



Independent Policing  
Oversight Authority



# PERFORMANCE REPORT JULY - DECEMBER 2015







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## ABBREVIATIONS AND ACRONYMS

AIE	Authority to Incur Expenditure
APCOF	African Policing Civilian Oversight Forum
APTC	Administration Police Training College
APS	Administration Police Service
CAJ	Commission on Administrative Justice
CEO	Chief Executive Officer
CIC	Complaints Intake Committee
CIMS	Complaints and Investigations Management System
CMOs	Complaints Management Officers
CSOs	Civil Society Organizations
DCI	Directorate of Criminal Investigation
EACC	Ethics and Anti-Corruption Commission
ECM	Enterprise Content Management System
FBI	Federal Bureau of Investigations
FM	Financial Management
GJLOS	Governance Justice Law and Order Sector
GSU	General Service Unit
I&M	Inspections & Monitoring
IAU	Internal Affairs Unit
ICT	Information Communication & Technology
IJM	International Justice Mission
IMLU	Independent Medico-Legal Unit
IPCC	Independent Police Complaints Commission
IPID	Independent Police Investigative Directorate
IPOA	Independent Policing Oversight Authority
KENAO	Kenya National Audit Office
KNCHR	Kenya National Commission on Human Rights
KPC	Kenya Police College
KPS	Kenya Police Service
LSK	Law Society of Kenya
MTEF	Medium Term Expenditure Framework
NPS	National Police Service
NPSC	National Police Service Commission





NYS	National Youth Service
OCPD	Officer Commanding Police Division
OCS	Officer in Charge of Station
ODPP	Office of the Director of Public Prosecution
OPSA	Outstanding Police Service Awards
UNODC	United Nations Office on Drugs and Crime
WPA	Witness Protection Agency





## STATEMENT BY CHAIRPERSON OF THE AUTHORITY

On behalf of the Board and the entire IPOA fraternity, I am pleased to present the Authority's Performance Report for the six months ended 31<sup>st</sup> December 2015. This is the 7<sup>th</sup> such report since the Authority commenced its operations in July 2012.



Over the years, the Authority has consistently delivered on this statutory obligation. The report outlines the Authority's performance in key mandate areas, achievements, challenges and recommendations made to the National Police Service (NPS).

We reflect into the past with great pride and satisfaction over the gains that the Authority has made so far. The increased level of complaints received is indeed a testimony of the growing confidence in the Authority's work by the public and the police. We look into the future with faith and hope as we walk this transformational journey towards realization of our mandate.

During the reporting period, the Authority continued to execute its implement its mandate geared towards inculcating professionalism and discipline within the police service. The Authority is pleased to note that NPS has progressively continued to register some progress in reforming the service as articulated in Article 244 of the Constitution. However, a lot more ground is yet to be covered to realize the gains envisaged in the ongoing police reform agenda in Kenya.

The Authority recognizes the huge investment that the Government is making each year in support of the policing services in the country. The public needs to enjoy the benefits of this investment through improved security and enhanced welfare of the police officers.

Nonetheless, housing for the police officers has remained a major concern, and this has been confirmed from the findings of the inspections done during the period under review and in our past reports. It is for this reason, therefore, that the Authority commissioned a research study on housing crisis within the service whose findings will be released during the ensuing half year.

The Authority also plans to undertake similar studies on police deployment and training by the end of the current financial year. There are other areas of concern such as deployment, training curriculum and promotion within the service that require urgent attention by NPS. The welfare of the officers is critical in delivery of their service to the public.

The Authority continues to acknowledge its stakeholders. During the period, the Authority and NPS drew a memorandum of understanding aimed at promoting mutual working relationships. The initiative will ensure that that the two institutions work through a consultative manner while respecting the independence of the other.

We appreciate the efforts made by the Cabinet Secretary, Ministry of Interior and Coordination of National Government and Inspector General towards this initiative. IPOA remains committed to its course and will continue to provide the statutory oversight over the work of the police for the benefit of the public in a fair and impartial manner. We would like to express our commitment towards this cooperation, and to continue holding consultations as necessary.

In 2014, the Authority together with its partners conceptualized the Outstanding Police Service Awards (OPSA) to recognize outstanding police officers who, having been nominated by the public, have demonstrated commitment and exemplary work performance.





In this regard, we are pleased that NPS and National Police Service Commission (NPSC) have continued to support this initiative. We look forward to the 2015/16 OPISA awards during the next half of the year. We encourage all police officers to carry out their duties with commitment to this country, utmost integrity and faith in their professional calling.

We would request the NPS to implement the recommendations contained in this Biannual Report arising from inspections of police premises across the country, and from monitoring of several police operations during the period.

The above recommendations are aimed at improving the services offered by NPS to the public as well as towards improving the welfare of the police officers. We are glad that during the follow-up inspections, commendable improvements were noted while some facilities were making good progress in implementing these recommendations.

In the same breadth, we continue to urge NPS to provide all the Internal Affairs Unit (IAU), ensuring that it is fully functional with the required staff capacity and other resources to enable it to carry out its mandate effectively.

One of the Authority's outcomes in its Strategic Plan is to become a model civilian policing oversight in Africa. Towards this end, the Authority plans to learn from similar institutions in other jurisdictions, particularly in the United Kingdom and South Africa.

As such, the Authority plans to initiate experiential learning opportunities for its Board members and senior management with the Independent Policing Complaints Commission (IPCC) in the UK and Independent Police Investigative Directorate (IPID) in South Africa during the second half of the current financial year.

Further, the Authority remains committed towards offering the best technical training to its staff members to enable them to execute their duties, delivering the expected results to the public.

I would like to register our profound appreciation to all our stakeholders and partners for their continued support. We are grateful to the United States Government, the Embassy of Sweden, the British High Commission in Nairobi and United Nations Office on Drugs and Crime (UNODC) for their continued financial and technical support of our activities and programmes.

The Authority is also thankful to the National Treasury and the National Assembly's Departmental Committees on Administration and National Security and the one for Budgeting and Appropriations for the enhanced budgetary allocation for 2015/16 financial year.

The increased level of handling and processing complaints received, investigations, inspections and monitoring is indeed a reflection of the resources availed to the Authority during the period. We look forward to enhanced support in the future.

I would like to recognize our Management and staff for their concerted efforts, dedication, teamwork and commitment to duty.

Finally, I would like to express my thanks and appreciation to the Board for their tireless efforts, unity of purpose and invaluable contributions during the period.

  
**Macharia Njeru**





## MESSAGE FROM THE CEO

This is yet another successful half year for the Authority. During the period, the Authority continued to receive complaints against the police from the public and also from the police officers themselves.

To address the increased level of activity, the Authority commenced recruitment of technical staff, particularly the investigators. The planned staff capacity is aimed at expediting pending and emerging investigations cases.



As an oversight institution, the Authority considers the integrity of its staff critical in ensuring delivery of quality and credible service in their responsibilities. The Authority will continue to invest in its staff by offering them with appropriate training opportunities to gain the required knowledge and skills to carry out their respective duties.

During the period, the Authority made steady progress in all its mandate areas. Following inspections of police premises and monitoring of police operations across the country, the Authority made several recommendations to the NPS for implementation so to fill the gaps identified. These findings and recommendations are presented in Appendix 1 of this Biannual Report.

The Authority appreciates the increased budgetary allocation of Kshs. 419m for 2015/16 financial year. This will, indeed, enable the Authority to implement its annual work plan unhindered as compared to the previous years.

Adequate resources were approved in the current budget towards investigations, inspection of police premises and monitoring of police operations. The enhanced budget will also enable the Authority to acquire additional motor vehicles for fieldwork.

The Authority, through the assistance of the United States Government, is developing an Enterprise Content Management System aimed at automation most of the Authority's operational areas such as complaints management, investigations and inspections.

We are pleased with this assistance and the ongoing progress on the project to date. It is hoped that the project implementation will commence during the second half of the year, and completed during 2016/17 financial year.

**Dr. Joel Mabonga**





## EXECUTIVE SUMMARY

### Complaints Management

During the half-year period ended 31<sup>st</sup> December 2015, the number of complaints rose to 1,203 from 867 during the previous half period. 82 percent of the complaints were from the public, 3 percent from the police, 7 percent from non- state actors and 8 percent from State agencies.

After assessment, by IPOAs Case In-take Committee (CIC) recommendations were made on each of the complaints received. The bulk, 39 percent, were recommended for IPOA to investigate, while recommendations were made for action by the following organs: first to the NPS, 26 percent; Internal Affairs Unit (IAU), 22 percent; and the National Police Service Commission (NPSC), 8 percent. Other recommendations were to the Ethics and Anti-Corruption Commission (EACC), the Office of the Director of Public Prosecutions (ODPP) for action on their part.

On average, IAU has been receiving referred complaints from IPOA at an average rate of 27 percent the complaints assessed and hence the more need to enhance its capacity to avoid unnecessary delay in feedback to the public: whether referred by IPOA or the direct complainants to IAU.

### Investigations and Prosecution

As of 31<sup>st</sup> December 2015, the Authority had received, cumulatively since inception, 4,449 complaints. Out of these, 63 investigations were completed across 21 counties, with 43 percent of the total in Nairobi County only. Of the investigated cases, 21 were recommended to the ODPP for prosecution, 33 closed at preliminary stage; that is, without need for further action while 10 were referred to other agencies (particularly NPSC, IAU and NPS).

