobile operational centres among other key ones. Also use of Heli-borne operations in cases where such would be the best option to pursue attackers and rescue lives should be pursued.	Logistics for police officers in operations have been a challenge. On 25 th March 2015, it was reported that the Kenya Police Service had floated an international tender to buy three new helicopters and overhaul the existing three Mi-17 helicopters. The office of the Inspector General of Police indicated it was seeking to buy new twin-turbine engine helicopters, two utility helicopters and one troop carrier helicopter. However , procurement of Twin Turbine Engine VIP Carrier Helicopter – Kshs.2, 276,740,840 was qualified by the Auditor General Report ³⁹ for FY 2015/16 which was explained as classified (Pg. 34 & 35 of the Report). Further no investigation on Augusta Westland AW-139 Helicopter (5Y-NPS) which was registered on 26 April 2016 and crashed on 08 September 2016, and could have been on warranty, and no accident report was done.
1.2	Capacity and training	
	a. The Inspector General to enhance the capacity of the Directorate of Criminal Investigation to collect criminal intelligence and enhance intelligence led policing through effective investigations under Section 35 of the NPS Act, 2011. Also the capacity of the National Police Service to collect and share intelligence under Section 24(f) of the NPS Act, 2011 needs to be enhanced.	On 2 nd July 2017, the IG reported that he had visited the NPS Forensic Lab to check on the status of its construction and it was 98% complete, and would be concluded soon. This is one of the avenues to enhance capacity of DCI to solve many unsolved cases including murder, robbery with violence, rape and housebreaking among others. DCI's 2015-2020 Strategic Plan focuses on four main areas including building institutional capacity, strengthening crime management, cooperating locally and internationally, and establishing robust processes and systems.

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	b. Human rights to be infused in the NPS Training Curriculum and serving Police officers to undergo refresher training on human rights, and ensure continuous course training covering all aspects of policing, which should also inform future promotions in the NPS. This to be done in partnership with the NPSC, IAU and IPOA.	The process of mainstreaming human rights issues in the operations and planning of the Service is ongoing with a Draft Human Rights Policy and Strategy in place. This also covers gender and disability issues.
	c. Continuous training of NPS officers; specific areas of attention including law; conflicts management; decision making; public relations; combat; range classifications; field crafts; weapon systems etc.	Continuous training of NPS officers has not been strongly effected as the focus is more on promotional training. As highlighted under [1.22], officers keep making allegations/ complaints of biased promotions and selections of those to undergo any form of training.
	d. The Internal Affairs Unit of the National Police Service to be strengthened, as an internal oversight, with abilities to institute investigations into allegations of bribery and corruption levelled against members of the Service and its report findings be shared with IPOA.	The Authority has been engaging the IAU and there have been challenges strengthening it, although some strides have been made albeit with drawbacks such as deployment plans of the officers in the Unit
	e. Operation Commanders to ensure that there are Disaster Response Plan and Detainee Evacuation Plan in case of attack on a detention facility.	Upon follow up, these Plans are yet to be put in place . Guidelines for development of such plans are required with training.
	f. Psychosocial support and counselling for officers engaged in traumatizing operations should be put up.	As stated under 1.24 above , this has remained unchanged and many officers are in need of these services. However, in its Strategic Plan, DCI has set aside Sh20 million to provide guidance and counselling services to its officers.
	g. The National Police Service should ensure intelligence gathering leads their policing around public order management to map out the criminal elements who might infringe on freedom of assembly, demonstrations and picketing. This should be done with the conveners / organizers of the public protests having their field marshals as well, and with adequate security arrangements being put in place, to promote and protect security of all actors.	Upon follow up with field police officers, intelligence gathering in the service has been ongoing however the challenge has always been its utilisation with efficiency .
	h. The National Police Service should make use of modern policing skills such as information technology and videography. This is a law enforcement skill which the NPS ought to use, with modern technology.	In its Strategic Plan, DCI has set aside KSh4 billion in acquisition of modern security equipment and ICT solutions while development of the DCI website and Internet will take KSh22 million while implementation of unified communication system, command and control centre at the inspectorate will take Sh20 million. The challenge remains the accountability of the allocated funds as per Auditor Generals Report (Pg. 43)

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	<p>a. The police should also ensure availability of medical assistance at stand by, with all necessary equipment, to give first aid to those injured during public order management and in case of unlikely event. Rule 3 to the Sixth Schedule to NPS Act requires that when the use of force results in injuries the police officers present shall provide medical assistance immediately and unless there are good reasons, failing to do so shall be a criminal offence.</p>	<p>Upon follow up with police officers, the logistics provisions to the Service has been limiting. Police officers rely on the standby vehicles for this function working closely with Emergency Service Providers e.g. Red Cross.</p>
1.3	Public order management and Rights of the people	
	<p>a) A policy on public order management, where management of right to assembly, demonstration, picketing, or presentation petitions to public authorities' falls, should be developed.</p>	<p>This policy has 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, almost repetitive of the NPS Act, Sixth Schedule.</p>
	<p>b) The National Police Service should urgently establish a comprehensive training on public order management with reference to other international standards as comparatively expressed in Part 7 of this report. This training could seek for external assistance from USA, Sweden and UK, countries that are already involved in the Police Reform Program under the Ministry of Interior and Coordination of National Government. This training should be inculcated in the training curriculum using modern methods and best practices from other countries. The training on this area should take into consideration psychological, social and cognitive skills, where establishing a sense of trust in the public, developing a sense of identity in society, and helping the next generation prepare for the future, should be taken seriously in the service. Under the changed policing context, Public Order Management should be made mandatory to all police officers.</p>	<p>With no policy in place, the comprehensive training has not taken place, and it's an area for follow up.</p>
	<p>c) Police officers should respect the rights of the arrested and detained persons as provided for in the Constitution and Rule 5 of the Fifth Schedule of the NPS Act, ensuring that lock-up facilities are in hygienic conditions conducive for human habitation.</p>	<p>The status of lock up facilities are as given under Inspections Recommendations.</p>
	<p>d) National Police Service Officers should at all times strive to accord arrested persons their rights as stipulated in Article 49, 50 and 51 of the Constitution and as is required of them under Rule 2 of the Fifth Schedule of the NPS Act, 2011.</p>	<p>As above in terms of status of lock up facilities.</p>
	<p>e) During the public order management, assigned officers should have prominently displayed means of identification including visible name tags, number of the officer, even on their helmets. Rule 10 of Part A of the Sixth Schedule to the NPS Act, 2011 requires that "A Police officer in uniform shall at all times affix a name tag or identifiable Service number in a clearly visible part of the uniform".</p>	<p>Continuous violation of the Rule has not changed.</p>

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	f) Children should be separated from adults when detained as provided for in Article 53 (1), (f), (ii) of the Constitution of Kenya 2010. Operations should have child protection officers and children welfare desks to address issues of the children held.	See the status No. 1.8 on the Inspections Recommendations
	g) To address issues concerning conducting of searches upon women, enough female police officers should be deployed as part of any police group conducting stop/search and arrest operations in compliance with section 27 of the Criminal Procedure Code which provides that <i>"whenever it is necessary to cause a woman to be searched, the search shall; be made by another woman with strict regard to decency.</i>	With increased recruitment of officers, this recommendation is being taken albeit the number of female police officers are still low, with the challenge remaining adherence to the CPC.
	h) Police operations should aim at fostering broader relations with the Community. Members of the Service should understand that community engagement is the cornerstone of effective counter-terrorism policy, hence the need to build trust and support within communities must be recognised and upheld. Policing is not the exclusive field of the security forces, but a shared responsibility with the wider society, hence community policing as provided for in Sections 96 of the NPS Act, 2011. The National Police Service should proactively be engaging with the conveners / organizers of public protests and gatherings, and come up with written agreements to reduce tensions while ensuring public order policing.	See Inspections Recommendations No. 1.23
	i) Use of force in the service should be graduated as envisaged under the Sixth Schedule to the NPS Act. First, there should be proclamation with audible loud speakers, which should be graduated to use of physical force being applied such as wrestling to the ground, using wrist locks or arm locks, striking with the hands or feet, or other similar methods of hand-to-hand confrontation, with use of latest best practices.	See No. 1.3 (a) above, with lack of Policy, this remains a challenge
	j) The communication by policy makers and the Ministry of Interior prior, during and after public protests and gatherings should be to enhance the rights as enshrined in the constitution and not to curtail them. The Minister of Interior should not encourage rights violations but should come up with an initiative to educate the public on how to conduct themselves during protests and gatherings without abusing the police as well. Public awareness should be enhanced through such an initiative for change of culture, behavior and attitudes.	The Recommendation is still being monitored.

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
1.4	Joint KDF/NPS Operations	
	<p>a) The use of KDF to conduct internal security matters that can be effectively performed by the NPS sets a bad precedence as it sends the message that the NPS are unable to effect their constitutional mandate of protecting life and property as stipulated in section 24 of the NPS Act - which states inter alia, the maintenance of law and law, preservation of peace and protection of life and property. It is prudent that NPS should be held accountable and be compelled to perform their core function and discourage the use of KDF in internal security matters.</p>	<p>There has been continuous deployment of KDF in hinterland operations upon amendment of the KDF Act in 2016.</p>
	<p>b) A structured and functional joint complaints handling mechanism should be set up during security operations. This is because during these operations, there were no formal and clear complaints redress mechanisms for members of the public.</p>	<p>Joint complaints handling mechanism have not been effected and Operation Linda Boni still presents such a challenge although there is sharing of intelligence by the Services involved.</p>
	<p>c) There is need to ensure NPS officers are accorded the same logistics for operations like the KDF as there were perception among the NPS officers that they were ill equipped for the operation. It was noted in the monitoring exercise that when the KDF left the road blocks with all their security equipment, the NPS were incapacitated to continue with the momentum of the operation.</p>	<p>Logistics for police officers still remains a big challenge, in all aspects. For instance. in the FY 2014/2015, 26,500 pairs of footwear were approved for purchase. However, details disclosed to Auditor General on payment vouchers showed that 78,000 pairs of footwear valued at Kshs.267, 876,000 were supplied and paid for. This was explained as due to the recruitment of 10,000 police trainees (4000 at KPS, 2000 at GSU) although for the APS (4000) this was undertaken and paid for separately(Pg 36 of the FY 2015/16 Auditor General Report). Despite this, officer's still use worn out shoes, a situation which is pathetic and unpleasant. There was also irregular Procurement of Motor Cycles with loss of Kshs.174, 806,140 (Pg. 36 and 37 of the FY 2015/16 Auditor General Report). Closer attention on the role of Police Quarter Master is still required.</p>
1.5	Recruitment of Police Constables	
	<p>a) The NPSC Recruitment and Appointment Regulations, 2015 need to be reviewed to capture what entails 1st stage, 2nd stage and 3rd stage of the recruitment exercise as was recommended by the Report of the National Task Force on Police Reforms (Ransley Report). The review should also state the number of days the recruitment exercise would be done as one day is inadequate.</p>	<p>The NPSC Recruitment and Appointment Regulations, 2015 have not yet been reviewed to capture what entails 1st stage, 2nd stage and 3rd stage of the recruitment exercise.</p>
	<p>b) A Police Recruitment and Appointment Manual should be developed to detail what happens after every stage/phase of the recruitment. This should determine the detailed activities and criteria for issues such as physical fitness, aptitude tests, medical tests, and the role of the County Education Officials for ease demarcation of responsibility among others.</p>	<p>The Police Recruitment and Appointment Manual has not been developed, and it's a matter for follow up.</p>

