



Independent Policing
Oversight Authority



PERFORMANCE REPORT JULY - DECEMBER 2014

VISION

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

MISSION

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

MOTTO/TAG LINE

Guarding Public Interest in Policing

CORE VALUES

Transparency and Accountability

Integrity

Independence and Impartiality

Respect for Diversity

Compassion





PERFORMANCE REPORT JULY - DECEMBER 2014



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Acronyms and Abbreviations

ADR	Alternative Dispute Resolution
AIE	Authority to Incur Expenditure
APCOF	African Policing Civilian Oversight Forum
APS	Administration Police Service
CBD	Central Business District
CBK	Central Bank of Kenya
CEO	Chief Executive Officer
CID	Criminal Investigations Department
CPA	County Policing Authorities
DIG	Deputy Inspector General
DCI	Director of Criminal Investigations
EACC	Ethics and Anti-Corruption Commission
FBI	Federation Bureau of Investigations
GJLOS	Governance, Justice, Law and Order Sector
GSU	General Service Unit
HR	Human Resource
IAU	Internal Affairs Unit
IB	Internet Banking
IEC	Information, Education and Communication
IFMIS	Integrated Financial Management Information System
IG	Inspector General of Police
IJM	International Justice Mission
KENAO	Kenya National Audit Office
KDF	Kenya Defence Forces
KNCHR	Kenya National Commission on Human Rights
KPS	Kenya Police Service
IMLU	Independent Medico-Legal Unit
MDAs	Ministries, Departments and Agencies
MOU	Memorandum of Understanding
MTEF	Medium Term Expenditure Framework
NIS	National Intelligence Service
NPS	National Police Service
NPSC	National Police Service Commission
NSC	National Security Council
OCS	Officer Commanding Station
ODPP	Office of the Director of Public Prosecutions
OPSA	Outstanding Police Service Awards
RDU	Rapid Deployment Unit
UNODC	United Nations Office on Drugs and Crime

PART I: PRELIMINARY

STATEMENT BY CHAIRPERSON OF THE BOARD

On behalf of the Board and management, I am pleased to present IPOA's Performance Report for the six months ended 31 December 2014. This, also marks two-and-half years since the Authority commenced operations in July 2012. As we approach our third anniversary in June 2015, this is indeed an opportune time to reflect on achievements and successes during the past two and half years of our existence. The Board is pleased to note that an institution that started from its infancy is now gaining ground in execution of its mandate. As we continue gathering momentum in the implementation of the Authority's mandate, our gains and successes so far, give us an impetus to tackle the work ahead. During the short period that IPOA has been in existence, Kenyans, both the public and the police, have continued to appreciate and acknowledge its role in providing oversight over the work of the police.



In 2013, the Board commissioned a baseline survey on policing standards and gaps in Kenya. The survey indicated that 34.3% of the members of the public interviewed had confidence in IPOA's ability to hold the police accountable for their misconduct. Of the police officers interviewed, 62.5% expressed confidence that the Authority was capable of delivering on its mandate. As we consolidate our gains, we are certain that the confidence level would continue to rise amongst the public and within the police. We remain steadfast in our commitment to our statutory duties and responsibilities.

In 2014, the Authority developed its first four-year Strategic Plan covering the financial years 2014/15 to 2017/18. The strategy document was launched in September 2014. We are pleased that during the reporting period, the Authority commenced its implementation. The Plan continues to guide our operations, and to chart our strategic direction for the next four years.

During the four-year strategic planning period, the Authority looks forward to accomplishing the following five strategic outcomes: a) compliance by police to human rights standards; b) restored public confidence and trust in police; c) improved detention facilities and police premises; d) a functional Internal Affairs Unit (IAU) of the National Police Service; and e) IPOA becoming a model institution on policing oversight in Africa.

The fulfilment of the first four outcomes above is geared towards institutionalizing professionalism, accountability and discipline within the police service in accordance with our statutory objectives. As we look forward to attaining these outcomes, we have profound confidence and hope that we will make significant improvements in policing in Kenya. In implementing the Strategic Plan, we have recognized our invaluable partners; NPS, NPSC, the Ministry of Interior and Coordination of National Government, and the National Treasury. We will continue working with them through an atmosphere of cooperation, consultation and engagement to realize our strategic goals and objectives. This is not a single-handed journey, rather a shared responsibility. Our role is complementary to that of the NPS, and as such, all our efforts are aimed at improving policing standards in Kenya for the good of the public, and that of the police.

During the period under review, July to December 2014, the Authority received a total of 925 complaints as compared to 610 received during the previous period, January to June 2014. Since inception, the Authority had received a total of 1785 complaints as at 31 December 2014. Of the

925 complaints received during the reporting period, 96 or 10% were outside IPOA's mandate, and were referred to appropriate agencies, including the NPSC, EACC, ODPP and IAU.

Out of the 925 complaints, only 320 were recommended for investigations, whereby 54 of these were investigated and completed. The cases covered seventeen Counties, and compared to 26 cases completed during 2013/14 financial year. Of the 54 cases investigated, 11 of them were recommended to ODPP for action while the remaining were referred to NPS, NPS and IAU while 10 were completed without need for further action due to their nature.

One of the cases forwarded to ODPP saw a criminal charge of murder preferred against a police officer based at Kasarani Police Station. The case is currently before a court of law. Of the 54 cases investigated, 9 related to deaths arising out of police action or inaction, 11 involved harassment, intimidation and corruption, and finally, 11 were on undue delay and partial investigations.