Cumulatively since establishment, the Authority had completed 204 investigations. However, due to staff capacity, there was a backlog of cases yet to be attended to, currently at a level of 40 percent. The Authority is planning to increase its number of investigators from the current 20 to 50 by April 2016 to not only deal with this backlog, but also take on the ever increasing complaints.

Since establishment, the Authority has made recommendations to ODPP on 42 investigated cases. The ODPP concurred with IPOA recommendations and initiated prosecution on about half of the same: that is, 19 of the 42 investigations. Response was being awaited on the remaining 23 from ODPP by close of 31<sup>st</sup> December 2015. 9 criminal matters were already in court by close of the period under review, where IPOA had appealed one of the cases in court.

### Inspection of Police Premises

In terms of the IPOA mandate of inspecting police premises including detention facilities, the Authority conducted 176 initial inspections across the country to establish the status of police premises.

The findings of the inspections revealed that for police premises with detention facilities, 81 percent had separate cells by gender; 16 percent had juvenile cells; 74 percent had clean cells; 51 percent had artificial lighting; 8 percent provided beddings; 49 percent had clean toilets; 38 percent had buckets used as toilets in cells.



On services to special groups within the police premises, the findings indicated that only 6 percent had child protection units; 23 percent had gender desks while 39 percent were accessible by use of a wheel chair.

To establish the level of improvement based on recommendations made during the previous initial inspections, the Authority conducted 39 follow-up inspections. Improvement on cleanliness was observed in all the 39 police premises.

In detail, 87 percent of them had made improvements in the lighting of the cells; 92 percent of them had improvement in cleanliness of toilets and wash areas; 90 percent had made improvements in record management; 33 percent had made improvement in provision of meals to detainees.

However, the Authority was concerned that there was no improvement on allocation of resources and all the 39 police premises were seriously constrained on stationeries, fuel and vehicles.

The findings on the state of the inspected facilities remain worrying and far from compliance by police to human rights standards, including standards set out in the National Police Service Act. This calls for the need for NPS to share its Improvement Action Plan with the Authority, particularly on areas requiring funding.

On areas that have no budgetary implications, respective Officers' Commanding Stations (OCSs) should immediately implement all the recommendations. The Authority will conduct further follow-up inspections during the subsequent periods. IPOA looks forward to full implementation of all the recommendations made.

## Partnerships and Outreach

During the period, the Authority with its partners commenced the preparations for the 2<sup>nd</sup> edition of Outstanding Police Service Awards (OPSA) for 2015/16. The award ceremony was scheduled for the second half of the year.

Through support of the Basket Fund managed by UNODC, the Authority held public awareness forums in 15 Counties. A total of 3,599 people were reached out of which 1,442 were police officers and 2,157 members of public.

The Authority continued collaboration efforts with various partners, key being the Kenya National Commission on Human Rights (KNCHR), EACC, Witness Protection Agency (WPA), IAU, NPS, Commission on Administrative Justice (CAJ), NPSC, Independent Medico-Legal Unit (IMLU), Usalama Forum and International Justice Mission (IJM).

## Decentralizing IPOA

Section 3 of IPOA Act provides that the headquarters of the Authority shall be in the Capital City, and the Authority shall decentralize its services to the Counties in accordance with Article 6 of the Constitution.

Towards this end, the Authority developed a decentralization strategy paper, which was shared with stakeholders during a consultative forum held in Nairobi in September 2015.

The Authority plans to initially establish 5 County Offices (clustering of Counties) across the country during 2016/17 financial year, subject to availability of resources. Once established, the





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Authority will enhance its uptake capacity of complaints from the members of the public and police officers closer to their locations, mitigating transport costs to Nairobi.





## 1.0 INTRODUCTION

### 1.1 Background

Establishment of Independent Policing Oversight Authority through IPOA Act No. 35 of 2011 is premised on Article 244 of the Constitution of Kenya. According to this constitutional provision, National Police Service shall:

- a) Strive for the highest standards of professionalism and discipline among its members;
- b) Prevent corruption, promote and practice transparency and accountability;
- c) Comply with constitutional standards of human rights and fundamental freedoms;
- d) Train staff to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity;
- e) Foster and promote relations with the broader society.

The principal functions of IPOA are mainly 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) To 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; and
- e) Conduct inspections of Police premises, including detention facilities under the control of NPS;

### 1.2 Performance report

Section 30(1) of IPOA Act requires the Authority to submit to the Cabinet Secretary (CS), Ministry of Interior, at least once in every six months, a report of the performance of its functions, making such recommendations as it may consider necessary. The CS shall, within fourteen days after receiving the report, cause it to be publicized and laid before the National Assembly.

Section 30(2) articulates that the report shall be forwarded to the Inspector General (IG) and the County Assemblies.

This report covers the Authority's performance during the six months ended 31<sup>st</sup> December





2015, during the current financial year, 2015/16. The report covers the following mandate areas: management of complaints received against the police; investigation of cases; and findings and recommendations arising from inspections and monitoring of police premises and police operations.

## 2.0 COMPLAINTS MANAGEMENT

### 2.1 Complaints management

During the reporting period, the Authority continued to receive an increasing number of complaints against the police. The complaints were mainly received through personal visits (physical), postal mail, telephone, fax, website, social media, and email. The majority of the complaints received were through physical visits and by mail especially referrals from ODPP, NPSC, KNCHR and CAJ.

### 2.2 Receipt of complaints

A total of 1,203 complaints were received and an assessment conducted on each to determine admissibility and subsequently recommended for referral to other agencies or investigations by the Authority's investigation directorate.

There was a significant increase of complaints received during the period under review from 867 registered in the previous review period (1<sup>st</sup> January-30<sup>th</sup> June 2015), an increase of 39 percent. Cumulatively since establishment, the Authority had received a total of 4,449 complaints as at 31<sup>st</sup> December 2015.

Monthly receipt of complaints during the period was as shown in Table 1 below:-

*Table 1: Monthly receipt of complaints*

Month	Complaints Received
July	182
August	181
September	215
October	261
November	197
December	167
<b>Total</b>	<b>1,203</b>

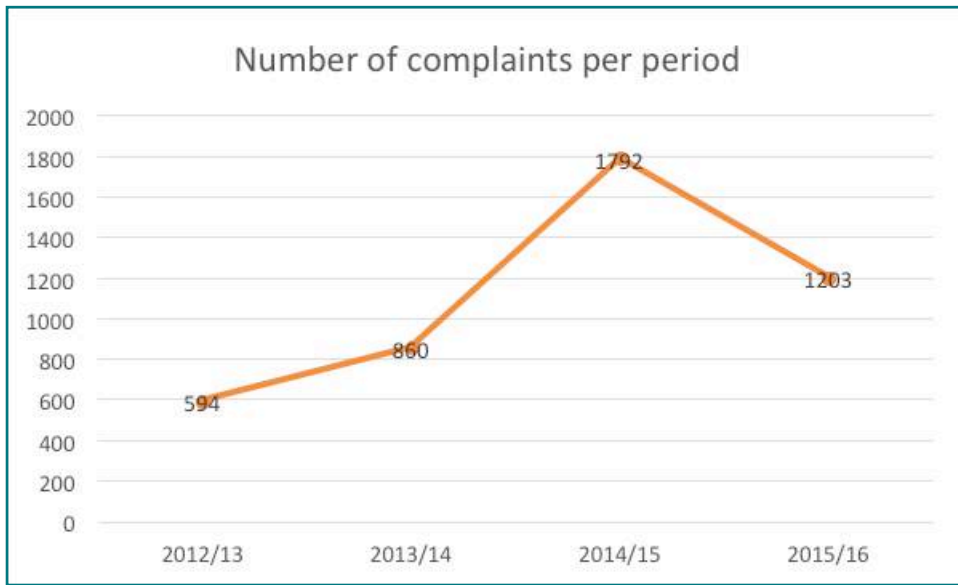
Source: IPOA, 2016

The 1,203 complaints were received from various sources as follows; 983 (82%) from the public; 38 (3%) from the police; 87 (7%) from non-state actors; and 95 (8%) from state agencies. The outreach activities by the Authority, in the period under review, generated 77 complaints.

The trend of complaints has continued to grow over time as shown in Figure 1 below. The complaints received in 2015/16 are expected to increase as a result of the scaled up publicity and awareness forums held during September-December 2015.



Figure 1: Complaints received during the last three Financial Years



Source: IPOA, 2016

### 2.3 Admission status

Out of the 1,203 complaints recorded during the period, 990 (82%) were within the mandate of the Authority and were scheduled for preliminary investigations while 213(18 percent) complaints were outside the mandate of the Authority as shown in Figure 2 below. On complaints that were outside the authority’s mandate, complainants were given the necessary advice and referred to other relevant Government institutions, Civil Society Organizations (CSO) for further assistance.