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	c) The National Police Service Commission should consider training recruiting officers to recruit as National Police Service not as Kenya Police Service and Administration Police Service, to have one face of the Service at recruitment.	This recommendation has partially been implemented as was observed in the last recruitment with the Service having seamless coordination in the exercise although at the end, there were still selection of those to join KPS and APS, and not NPS.
	d) The NPSC should ensure operational complaints desks, procedures and mechanisms are set up in all recruitment centres, as a policy, to handle complaints from recruits, members of the public and boost confidence in the exercise.	Although transparency of the recruitment exercise has improved , the operational complaints desks, procedures and mechanisms are not yet developed. This has seen many of the complaints related to recruitment not been addressed effectively and with efficiency, even after referral by the Authority.
	e) The NPSC should consider increasing the number of medical points, personnel and facilities including introducing mobile clinics where the distance from the centre to health facility is very far. Further, informing the potential candidates that the medical tests would be free is important. The Commission should ensure that there are emergency services or stand by ambulances at every recruitment centre in order to handle any incidents that may arise.	This is a recommendation for further follow up by the Authority
	f) Medical examination should be done within the recruitment centre to reduce cases of corruption, bribery and collusion. The Commission to explore the option of having mobile clinics from Red Cross, St. John's ambulance or liaise with county governments during this particular activities.	As above for further follow up
	g) The Commission and the IG should ensure allegations of bribes around the recruitment exercise are thoroughly investigated and action taken on culprits.	As above 1.5 (c)
	h) The NPSC should put in place standard criteria, measures and guidelines to avoid untoward biasness by the recruiting officers on matters to do with height, vision tests, flatness of feet, etc. The same standards of these technical physical fitness issues should be uniform across the country and the Commission should consider aptitude tests rather than just physical fitness.	This is a recommendation for further follow up by the Authority, with attention on specialised and targeted recruitment .
	i) The officers in the recruiting panel should be picked from different regions including those who are providing security in the recruiting centre. This will minimize collusion of officers with the members of public.	This is a recommendation for further follow up by the Authority
	j) The Commission should ensure that any change of recruitment venue is ably advertised in-time to avoid inconveniencing recruits and other stakeholders.	For further follow up by the Authority
	k) The Commission should ensure that the names and details of the successful candidates are shared with the observers and members of the public at the recruiting centres to enhance cross checking with the list submitted at the NPSC. This will promote accountability and transparency of the process.	This recommendation has partially been implemented. In some Centres, this has become the norm while in others, there is lack of openness.

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	l) The IG should take action against the NPS officers who obstruct IPOA officers from carrying out their lawful mandate and report on action taken on individual officers.	For further follow up by the Authority and action be taken on those obstructing the Authority personal as is against the law [S. 31(1)(g) of the Authority's Act].
	m) The Commission to ensure that the recruitment exercise is digitized, names and details of the successful candidates are shared with the observers and members of the public at the recruiting centre, and they be published nationwide even on the Commission's website, to enhance accountability and transparency of the process.	A recommendation for follow up by the Authority
1.6	Garissa University Attack	
	a) Disciplinary/ administrative action should be taken on officer(s) who held positions of responsibility.	This was implemented after the Garissa University Attack on April 2, 2015.
	b) Planning on countering terror attacks should be taken as a priority. The Inspector General should make a plan to ensure officers especially those in operation areas are trained on combat and close quarter battle skills and skilful use of firearms	There have been great efforts in planning around counter terrorism, with enhanced planning and investment on intelligence. This is one of the areas the Service has done well, working closely with the National Counterterrorism Centre.
	c) The IG should devise a strategic response mechanism in the wake of terror threats, with specialized Units like the RECCE Squad being put at standby for ease of mobilization and deployment.	As above
	d) The Inspector General needs to formulate standard operating procedures to be used in cases of terrorist attack regardless of whether the KDF are available as internal security is the sole mandate of the NPS and the KDF is there to support in case of emergencies.	There has been continuous deployment of KDF in hinterland operations upon amendment of the KDF Act in 2016, and the working relationship between KDF and the NPS has improved although more ground is still to be covered.
	e) The IG should ensure that the ATPU is aligned to the NPS Coordination structures and all police formations and units have clear chains of coordination from the DIGs all the way to the ground, for ease of management and leadership.	This is a recommendation for follow up as some specialised Units remain discreet.
	f) The Inspector General should ensure that officers, especially those in operation areas, receive regular refresher training on combat and tactical battle skills, with skilful use of firearms.	As under 1.22 in inspections, this has remained unchanged as officers keep making allegations/ complaints of biased promotions and selections of those to undergo any form of training.
	g) The National Police Service Commission should carry out an audit on officers serving in Operational Areas with a view of replacing the officers who have overstayed in those areas. In the same lines the implementation and enforcement of the National Police Service Commission Promotions, Transfers, Deployment and Discipline Regulations, 2015, which require that an officer shall not be deployed in an area for a period of one year, should be realised.	This audit of officers in operational areas has not been done , with complaints still being received of officers who have overstayed in these areas for over 7 years.

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	h) The National Police Service Commission and NPS should ensure that operational areas police strength is boosted, with skilled officers. In light of the increased terror threat in the North Eastern border with Somalia, skilled police numbers should be of concern, alongside KDF soldiers.	This recommendation needs follow up to ascertain the current status.
	i) Serious engagement on the objectives put out in Article 244 of the Constitution and Section 96 of the NPS Act should be considered including training police officers to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity	Discussions around the National Police Conference could be an eye opener around these.
	j) NPS to ensure preparedness of the Service with public engagements, to have the local residents have active role in policing, proactively assisting the National Police Service.	Recommendation No. 1.23 on inspections shows the gap. Community engagements are still a challenge.
1.7	Police Conduct Before, During and After the Electioneering Period	
	a) The Parliamentary Committee on Administration and National Security to initiate an inquiry into the conduct of the National Police Service leadership after the announcement of the presidential election results on 11 August 2017 up to the swearing in of the president on 28 November 2017. This inquiry should establish what breakdown of command, coordination, leadership, orders, policies and laws, led to 62 deaths and 158 physical injuries to civilians; 13 allegations of injuries to law enforcement officers and 18 allegations of rape, including the 32 unconfirmed deaths. The inquiry should inform the actions to be taken against the NPS leadership.	The Reports recommendations are for follow up.
	b) The National Police Service should abide by Article 239 of the Constitution while performing their functions and exercising their powers. The Service should not act in a partisan manner, further any interest of a political party or cause, or prejudice a political interest of political cause that is legitimate under the Constitution. The Service should remain impartial in carrying out its functions.	As above
	c) The National Police Service should at all times have comprehensive deployment plans/ operational orders around policing of elections. The deployment plans/ operational orders should be shared with IPOA and other concerned actors for principles of transparency and accountability to be fulfilled as declared under Article 244 of the Constitution. This would enhance transparency and accountability around policing elections, failure to which legal action should be taken on those who contravene. Chapter 58 of the Service Standing Orders on Public Order Management (3) states that 'it shall be the duty of the police commander to ensure that a police officer under his or her command behaves in accordance with the standards set out'. This is why such plans should be well intended, resourced in terms of personnel, tools and finances, and with clear identification of the officers to be deployed, covering all the formations and units deployed, including the special officers from NYS, KWS, KFS, Kenya prisons.	As above

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	<p>d) Transfers and deployment of officers during electioneering period should take cognisance of the regional, social, political, topographical, and other contextual issues, to avoid creating mistrust within and without the National Police Service, and especially so around elections. Late transfers of officers before elections date should be discouraged as this provide avenues for the Service to be misconstrued as partisan. Further, those transferred to a new area may not be knowing the regional, social, political, topographical, and other contextual issues of the community's being policed, the policing interventions required and strategies, and the manoeuvres around the terrains. The Authority advocates for an advanced planning and proper preparation of the transfers, if they must happen, for an informed and intelligence led policing not only of elections.</p>	As above
	<p>e) The National Police Service Commission should spearhead the development of Public Order Management Policy with a view of informing repeal of Public Order Act (Cap. 56). With this policy in place, fulfilment of Article 37 and professionalization of policing of assemblies, demonstrations, picketing, protests and presentation of petitions would be realised. The disorderliness, disorganisation and chaotic nature that was observed on police while policing elections should be discouraged. After the development of the policy, training on public order management should be taken as a serious course in the Service, and especially against use of lethal force including crime scenes preservation and management.</p>	As above
	<p>f) Rule 12, Part A, to the Sixth Schedule of the NPS Act requires the Cabinet Secretary responsible for Internal Security and the Inspector- General to make regulations for giving further direction on the lawful use of force, including a list of lawful means to use force and training requirements to be allowed to use these means, and procedures for reporting the use of the means of force. The Authority recommends that such regulations should be fast-tracked and developed, to include all equipment to be used on lawful use of force during crowd's control. Protective body gears including shields, helmet, batons, gas masks, tear gas, water cannons, rubber bullets among others should also be provided to officers during public order management.</p>	As above