As at 31 December 2014, the Authority had cumulatively received 697 cases for investigations of which 188 were still under investigations, 80 completed, and 429 cases pending investigations due to constrained resources. All the cases earmarked for investigations are drawn from various Counties in the country, and will be prioritized on a merit-based criteria and subject to availability of resources.

During the period, the Authority carried out 169 inspections and ten follow-up inspections of police premises, including detention facilities, in 25 Counties. Since inception, the Authority had cumulatively conducted a total of 237 inspections in 28 Counties. These form a substantial coverage of the existing police premises in the country.

During the same period, six policing operations were monitored, including the infamous police recruitment in July 2014, which forced the Authority to go to court for nullification of the exercise due to several malpractices observed and documented. The case was determined by the Court of Appeal on 8th May, 2015 in favour of the Authority.

Following inspections and monitoring of police operations, the Authority made specific recommendations to the NPS towards improvement on all cases of concern noted. Of great significance, were the monitoring reports on Usalama Watch and Mpeketoni Terror attacks, which the Authority released to the public. The Authority will continue to monitor the implementation of these recommendations, and report progress in subsequent reports. Some of the recommendations have no monetary implications, and IPOA calls for full and immediate implementation by NPS and other government semi-autonomous agencies. Section 10(1)(t) of the NPS Act requires the IG to act on the recommendations of IPOA.

During the 2014/15 financial year, the Authority was allocated Kshs. 205m against a budget request of Kshs. 429m. As at 31 December 2014, the Authority had utilized over 60% of its annual budget, and was forced to scale down core operations in investigations, inspections and monitoring. Even as funds ran out, the Authority continued to optimize on the scarce resources available. All available resources were directed to the areas of utmost impact to the public.

The Authority will continue to engage the National Assembly and the National Treasury for allocation of adequate resources. In October 2014, the Authority participated in the preparation of GJLOS MTEF budget during which it was allocated a budget ceiling of Kshs. 244m for 2015/16 financial year. The current level of funding to IPOA is clearly insufficient, and not commensurate with its huge mandate. During the past two years, the Authority has continued to rely heavily on Supplementary Estimates for additional resources, a situation that has posed challenges and is unsustainable.

Financial prudence is imperative to the Authority and thus, the Board and management remain committed towards responsible use of allocated resources, ensuring integrity and accountability in all operational areas. The Authority acknowledges the many and competing interests on exchequer resources.

The Board has continued to explore other funding options to close the current financing gap. Whereas, this could be a viable option, the Board feels strongly that the government should endeavour to fund the Authority's core operational activities such as investigations, inspections and monitoring so as to remain independent as per its mandate. So far, development partners have provided resources in-kind for staff training opportunities, equipment and furniture. Due to resources' constraints, the Authority has not managed to decentralize its services to the Counties as required by the Constitution and its constitutive Act.

For IPOA to succeed in its work, there is need to build partnerships and networks. During the period, the Authority in partnership with the National Police Service, the National Police Service Commission, the Rotary Club of Nairobi, and other partners conceived the Outstanding Police Service Awards (OPSA). The Authority and these partners recognize that there are honest and patriotic police officers willing to go the extra mile to serve the public with integrity and commitment. These officers need to be appreciated and nurtured. The idea behind this initiative was to recognize and reward deserving, and outstanding police officers. The Authority also signed a memorandum of understanding with the Witness Protection Agency. There were also collaboration initiatives with partners such as IAU, KNCHR, EACC, CAJ, and NPSC amongst others. To build and strengthen its capacity, the Authority continued to make appointments in critical operational areas. In this effort, IPOA has managed to tap the required skills-set from the market. To sharpen these skills, the Authority will continue to seek appropriate training opportunities for its staff from development partners.

We are grateful to the National Treasury for kindly considering our requests for additional resources. We are, indeed, pleased to note the support and cooperation that we have continued to receive from the National Treasury.

We would like to thank the National Assembly, and particularly the Departmental Committee on Administration and National Security for their support and encouragement during the budget-making process.

Further, we would also like to thank all our development partners, particularly Sweden and United States of America, for their continued and resolute support and encouragement.

In closing, I would like to acknowledge my fellow Board members for their continued commitment, dedication, and unfaltering support. Last but not least, I would like to thank the CEO, the management team, and all our staff members for their hard work and dedication to duty in their respective roles during the reporting period.



Macharia Njeru,
Chairperson,
Independent Policing Oversight Authority

MESSAGE FROM THE CEO

During the reporting period under review, the Authority recorded significant achievements in all its mandate operational areas. Due to increased publicity and visibility initiatives, the Authority continued to receive a large number of complaints, and the number is growing by the day. On investigations, we are pleased to report that 54 cases were completed, as compared to 26 cases during the previous reporting period. A record high of 169 police premises, including detention facilities, were inspected during the period across the country.



Despite these achievements, the Authority experienced financial challenges that impeded the carrying out of its planned activities in core mandate areas. The Authority is hopeful that the National Treasury will consider allocating IPOA adequate resources to enable it to carry out its activities unhindered.

During the period, the Authority embarked on developing strategic and operational policy manuals in areas such as human capital, finance, transport, security, communication and outreach, performance management, institutional risk management framework, inspections and monitoring. These are aimed at strengthening the Authority's operations and entrenching a culture of good governance in all its operations.