Figure 2: Percent of complaints outside IPOA’s mandate



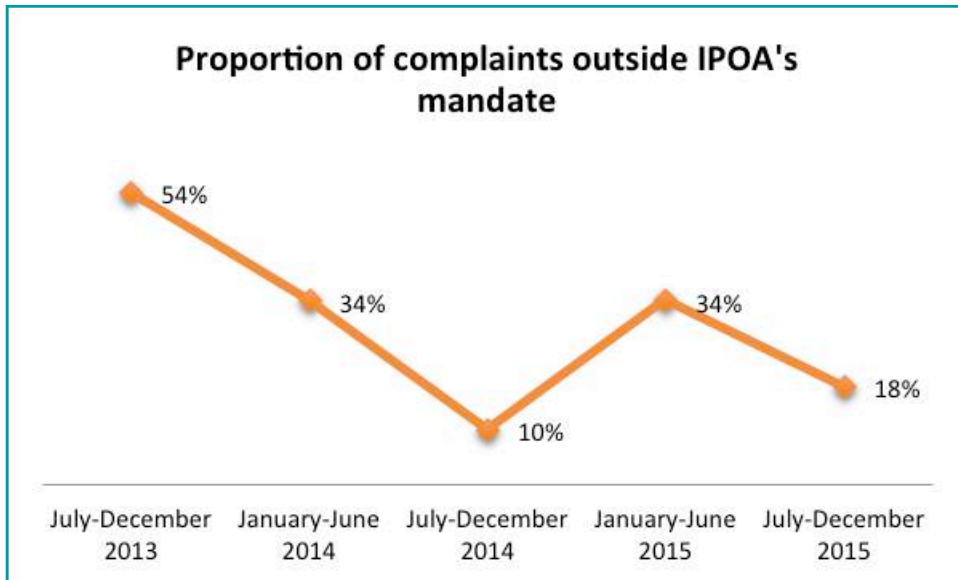
Source: IPOA, 2016

The proportion of complaints outside the Authority’s mandate decreased to 18% in July-December 2015) from 34% recorded during the previous period (January-June 2015). The most



plausible explanation is that the public has progressively understood the Authority's mandate and functions, as a result of outreach work by IPOA and/or media coverage of IPOA. The trend on complaints outside IPOA's mandate during the last three years is as shown in Figure 3 below.

Figure 3: Trend on level of complaints outside IPOA's mandate



Source: IPOA, 2016

## 2.4 Mode of lodging complaints

The number of complaints received during the period through various modes of lodging is shown in Table 2 below. The Authority also received and recorded 77 complaints during the outreach and awareness campaign in Rift valley, Western and Central regions.

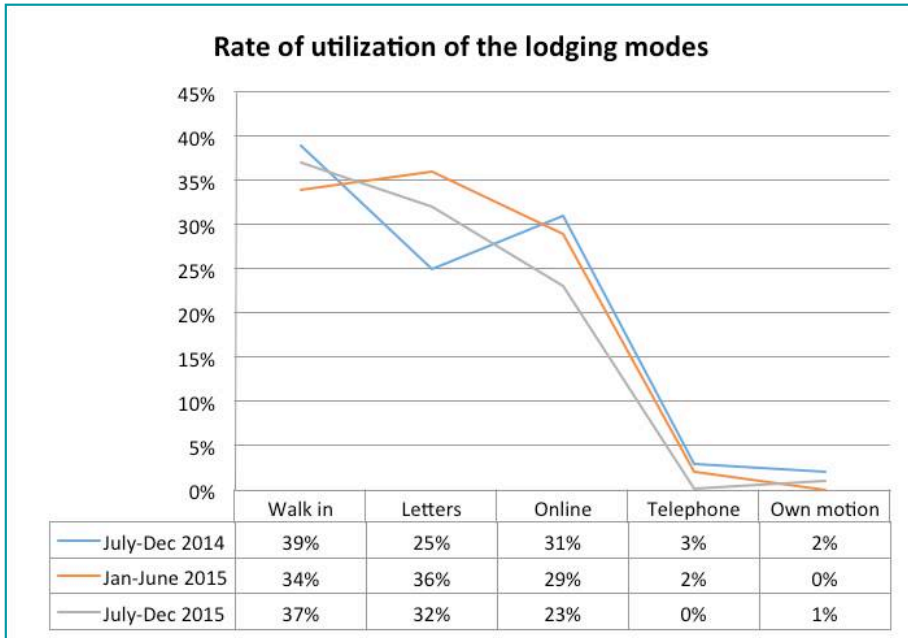
Table 2: Number of complaints received through various modes

Mode of receipt	Physical Visits/ Walk- ins	Letters	Online Complaints	Telephone calls	Own Motion	Social Media	Outreach by IPOA
Total	440	388	275	6	15	2	77
%	37	32	23	0	1	0	6

Source: IPOA, 2016

As shown in Figure 4 below, the most preferred mode of submitting complaints by the public has consistently been walk-ins, letters and online in that order. This trend continue to guide the Authority on the need to enhance capacity in these areas. During the second half of the year, the Authority plans to install additional and dedicated mobile phone lines to enable members of the public to also file their complaints through telephone.

Figure 4: Utilization of lodging modes



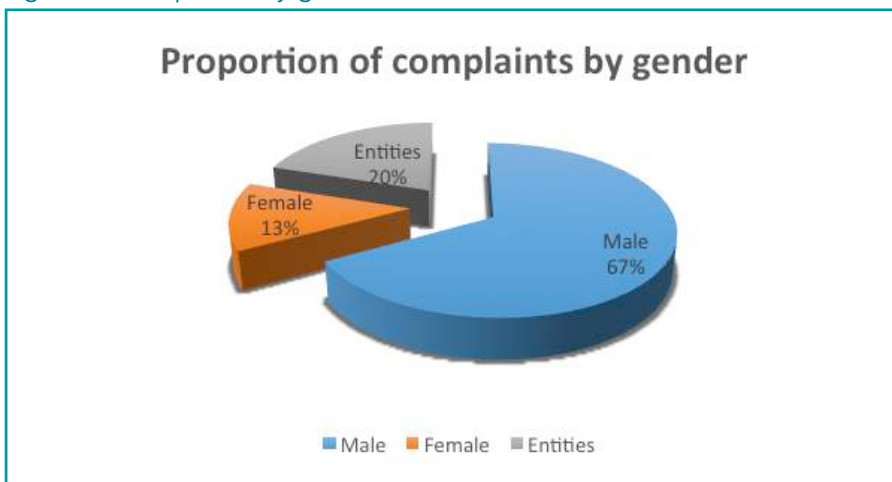
Source: IPOA, 2016

## 2.5 Gender analysis on complaints

Out of the 1,203 complaints received during the period, men recorded 810 complaints, 67%, while women complainants were 150 or 13%, as presented in Figure 5 below. It was not possible to determine the gender of 243 (20%) complainants received through state and non-state agencies.

Over the years, men have consistently recorded a higher number of complaints than women. This is perhaps attributed to the higher chances of police interaction with men than the women.

Figure 5: Complaints by gender



Source: IPOA, 2016

## 2.6 Nature of complaints

The majority of the complaints received at the Authority related to inaction by police. Though proportionately low, complaints about police shooting, assault and excessive use of force were also significant. Table 3 below shows the nature of complaints received during the period under review.

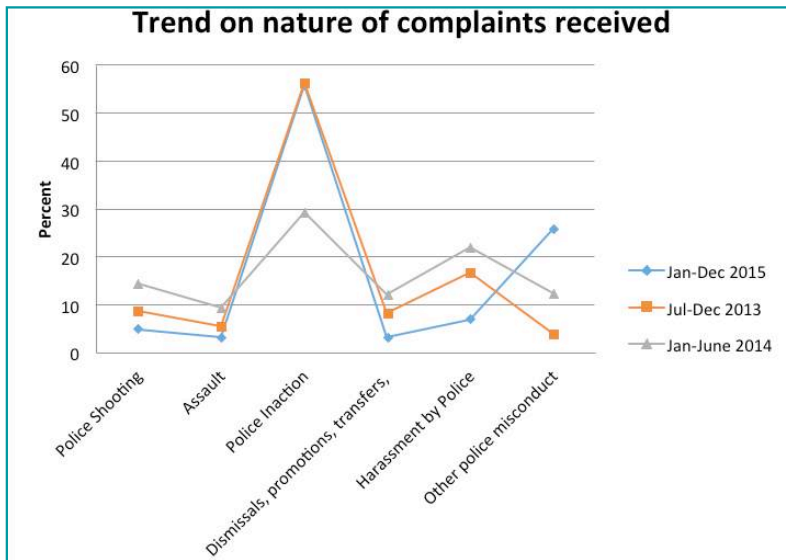
*Table 3: Analysis of complaints*

Nature of Complaints	Number	%
Unlawful arrest and detention	78	6
Police Shooting	53	4
Assault	38	3
Excessive use of force by the Police	7	1
Police Inaction	673	56
Obstruction of Justice	36	3
Corruption and extortion by Police	43	4
Police Administrative Matters (dismissals, promotions, transfers, training, unfair treatment, discrimination)	38	3
Harassment by Police	85	7
Abuse of office	45	4
Others	107	9
<b>Total</b>	<b>1,203</b>	<b>100</b>

Source: IPOA, 2016

From Table 3 above, the greatest proportion of complaints at 56 percent was on police inaction. The proportion on police shooting, assault and excessive use of force stood at 8 percent and police harassment at 7 percent. The Authority remains concerned over the number of shooting recorded at 53 during the period. As provided in law, police should avoid use of excessive force on suspects particularly where their personal lives are not in danger.

Figure 6: Trends on nature of complaints



Source: IPOA, 2016

## 2.7 Recommendations on complaints

Of the 1,203 complaints received, 208 were not admitted since they were outside IPOA's mandate while 995 were recommended to various agencies/entities for subsequent action as shown in Table 4 below.