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	<p>g) As per Rule 5, Part A of the Sixth Schedule to the NPS Act, 2011 disciplinary action should be taken on all Officer- Commanding Stations (OCSs) where deaths happened around electioneering period and they were not reported to IPOA, there was no immediate securing and preservation of crime scenes and their management. These was in total violations of the law. Further, Rule 7 of the Sixth Schedule stipulate that an officer who makes a report on any death should secure the scene of the act for purposes of investigations and shall not tamper or otherwise damage any evidence from the scene of act. Immediate preservation of crime scenes and their management should be mandatory to all police officers as it was observed that police officers tampered with scenes of crime in order to conceal any evidence against their actions or to cover one of their own, hence resulting to bodies being unloaded at morgues and marked unknowns.</p>	As above
	<p>h) Rule 10, Part A of the Sixth Schedule to the NPS Act which requires that a Police officer in uniform shall at all times affix a nametag or identifiable Service number in a clearly visible part of the uniform should be adhered to. Further, the officer in charge/commanders should ensure that his or her officers are easily identifiable by having their names/numbers prominently displayed, with strict adherence with this Rule. The refusal of the officers to identify themselves has perpetuated the culture of impunity within the Service yet Article 244 (b) of the constitution stipulates that the National Police Service shall promote and practice transparency and accountability and this is one of the means to ensure this happens.</p>	As above
	<p>i) The Cabinet Secretary, the National Police Service Commission and IG under Section 82, 84 and Seventh Schedule to the NPS Act, 2011 should fast-track the formation of Police Service Associations to advance welfare issues of police officers and ensure equal treatment of the various deployed units, as officer's human rights were violated. This recommendation was made in the 2013 Monitoring Report and the welfare of the officers in terms of food and water was not addressed. Provision of welfare to the deployed officers and those called in to reinforce security in any area should be addressed across all the NPS units, formations and those deployed from other law enforcement agencies without any biasness. There have been allegations of unequal treatment of the units within the NPS (KPS and APS) in terms of facilitation and this was also observed during the elections monitoring period.</p>	As above
	<p>j) The National Police Service Commission should also audit the funds that were allocated and actually disbursed to the NPS during the electioneering period. Such an audit should address the widespread allegations of misappropriations of allowances that were meant for the deployed officers, and the unequal treatment of the units within the NPS (KPS and APS).</p>	As above

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	<p>k) The Directorate of National Cohesion and Values to spearhead the promotion of National Cohesion and Values under Article 4 and 10 of the Constitution by development of a programme to sensitise both the members of the public and police officers on national values and principles around democratic policing. The programme should entail reporting cases of police misconduct to the Service as well as to the other complaint receiving agencies including IPOA.</p>	
	<p>l) To all security stakeholders, public awareness on exercising the right to vote, peaceful and unarmed assemblies would guarantee a democratic Kenya, with democratic policing. A clarion call on rights with responsibility should be heightened across the country, as cases of the protestors hauling stones and other crude weapons to officers, and the reactive responses by police demonstrated unchanging policing environment. Public awareness is therefore necessary and should entail reporting cases of police misconduct to the Service as well as to the other complaint receiving agencies including IPOA. This should be addressed by all state and non-state actors.</p>	As above

Appendix 4: Research and Thematic Reports Recommendations

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
1.1	Housing⁴⁰	
	<p>a) NPS to abandon government supplied police housing and shift to allowance based scheme. The system of government building police housing is not working. The turnaround time of government contracts has been problematic with stalled and abandoned police housing projects littered across the country. The government does not have land to build police housing as evidenced by the number of police stations and patrol bases accommodated in private lands. Land grabbing has also been a big challenge. Increasingly, the principle of 'supplied police housing' is an antiquated concept that has largely been abandoned throughout the democratic world. This should be with the exception of specialised paramilitary police units such as the GSU, the ASTU, RDU and RBPU that need to be deployed with ease due to the nature of their work and services.</p>	<p>This recommendation has not been acted upon. Despite this, NYS has been engaged in building 15,000 houses for the police since Police officers are still struggling with accommodation issues despite the efforts being put by the government to construct the houses, with Ruai Police Service Housing Scheme presenting the best case study.</p>
	<p>b) In lieu of government or the National Police Service directly providing police housing, enhanced police housing allowances and salary should be provided so that officers can acquire housing of their choice through rent, purchase or building. Such allowances will be part of the national taxation regime.</p>	<p>The recommendation has not been effected.</p>
	<p>c) To address congestion and overcrowding, NPS should come up with modalities that ensures at any given time, a certain number of duty officers actually reside within the police lines for ease of mobilization, securing the stations and so that any emergencies can be responded to immediately. All other officers should be allowed residence in the neighbourhood of the stations to address issues of overcrowding, sharing or living in deplorable conditions when accommodation could readily be available for rental in the immediate vicinity of the police stations.</p>	<p>Recommendation not yet implemented.</p>
	<p>d) Policing in Kenya is by and large still based on an old style 'colonial' model of policing, which is at odds with the expectations of the community and the building of democratic governance institutions for the people. Colonial policing is a style of policing that protects the government, not the people. The police remain outside the community. Improving community policing through leasing of police housing is one avenue that the government should leverage in the face of the current housing challenges. Leasing will move police closer to the people.</p>	<p>Leasing houses for the Service is gradually being taken however the recommendation needs closer follow up to avoid a scenario like the "Unaccounted for Fuel for Leased National Police Service Vehicles" where Kshs. 20,004,118 for fuel could not be accounted for in FY 2015/2016.</p>

⁴⁰ For details, read the Police Housing Report that have details on these recommendations

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	<p>e) As an incentive measure, the government should consider negotiating favourable and specialised mortgage facilities with financial institutions for the NPS as part of addressing the housing crisis. To encourage discipline and professionalism in the service, the mortgage incentive should be tied to the discipline record of a police officer. Thereafter, if an officer leaves the service for disciplinary reasons, the mortgage facility rates should be reverted back to existing market rates. In this regard, the government could borrow from such jurisdictions like Australia, UK, and USA where police officers access special mortgage loan facilities to finance acquisition of houses.</p>	<p>The Inspector General of Police gets up to Sh30 million for mortgage and the DIGs Sh 25 million for a period of 20 years, junior officers do not have these. Senior police officers have also been accused of renting staff houses to civilians.</p>
	<p>f) From an international comparative police housing provision, the NPS and government will require a major review of its philosophy and approach to police welfare, terms and conditions through a police housing policy. The lack of a specific and comprehensive NPS housing policy, strategy and related processes needs to be urgently addressed.</p>	<p>Under Chapter 49 of the Service Standing Orders, a police officer may not be issued with more than one police line or house within police premises. However, this has not been the case upon interviews with field officers hence a Police Housing Policy is urgently needed.</p>
1.2	Police Deployment in Kenya⁴¹	
	<p>a) The National Police Service Commission needs to conduct an urgent audit of the police service to identify irregular and unregulated deployment of officers, and reduce their abuses and misuses around deployment. The audit should address the irregular deployment of officers and be relevant around deployment issues. It should also assess who is assigned where, why and when, while also addressing attrition issues in the service. Such an audit should determine deployment gaps, inform recruitment of police officers for value addition in the service, and be made regular.</p>	<p>There is an ongoing audit by the Commission and the NPS although the target fell on officers with Degrees and those disabled while on duty, targeting their salaries. This has led to an outcry leading to its rescindment of the decision on 19th March 2018. Regional meetings have been planned by the Commission from 3rd April 2018 to assess the situation and issues.</p>
	<p>b) A police deployment policy should be developed to address the unregulated deployments. This policy will regulate the manner in which police deployments are handled to avoid abuse and misuse. The policy once in place would inform all police deployment strategies and procedures including allocation of police officers to guard VIPs, other state officers, state corporations and institutions, banks and financial institutions, private citizens among others. Whereas, the National Police Service Commission developed the National Police Service Commission (Transfer and Deployment) Regulations, 2015, the NPSC/NPS should develop a clear policy framework on deployment of police officers right from police training colleges. The regulations by NPSC do not answer the need for a deployment policy to govern implementation of the concerns raised in this report around police deployment.</p>	<p>Police deployment policy is not in place with the Service stating that they rely on the Service Standing Orders and other policing documents.</p>

⁴¹ The report was shared with the Inspector General on 13th December 2017 and has been pending comments and feedback from the IG's office.

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	<p>c) Police officers deployed in non-core functions as pointed out under 4.4 of the Report should be taken into consideration. The redeployment of these officers would boost police visibility, prevent, detect and manage crime. This would also ensure that the government objectively and optimally uses available police resources to secure the country. A key concern by Ransley Task Force was the misallocation of a significant number of police to non-core duties. The deployment of police officers in such functions affects and compromise the ability of the police to discharge its mandate. Such deployment also contributed to idleness, resentment, indiscipline and lack of professionalism in the police service. Effective policing is premised on beat and patrol. A significant number of police officers should thus be released to do beat and patrol and by extension increase police visibility in the streets. IPOA recommends that at any given time police officers should always be deployed in twos. In this regard, the NPS/NPSC should release-off police officers doing secretarial duties at commission offices, excess police officers attached to politicians, governors, Members of Parliament (MP's), parastatals chiefs, cabinet secretaries, and principal secretaries to do beat and patrol work. As was recommended by Ransley Report, other areas of work currently being undertaken by police suitable for civilian involvement include: communications, forensics, administration, personnel management, and guarding non-strategic installations</p>	<p>Police officers are still being deployed in non-core functions such as being court orderlies, personal assistants, clerks, sentries, drivers, receptionists and secretaries, guarding of private premises, body guards/escorts of senior police officers, domestic workers, VIP protection, guarding banks and money escort services, working as cooks, shamba(garden) boys in VIP homes, catering staff among others.</p>
	<p>d) Proper initial training and on-the-job refresher trainings should be prioritized to improve on the quality of police officers deployed. Comparative jurisdiction in police deployment has shown that effective policing is not of necessity about the numbers but a lot depends on the quality of training, capacity, motivation and morale of police officers. Quality policing is based on professional competencies acquired in training, and experiences acquired on the job. The quality of police officers can also be enhanced through refresher trainings, proper tooling and equipping with modern crime fighting equipment and improving officers' terms and conditions of service.</p>	<p>As reported under 1.22 on inspections, training has remained unchanged as officers keep making allegations/ complaints of biased promotions and selections of those to undergo any form of training.</p>