The Authority will continue to invest in its staff through a structured training programme aimed at providing career development, which in return is expected to improve individual performance and staff productivity. It is for this reason that the Authority implemented a performance management framework that will see each employee appraised at the end of each year.

On behalf of management and staff, I would like to extend our thanks to the Board for the unwavering support and guidance. I would also like to thank all our partners and stakeholders for their continued support and cooperation.

A handwritten signature in blue ink, appearing to read 'Joel Mabonga', written in a cursive style.

Dr. Joel Mabonga
Chief Executive Officer,
Independent Policing Oversight Authority

EXECUTIVE SUMMARY

Article 244 of the Constitution of Kenya, 2010, articulates the objects and functions of the NPS. According to this Constitutional provision, NPS shall:

- a. Strive for the highest standards of professionalism and discipline among its members;
- b. Prevent corruption and 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; and,
- e. Foster and promote relations with the broader society.

It is from this Article that IPOA derives its mandate. The role of the Authority is thus to ensure that NPS upholds the above constitutional requirements. The Authority recognizes NPS as a critical partner in implementation of its mandate. It is for this reason that the Authority will continue to work with NPS and NPSC, in close partnership, towards uplifting the quality of policing in Kenya. IPOA views that this partnership will continue to yield benefits for the police and the Kenyan public in general. From the level of complaints being received by the Authority, it is clear that IPOA is becoming visible gaining and gaining confidence from the public and police as it executes its functions.

During the period, the number of complaints received rose from 610 during the previous six months to 925, an increase of 52%. This could be attributed to various publicity campaigns undertaken during the period. With the support of its development partners, the Authority plans to roll out an awareness and outreach campaign during the second half of the year. Of the 925 cases received, where 320 were within IPOA mandate and hence recommended for investigations or inspections and monitoring, 202 were referred to IAU, 65 to NPSC, 14 to ODPP, 11 to EACC, 12 to other agencies while 208 were yet to be screened.

During the period, the Authority received 46 notifications from NPS of which 31 incidents were on death in custody and 13 arising from serious injuries in the hands of the police. The Authority recorded a higher level of 54 cases investigated and completed of which 11 were referred to ODPP. Due to capacity challenges, 489 cases were awaiting investigations. This situation continues to pose serious challenges, considering the number of cases emerging from the public or police requiring urgent attention. The Authority is planning to increase its investigative capacity by hiring additional investigators, subject to availability of resources.

Under Section 6(e) of the IPOA Act, the Authority is required to conduct inspections of police premises, including detention facilities. During the period, the Authority recorded a higher number of facilities inspected at 169. Of this number, 108 premises had detention facilities, 55 of which lacked artificial lighting, and 77 had dirty toilets. Ten follow-up inspections were also conducted, where 7 police stations were found to be implementing IPOA's recommendations.

Of the 169 premises inspected, 77 had no vehicles, making it difficult for police officers to carry out their work effectively. Recommendations arising from these inspections are contained in Annex 1. The recommendations touch on conditions of detention facilities, treatment of detainees, lack of special services for vulnerable groups, working conditions for officers, lack

of housing, security of police premises, inadequate staff capacity, disjointed policing services, and lack of motor vehicles. We hope that NPS will address these concerns urgently. IPOA still remains concerned on the deplorable conditions of housing for police officers.

Further, the Authority released a report on the Usalama Watch Operation undertaken by the police in April 2014 in Eastleigh, Nairobi, on 14th July 2014. Arising from monitoring of these police operations, the Authority made specific recommendations to NPS and other state agencies. These recommendations are contained in Annex 2 of this report. IPOA requests the NPS to ensure that these recommendations are implemented so as to inform future such operations.

Additionally, the Authority monitored six police operations, including the Mpeketoni Terror attacks in Lamu in June 2014, whose report the Authority released in October 2014. Some of the findings arising from monitoring of police operations following the Mpeketoni attacks included: a) NPS response to the attacks was too slow and disjointed; b) lack of centralized command structure; c) personal differences in the County; d) alleged lack of specific intelligence by NPS; e) failure to act on prior intelligence; f) lack of planning; and g) understaffing and lack of critical equipment, including motor vehicles. These recommendations are contained in Annex 3 of this report.

The Authority also monitored police recruitment exercise in July 2014, where several inconsistencies and irregularities were observed in the manner the process was conducted. It was characterized by discrepancies in the final selection of the candidates, discrimination based on ethnic background and physical features, and lack of uniformity in the way the exercise was conducted across the recruitment centers. On the basis of these observations, the Authority moved to court petitioning the manner in which the exercise was conducted. A court ruling nullified the recruitment prompting the appeal by NPSC. As at the end of drafting this report, the matter was scheduled for judgment in May 2015.

In October 2014, the Authority submitted a request to the National Treasury for additional resources amounting to Kshs. 224 million through 2014/15 Supplementary I Estimates out of which Kshs.92 million was allocated to support personnel emolument expenses. As reported in previous performance reports, the Authority remains underfunded. The current level of funding is grossly inadequate, hampering execution of core activities such as investigations, inspections and monitoring in addition to other operational expenditures.

Section 22(2) of IPOA Act requires the Board shall ensure Board members are adequately trained for their respective positions, and in particular that all members directly involved in investigations undergo appropriate training on human rights and fundamental freedoms. The Authority is pleased to report that, during the period, all staff members attended a basic Human Rights training in October 2014. A detailed and a second part of this training, particularly for investigators and complaints management officers is scheduled to be held during the second half of the year. In addition, two complaints management officers attended a complaints handling course at Queen Mary University (in United Kingdom) in November 2014.