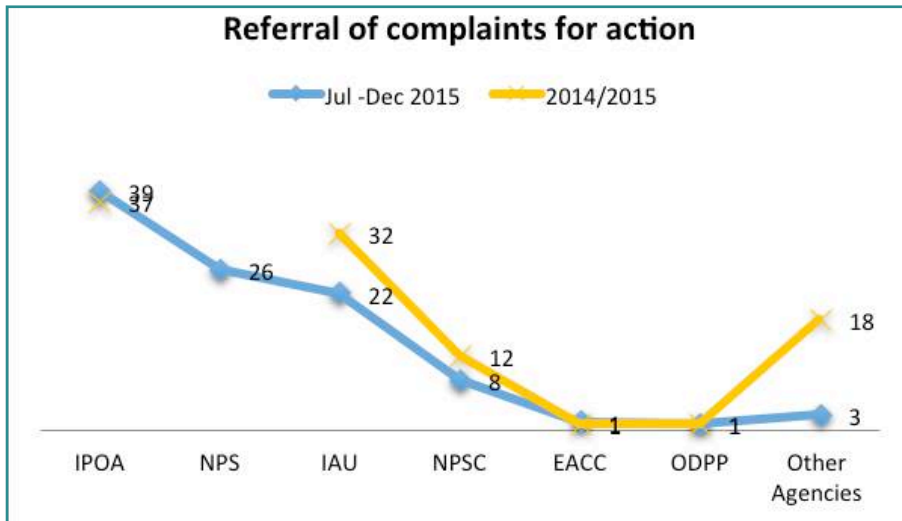
Table 4: Referral of complaints to Agencies/Entities

Agency/Entity	Number of Complaints	%
IPOA1	387	39
NPS	259	26
IAU	221	22
NPSC	80	8
EACC	13	1
ODPP	10	1
Other Agencies	25	3
<b>Total</b>	<b>995</b>	<b>100</b>

Source: IPOA, 2016

As shown in Figure 7 below, there is a consistently a higher proportion of complaints referred to IAU thus calling for attention on deliberate efforts to strengthen its capacity. It is the expectation of the Authority that NPS will ensure that IAU is functional with all the necessary resources to be able to handle cases that it receives directly and those referred to it by IPOA.

Figure 7: Referral of complaints



Source: IPOA, 2016

## 2.8 Police notifications

As per Section 25 of IPOA Act, the police are required to notify the Authority on the deaths and serious injuries of detainees while in police custody within 24 hours. During the period, the Authority received 15 such notifications which involved 22 deaths and 6 serious, as shown in Table 5 below.

Table 5: Number of deaths & serious injuries per notification

No.	Police Station	Number of Deaths	Number of Serious Injuries
1	Jogoo Road	1	0
2	Sub-County AP Commander Naivasha	1	1
3	Marereni Police Station	1	0
4	Makadara Police Station	1	0
5	Langata Police Station	3	0
6	Embakasi Police Station	1	1
7	Kisii central Police Station	0	0
8	Rangwe Police Station	1	0
9	Kinango Police Station	1	0
10	Rongai Police Station	1	2
11	Tana Delta Sub County Headquarters	1	0
12	Bomet Sub county	1	1
13	Muthangari Police Station	3	0
14	DCIO Machakos	1	1
15	Ongata Rongai Police Station	5	0
	<b>Total</b>	<b>22</b>	<b>6</b>

Source: IPOA, 2016



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The Authority would like to request NPS to ensure that the above provisions of the Act are complied with at all police facilities without failure.





## 3.0 INVESTIGATIONS

### 3.1 Investigated cases

During the period under review, investigations were completed on 63 complaints across 21 Counties of which 26 were in Nairobi County; 6 in Kajiado County; 3 each in Uasin Gishu, Lamu, and Muranga; 2 each in Kakamega, Kirinyaga, Kiambu, Migori, Garissa; and 1 each in Wajir, Trans Nzoia, Isiolo, Bungoma, Nakuru, Kisumu, Narok, Meru, Tana River, Nyandarua and Kitui Counties.

Of these investigations, 20 were recommended to ODP for prosecution. The recommended action varied and included criminal charges and non-criminal proceedings such as public inquest.

33 investigations were completed without the need for further action owing to various reasons such as withdrawal by the complainant and the withdrawal accepted by the Authority or due to lack of cooperation from the complainant or victim, lack of evidence and resolution by other means such as arbitration or negotiation.

In some instances, an investigation may be closed with no case to answer because no misconduct or criminal offence has been identified but the complainant may still have a civil case against the officer or the NPS.

10 complaints were referred to other state agencies such as NPSC, NPS and IAU for their action.

### 3.2 Status of cases

The status of complaints referred for investigation since IPOA's establishment is shown in Table 6 below.

*Table 6: Status of cases*

Investigation stage	No. of cases
Cases currently under investigations	245
Completed investigations	204
Cases awaiting commencement of investigations	767
Cases forwarded to ODPP	42

*Source: IPOA, 2016*

Since commencement of the Authority's operations, the number of completed investigations has gradually increased as shown in Figure 8 below.

Figure 8: Completed investigation cases



Source: IPOA, 2016

The backlog of cases awaiting investigations is shown in Table 7 below.

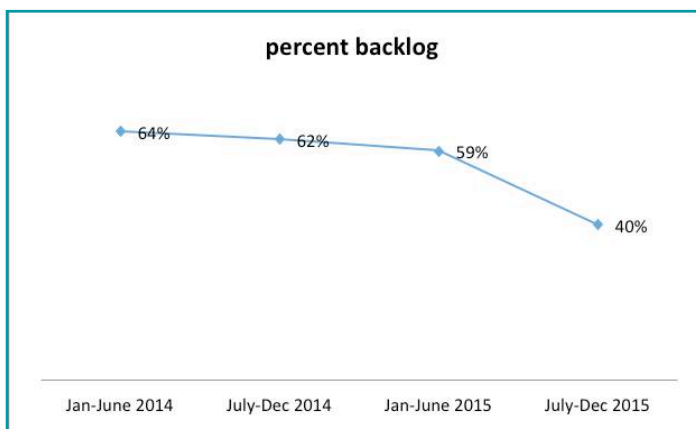
Table 7: Backlog of investigation cases

Period	Awaiting commencement	Total cases received	% Backlog
January - June 2014	179	281	64
July - December 2014	429	697	62
January - June 2015	540	911	59
July - December 2015	767	1927	40

Source: IPOA, 2016

The trend of backlog is shown in Figure 9 below has been reducing dismally over the past periods and significantly (19 percent) during the period under review. The reduction of the backlog continues to be the focus of the Authority. Efforts are being made to resolve all the pending cases, and avoid accumulation of cases in the future. These efforts include recruitment of additional investigators as well as building the internal capacity of Complaints Management Officers (CMOs) to enable them to handle most of the complaints and reduce on the number submitted for investigations.

Figure 9: Level of cases awaiting commencement of investigations



Source: IPOA, 2016



## 4.0 PROSECUTIONS, COURT CASES AND INQUESTS

### 4.1 Recommendations to ODPP

Today, the Authority has made recommendations to ODPP on 42 investigated cases. The ODPP concurred with IPOA on 19 investigations. By 31<sup>st</sup> December 2015, feedback from ODPP was being awaited on the remaining 23 cases. As of the above date 9 criminal matters were in court, one of which was an appeal made by the Authority.

### 4.2 Review of files from Internal Affairs Unit

In line with section 6(d) of IPOA Act, the Authority continued to monitor and review investigations and actions taken by the IAU in response to complaints against the police. Cumulatively, thirteen out of the 24 files received from IAU had been reviewed by the Authority while 11 were under review. Three out of the 11 files were in the second review after concurrence by IPOA with IAU findings. However, complainants raised dissatisfaction with IAU's findings.

## 5.0 INSPECTIONS AND MONITORING

Improved detention facilities is one of the strategic outcomes envisaged in the Authority's Strategic Plan 2014-2018. Towards realizing the expected improvements, the Authority intensified its inspections of police premises and monitored police operations interventions as mandated the law.

Recommendations to NPS arising from these inspections are contained in Appendix 1. These recommendations are aimed at improving police facilities and the Authority calls upon NPS to quickly attend to these concerns. Some of the recommendations do not require heavy financial resources and should be implemented fairly quickly.

### 5.1 Inspections and findings on police premises

During the period, the Authority conducted a total of 176 inspections in 27 Counties out of which 147 were initial inspections and 29 were follow-up inspections.

The County coverage of the inspections conducted were as follows: 18 each in Nakuru and Machakos; 15 in Migori, 14 in Kisii, 13 in Taita Taveta; 9 each in Kisumu and Makueni; 8 each in Nairobi, Bungoma, Kitui and Isiolo; 7 in Baringo; 6 in Laikipia; 5 in Lamu; 4 each in Nyamira and Embu; 3 each in Siaya, Busia and Tharaka Nithi; 2 each in Kiambu, Kajjado, Bomet, Uasin Gishu and Trans Nzoia; 1 inspection in Kakamega, Garissa and Vihiga Counties.

109 (62%) of the inspections were conducted in Police Stations, 21 (12%) in Police Posts, 15 (8.5%) in Police Patrol Bases, and 31 (17.5%) in Administration Police Post/Camps.

Since the Authority was established, 437 inspections in 38 counties have so far been conducted. Counties where inspections are yet to be carried out include: Wajir, Mandera, Marsabit, Nyandarua, Turkana, Samburu, Elgeyo Marakwet, Nandi and Narok. There are plans to cover these areas during the second half of the year.