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	<p>e) Equip the Service with use of technology to enhance effectiveness and efficiency in officers' deployment. Modern crime call for modern equipping and tooling of police officers, with attention on technology. Information Technology has many uses and can play a critical role in ensuring efficient and effective deployment on issues such as intelligence gathering and crime management. The developed world has successfully deployed technology to fight criminality. Comparative jurisdiction in the developed world indicate that unmanned platforms offer a range of new possibilities for policing operations. Deployment of cutting-edge police technology will complement existing human capacities in reconnaissance, surveillance, intelligence gathering and law enforcement operations among security agencies. Responding to the dynamics of modern day cyber-crime and transnational terrorism in Kenya will require a more proactive approach to technological innovation. The Kenyan government recently rolled out the highly sophisticated communication network for the Kenya Police Service (Integrated Public Safety and Security System), which should be supported to enhance security for all Kenyans.</p>	<p>There has been the IC3 (the Integrate Command, Control, and Communication) Directorate under the IG office. This has the Emergency Call Centre (ECC) for handling all incoming and outgoing public trunk calls in wake of emergency; Dispatching Centre (DC) for dispatching, monitoring and supporting operational resources efficiently and in a timely manner and the Critical Incident Management Suite (CIMS) for proactively and intelligently monitoring the public spaces using Video Management System/ CCTVs; Video Wall Management System; Automatic Number Plate Recognition (ANPR) Control System and a Data Centre for receiving and recording points for CCTV images.) The challenge is how these have been effective in resolving deployment issues and response to serious crimes even within Nairobi.</p>
	<p>f) Align deployment of police officers to areas of specialization. Different service formations and mandate functions must of essence aligned individual police officers to their merit, expertise, talents, skills and areas of specialization beyond the generalized mandate of the Service. Ransley Task Force had found out that deployment of officers to some 'lucrative' agencies in the service was often not based on professional considerations or special skills, but rather, on an officer's links with decision makers and this made it prone to abuse. It is currently not clear, what criteria or considerations used to deploy police officers to different duties in the service. It has been noted that deployment at the training colleges to various police formations like traffic department, general police duties may not of necessity be informed by any considerations of merit, competence or expertise but shrouded in mystery of how one is known within the police hierarchies. To promote accountability and professionalism in NPS, police deployment should first and foremost be aligned to their talents, skills, competencies and specializations.</p>	<p>This alignment has not been done and the audit of the Service as pointed under 1.2(a) above would have been a good starting point.</p>

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	<p>g) Develop clear guidelines on allocation of police officers to VIP protection. Currently, the lack of a clear policy on deployment of police officers is compounded by lack of criteria on deployment police officers to guard VIP's. The government should streamline VIP protection through a policy to avoid misuse and abuse. The National Police Service had commissioned a policy on 'Provision of Security to VIPs and other State Officers' seeking to regulate the manner in which VIP protection is handled. The policy should be gazetted and implemented to deal with limitations in VIP protection in Kenya. Currently there is lack of VIP categorization and no proper definition of who a VIP is and what security they need, and from what caliber of police officers. There is also a need for separation of VIPs who need specialized trained police protection e.g. the President; the Deputy President; the Speakers of National Assembly and Senate; Chief Justice and judges due to nature of their work and those who only need bodyguards as important persons. It is also a concern that some officers used by VIP's are not trained as body guards. In this regard, VIP security allocation should be preceded by risk analysis based on a defined criterion and such criteria should be made public. A clear policy criteria on secondment of police officers to parastatals and other public institutions should also be in place.</p>	<p>Clear guidelines on allocation of police officers to VIP protection has not been done, reading together with 1.2.c above.</p>
	<p>h) Operationalise the Private Security Regulation Act, 13 of 2016. Private security service providers play a crucial role in complementing state security service provision, given their range of services to vital public and private institutions, homes and businesses. Operationalising the Private Security Regulation Act would go a long way in buttressing security services in the country, with proper attention on the working conditions, equipment and training of the private security sector, while operating within national values, principles and morals as was recommended by Ransley Report. Some of the services that private security firms can enhance security in include provision of non-strategic installation guard services; monitoring of CCTV's and access systems; alarm monitoring and response; satellite tracking systems of vehicles and goods in transit among others. There is thus the need to professionalize and regulate these private security firms through operationalisation of the Act as comparative jurisdiction indicate that countries like South Africa, Uganda and Angola have a regulated professional private security providers who complement police in security service provision.</p>	<p>This Act has partially been operationalized, with appointment of the Board having been done and recruitment of the Chief Executive Officer is ongoing. Attention could then shift to how supportive the Authority would be to the NPS, especially around deployment and easing the police to do their legally mandated duties.</p>
	<p>i) Consider civilians and Honourably Retired NPS Officers for non-core policing duties. The government should explore options of making the National Association of Retired Police Officers - Kenya enhance crime detection and Service- Community relationship, while at the same time undertaking some general administration, human resource management, secretarial and reception work among others. With some officers retiring with good records from the service, they could as well be considered in line with what Ransley Report had recommended on works that could be undertaken by civilians including communications, forensics, administration, personnel management, among others.</p>	<p>With the recognition of the National Association of Retired Police-Kenya, this recommendation is being implemented. The Association is to be launched later in the year, and the attention would be what role it would play in enhancing police effectiveness as per 13 February 2017 speak on the Association by the IG.</p>

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	<p>j) Ensure distinct police deployment in the public space. The Service Standing Orders recognizes that not only are patrols and beats a deterrent to the criminal element of the population, but also give a sense of security to law-abiding citizens. Empirical evidence has pointed out that presence of police officers in the streets is a vital deterrent to criminality. A significant number of police officers in non-core policing work should be released to do beat and patrol, and by extension improve police visibility. The non-core duties being performed by police officers could as well be taken up by trained civilians including being drivers of some VIPs.</p>	<p>Deployment of police officers in the public space has not much improved, and this recommendation still needs closer follow up with use of the IC3 as pointed under 1.2.e</p>
	<p>k) Ensure deployment is not a punishment related issue. Even with the National Police Service Commission (Transfer and Deployment) Regulations, 2015, the NPSC/ NPS should effectively ensure fairness and eliminate misuse of transfers as a disciplinary measure. There should be appropriate and proportionate distribution of police officers in order for the service to effectively carry out its mandate. Some of the reasons for a dysfunctional police service in Kenya is that transfers and deployments are not regulated. Many officers are discontented and frustrated by transfers and sometimes, transfers are used as disciplinary measures. Instead of an errant officer being disciplined in their station, they would be transferred to hardship areas as punishment. The end result has been a frustrated and undisciplined officers in frontier regions of Kenya, leading to poor policing services, perpetuation of criminality and widespread insecurity.</p>	<p>This has remained unchanged as officers keep making allegations/ complaints of biased deployment, with no clear criterion being followed. Some officers have overstated in some Stations or Operational Areas, like over 7 years.</p>
	<p>l) NPS and NPSC should consider redeploying officers who have stayed in the operation areas for more than four years to address challenges of fatigue, and low morale among officers. Gender balance in posting of officers to the operation zones should also be reconsidered to address operational challenges of male officers in handling female members of the general public during operations.</p>	<p>As above</p>
1.3	Trends and Patterns of Police Misconduct	
	<p>a) Informed by the trends and patterns, it is evident that police officers have been violating laws, regulations and Standing Orders, and they are still violating. The Inspector General therefore should provide the Authority with tangible evidence of the actions that have been taken on culpable officers who have violated the laws, and especially on cases that have been referred to the IAU by the Authority. This would ensure that the fight against impunity bears results, and ought to be sustained within the Service.</p>	<p>The Reports recommendations are for follow up.</p>
	<p>b) With clear action and feedback on the No. 1 above, the Inspector General should ensure consistent, effective and frequent communication, command and coordination of the Service. The message and messaging should keep confirming to individual officers that any breach of law would not be tolerated and individual responsibility ought to guide the officers' actions while observing the law and its provisions. This would guarantee rule of law as stipulated in the Constitution, especially Article 244, NPS Act, Service Standing Orders, the IPOA Act among others. It is the responsibility of the Inspector General to ensure officers are held to account.</p>	<p>As above</p>

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	c) Refresher trainings on various provisions of the law regulating policing as mentioned above should be provided to NPS officers. These training should also be tailor-made and aligned to the patterns of complaints analysis in this report.	As above
	d) The Internal Affairs Unit, as the custodian of policing standards in the Service, should investigate the highlighted police misconduct as required by S. 87 of the NPS Act. The Unit should act with speed and hold accountable all officers implicated with violations of the Service Standing Orders and other regulations guiding policing work.	As above
	e) The NPS, IPOA and NPSC amongst other stakeholders to conduct sensitization sessions to emphasize on adherence to Article 244 of the Constitution amongst the NPS officers.	As above
	f) Members of the public as well as police officers should be encouraged to report all cases of police misconduct to the Authority, as well as any other oversight institutions to enhance police accountability and promote democratic policing.	As above
	g) The NPS leadership and NPSC should act with speed to improve the welfare of police officers and enhance impartiality when effecting deployments, transfers, promotions and dismissals.	As above
1.4	Gender Perspectives in Police Facilities (From 2012 - December 2017)	
	a) The National Gender Policy should be formally launched to pave way for effecting of the Draft Gender Policy in the Service. The National Police Service Commission needs to ensure that gender issues in police facilities/ Service are respected, protected and fulfilled, beyond their placement under the KPS in the Service Standing Orders. This should be done through a policy in line with Section 10(1) (I) which gives the Commission the function of developing policies.	The Reports recommendations are for follow up.
	b) The Directorate created under Chapter 8 (10)(11) of the Service Standing Orders under KPS needs to be merged and extended to the IG's office as an independent directorate of Community Policing, Gender, Children and Persons with Disabilities, working closely with or within IAU. As currently structured, the issues around policing of vulnerable groups in police stations are disjointed and results to conflict of interests, as officers violating the same rights are also entrusted with their enforcement and fulfilment. This is a contradiction hence there is need for a Directorate to ensure respect, protection and fulfilment of vulnerable group's rights, under the IG's office, with experts in gender, children affairs and persons with disabilities, incorporating community policing issues, as all these persons are within communities across the country. Police officers enforcing the law should be answerable to this Directorate on all vulnerable groups' rights (gender, children and persons with disabilities affairs), with incorporation and mainstreaming them within community policing.	As above