The Authority continued engagement with its stakeholders and partners. An MOU was signed with the Witness Protection Agency, while a new partnership was established with the Nairobi Rotary Club that conceived the Outstanding Police Service Awards. On outreach, the Authority held several forums in Nyahururu, Nyeri, Kiganjo, and CID training School in Nairobi. The Authority participated in several communication activities such as media briefings and

distribution of IEC materials in Nairobi.

Despite the above achievements, the Authority faced some technical and operational challenges including: a) lack of understanding of its mandate by NPS; b) police undertaking investigations and recommending inquests before informing IPOA, thus legally barring the Authority's investigations; c) lack of MOUs with mobile telephone operators and Government Chemist; and d) non-cooperation from some police commanders during inspections of police services. The Authority will address some of these challenges during the ensuing half of the year.

PART II: MAIN REPORT

1.0 INTRODUCTION

1.1 About the Performance Report

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

This Part covers the Authority's performance during the six months' period, July-December 2014, as the first half of the 2014/2015 financial year. In this Part, the report covers extensively mandate areas such as complaints management, investigations, inspections and monitoring. This Part also includes some of the recommendations arising from these mandate areas during the reporting period. The operational challenges and their recommendations are covered in Section 4 of this Part.

1.2 Principal functions of IPOA

The statutory 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 NPS;
- f. Co-operate with other institutions on issues of Police oversight, including other State organs in relation to services offered by them;
- g. Review the patterns of Police misconduct and the functioning of the internal disciplinary process;
- h. Present any information it deems appropriate to an inquest conducted by a court of law;
- i. Take all reasonable steps to facilitate access to the Authority's services to the public;
- j. Subject to the Constitution and the laws related to freedom of information, publish findings

of its investigations, monitoring, reviews and audits as it seems fit, including by means of the electronic or printed media;

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

1.3 Institutional arrangements

The Authority has four Directorates: Complaints and Legal; Investigations; Business Services, and Inspections and Monitoring. The directorates are aligned to the Authority's mandate and functions. Additionally, operational departmental units include Human Resource; Communication and Outreach; and Risk and Audit.

2.0 OPERATIONAL PERFORMANCE

2.1 Status of previous recommendations

The current status on previous recommendations is as presented in Table 1 below.

Table 1: Status of previous recommendations

	Recommendations by IPOA	Status
1	The National Assembly reassesses the proposed amendments to the NPS and NPSC Acts. IPOA continues to support the ongoing police reforms where each institution is strengthened without weakening the other.	Amendment Bill approved by National Assembly and submitted to the President. Bill sent back to National Assembly for changes.
2	Any proposed amendments in the NPS Act should not be made to undermine the mandate and powers of the Authority in any way. The Authority needs to remain an effective oversight institution whose recommendations to IG/NPS should be implemented for the good of the public and the police.	Amendment Bill to NPS Act reversed the proposal that the IG should not act on IPOA recommendations.
3	The Authority has consistently opposed amendment on use of arms by police in circumstances that other reasonable options are available to control the prevailing situation. IPOA is concerned on the increasing number of death notifications it is receiving from NPS.	Amendment Bill has recommended use of arms by police, which the Authority still feels may be abused by errant police officers unless mechanisms are put in place for accountability on the use of fire arms.
4	Provision of the necessary support to the three police reform institutions namely; NPS, NPSC and IPOA by the National Assembly, Senate and the National Government. The support should be in form of adequate resources to enable each agency to implement their mandate unhindered.	Ongoing.
5	To effectively and efficiently perform all of its functions, adequate funding to the Authority needs to be ensured by Parliament as articulated in Sec. 4(5) of IPOA Act	The Authority received additional funding during FY 2013/14 through supplementary estimates. There was increased budget allocation for 2014/15. However, the funding level is still below IPOA's requirements. The Authority will continue to engage the National Assembly and National Treasury for enhanced budgetary allocations.

	Recommendations by IPOA	Status
6	Vetting of Police Officers continue to be carried out fairly and to effectively assess the competence and suitability of each police officer.	Ongoing.
7	IG/NPS to provide the required support towards operationalization of the Internal Affairs Unit (IAU). A robust and effective IAU would greatly collaborate with IPOA work, and ensuring that all recommendations made are implemented accordingly.	IPOA is still pursuing recommendations to operationalize IAU by providing staff capacity and financial resources. Ongoing.
8	The need to streamline the command structure within NPS, particularly after merging the Kenya Police and Administration Police under one command. Additionally, there is great need and urgency to restructure the current County command to ensure that Police carry out their duties and responsibilities in a structured and accountable manner.	IPOA is still concerned on the lack of a structured command and control at County level.
9	That NPS needs to be given financial independence through appointment of an Accounting Officer to enable it to carry out its functions independent of the 'parent' Ministry, which is currently the Ministry of Interior & Coordination of the National Government.	NPS Amendment Bill proposed financial independence to the IG. However, the Bill was returned to National Assembly for further changes. Ongoing.
10	The establishment and roll-out of County Policing Authorities (CPAs) and Community Policing Communities (CPCs) be fast-tracked and be given the necessary support. The National Government should continue to provide resources required for its implementation and sustenance as provided for in the NPS Act.	IPOA strongly recommends that Community Policing Initiative be operationalized across the country as this bring public and police together in policing functions
11	Execute actions for improvement on police premises and detention facilities.	At the local level, 7 out of 10 (70%) station commanders were responding to recommended actions. Follow-ups will be intensified to establish the extent to which improvements have been made.