### 5.1.1 Findings on state of detention facilities

Out of the 176 police premises inspected, 133 had detention facilities. 3 of the police stations did not have detention facilities namely Lamu Lapset, Mwatate and Uriri Police Stations. 10 patrol bases, 15 posts and 2 AP camp/post had cells. Of the 133 facilities, 105 (79 percent) had separate cells by gender and only 36 (27 percent) of the detention facilities had Juvenile/ Children cells.

99 (74.4 percent) cells were clean while 85 (64%) of the toilets and wash areas were clean. Nanyuki Police Station in Laikipia County and Kapsokwony Police Station in Bungoma County had very clean cells and toilet facilities. 48 (36%) of the premises with detention facilities had blocked and dirty toilets with strong stench reeking throughout the detention facility. The OCS of Luanda Police Station in Vihiga County deserves commendation for the initiative to construct a toilet inside the cell to save the detainees from using bucket toilets.

Only 24 (18%) of the detention facilities provided detainees with blankets. Of noteworthy was Eldama Ravine Police Station which had adequate blankets and mattresses for its detainees.

55 (41.3%) of the cells were dark with no adequate artificial lighting while 35 (26.3%) lacked adequate ventilation. Detainees in these cells were detained in dark and stuffy cells that is contrary to Rule 5 (b) of the Fifth Schedule of the National Police Service Act.

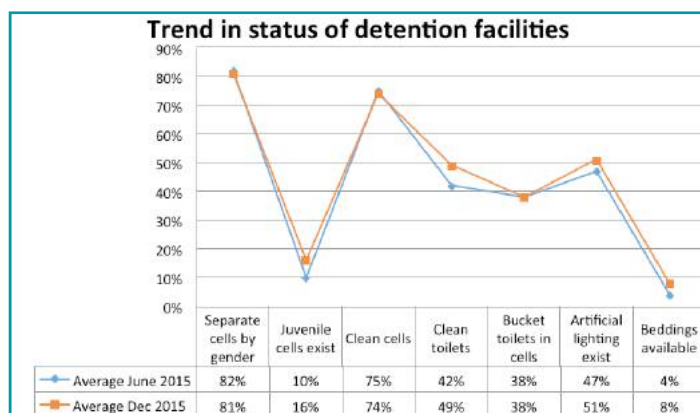
Trend on status of detention facilities has been consistent as shown in Table 8 and Figure 10 below.

Table 8: Status of detention facilities per period

Period	Separate cells (%)	Juvenile cells (%)	Clean cells (%)	Clean toilets (%)	Toilets in cells (%)	Lighting (%)	Beddings (%)
July-Dec 2015	79	27	74	64	26	59	18
Jan-June 2015	81	12	87	56	38	44	6
July-Dec 2014	82	8	62	27	38	49	1

Source: IPOA, 2016

Figure 10: Average trend in status of detention facilities



Source: IPOA, 2016

## 5.1.2 Treatment of detainees

10 (or 8 percent) of the Police Stations did not provide detainees with three meals a day and drinking water. Likia, Bondeni, Kaptembwa and Nakuru Police Stations in Nakuru County, Nguutani in Kitui County and Kondele Police Station in Kisumu County provided detainees with only two meals a day.

Cheptais and Kaptama Police Stations in Bungoma County, did not provide detainees with food and those held relied on relatives and goodwill of the officers for their food needs. This is a violation of the right to food as embedded in Article 43 (1) (c) of the Kenyan Constitution that every person has the right to be free from hunger and to have adequate food of acceptable quality.

9 (or 7 percent) of the detention facilities were noted to hold detainees for over 24 hours contrary to Article 49 1 (f) of the Constitution which stipulates that an arrested person be produced before court of law within 24 hours.

## 5.1.3 Responsiveness to special interest groups

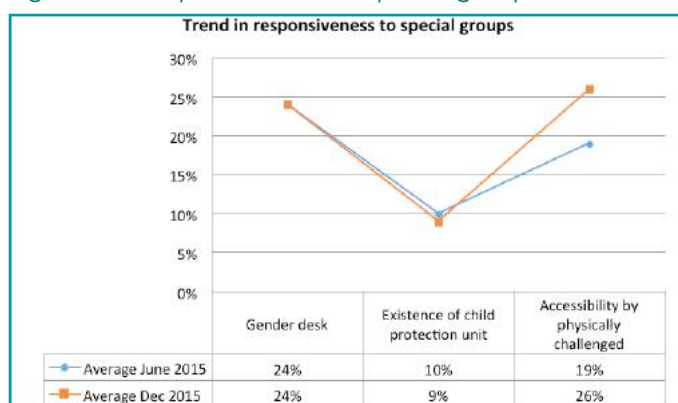
Of the Police Stations inspected, only 7 (or 6 %) had child protection units. It was also noted that 61 (or 34.7%) of the police premises inspected had customer care while only 41 (or 23.3 %) had gender desks. 68 (or 39%) of the premises inspected were accessible by a wheelchair. The trend of responsiveness to the needs of special interest groups was found to be consistent with the findings of the previous period, as presented in Table 9 and Figure 11 below. The existence of child protection units was consistently the lowest at 9% while the existence of a gender desk and accessibility by physically challenged was notably low at 24 % and 26% respectively.

Table 9: Trend on responsiveness to the needs of special groups

Period	Gender desk (%)	Existence of child protection unit (%)	Accessibility by physically challenged (%)
July-Dec 2014	24	7	0
Jan-June 2015	24	13	38
July-Dec 2015	23	6	39

Source: IPOA, 2016

Figure 11: Responsiveness to special groups



Source: IPOA, 2016



*Customer care/ Gender Desk/ Children Desk at Garba-Tula Police Station in Isiolo County*

#### **5.1.4 Officers working conditions**

Only 32 or 18% of the police premises inspected had sufficient offices in good condition. This is an area that needs urgent attention to improve the general outlook of police premises and creating a conducive working environment.

#### **5.1.5 Housing for police officers**

Of the police premises inspected, only 17% had sufficient housing units. Mwatate Police Station in Taita Taveta County, Chogoria Police Station in Tharaka Nithi County, and Mlolongo Police Station in Machakos County had no housing units for their staff and officers had leased houses on their own. In Lamu Lapset Port Police Station in Lamu County, officers stayed in tents. Malaba Police Station in Busia County was an extreme case scenario as officers had converted a toilet into a housing unit for accommodation.



*A toilet which was converted into a house in Malaba Police Station. It accommodated two officers.*





*Dilapidated police housing at Isiolo Police Station in Isiolo County*

### 5.1.6 Security of police premises

In respect of general security, only 57 (or 32 percent) of the police premises inspected had guarded gates while 76 (or 43 percent) had a secure perimeter fence. The other premises inspected had no officers guarding access points. The officers in charge of police premises should put in place security measures within their premises, and especially perimeter fences and entrance gates that should be guarded at all times.

### 5.1.7 Findings on follow-up inspections

During the reporting period, 39 follow-up inspections were conducted in Nairobi County (6), Uasin Gishu County (1), Kakamega (1), Nakuru (10), Kisii (4), Garissa (1) Trans Nzoia (1), Kisumu (2), Migori (3), Kitui (3), Lamu (4), Taita Taveta (1) Machakos (1) and Kajiado (1).

Improvement was noted in terms of cleanliness of the cells in all the 39 detention facilities visited for follow-up inspections. This was commendable. Cleanliness of the toilets and wash areas had improved in 36 (or 92%) of the premises. <sup>1</sup> Record management had been improved in 35 (or 90 %) of the premises and in 1 (or 33%) out of 3 police premises provision of meals had improved and were now providing three meals per day. <sup>2</sup>

In terms of lighting in the cells, improvement was noted in 87% of the inspected premises and lighting was maintained.

Unfortunately, no improvement had been made on resource allocation and stationeries. The police premises were in dire need of stationeries and facilitation in terms of fuel and motor vehicles. There was also no improvement in the housing conditions of all the premises inspected.

<sup>1</sup> No improvements had been made in Gensonso, Kisii Central and Migori Police Stations.

<sup>2</sup> Cherangany police station had adhered to IPOA recommendations. Nakuru Central and Bondeni police stations had not made any improvements on provision of meals. However, in Huruma Police Station, detainees still complained of being given very little food.





### 5.1.8 Status of police training colleges

During the period four police training schools were inspected: Kenya Police College (KPC) Kiganjo, GSU, Administration Police Training College (APTC) Embakasi and CID in South C, Nairobi. The findings revealed that KPC Kiganjo had overstretched facilities with some classes being conducted in the open/under trees as some classes and dining hall had been converted into accommodation facilities. Stationeries such as printing papers and chalk among others were also inadequate. The APTC, GSU and CID Training Schools had reasonably adequate number of students compared to its physical infrastructure.

The Authority adopted a unique approach to inspect the training institutions for a more realistic assessment on their status. This was a more interactive and experiential time with the trainees, instructors, staff and support staff and management. However, apart from the CID Training School where the team had an experiential experience with Commandant, the instructors and got to attend classes with 30 trainees, the rest of the institutions did not allow the team to inspect the institutions as was planned. This is an approach that the Authority will pursue on all the remaining training institutions.

### 5.2 Monitoring police operations

The Authority monitored 7 police operations covering CORD Rally in support of teachers, Kapsabet demonstrations, Kikuyu NYS demonstration, Traffic monitoring on Ngong Road, 'Knock out corruption' demonstration, Monitoring Operation Linda Boni, Monitoring Police stations: A case of Kayole, Huruma, Pangani, Buruburu, Embakasi, Kabete, Kikuyu, and Juja Police Stations.