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	<p>c) The NPSC should make use of its powers and the recently launched career progression by the Service to factor career progression and promotions of women police officers while also increasing their number in key decision making levels of the Service, at least at Senior Assistant Inspector General (SAIG) level. Promotion of women to head police premises whether in the KPS or APS would be a good starting point. Also, in terms of assignment of duties, women police officers should not be constraint at records, crime records, report office and gender/ customer care desk.</p>	As above
	<p>d) Training of police officers on skills and knowledge around gender issues is paramount, as training is a means to transformation with change of policing culture and attitude. This training should be done in partnership with the National Gender and Equality Commission (NGEC), as gender issues are contextual and influence related (cultural, social, legal, economic and attitudinal). Unpacking these issues in context of policing calls for experts and courtesy, starting with relationships amongst fellow officers, supervisors, clients who report any complaints and the way those complaints are handled. Such an approach should be escalated to the wider community, in decision making process, development of new creative ideas and ways of working, communication and personal expressions, how power and information flow through the hierarchy, and how committed the officers are towards collective shared values and principles. The Service needs to inculcate new policing culture and attitude through change of organizational philosophy, for improved productivity and performance, with clear guidelines on customer care and service, quality and safety, and with concern for the policing environment.</p>	As above
	<p>e) In line with the Authority's report on Police Deployment, policy guidelines on transfers and deployment should be in place to inform these, and especially aligning deployment of police officers to their areas of specialisation. This would effectively utilize the skills officers have and ensure that gender issues are operational in the areas officers are transferred to or deployed in. Transfers and deployment of the trained officers on gender issues need also to be regulated so as to effectively utilize the limited skills acquired, and ensure the gender perspectives are realized in the police facilities. Also deployment of women Police Officers at least to each and every Police Station countrywide would ensure that female detainees are searched by women police officers as provided for in Chapter 15 Section 22 d (i) of the Service Standing Order.</p>	As above
	<p>f) The Fifth Schedule Rule 5 (c) of the NPS Act requires that men and women will be kept separately. This has been violated in many of the detention facilities that have been inspected by the Authority. The Inspector General of Police and the Cabinet Secretary for Interior and Coordination of National Government should ensure that police stations have designated male and female cells that are separated entirely from each other, and with construction of new ones where this is not possible due to the design of the Stations.</p>	As above

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	g) National Police Service to devote increased attention to women issues in Police cells by changing management practices and introducing measures to address the special needs of female detainees ⁴² . The Officer Commanding Stations should ensure that their facilities have adequate clean water for the detainee's cleanliness as required by the Fifth Schedule to the NPS Act, 2011.	As above
	h) Non-custodial detention should be considered for pregnant women or a woman who is a child's sole caretaker unless it is a case of a serious nature or a violent offence.	As above
	i) The Inspector General of Police and the Cabinet Secretary Interior and Coordination of National Government to ensure that breast feeding facilities for nursing mothers are constructed in police stations as provided for in Rule 11 (a) of United Nations Standards of Minimum Rules for the treatment of prisoners (the Mandela Rules). Also Police Officers investigating offences committed by lactating mothers should not arrest and detain the suspects unless it is absolutely necessary as provided for in the Service Standing Orders, Chapter 15 section 22 (a) (b).	As above
	j) The Officers Commanding Police Stations should be provided with resource allocations for the procurement of essential items, for example, sanitary towels and tissue papers to enhance hygiene in the detention facilities. The Inspector General needs to be provided with adequate financial budgetary allocation that can enable supply of a nutritious diet for pregnant mothers, women having their cycles and lactating mothers in custody. The OCS on the other hand should ensure that contractors supply nutritious meals, in adequate quantities, to the special need detainees held in custody.	As above
	k) A review of the National Police Act should be done emphasizing on the arresting time for female offenders. The Officer in charge of every Station (OCS) should ensure that female detainees are interviewed, guarded and even medical examination conducted in the presence of a woman Police officer.	As above
1.5	Child Protection Units in Police Facilities (From 2012 -December 2017)	
	a) The Cabinet Secretary in liaison with the NPS leadership need to develop policy guidelines to enable the police facilities have regulations that protect children under their custody. This can be actualized by having CPUs that are not only well equipped and functional, but with specialized trained officers who will promote the interests of the children as stipulated under NPS Act section 126 - 2 (c) (i). The policy regulations should mandate the Police officers to protect the children in their custody and not subject them to factors that escalate their vulnerability. This is an area that should be given priority so as to ensure rights of children are protected, safeguarded and most importantly, protected.	The Reports recommendations are for follow up.

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	<p>b) Chapter 8 section 11 (i-o) of the National Police Service Standing Orders gives provision for a Director of Gender, Child Abuse and Protection whose responsibilities shall involve analysis and dissemination of information on child abuse and rights; planning and co-ordination of training and public awareness on child rights among others. As currently structured, the issues around policing of vulnerable groups (gender, children and persons with disabilities in police stations are disjointed and results to conflict of interests, as officers violating the same rights are also entrusted with their enforcement and fulfilment. This is a contradiction hence there is need to have Directorate to ensure respect, protection and fulfilment of rights, under the IG's office, and working all the way to the Station levels. The Directorate should work closely with or within the IAU, with experts in gender, children affairs and persons with disabilities, incorporating community policing issues if possible. Police officers enforcing the law should be answerable to this Directorate on all vulnerable groups' rights (gender, children and persons with disabilities affairs), with incorporation and mainstreaming them within community policing. This Directorate should ensure standardisation of CPUs across the country in terms of availability of CPUs, qualification of officers deployed under CPUs, design structures of CPUs, training of the officers to work under CPUs, resource needs for CPUs among other standard issues.</p>	As above
	<p>c) Review of the Service Standing Orders is necessary to specify the officers who can frisk, interrogate, interview and evaluate a child before being put in custody, as Chapter 46 of the SSOs does not specify these. Chapter 46 Section 4 of the SSOs state that all interrogations of children shall be conducted with full regard to principles of fundamental fairness and shall be structured so as to ensure the maximum protection of the children's constitutional rights but it does not say who should do that and their qualifications.</p>	As above
	<p>d) The Service needs a broad training of all officers on children affairs. Increasing the skills and knowledge of officers on children affairs is critical to ensuring their protection. These training should form part of the curriculum in the NPS training institutions. For instance, the training of child protection officers on children in conflict with the law should largely focus on alternative to deprivation of child's liberty. The key areas of attention in this would include Care, guidance and supervision orders, Probation issues, Community service orders, financial penalties, compensation and restitution and Intermediate treatment and other treatment orders.</p>	As above
	<p>e) In line with the Authority's report on Police Deployment, policy guidelines on transfers and deployment should be in place to inform these, and especially aligning deployment of police officers to areas of specialisation. This would effectively utilize the skills officers have and ensure that CPUs are operational in the Stations the officers are posted.</p>	As above

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	f) The NPS needs to partner with Children Department to have officers attached to the police facilities to boost the capacities of the police officers working with CPUs. This would strengthen handling of children's matters while building their capacities as law enforcement officers. Clear partnership and coordination would also resolve the ownership issues of these CPUs, with mutual working relationships.	As above
	g) CPUs need to be established in more police facilities to mitigate the prevailing circumstances and chances that might increase the vulnerability of children in police custody. The CPUs must be equitably spread throughout the country, be well equipped and operational to cater for the needs of the children. On a minimum each division should have at least one CPU with a dedicated support staff where children in police custody can be taken care of and protected.	As above
	h) Review of Police Records and Registers is urgently needed. Police Registers and more so the Cell Register and Occurrence Book need to be reviewed to obligate the police officers to state if the person in police custody is a minor or an adult. This will provide a data of all the children who come under the hands of the police and the circumstances, thus giving the trends and pattern that can inform policy reviews in regards to children care under the police.	As above
	i) The National Police Service need to factor allocations on the welfare of children held in policing facilities as they wait for their cases to be heard in courts of law, whether they are in conflict with the law or in contact with the law. Provisions on food, water, medical care, cleanliness of the toilets as they await court decisions on their pending cases needs considerations. Magistrates and judicial officers should be in the forefront to ensure Children's Remand homes are not torturous to the children already deprived their rights.	As above
1.6	Accessibility of Police Premises by Persons with Disabilities (From 2012 -December 2017)	
	a) The Cabinet Secretary in liaison with the NPS leadership need to develop policy guidelines to enable police facilities ensure rights of persons with disabilities are respected and protected. The policy regulations should mandate the Police officers to protect these persons and not subject them to factors that escalate their vulnerability.	The Reports recommendations are for follow up.

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	<p>b) Establishment of an independent directorate of Community Policing, Gender, Children and Persons with Disabilities is necessary. As currently structured, the issues around policing of vulnerable groups in police stations are disjointed and results to conflict of interests, as officers violating the same rights are also entrusted with their enforcement and fulfilment. This is a contradiction hence there is need to have Directorate to ensure respect, protection and fulfilment of rights, under the IG's office, and working closely with or within the IAU, with experts in persons with disabilities, incorporating community policing issues. Police officers enforcing the law should be answerable to this Directorate on all vulnerable groups' rights (gender, children and persons with disabilities affairs), with incorporation and mainstreaming them within community policing.</p>	As above
	<p>c) The NPS needs to comply with Article 54 of the Constitution and the Persons with Disability Act, 2003 section 21 on accessibility and mobility which entitles Persons with disabilities a barrier-free and disability-friendly environment to enable them have access to buildings, roads and other social amenities, and assistive devices and other equipment to promote their mobility. Further Section 22 (1) on public buildings states that, a proprietor of a public building shall adapt it to suit persons with disabilities in such manner as may be specified by the Council. Police premises are public places and should be accessible to all without discrimination.</p>	As above
	<p>d) Persons with disabilities need specialised attentions. With varied forms of disabilities in the society existing, the Service should consider having specialists around any form of disability such as mental illnesses, mental retardation, epilepsy or seizure disorders, speech disabilities, deafness or hard of hearing, and blindness or low vision. Training would inculcate new policing culture and change of attitude towards persons with disabilities.</p>	As above
	<p>e) Article 54 of the Constitution and the Persons with Disability Act, 2003 section 21 on accessibility and mobility guarantees persons with disabilities a barrier-free and disability-friendly environment to enable them access to buildings, roads and other social amenities, with assistive devices and other equipment to promote their mobility. Police premises are public places and should be accessible to all without any form of discrimination.</p>	As above
	<p>f) The Cabinet Secretary for Interior needs to work towards the realization of the rights of the disabled in all the police premises. Section 126 (2)(ii) and (iii) of the NPS Act on the role of the Cabinet Secretary, tasks the holder of that position with developing guidelines on the promotion of human rights by the service and in particular making police premises accessible and equipped to enable them to support persons with disabilities and persons with special needs. Disabilities such as mental illnesses, mental retardation, epilepsy or seizure disorders, speech disabilities, deafness or hard of hearing, and blindness or low vision should all inform key areas of attention, to have rights based policing at the police premises.</p>	As above