2.2 COMPLAINTS MANAGEMENT

The process of complaints management, as led by the in-house, Case In-Take Committee (CIC), provides the platform through which complaints are received, registered and sorted out for further action by either the Investigation Directorate or other relevant agencies. The overall objective of this function is to ensure efficient and effective management of complaints, and that each complaint receives the attention it deserves.

During the period, there was a notable increase in complaints received. The increase could be attributed to the publicity conducted through communication and outreach activities that included the press statements.

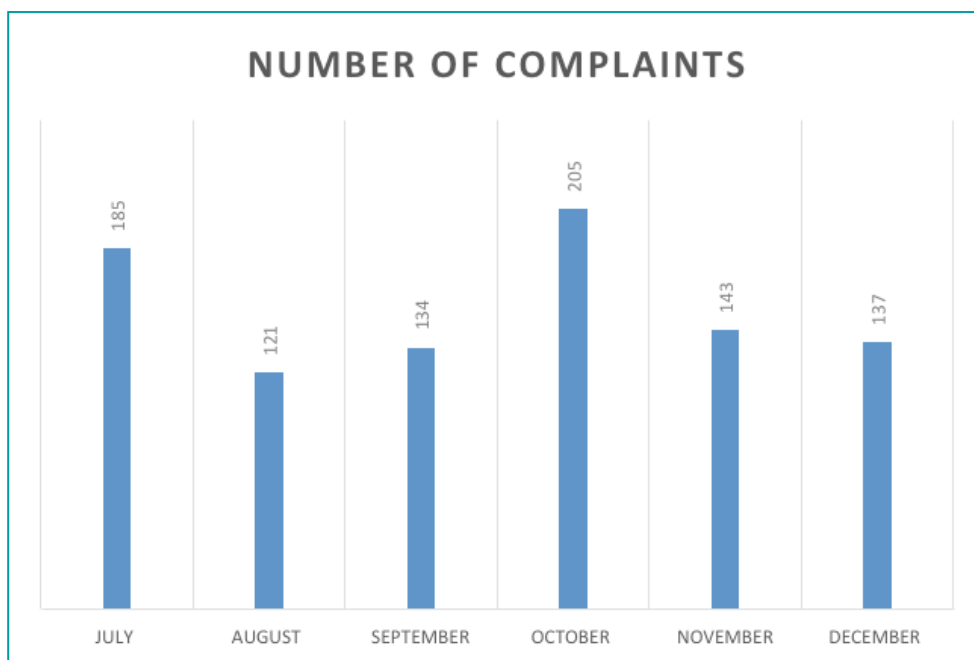
Complaints were lodged with the Authority through personal visits (physical), postal mail, telephone, fax, website, social media, and email. The majority of the complaints received were through physical visits and by mail especially referrals from the ODPP, NPSC, KNCHR and CAJ.

2.2.1 Overview of complaints

A total of 925 complaints were received during this reporting period as compared to 610 cases received during the preceding six months (January - June 2014, an increase of 52%. The complaints received by the Authority during 2013/2014 financial year were 860. Cumulatively, 1785 complaints had been received as at 31st December 2014.

The monthly breakdown of the number of complaints received during the period is shown in Figure 1 below.

Figure 1: Monthly Number of Complaints



(Source: IPOA, 2014)

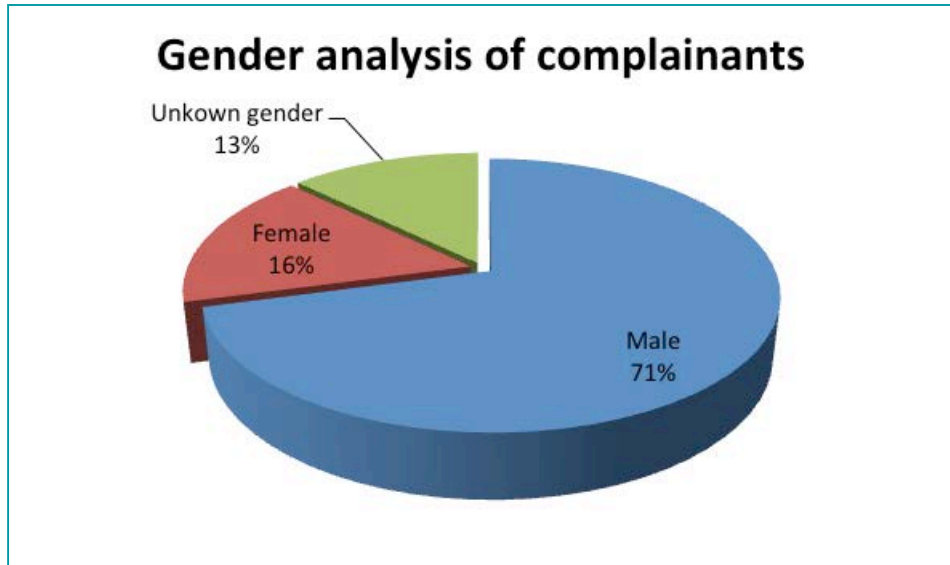
Of the 925 complaints received, 96 cases (10 per cent) were outside IPOA's mandate. This reflects a reduction of complaints in this category that was 34% of the cases received during January-June 2014 and 54% during July-December 2013. The decrease of complaints outside IPOA's mandate could be as a result of public and police growing awareness on role of the Authority. In the coming months, publicity efforts on IPOA's mandate will be intensified to achieve further reduction on complaints outside the mandate. This will enable the Authority to effectively deal with complaints that touch on its mandate only.