Monitoring of police stations was an exceptional initiative of its kind based on the complaints received by the Authority on abuse of human rights and arbitrary arrests. In 4 out of the eight police stations, an average of five swoops per night were observed.<sup>3</sup>

The arrested persons were not informed on the reason for the arrests and were not allowed to communicate to their relatives who would have been of critical assistance. Individuals arrested were allegedly required to pay between Kshs. 1,000 and Kshs. 3,000 in order to secure their release. Those unable to raise the said amount were arraigned in court. In 3 out of the 8 police stations, suspects were detained for over 24 hours.<sup>4</sup>



Left: Police providing security at Uhuru Park during the CORD rally. Right: A female demonstrator being confronted by a police officer.....  
 3 Huruma, Buruburu, Kayole and Kabete police stations  
 4 Huruma, Kayole and Buruburu







### 5.3 Sensitization Fora with NPS trainees

During the period forums were held to sensitize police recruits at NPS training facilities to educate police officers on IPOA's mandate. A total of 8,916 recruits were reached out of which 991 were from the GSU Training School, Embakasi, 3,955 from KPC in Kiganjo and 3,970 from APTC in Embakasi.



*The Chairman of IPOA sensitizing the new recruits at KPC- Kiganjo on IPOA mandate*

### 5.4 Outstanding Police Service Awards (OPSA)

The Authority recognizes that there are some police officers delivering services to the public diligently, professionally, and with commitment. Based on this, the Authority in 2014 initiated (together with partners, notably the Nairobi Rotary Club) an annual award scheme titled the Outstanding Police Services Award (OPSA). The initiative is aimed at recognizing police officers nominated by the public and is expected to motivate the wider police service to improve its performance leading to professionalism in the NPS.

During the period, preliminary processes on the second OPSA were conducted involving meetings with stakeholders including NPS. Nomination forms were distributed across the country with a submission deadline by members of public by 31<sup>st</sup> December 2015.

The nominations were designed to cover four categories namely; the Best Individual Officer, Best detention/Holding facility, Best Facility in Order and Cleanliness, and Best Facility in Community Policing. The Extra Mile Category was also been retained for the Awards. The rest of the processes and award ceremony were expected to be completed during the 2<sup>nd</sup> half of 2015/2016 financial year.



## 6.0 COMMUNICATION AND OUTREACH

The Authority recognizes the need to sensitize and create awareness on its mandate and functions to the public and police officers.

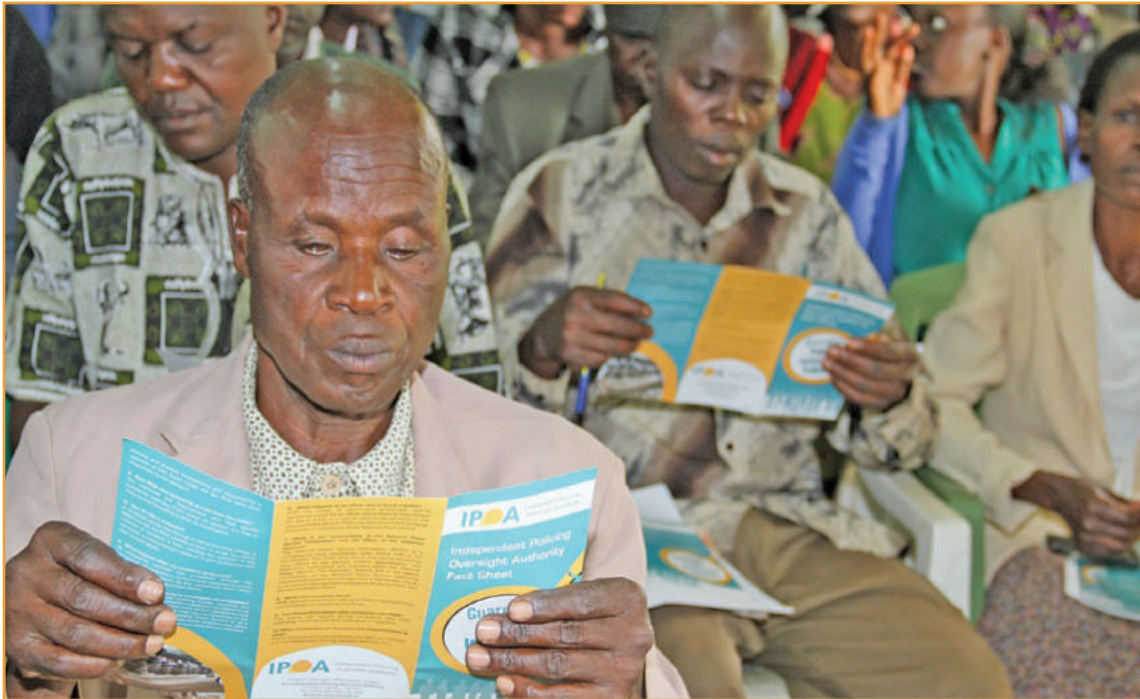


*IPOA Vice Chairperson giving a talk to an audience during an outreach exercise in Kericho County*

During the period, therefore, the Authority held 15 outreach fora in the Counties, clustered as follows:

- Coast (Mombasa, Kilifi, and Kwale);
- Western (Bungoma, Busia, and Kakamega);
- Rift Valley (Kericho, Nakuru, and Uasin Ngishu);
- Nyanza (Kisumu, Kisii, and Migori); and,
- Central (Muranga, Nyeri, and Nanyuki).

This was the first ever major outreach exercise conducted by the Authority. The fora reached a total of 3,599 persons, out of which 1,442 were police officers and 2,157 were members of the public. The fora were partly supported by UNODC.



*Members of the public at an outreach forum in Bungoma County*



*Board member Vincent Kiptoo giving a talk to police officers at an outreach exercise in Kericho County*

The Authority also participated in the Annual Judicial Service week where interaction was made with the public sensitizing them on its mandate, as the Photo below depicts.

In the period under review, the following Information Education Communication (IEC) materials were produced: 200,000 communication materials (which included 50,000 brochures, 1,200 branded notebooks, 8,000 branded investigations notebooks, 10,000 posters, 40,000 fliers, 20 assorted banners, 80,000 fact sheets, 5,000 booklets), and 600 statutory Performance Reports.

Additionally, electronic media, social media and Authority website, lecturers, and talks were used to share messages on IPOA with the wider public.





## 7.0 INSTITUTIONAL STRENGTHENING

### 7.1 Human resource management

The staffing level of the Authority grew from 69 to 86 by close of 31<sup>st</sup> December 2015. The Authority embarked on a recruitment exercise aimed at strengthening technical staff capacity in areas such as investigations, inspections, monitoring and legal.

On training, the Authority continued to provide staff with training opportunities to strengthen their skills. The Authority remains focused on seeking appropriate training opportunities for its staff in areas such leadership, strategic management and in specific technical areas.

### 7.2 Decentralization of IPOA's services

Since its establishment, the Authority has delivered services to its clients from its centralized location in Nairobi. While this was the ideal start-up point, the Authority plans to improve access to its services by all Kenyans across the Counties.

Accordingly, a decentralization a concept paper was developed during the period. Through support from APCOF, a consultative forum was held in September 2015 in Nairobi. The forum brought together representatives from public agencies and stakeholders involved in police reforms. There was also representation of the public nominated from 11 Counties in addition to representation of County Governments.

The views gathered from the forum informed improvements and finalization of the concept paper. The Authority plans to share the paper with the National Assembly's Departmental Committee on Administration and National Security. The Authority targets to establish County offices (grouped as clusters) during 2016/17 financial year.

### 7.3 Information Technology and Communication (ICT)

The Authority made tremendous strides in improving its ICT services during the period under review. There were regular consultations with the United States Embassy following its commitment to fund the design and development of the Enterprise Content Management (ECM) System. A site visit and Industry day were held to facilitate bidding for ECM by potential service providers.

Efforts were also made to improve and operationalize the in-house Complaints and Investigations Management System (CIMS).

Security of the emailing system was enhanced. Website content was updated as required on a timely basis to facilitate access of Authority's information by the public.

### 7.4 Financial Management

During 2015/2016, the Authority was allocated Kshs. 419m which was a remarkable increase as compared to the previous allocation of Kshs. 290.6m in 2014/2015.





The increased budget provision will enable the Authority to upscale its activities in core areas such as investigations, inspection of police premises and monitoring police operations across the country.

The Kenya National Audit Office (KENAO) commenced audit of the Authority's 2014/15 financial statements in September 2015.

## 8.0 COLLABORATION WITH STAKEHOLDERS AND PARTNERS

During the period under review, the Authority attended two meetings of the Referral Partners network, an initiative spearheaded by the KNCHR. The network comprises members from the civil society, and Governmental agencies who handle complaints and seek ways of dealing with human rights complaints.

Particularly, the network is about how victims of human rights abuses could and should be assisted without being subjected to untold misery as they shuttle from one organization to another in pursuit of assistance or justice.

The initiative strives to ensure that complainants are referred to the right organizations to ensure effective resolution of their complaints. Collaboration with the referral partners has been significant by creating an impact on institutions for easy referral of complaints.