No.	Recommendation Made	Implementation Status of the Recommendations Made Since 2012
	<p>g) NPS needs to partner with the National Council for Persons with Disabilities (NCPWD) to mainstream all forms of disabilities in the Service. For instance, the NCPWD has a program on providing basic sign language skills in the essential services sectors such as police service. This would enable officers to communicate with the deaf. NPS could also facilitate officers to have short courses such as sign language, institutionalize disability into the training curriculum by having units such as accessibility and sign language, child protection and gender mainstreaming.</p>	As above
	<p>h) In line with the Authority's report on Police Deployment, policy guidelines on transfers and deployment should be in place to inform these, and especially aligning deployment of police officers to areas of specialisation. This would effectively utilize the skills officers have and ensure that persons with disabilities protected.</p>	As above
	<p>i) Police Registers and more so the Cell Register and Occurrence Book need to be reviewed to obligate the police officers to state if the person in police custody is a person with any form of disability. This will provide a data on all persons with any form of disability who may come under the hands of the police and the circumstances, thus giving the trends and pattern that can inform policy reviews in regards to persons with disabilities and policing aspects.</p>	As above

Appendix 5: List of Policies, Manuals, Guidelines and Regulations

Policies/documents		Title of document	Status
Risk and Audit	1	Audit Charter	Approved
	2	Risk Management Policy	Approved
	3	Enterprise Risk Management Framework	Approved
Investigations	4	Investigations Policy	Approved
	5	Witness Facilitation Policy	Pending Board approval
Inspection and Monitoring	6	Inspections Policy	Approved
	7	Monitoring Policy	Approved
Security	8	Security Policy	Approved
Human Resource	9	Internship policy	Pending Board approval after amendments
	10	Gender and Equality Policy	Approved
	11	Sexual Harassment Policy	Approved
	12	Employee Recognition, Reward and Retention policy	Approved
	13	Workplace Policy on HIV & AIDs	Approved
	14	Alcohol, Drug and Substance Abuse Policy	Approved
	15	Staff Code of Conduct	Pending Board approval, and then EACC review
	16	Staff Mortgage and Car Loan guidelines	Approved by the Board, pending Treasury approval
Communication and Outreach	17	Communication Policy	Pending Board approval
	18	Social Media Policy	Approved
	19	Stakeholder Engagement Policy	Approved
	20	Protocol and Etiquette Policy	Approved
ICT	21	ICT Policy	Approved
	22	ICT Naming Convention Policy Document	Approved
	23	Disaster Recovery Plan for ICT Department	Approved
	24	ICT Equipment Usage Document	Approved
Research	25	Research Policy	Approved
Motor Vehicle Policy	26	Authority to Drive Official Motor Vehicle	Approved
Resource Mobilization	27	Resource Mobilization & Ethical Fundraising Policy	Approved
Records Management	28	Records Management Policy	Pending approval
Inspections and Monitoring	29	Inspections Manual	Approved
	30	Monitoring Manual	Approved

Security	31	Security Manual	Pending Board approval after amendments
Human Resource	32	HR Manual	Approved
Investigations	33	Investigations Manual	Approved
Finance	34	Financial Policies and Procedures Manual	Approved
Transport	35	Transport/Motor Vehicles Policies Manual	Approved
Performance Monitoring and Evaluation	36	Performance Management Framework Manual	Approved
Research and Surveys Procedure Manual	37	Research and Surveys Procedure Manual	Under development at directorate level
GUIDELINES			
Risk and Audit	38	Risk and Audit Committee Terms of Reference	Approved
	39	Checklist for measuring effectiveness of Risk and Audit Committee	Approved
	40	2014/2015 Risk Based Audit Plan	Approved
Human Capital	41	Career Progression Guidelines	Approved
	42	Staff Bonding Regulations	Pending Board approval
Communication and Outreach	43	Social Media Use Procedures	Approved
Inspection & Monitoring	44	Code of Conduct during Inspections and Monitoring	Approved
Investigations	45	Investigations Case Completion Strategies	Approved

Appendix 6: List of OPSA Awardees

2016/2017 Best individual Police Officer - Male

No.	Rank	Name	Service No.	Station	County
1	PC	Francis Kipngetich Kogei	98700	Kitui Central CID	Kitui
2	APC	Joseph Tilitai	221944	Kakamega Central Sub County	Kakamega
3	SSP	Andrew Ong'ele	203244	Kakamega South Sub County	Kakamega
4	APC	Sylvester W. Okunga	232693	Kakamega Central Sub-ounty	Kakamega
5	CIP	Absalom Wamalwa	219365	Former Langas Police Station	Uasin Gishu
6	CPL	Joshua Kipkorir Rono	224065	Bungoma South Subcounty	Bungoma
7	SSP	Joshua N. Omukata	218779	Nakuru Division	Nakuru
8	PC	Samuel Munga Muhaso	93696	Meru Police Station	Meru
9	CI	Paul Njuguna Mungai	233931	Sosiot Police Station	Kericho
10	APC	John Gichere Kerio	2008061343	Huduma Centre	Kiambu
11	CI	Peter Mwalali Kiema	219685	Athi River Police Station	Machakos
12	CPL	Moffat Musungu	230118	Nandi Central Sub-County HQ (Huduma Center)	Nandi
13	APC	Edwin Limo	233639	Nandi Central Sub-County HQ (Huduma Centre)	Nandi
14	PC	Peter Maina Ndegwa	88068561	Kibra AP Sub County Head-quarters	Nairobi
15	IP	Abdulahi Abdi Maalim	234855	Bungoma Police Station	Bungoma
16	CI	John Gitundu Kiarie	230481	Nandi Hills Police Station	Nandi
17	APC	Jesse Nyabaro	235342	Kisii Central Sub-County HQs	Kisii
18	CIP	Pius J. Mbiti	234295	Lamu Police Station	Lamu
19	CIP	Daniel Kiptoo Njugu	219792	Isiolo Police Station	Isiolo
20	SSP	Daniel Kamanza	218340	Molo Police Division	Nakuru

2016/17 Best Individual Police Officer - Female

No.	Rank	Name	Service No.	Station	County
1	APC	Nancy Mirasi	2005010068	Kibra AP Sub County HQs	Nairobi
2	CP	Halima Abdi	230462	Busia County Commander	Busia
3	APC	Caroline Musimbi	2013040421	Homa Bay Sub County AP HQs	Homa Bay
4	PC	Hylene K. Momanyi	93840	Huduma Center Kisii	Kisii
5	PC	Vivian Musimbi Amuyunzi	96847	Likoni Police Station	Mombasa
6	PC	Winfred Chebichii Chesire	101681	Kabarnet Huduma Center	Baringo
7	IP	Alice Njeri Nancy	235549	Nakuru Police Station	Nakuru
8	SSP	Monica A. Ong'ayo	2307749	Butere Police Station	Kakamega
9	IP(W)	Lorna K. Ochwangi	236336	Athi River Police Station	Machakos

10	APC	Apondi Petronila Otieno	240169	Uriki Sub County AP HQs	Migori
11	PC	Sabina Njoki Maina	102167	Huduma Center Kibera	Nairobi
12	APC	Beatrice Suter	248197	Kakamega Central AP Sub County	Kakamega
13	PC	Winnie Njeri Kariuki	242899	Muranga East	Muranga
14	PC	Linah Chepngetich Korir	56645	Huduma Center - GPO	Nairobi
15	SSP	Mary Kiarie	231153	Sio-Port Police Station	Busia
16	PC	Lyvonne M. Mwanzia	83752	Wudanyi DCI Office	Taita Taveta
17	CPL	Ruth Wanjiru Muruga	2005017997	Juja Sub County AP HQs	Kiambu
18	CPL	Norah Chepkosgei Tuwei	75263	Huduma Centre Kapsabet	Nandi
19	APC	Jane Karuhi Matayo	241259	Eldoret West AP Camp	Uasin Gishu
20	IP	Rose Mbaabu	235483	Matete Police Station	Kakamega

2016/17 The Best Human Rights Officer

No	Rank	Name	Service No.	Station	County
1	SGT	Grace Asami	226881	Butula AP Sub County	Busia
2	APC	Nancy Mirasi	2005010068	Kibra AP Sub County HQs	Nairobi
3	IP	Boniface W. Musembi	23505	Ekerenyo Police Station	Nyamira
4	CIP	Daniel Kiptoo Njugu	219792	Isiolo Police Station	Isiolo
5	APC	Calistus Mahindu Lunalo	248787	Lagdera Sub-County	Garissa
6	CIP	David Muli	232614	Sop-Makueni Div HQs	Makueni
7	CIP	Pius J. Mbiti	234295	Lamu Police Station	Lamu
8	CI	John Gitundu Kiarie	230481	Nandi Hills Police Station	Nandi
9	CP	Charles Ngwono Ontita	215727	Isiolo Police Station	Isiolo
10	CIP	Peter Omondi	211328	Nandi North Rift AP HQs	Nandi
11	PC	Kennedy Kituma Kiamba	238320	Kibra AP Subcounty HQs	Nairobi
12	CP	David Kipkosgey Birech	216321	Police HQs	Nairobi
13	IP	Thomas Parkolwa	23417	Kandara Police Station	Muranga
14	APC	Apondi Petronila Otieno	240169	Uriki Subcounty AP	Migori
15	SSP	Patrick Nyangaresi	231327	Mogotio Police Division	Baringo