As shown in Figure 1 above, July and October had the highest number of complaints received at 185 and 205 respectively. This trend is consistent with publicity events around or within these months namely; an interview on Radio Jambo in July 2014 attended by Director Complaints and Legal Services; media interviews on TV channels in August and September 2014 attended by the Chair of the Board, other Board members and the CEO during the pre-launch events of the Strategic Plan; pre-launch activity within the Central Business District by all Board and staff in September 2014; and finally, the launch of the Strategic Plan on 11th September 2014.

2.2.2 Gender analysis on complainants

Gender analysis of the 925 complaints received indicate that men continued to constitute a larger portion of complainants. They accounted for 655 (71%) while women complainants were 152 (16%) as presented in Figure 2 below. It was not possible to determine the gender of 118 (13%) complainants as they were referred to IPOA by organizations, which did not give the gender details.

Figure 2: Complainants by Gender



(Source: IPOA, 2014)

2.2.3 Complaints receipt mode

The mode in which the aforesaid 925 complaints were received is as shown in Table 2 below.

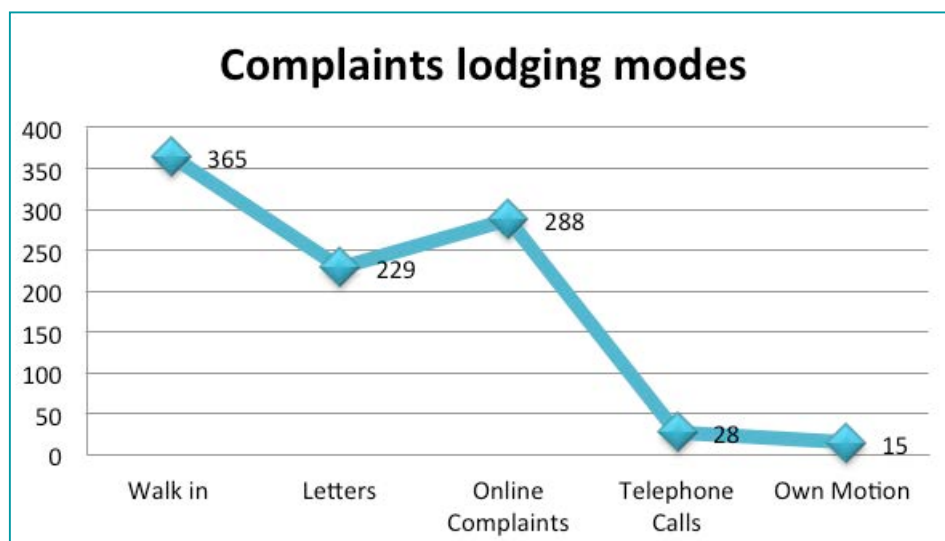
Table 2: Complaints receipt mode

Mode of receipt	Walk-ins	Letters	Online Complaints	Telephone Calls	Own Motion
July	46	49	80	5	7
August	45	41	36	3	4
September	59	31	37	7	2
October	79	35	77	4	2
November	77	36	28	5	0
December	59	37	30	4	0
Total	365	229	288	28	15
Percent	39	25	31	3	2

(Source: IPOA, 2014)

As shown in Figure 3 below, the walk-in, online and letters modes were the most popular complaints receipt at 39%, 31% and 25% respectively. This, therefore, calls for a robust, functional and efficient mechanism to handle these particular modes of receiving complaints. The Authority continues to improve its services, and necessary actions, such as staff capacity, are underway to ensure that all categories of complaints are attended to appropriately.

Figure 3: Trends on utilization of lodging modes



(Source: IPOA, 2014)

2.2.4 Recommendations on complaints

Analysis of the complaints received by the Case Intake Committee (CIC) led to varied recommendations that informed the next course of action on 6481 cases as shown in Table 3 below.

¹ Out of 925 complaints, 69 were outside IPOA's mandate while 208 were yet to be screened.