*IPOA CEO Dr. Joel Mabonga (2nd right) receiving copies of constitution of Kenya from the Kenya Law Ag. CEO Mr. Long'et Terer (Left).*

Further, the Authority hosted a team of two from the Kenya Law Reports and after discussions on the areas of collaboration, the Authority was issued copies of Constitution of Kenya for its staff and for distribution to the public during the outreach programmes.

The Authority also hosted a team from Attorney General's Office.





*The IPOA Board meeting a Stakeholder (A team from the Attorney General's Office)*

A team of officials from the British High Commission visited the Authority and met with the Board Chairperson and the CEO and held discussions on possible areas of support towards improving its services for Kenyans.



*The IPOA Chair Macharia Njeru and CEO Dr. Joel Mabonga meeting with officials from the British High Commission.*

## **9.0 KNOWLEDGE SHARING AND LEARNING**

The Authority remains keen to learn from similar policing oversight agencies in other jurisdictions aimed at improving its services towards becoming a model institution on policing oversight in Africa. It has equally been eager to share its experiences with other upcoming similar agencies.

Towards this, the Chairman and CEO attended an International Gathering on Police Oversight held in Jakarta from 16<sup>th</sup> to 18<sup>th</sup> November 2015. The meeting brought together Police Watch





Commissions and other oversight commissions. Participants were drawn from New Zealand, South Africa, Canada, USA, Taiwan, Kenya and host Indonesia. Discussion topics included: Increasing Police Accountability, Public Complaints Handling, Dealing with Police Deviance Related Issues and Community Policing and Citizen Oversight. IPOA Chair gave a presentation on Dealing with Police Deviance-related Issues.



*The IPOA Chair Macharia Njeru and CEO Dr. Joel Mabonga with participants at the International Gathering on Police Oversight commissions and other police oversight institutions held in Indonesia in November, 2015.*

In August 2015, the Authority participated in a forum “A comparative analysis of the various civilian oversight mechanisms in South Africa, Sierra Leon and Kenya” organised by Zimbabwe Lawyers for Human Rights held at Harare Zimbabwe. A presentation was made on IPOA’s experiences in its overseeing role. Mr. James Olola represented the Authority.

The Authority honoured invitation to a forum in Morocco on “Police Accountability and preventing violence” organized by APCOF. The Authority was represented by Board Member Ms. Rose Bala.

## 10.0 CHALLENGES AND RECOMMENDATIONS

In its service delivery to Kenyans over the period, the Authority has encountered various challenges some of which have been partially addressed. Recommendations on further actions are as shown in Table 10 below.

Table 10: Challenges and Recommendations

Challenges	How challenges were addressed	Further recommendations
<b>Operational challenges</b>		
Staff Turnover	Engagement of SRC and PSC on change of employment terms and remuneration	<ul style="list-style-type: none"> <li>Follow up with SRC and PSC on change of employment terms and remuneration</li> <li>Fast-track the Permanent &amp; Pensionable proposal</li> <li>Set up of Pension scheme</li> </ul>
Staff Capacity	Plans in place to recruit additional technical staff	<ul style="list-style-type: none"> <li>Continuous replacement of staff who leave the Authority</li> </ul>
<b>Technical challenges</b>		
Police continue undertaking investigations and recommending inquests before informing the Authority and thus legally barring IPOA's investigations	Office of the ODPP requested to address the issue.	<ul style="list-style-type: none"> <li>Follow-up with ODPP</li> </ul>
Lack of MOU's with critical stakeholders such as mobile telephone operators, Government Chemist, and ODPP to assist with investigations and prosecution	MOUs with these stakeholders continue to be pursued.	<ul style="list-style-type: none"> <li>Follow-up to pursue conclusion of MOUs</li> </ul>
Lack of awareness on the IPOA mandate by the public and NPS	Awareness forums held in 15 towns.	<ul style="list-style-type: none"> <li>Further forums to be organized to cover other parts of the country, particularly Northern Kenya</li> </ul>
Delay in processing of complaints referred to IAU	Persistent reminders on feedback made to IAU by IPOA	<ul style="list-style-type: none"> <li>Capacity of IAU to be enhanced by IG</li> </ul>





Challenges	How challenges were addressed	Further recommendations
Lack of cooperation from respective commandants/ commanding Officers in NPS Training Schools/ Colleges during inspection to the institutions.	Meeting held between the DIG and the Board Members to address the issue.	<ul style="list-style-type: none"> <li>The NPS Headquarters to communicate to the Institution commanders on the need to accord IPOA the necessary cooperation and support in line with the law.</li> </ul>
Lack of cooperation from NPS during research study and inspections	NPS requested to address the problem, and to provide guidance to its officers	<ul style="list-style-type: none"> <li>Intensify sensitization of the IPOA mandate among police.</li> <li>Hold the responsible officers accountable.</li> <li>Intensify sensitization on IPOA mandate and functions.</li> </ul>

## Appendix I: Recommendations on inspected police premises

ISSUE/FINDINGS	RECOMMENDATIONS	ACTION BY
<p><b>1. Conditions of cells and toilets</b></p> <p>Whilst 74 percent of the detention facilities had clean cells, 19 percent of the cells were dirty and 7 percent somewhat clean.</p> <p>32 percent of the toilets were dirty with some of the toilets being blocked and strong pungent smell reeking throughout the facility.</p>	<ul style="list-style-type: none"> <li>The NPS Act recognizes that the detention of detainees should be carried out in accordance with the law. According to Rule 5 of the Fifth Schedule of the NPS Act 2011, it is the responsibility of the Officer In-Charge of the Station, to ensure that a lock up facility is in hygienic conditions conducive for human habitation, have adequate light, toilet and washing facilities and outdoor area<sup>2</sup>.</li> <li>The officers in charge of the stations and posts should ensure that they adhere to the provision of the NPS Act. These conditions do not require much effort other than the officer in charge mobilizing officers under his command to ensure that the conditions are met at all times.</li> <li>In addition, the detention facilities should have toilet within the cells to avoid detainees being given bucket toilets. This is a degrading treatment that should not be practiced by law enforcers.</li> </ul>	<p>The Officer-in-Charge of the premises</p>
<p><b>2. Separation of detainees by gender</b></p> <p>21 percent of the detention facilities had one holding cell only.</p>	<ul style="list-style-type: none"> <li>The Fifth Schedule Rule 5(c &amp; d) provides for men and women to be kept separately. The Inspector General of Police and the Cabinet Secretary Interior and National Government Coordination should ensure that designated detention facilities are facilitated in establishing women cells.</li> </ul>	<p>IG and CS</p>
<p><b>3. Separation of detainees by age</b></p> <p>73 percent of the detention facilities did not have juvenile Cells.</p>	<ul style="list-style-type: none"> <li>The Fifth Schedule Rule 5(c &amp; d) provides for juveniles and children to be kept separately from adults. The Inspector General of Police and the Cabinet Secretary Interior and National Government Coordination should ensure that designated detention facilities are facilitated in establishing juvenile cells.</li> </ul>	<p>IG and CS</p>



ISSUE/FINDINGS	RECOMMENDATIONS	ACTION BY
<p><b>4. Records management.</b> Inconsistencies were noted in crucial police records including Cells Registers, OB, Arms Movement Registers.</p> <p>15 percent of the police facilities had incorrectly filled Arms Movement Register, while 7 percent had incorrectly filled Occurrence Book. 17 percent of the KPS premises had incorrectly filled cell registers.</p>	<ul style="list-style-type: none"> <li>Keeping of proper records determine and influence the accountability of members of the NPS while at the same time ensure the rights of the detained persons are safeguarded. The necessity of keeping proper records is well recognized in the NPS Act, and the officers commanding police station must ensure that proper records are kept as required by law.</li> <li>Section 50 (1) of the NPS Act stipulates that a police officer in charge of a police station or post, unit or formation shall keep a record in such form as the IG may in consultation with the DIG direct and shall record all complaints and charges preferred, the names of all persons arrested and the offences with which they are charged. Further the 5th Schedule of the NPS Acts section 8, stipulates that a register shall be kept in police station or other place of detention in which particulars of detained persons are entered.</li> <li>The officers in charge should ensure that registers are correctly entered and consistently updated.</li> </ul>	<p>In charge of police premises</p>
<p><b>5. Adherence to the 24 hrs rules</b></p> <p>9 percent of the Police premises detained detainees for more than 24 hours.</p>	<ul style="list-style-type: none"> <li>Article 49 (f) of the Constitution provides for arrested persons to be brought before a court of law within twenty four hours after being arrested and if the twenty-four hours ends outside ordinary court hours, or on a day that is not ordinary court day the end of the next court day.</li> <li>This provision is further, buttressed in Rule 2 of the Fifth Schedule to the NPS Act and in Chapter 49 (2)(i) of the Force Standing orders. Police officers should ensure that they uphold the constitution they swore to protect.</li> </ul>	<p>In-charge of police premises.</p>
<p><b>6. Community policing initiatives</b></p> <p>It was observed that only 43 percent of the Police facilities had active community policing.</p>	<ul style="list-style-type: none"> <li>According to Article 244(e) of the Constitution of Kenya 2010, NPS should strive to foster and promote relationships with the broader society.</li> <li>Section 98 of the NPS Act mandates a police officer in charge of an area in consultation with stakeholders to establish community policing committee. If implemented properly community policing leads to intelligence based policing and ensures safer neighbourhoods.</li> </ul>	<p>In-charge of police premises.</p>