2016/17 The Extra Mile Awards

No	Rank	Service No.	Name	Station	County
1	SSP	203244	Andrew Ong'ele	Kakamega South Sub County	Kakamega
2	CIP	88114142	Patrick Gogo	OCS Lodwar Police Station	Turkana
3	IP	209510	Samuel Kibet Tanui	Assistant DAPC Kiminini AP Camp	Trans Nzoia
4	PC	69691	Musyimi Mwanzia	Muthaiga Police Station	Nairobi
5	CIP	1986009993	Osman Galgalo	Sub County Commander (APS)	Trans Nzoia
6	CP	84052665	Gitahi Kanyeki	IAU Jogoo House	Nairobi

No	Rank	Service No.	Name	Station	County
7	CPL	99013582	Michael Kipkorir	Kibiciku Sub County Community Policing	Kiambu
8	IP	236208	Munene Mugambi	DCI HQs	Nairobi
9	SGT	225001	Moses Kimenchi	Murang'a County Headquarters	Muranga
10.	CP	217720	Francis Kooli	Bomet County Commander	Bomet

YEAR 2: 2015-2016 AWARDEES

2015/16 BEST INDIVIDUAL POLICE OFFICER - FEMALE

No	Rank	Name	Service No.	Station	County
1	PC	Roselyne M. Njuki	95458	Mochongoi Police Station	Baringo
2	CI	Gladys N. Wanjala	232848	Matuu Police Station	Machakos
3	CI	Peninah K. Kamicha	227067	Jogoo House CIU	Nairobi
4	APC	Lucy K. Njogu	231962	Kericho East Sub-County	Kericho
5	APC	Petronila A. Otieno	240169	Uriri APS Sub-County	Migori
6	IP	Beatrice Maithya	234640	Machakos Police Station	Machakos
7	CPL	Jackline Wandera,	82896	Nambale Patrol Base	Busia
8	CI	Christine E. Mwondi	234481	Sondu Police Station	Kericho
9	APC	Beryl A. Oluoch	243392	Magunga Police Station	Homabay
10	SGT	Sarah O. Situma	60131	Kangundo Police Station	Machakos
11	SSP	Jacinta W. Odhiambo	219080	Machakos County Commander	Machakos
12	IP	Sarah N. Mugo	242579	Sub County AP HQs Gilgil	Nakuru
13	CPL	Susan Achieng Omolo	88701	Uruku Police Patrol Base	Meru
14	SGT	Joyce Cheptoo Kirui	226603	Kericho APS County HQs	Kericho
15	CPL	Millicent A. Ongere	89562	Yala Police Station	Siaya
16	CPL	Elizabeth Akinyi	83771	Mbale Police Station	Vihiga
17	PC	Scovia Wambui	101290	Lorogum Police Station	Turkana
18	CI	Lydia Chizi Mambo	233954	Machakos OCPD	Machakos
19	APC	Maureen N. Abuya	238660	Nyatike APS Sub-County	Migori
20	IP	Halima Sugow	226257	Dagahaley AP Camp	Garissa

2015/16 BEST INDIVIDUAL POLICE OFFICER - MALE

No	Rank	Name	Service No.	Station	County
1.	CI	Andrew M. Kituku	217240	Igembe South CID Hqs	Meru
2.	CPL	David Kipkorir Bii	78896	Kairo Police Patrol Base	Muranga
3.	IP	Kerich Simon Kiptanui	234964	Ifo Police Station	Garissa
4	IP	George W. Makhoha	234850	Dadaab Police Station	Garissa
5.	SGT	Wycliffe A. Kwendo	85808	Hola Police Station	Garissa
6.	CPL	Mohammed N. Happi	74924	Mandera Police Station	Mandera

No	Rank	Name	Service No.	Station	County
7.	CIP	Moses M. Oduori	231096	Kyumbi Police Station	Machakos
8.	SGT	Mathew A. Mwanda	222581	Sub County AP HQs Nakuru	Nakuru
9.	CIP	Peter Mwalali Kiema	219685	Athi River Police Station	Machakos
10.	IP	Thomas L. Parkolwa	234371	Kandara Police Station	Muranga
11.	CPL	Geofrey N. Amugamwa	62604	Lwala Kotiende	Siaya
12.	PC	Wilson M. Muriuki	71394	Chwele Patrol Base	Bungoma
13.	PC	Garison Mwalufu	220746	Mandera North	Mandera
14.	SGT	Patrick O. On'goro	43335	Chagaik Patrol Base	Kericho
15.	IP	Halkano Idris	69495	Dagahaley	Garissa
16.	CI	David N. Mwangi	230006	Othaya Police Station	Nyeri
17.	ASP	Johnstone N. Lyambila	231345	D/OCPD Kiambu County	Kiambu
18.	CIP	Maurice M. Okul	230658	Kangundo Police Station	Machakos
19.	CI	Francis Oyieno	233476	Masalani	Garissa
20.	CI	Andrew Wanjama	231909	Bura East	Garissa
21.	SSP	Lawrence O. Owino	213158	Mukurweini AP	Nyeri
22.	SSP	Patrick Nyangaresi	231327	Mogotio Police Division	Baringo

2015/16 EXTRA MILE CATEGORY

No.	Rank	Name	Service No	Station	County
1.	SGT	Thomas Tongolis	62117	Kapenguria Police Station	West Pokot
2.	SP	Simon M. Kimuyu	230624	Ongata Rongai OCPD	Kajiado
3.	SGT	Stephen K. Kwambai	214067	Mathare AP Camp (Loingalayani AP Camp)	Nairobi
4.	CI	Jennifer M. Mutuku	232133	Pangani DTO	Nairobi

YEAR 1: 2014-2015 AWARDEES

2014/15 BEST INDIVIDUAL POLICE OFFICER (MALE AND FEMALE)

No	Rank	Name	Service No.	County	Current Station
1	PC	Sylvana Lengaina	93468	Bungoma	Bungoma Police Station
2	SSGT	John Waruru Mwangi	204566	Kirinyaga	Kagumo AP Post
3	CPL	Abdi Ali Dawe	87956	Kilifi	Mtwapa Police Station
4	PC	Godffrey Kirujah Mburugu	79150	Isiolo	Isiolo Police Station
5	CPL	Samwel Ngare Ondimu	225295	Nairobi	Kicc Uhuru Camp
6	APC	Regina Wamugo	232452	Nairobi	Starehe AP Camp
7	IP	Chrispine Nyaga Ivara	65540	Nakuru	Kasarani Police Post
8	CIP	Alphonse Mulinge Nzova	216181	Nairobi	Lunga Lunga AP Camp
9	APC	Kevin Njora Mwangi	238365	Nairobi	Kamukunji AP Camp

No	Rank	Name	Service No.	County	Current Station
10	CPL	Eliaphas Njiru Edward	65309	Nairobi	Gvcu Ruaraka
11	SSP	Paul Kiprono Langat	230251	Kilifi	Malindi Police Station
12	IP	Lilian Chepchirir	232511	Nakuru	Deputy OCS Bondeni
13	PC	Francis Gitonga	79679	Nairobi	Huruma Police Station
14	SGT	Charles Kivinda Mutua	36782	Nakuru	Rhonda Police Post
15	CIP	John K. Wamocho	215407	Kisii	Kisii Police Station
16	CPL	Mercy Wanjugu Muriuki	230082	Isiolo	Isiolo Sub County AP Camp
17	PC	Evans Mayora	69506	Nairobi	Vigilance House
18	PC	Timothy Githinji Mutahi	230614	Nairobi	Rdu Head Quarters
19	IP	Aaron Kiptumo	233434	Nairobi	Kariobangi Police Station
20	CIP	Fredrick Owino Achola	213560	Isiolo	Isiolo AP Camp
21	APC	Ezekiel Muchina	226969	Nairobi	Kiambu AP Camp
22	CPL	Peter Njuguna Munga	227009	Kiambu	Ap Camp Gatundu
23	APC	Dera Keiro	200814329	Nairobi	Kamukunji Ap Camp
24	CPL	Daniel Mbole Ndiku	76851	Nakuru	Hyrax Patrol Base
25	PC	Frankline Gitonga Njau	84192	Nakuru	Mwariki Police Post
26	SGT	George Matika Wambulua	73761	Kilifi	Malindi Police Station
27	CIP	Ziporrah Kagure Nderitu	233635	Nairobi	Ptc Nairobi Area
28	PC	Joseph Ndungu	66355	Trans Nzoia	Matunda Police Station
29	CIP	Andrew Mwendwa Kituku	217240	Taita Taveta	Voi Police Station (OCPD)
30	IP	Thomas Parkolwa	234371	Kericho	Kandara Police Station (Deputy OCS)
31	PC	Joseph Okuna	219335	Taita Taveta	Voi Ap Hq
32	PC	John Agevi	229801	Makueni	Nzaui Sub-County, AP HQs
33	CPL	Patrick Mwangi Gichuhi	51209	Taita Taveta	Voi Police Station
34	PC	David Kipkorir Langat	81169	Nakuru	Menengai Police Station
35	PC	David Samoei Kipchirchir	216424	Uasin Gishu	Ziwa AP Post
36	PC	Elijah Osiemo Nyagaka	74132	Nairobi	Ruaraka GSU HQs
37	IP	Rem Mutabari Julius	239324	Nairobi	AP HQs
38	CIP	Shem Otieno	204328	Kisii	Kenya AP HQs
39	IP	Antony Kamindo Gathirike	236590	Nairobi	Westlands Administration Police
40	SGT	Lemington G. Johnson	221704	Nairobi	Westlands Administration Police
41	SSP	Lilian Akoth Okembo	217977	Trans Nzoia	County Commander
42	PC	Ake Dawe Konti	83691	Kisumu	Kombewa Police Station
43	APC	Rose Mumbua Ngui	243234	Kitui	Yatta Headquarters
44	PC	Lilian Kathini Mutie	241711	Kitui	Makutano Ap Post

2014/15 EXTRA MILE WINNERS

No	Name	Service No.	Rank
1.	Samwel Ngare Ondimu	225295	CPL
2.	Paul Mwenda	215100	CI
3.	Silvestre Otieno Kachero	231372	CI
4.	Titus Wanjala	45338	IP
5.	Francis Elamach Kooli	217720	SP
6.	Lincoln Mutiso	89132046	CPL
7.	Mwaura Gaitho	2001009675	SGT
8.	Erickson Rop	2001003823	CPL
9.	Stephen Karunde	200666729	APC
10.	Nicholas Ondiga	2008069757	APC
11.	Samuel Hungi Wahome	249922	APC
12.	Reuben Njoroje Karuga	247746	APC
13.	James Omandi Mosoba	244699	APC
14.	Michael Ziki Ondieki	217765	Inspector APS (Deceased)