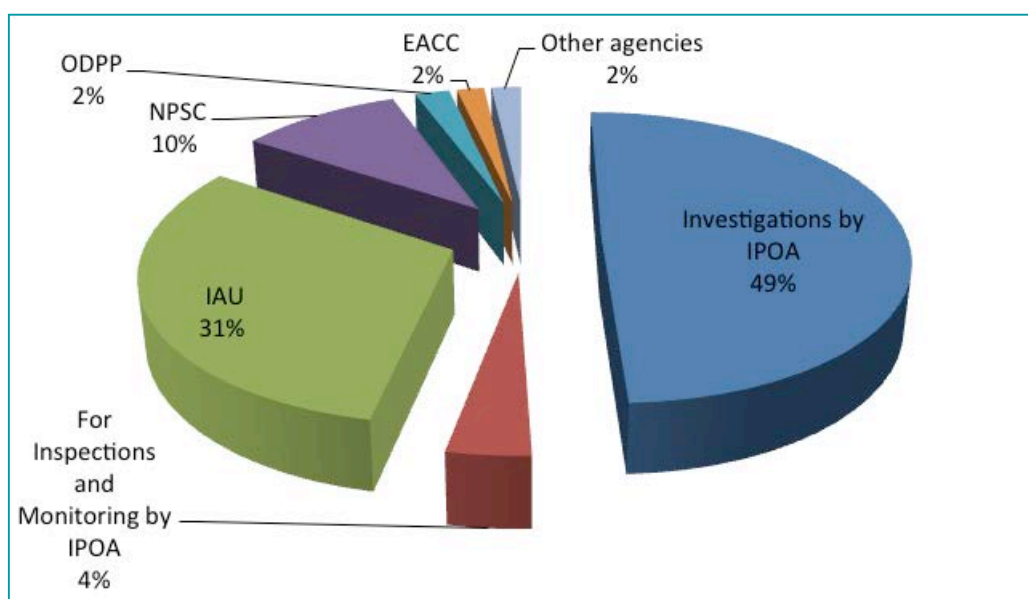
Table 3: Recommendations on complaints

For investigations by IPOA	For Inspections and Monitoring by IPOA	To IAU	To NPSC	To ODPP	To EACC	To other agencies	Total
320	24	202	65	14	11	12	648
49%	4%	31%	10%	2%	2%	2%	100%

(Source: IPOA, 2014)

As shown in Figure 4 below, 49% of the complaints received were recommended for investigations while 31% were recommended to IAU, and 10% to NPSC.

Figure 4: Proportion of recommendations on complaints



(Source: IPOA, 2014)

2.2.5 Notifications by NPS

The Authority received a total of 46 notifications from the NPS during the period. A total of 31 incidences within the notifications were on death in custody while 13 were on serious injuries sustained as a result of police action.

2.2.6 Psycho-socio support

The number of staff and complainants that sought psychological support increased from the previous reporting period. More staff members received psychosocial support from the counselling unit. This is also an indicator that the staff members are slowly gaining confidence in the services provided by the in-house counsellor.

During the period, the counsellor attended to 37 non-staff clients out of which 17 (46%) were men, 16 (43%) women and 4 (11%) minors as shown in Table 4 below. Two cases were referred to Kenyatta National Hospital and IMLU for specialized attention and care.

Table 4: Clients provided with psycho-socio support

Complainant Gender	Number	Percentage
Male	17	46
Female	16	43
Minor	4	11
Total	37	100%

(Source: IPOA, 2014)

Further, the counsellor also provided support to 13 staff members who sought counselling services for various reasons. Of these, eight were men and five women.

Three Continuous Psychosocial Education and group debriefing were held for 41 staff members on various subject matter that included:

- a. Psychological trauma and its management for investigators. Twelve staff members attended this presentation in July 2014;
- b. Briefing session for five staff members on acute stress disorder and its management in August 2014;
- c. A presentation on vicarious trauma was prepared for all staff in the Complaints and Legal and the Investigations Directorates in September 2014, and circulated as an informative guide and referral for personal self-care; and,
- d. A presentation on teams and team work was conducted in November 2014 for complaints management officers.

2.2.7 Training needs for Complaints Management staff

To enhance staff capacity in complaints management, urgent training is required on the following critical areas:

- a. Alternative Dispute Resolution (ADR),
- b. Complaints handling and customer care,
- c. Investigations on how to record statements,
- d. Basic counselling,
- e. Regular debriefing of staff, and
- f. Para-Legal.

2.3 INVESTIGATIONS

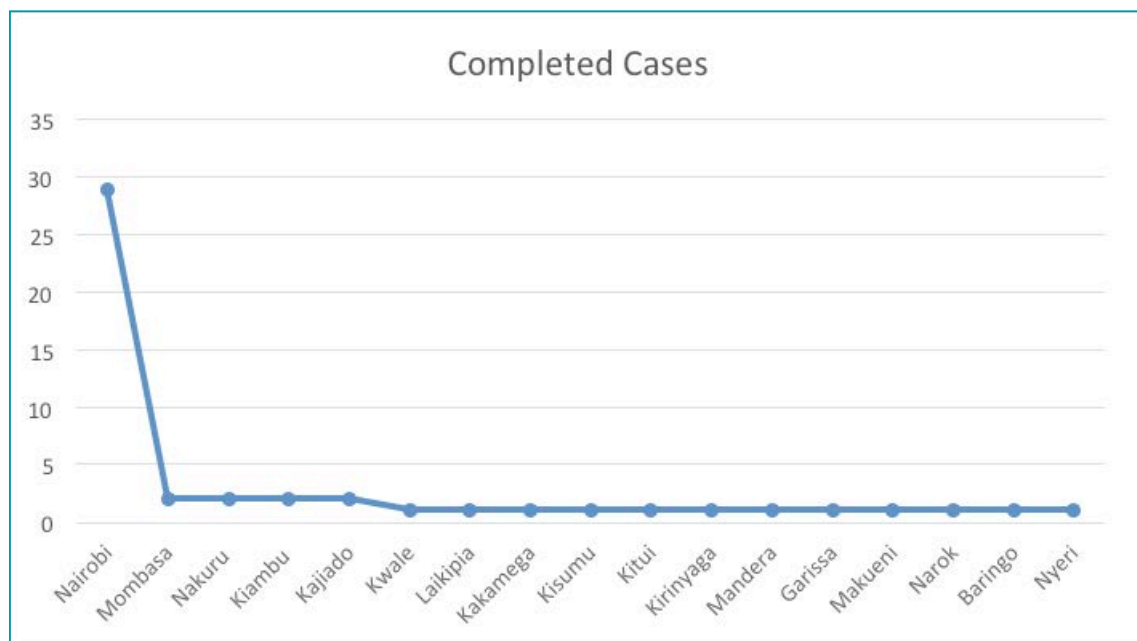
One of the Authority's major functions is to conduct investigations on complaints related to disciplinary or criminal offences committed by a member of the NPS. The specific objective

of investigations management is therefore to have: i) improved internal investigations management on allegations of criminal actions, and ii) to reduce misconduct by police.