ISSUE/FINDINGS	RECOMMENDATIONS	ACTION BY
<p><b>7. Resource Allocation</b></p> <ul style="list-style-type: none"> <li>All stations inspected lacked sufficient stationeries, and police registers.</li> <li>The vehicles and fuel allocation was not sufficient to cover their respective jurisdiction. Some stations had no vehicles.</li> <li>Some stations lacked computers, printers and copiers.</li> <li>Some stations had no adequate supply of uniforms and communication gadgets</li> </ul>	<ul style="list-style-type: none"> <li>According to Section 116 (2) of the National Police Service Act 2011; it is the responsibility of the Inspector General to ensure that every police station, post, outpost, unit, base, and county authority is allocated sufficient funds to finance its activities<sup>4</sup>. The Inspector General should ensure that, stationery, registers, vehicle and fuel allocation are sufficient to address the needs of the stations. The issue of lack of stationeries should seriously be addressed.</li> <li>Further the Inspector General should ensure that each police station/camp/posts has at least a computer which is internet enabled and a printer for efficient and effective performance of police duties.</li> <li>Stations should also be issued with adequate uniforms and communication gadgets.</li> <li>To ensure accountability at the station level the Inspector General of police should ensure that the Authority to Incur Expenses (AIEs) is delegated from the OCPD's to the station Commander (OCS).</li> </ul>	<p>The Inspector General of police</p>
<p><b>8. Staff Capacity and Gender balance</b></p> <p>All NPS premises inspected were understaffed. In addition, some Police stations lacked female officers.</p> <p>Oldonyiro, Ngarengiro and Lamu Lapset Police Station had no female officers, while some stations including Kericho,</p> <p>Dol Dol and Rumuruti Police Stations had 1 or 2 officers only.</p>	<ul style="list-style-type: none"> <li>Article 246 (3) (a) of the Constitution of Kenya gives the National Police Service Commission the mandate 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<sup>5</sup>.</li> <li>NPSC in liaison with the IG should ensure that shortage of staff and gender balance are addressed to ensure the third gender rule as enshrined in the constitution is complied with. This will help in ensuring that searches are done by officers of the same gender as the detainee.</li> <li>Proper redeployment of officers is also necessary to ensure that the police officers are utilized in their key functions. This will help in ensuring that shortage of officers in the stations are addressed.</li> </ul>	<p>NPSC</p>



ISSUE/FINDINGS	RECOMMENDATIONS	ACTION BY
<p><b>9. Officers' housing and Office Space</b></p> <p>Only 18 percent of the police offices and only 17 percent of officers housing were sufficient. Most of the Officers housing were in deplorable conditions and in dire need of maintenance or construction of new structures.</p>	<ul style="list-style-type: none"> <li>To ensure efficiency in Police work, police stations should have enough office space to accommodate all its sections as this will improve service delivery.</li> <li>Article 43 (b) of the Constitution stipulates that every person has the right to adequate housing<sup>6</sup> and to reasonable standards of sanitation.</li> <li>To address the crisis in housing the cabinet Secretary and the IG should facilitate for adequate housing for officers serving under the National Police Service. The possibilities of giving officers decent house allowance and leasing more houses should be considered.</li> <li>The NPS should also consider leasing houses for the officers.</li> <li>NPS should address the issue of non-payment of operational allowances for staff either on Operational work, attending court or on transfers. The systematic failures at the head office that the officers complained of must be streamlined.</li> </ul>	<p>The Inspector General of Police, the Cabinet Secretary and NPSC</p>
<p><b>10. Non-payment of operational allowances.</b></p>		<p>IG-NPS</p>
<p><b>11. Transfers/Overstay in operation area</b></p> <p>There is lack of clear regulations on transfers of officers from one area of deployment to another. Some officers had overstayed in operational areas while others had been transferred from one operational area to another.</p>	<ul style="list-style-type: none"> <li>Under section 28 (f) of the National Police Service Commission, the commission is mandated to make regulations for recruitment and transfers. It is contravening of this act when transfers are marred by favouritism and lack clear cut procedures. This problem was noted more in KPS.</li> </ul>	<p>NPSC DIG- KPS.</p>





ISSUE/FINDINGS	RECOMMENDATIONS	ACTION BY
<p><b>12. Promotions And Training</b> Officers in the Police Stations alleged that training and promotions were not transparent and were marred with corruption</p>	<ul style="list-style-type: none"> <li>According to Section 28 (a) and (e) of the NPS Act, it is the responsibility of the NPSC to make regulations on appointments, confirmations of appointments, promotions, termination of appointments and training of members of the service<sup>7</sup>.</li> <li>NPSC should set clear regulations for promotions of officers.</li> </ul>	NPS and NPSC
<p><b>13. Lack of anti-riot gear</b> During the demonstrations it was observed that police officers were not effectively equipped for rioting crowds.</p>	<ul style="list-style-type: none"> <li>The IG should ensure that the NPS officers are well equipped to effectively deal with situations of demonstrations and riots. This is in addition to ensuring that the officers are trained to the highest possible level of competence as provided for in article 244 of the Constitution of Kenya. This will eliminate situations where police officers are injured by members of the public while on duty.</li> <li>Furthermore, it will enable police officers to effectively protect life of arrested persons as well as the vulnerable in the society (women, children and the physically challenged).</li> <li>In addition, the police should sensitize the public on the need to complement the police in policing rather than attacking the very police officers deployed to maintain law and order in the area. This can be achieved through strengthening the working relationship with the community through the existing community policing framework.</li> </ul>	IG
<p><b>14. Arbitrary arrest and demand for bribes.</b> During the monitoring exercise it was noted that crackdowns which were conducted regularly on Fridays and Saturdays lacked clear objectives and mission, and police officers had turned the exercise into a conduit for extortion.</p>	<ul style="list-style-type: none"> <li>There is urgent need for the NPS to intervene in this matter and save Kenyans from the hands of corrupt officers. Crackdowns should be intelligence led and officers must conduct themselves in a professional manner.</li> <li>Culpable officers but be held accountable.</li> </ul>	IPOA, EACC, NPS, NPSC.



ISSUE/FINDINGS	RECOMMENDATIONS	ACTION BY
<p><b>15. Cash Bail Book</b></p> <p>None of the station monitored was able to produce a cash bail receipt book when called upon.</p>	<ul style="list-style-type: none"> <li>• There is need for a clear mechanism and framework of auditing the Cash Bail to address the current status quo where cash bails are used as an avenue for self-enrichment by officers.</li> <li>• The Office of the Auditor General (OAG) should conduct a special audit of all police premises issued with this accountable documents and action taken against officers who are found culpable of financial misappropriation.</li> <li>• Strategies such as wireless transactions can be introduced in order to curb misappropriation, since the police establishment had turned it into cash cow there-by denying the government the much needed revenue.</li> </ul>	<p>IG/Auditor General</p>
<p><b>16. Congestion in the training institution.</b></p> <p>KPC-Kiganjo had an excess of 3,075 trainees (205%) against a carrying capacity of 1,500 trainees per time. this made the college experience congestion, Some classes and the dining hall had been converted to sleeping facilities and some of the classes were held conducted outside under trees. The kitchen facilities were overstretched and it took several turns to cook meals for all the trainees. They had their meals from outside subjected to the weather conditions.</p> <p>APTC had 3,970 trainees against its carrying capacity of 800 trainees per session, experiencing the same challenges as KPC Kiganjo.</p>	<ul style="list-style-type: none"> <li>• The institutions were experiencing bloated admissions that compromised the quality of training and this was a concern on the quality of policing the country would have into the future.</li> <li>• There is need to take stock of the absorption capacity of the trainees, the numbers being trained and the quality of the training institution. This should inform whether the country needs quality policing or quantity of police officers with poor policing skills and knowledge.</li> </ul>	<p>CS, IG, NPSC</p>



ISSUE/FINDINGS	RECOMMENDATIONS	ACTION BY
<p><b>17. Deployment of instructors</b></p> <p>It was noted that deployment of officers to the Training Colleges and Schools was perceived as a disciplinary measure and this demotivated officers deployed in the institutions.</p> <p>In addition not all Instructors underwent training before being deployed in the training institutions while some class instructors were not professionally qualified yet they were posted in the training schools.</p>	<ul style="list-style-type: none"> <li>Review of the policy on identification of trainers and instructors posted to the training institutions should also be taken as a priority. The idea that instructors are posted to the Colleges and Schools as a form of punishment should be interrogated and actions taken.</li> <li>The country can't afford undisciplined trainers and instructors, training the next calibre of police officers. Training is meant to inculcate positive attitude, mind-sets, knowledge and skills and with those undergoing disciplinary actions training, the policing culture would be hard to change.</li> <li>The Police Training Colleges and Schools should in addition to their instructors and trainers, engage the services of professionally qualified trainers, including those drawn from Universities and Colleges in specialized fields and in line with changing security needs.</li> <li>This calls for a review of the policy on the selections of instructors in the institutions, modernization of the instructing tools, kits and facilities with the NPS investing in the structural facilities needed in the training schools in order to ensure that only quality police officers are produced.</li> </ul>	CS, IG, NPSC
<p><b>18. Funding</b></p> <p>The training institutions were underfunded and were not involved in budgetary planning for their institutions.</p> <p>The Commandants of the KPC and CID Training School were not AIE holders. This meant that they had to keep making requests to the Headquarters for every need/expenditure.</p>	<ul style="list-style-type: none"> <li>The Commandant should be involved in the budgetary planning for their institutions and should be made AIE holders.</li> </ul>	IG