Appendix 7: Statutory Reports Submitted Since Inception

Name of the report		Period	Status as at march 2018
Performance reports			
1	Inaugural Performance Report	June - December 2012	Reported was developed and distributed as per the Act
2	Performance Report	January - June 2013	Reported was developed and distributed as per the Act
3	Performance Report	July - December 2013	Reported was developed and distributed as per the Act
4	Performance Report	January - June 2014	Reported was developed and distributed as per the Act
5	Performance Report	July - December 2014	Reported was developed and distributed as per the Act
6	Performance Report	January - June 2015	Reported was developed and distributed as per the Act
7	Performance Report	July - December 2015	Reported was developed and distributed as per the Act
8	Performance Report	January - June 2016	Reported was developed and distributed as per the Act
9	Performance Report	July - December 2016	Reported was developed and distributed as per the Act
10	Performance Report	January - June 2017	Reported was developed and distributed as per the Act
11	Performance Report	July - December 2017	Reported was developed and distributed as per the Act
12	Performance Report	January - June 2018	To be prepared in July 2018
Annual reports and financial statements			
1	Annual Report and Financial Statements	June 2012 - June 2013	Reported was developed and distributed as per the Act
2	Annual Report and Financial Statements	July 2013 - June 2014	Reported was developed and distributed as per the Act
3	Annual Report and Financial Statements	July 2014 - June 2015	Reported was developed and distributed as per the Act
4	Annual Report and Financial Statements	July 2015 - June 2016	Reported was developed and distributed as per the Act
5	Annual Report and Financial Statements	July 2016 - June 2017	Awaiting Auditor General's Audit Certificate
6	Annual Report and Financial Statements	July 2017 - June 2018	Due during the FY 2018/19

Appendix 8: Inspection, Research and Monitoring Reports

A) Reports⁴³

No	Name and Description	Status as at May 2018
Inspections Reports		
1	Police Premises in Kenya; Realities in Perspective	The report was shared with the Inspector General on 12 February 2015.
2	Report on the National Police Service Training Institutions, 2015	The report was shared with the Inspector General of Police on 24 July 2017.
Monitoring Reports		
1	Operation Usalama Watch Monitoring Report	The Report was shared with the Inspector General of Police on 27 June 2014.
2	Mpeketoni Operation Report (15 and 16 June 2014)	The Report was released by the Board on February 2015.
3	Joint KDF/NPS Operations; An Operation Monitoring Report Focusing on Lamu, Tana River and Garissa Counties	The Report was forwarded to the National Security Council on 12 February 2015.
4	Monitoring Report on Police Conduct During Public Protests and Gatherings; A focus on the Anti-IEBC Demonstrations	The Report was shared with the IG; DIGs; DCI; NPSC; Hon. CS and the PS on 20 February 2017.
5	IPOA Monitoring Report on the Recruitment of Police Constables April 2015	The Report was shared with the NPSC on 14 May 2015.
6	Report on the Police Constables Recruitment; April 2016	The Report was shared with NPSC in June 2016.
7	Report on the Police Constables Recruitment; May 2017	The Report was shared with NPSC on 20 July 2017.
8	Garissa University Attack on 2 nd April 2015: A Post Attack Analysis Report	The Report was shared with the Inspector General of Police on 24 July 2017.
9	Special Inspections & Monitoring Report: A Case of Huruma, Buruburu, Embakasi, Kabete, Juja, Kikuyu, Pangani and Kayole Police Stations and Kerarapon Police Post	The Report on what was labelled by complainants as “the Notorious Police Stations” was discussed and passed by the Committee.
10	Monitoring Report on Police Conduct Before, During and After the 2017 Electioneering Period	The report was adopted by the Board for release on 14 May 2018.
Research Reports		
1	Research Report on Police Housing Crisis in Kenya	The report was launched by the Board in February 2016 having been shared with the IG on 21 January 2016.
2	Police Deployment in Kenya	The report was shared with the Inspector General on 13 December 2017 for comments and was adopted by the Board for release on 14 May 2018.
3	Trends and Patterns of Reported Police Misconduct	The report was adopted by the Board for release on 14 May 2018.

⁴³ The listed are Reports that were developed, discussed at Management before being tabled at the Committee for Board's direction. Otherwise, the Directorate develops Activity Reports, Monthly Reports, Quarterly Reports and Performance Reports in all its operations, records which are available for further cross reference.

B) Unfinished Reports:

Thematic Reports		
1	Report on Gender Perspectives in Police Facilities (From 2012 – December 2017)	The report was further discussed and directed by the Board on 14 May 2018.
2	Report on Child Protection Units in Police Facilities (From 2012 –December 2017)	The report was further discussed and directed by the Board on 14 May 2018.
3	Report on Accessibility of Police Premises by Persons with Disabilities (From 2012 –December 2017)	The report was further discussed and directed by the Board on 14 May 2018.

Appendix 9: Development of the next Strategic Plan

Title Headings	Purpose of section	Sub-sections	References
1. Purpose	Make a clear statement about the reason IPOA exists.	<ul style="list-style-type: none"> Mission, vision, corporate values. The contextual background in which the Authority 	<p>Constitution</p> <p>Mission, Vision, Values, Motto</p> <p>IPOA Act</p>
2. Lessons from the past/2014-2018 SP	Clarity about what must continue, past achievements and learning; facing the future with pride.	<ul style="list-style-type: none"> What must be continued Lessons learnt past: performance, successes, failures, challenges - what must be done differently 	<p>Review 2014/18 Strategic Plan</p> <p>Review past achievements: Annual & Performance Reports</p>
3. Looking into the future	Explore the environment that the Authority will be facing in the future.	<ul style="list-style-type: none"> Beneficiary needs Analysis of external environment analysis - drivers Analysis of internal environment analysis Mapping of future funding - Public and Donor 	<p>PEST Analysis</p> <p>SWOT Analysis</p> <p>Skills/Knowledge audit</p> <p>Capacity assessment</p> <p>Key Stakeholder analysis</p> <p>Other Player Analysis, Strategic group mapping</p> <p>Resource mobilization opportunities</p> <p>Learning and benchmarking with the best</p>
4. Strategic aims, goals, and objectives	A clear statement about the Authority's key priorities for the next strategic planning period, taking into account the analysis of what has been done in the past, and what needs to be done in the future.	<ul style="list-style-type: none"> Strategic objectives and goals Performance measures on what the Authority desires to achieve Strategic measures to deliver quality assurance 	<p>Gap analysis</p> <p>Resource analysis</p>
5. Delivering the goals	Key activities to deliver the strategy.	<ul style="list-style-type: none"> Critical success factors & outcome measures Key activities over each of the years in the planning period. Communication strategy Risk/impact analysis Funding the strategic plan - projected annual budgets 	<p>Risk analysis - ERM</p> <p>Impact analysis</p> <p>Staff consultation/engagement</p> <p>Medium Term Budget/Financial projections, financial planning/cash flow</p> <p>Annual and Mid-Term Monitoring & Evaluation review plans</p>

Appendix 10: Institutional Performance Statistics since Inception

CATEGORY	12/13	13/14	14/15	15/16	16/17	17/18 - July 17 - April 18	TOTAL
COMPLAINTS MANAGEMENT							
Complaints received	594	860	1792	2529	2267	1836	9,878
Complaints cases forwarded to IAU	125	40	25	105	355	98	748
complaints forwarded for Investigations by the Authority	0	304	1608	1927	819	427	5,085
Complaint forwarded for Inspections or Monitoring by the Authority	0	39	37	42	90	156	364
Complaints referred to NPS	20	33	15	25	103	53	249
Complaints forwarded to NPSC	49	39	13	39	105	74	319
Complaints referred to KNCHR	8	3	3	8	9	10	41
Complaints forwarded to Police Stations OCS	23	26	12	38	129	142	370
Complaints forwarded to DCI	16	20	16	49	116	72	289
Complaints referred to other agencies (EACC, NLC, CAJ)	34	37	14	36	122	69	312
Non-mandate Complaints	39	43	12	34	165	166	459
Closed Complaints	280	276	37	226	254	272	1,345
Pending provision of more information by complainants and ongoing referrals as at 30th April 2018						297	297
Total	594		1792	2529	2267	1836	9,878
INVESTIGATIONS							
Total No of Cases received for investigation	0	304	1608	1927	819	427	5,085
Investigations Completed	0	27	115	157	294	159	752
Closed after Preliminary investigations							458
Closed after legal review							72
Cases under further investigations (cover points)							26
Ongoing Legal review							76
Cases Forwarded to ODPP	0	2	13	37	26	12	103
Cases forwarded to EACC							11
Cases forwarded to NPSC							6
Subtotal							752
Cases under Initial Investigations Assessment							2978

Cases currently under investigations	0	76	230	140	649	321	1355
Subtotal							4,333
Total No of Cases received for investigation							5,085
Cases before Courts							64
Convictions made	0		0	2	0	1	3
POLICE OPERATIONS MONITORED							
Public Order Management	0	2	6	8	10	34	60
Government initiated	0	2	0	1	4	2	9
Traffic Management	0	0	0	1	13	0	14
Police Recruitment	0	0	2	1	1	0	4
Cases Intake Committee (CIC) referrals and Own motion	0	0	0	1	8	13	22
Beats & Patrol	0	0	0	0	12	0	12
Elections related monitoring	1	0	0	0	16	13	30
Subtotal							151
INSPECTIONS IN POLICE PREMISES							
New Inspections	25	40	181	167	94	72	579
Follow-up inspections	0	0	15	70	114	107	306
Subtotal							885



IPOA Board stakeholder engagement





Independent Policing
Oversight Authority

HEADQUARTERS

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P.O. Box 99758 - 80107
Kilindini, Mombasa.
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KISUMU COUNTY

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KAKAMEGA COUNTY

NYERI COUNTY

TURKANA COUNTY

UASIN GISHU COUNTY

NAKURU COUNTY

MERU COUNTY

W: <http://www.ipoa.go.ke>



Guarding Public Interest in Policing