During the period, the Authority conducted investigations on various complaints received. Cases for investigations are normally received in two ways:

- a. Complaints lodged by members of the public or by police officers. Others are received from organisations on behalf of individuals and these are also classified as complaints from members of the public.
- b. Those initiated by the Authority through own motion.² The Authority completed investigations on 54 cases covering 17 Counties. This more than doubled compared to 26 completed during 2013/2014 financial year. A large proportion of investigations concluded were in Nairobi at 29. Further, there were 2 cases completed in each of the following Counties; Mombasa, Nakuru, Kiambu and Kajiado Counties. Finally, 1 case was completed in each of the following Counties; Kwale, Laikipia, Kakamega, Kisumu, Kitui, Kirinyaga, Mandera, Garissa, Makueni, Narok, Baringo and Nyeri. Figure 5 below shows this distribution.

Figure 5: Completed Cases as per Counties



(Source: IPOA, 2014)

It is noteworthy to mention that, evidently, the Nairobi City County where IPOA is based has a disproportionately larger number of cases as a result of geographical proximity to IPOA. Financial resources, which remained constrained have not enabled the Authority to go the other Counties as much.

Nevertheless, from the above 54 completed cases, they fall into these categories:

² The Authority has powers of self-motion as provided for by the IPOA Act, Section 6: "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..."

1. 11 cases were recommended for action by the ODPP. The recommended action varied and included criminal charges including murder, grievous bodily harm, incitement to violence, providing false information to the Authority and negligence. The recommendations also included non-criminal proceedings such as public inquest.
2. 10 investigations were completed without the need for further action owing to various reasons. Cases closed without the need for further action included cases where another state agency was already investigating or taking relevant action such as where the Police had already instituted criminal action against a police officer or civil proceedings were ongoing in relation to the subject matter. Other cases were also closed without need for further action where the complaint was withdrawn by the complainant and the withdrawal accepted by the Authority or due to lack of cooperation from the complainant or victim.
3. 3 cases were finalised through other resolution where the subject matter of the complaint was resolved through mediation (as provided in the IPOA Act) between the complainant and the police officer complained against.
4. 9 cases were referred to other State Agencies, for action as per their mandate: that is, NPSC, NPS and the IAU.
5. 1 of the cases referred to the ODPP resulted in criminal charge of murder brought against Constable Titus Ngamau Musila (based at Kasarani Police Station) for the murder of Kenneth Kimani Mwangi on 14 April 2013. Constable Musila was remanded in prison awaiting trial which is scheduled to commence in May 2015.

Besides the 54 completed cases, 188 cases were still under investigation while 429 were pending commencement of investigations.

2.3.1 Nature of investigated cases

The nature of cases among the 54 whose investigations were completed is as Table 5 here below:

Table 5: Nature of cases investigated

Nature of case	No. of cases	Percent
Deaths arising out of police action or inaction	9	17
Deaths in custody	1	2
Serious injuries	3	6
Sexual offences	2	4
Harassment, intimidation and corruption	21	40
Improper orderly/disciplinary proceedings	1	2
Undue delay and partial investigations	11	21
Enforced disappearance	1	2
Theft/fraud/robbery	4	8

(Source: IPOA, 2014)

As shown in Table 5 above, death cases comprised 19%, serious injuries at 6%, sexual offences at

2%, whilst 40% of the investigated cases were on harassment, intimidation and corruption, and finally, 21% were on undue delay/partial investigations. Death and serious injuries, including sexual offences, remain a key concern to the Authority and will continue to be given priority for investigations.

2.3.2 Status of investigation cases

Cumulatively since inception of IPOA's operations, status of cases at the close of 31st December 2014 is as shown in Table 6 below.

Table 6: Cumulative status of cases

Investigation stage	No. of cases	Percent
Cases currently under investigations	188	27
Completed investigations	80	11
Cases awaiting commencement of investigations	429	62
Total cases received for investigation	697	100
Cases forwarded to ODPP (cumulatively)	12	

(Source: IPOA, 2014)

2.3.3 Technical training

During the period, technical trainings provided to the investigators were on:

1. Interviewing and interrogation skills provided by the Federal Bureau of Investigation (FBI) in September 2014;
2. Human Rights by UNODC in October 2014; and,
3. Dealing with vulnerable and traumatised victims provided by the International Justice Mission (IJM) in November 2014 with the assistance of UNODC.

2.3.4 Challenges

One of the biggest external challenges remains the lack of understanding and failure to appreciate the Authority's mandate and objectives by members of the NPS. This has resulted in misapprehension of the investigations and requests for information at best, contamination of evidence and provision of misleading information at worst. Such instances include cases where the Authority's investigation makes a finding of unlawful killing but the suspect cannot be identified due to evidence contamination and manhandling of exhibits by police or inconclusive forensic and other evidence owing to flawed recording, collection and preservation of information and evidence.

Another challenge was the constrained capacity in terms of personnel and financial resources, which the Authority continues to make effort to address.

2.4 INSPECTIONS AND MONITORING

The Authority is mandated under Section 6 (e) of the IPOA Act, to conduct inspections of Police premises, including detention facilities under the control of the National Police Service as well

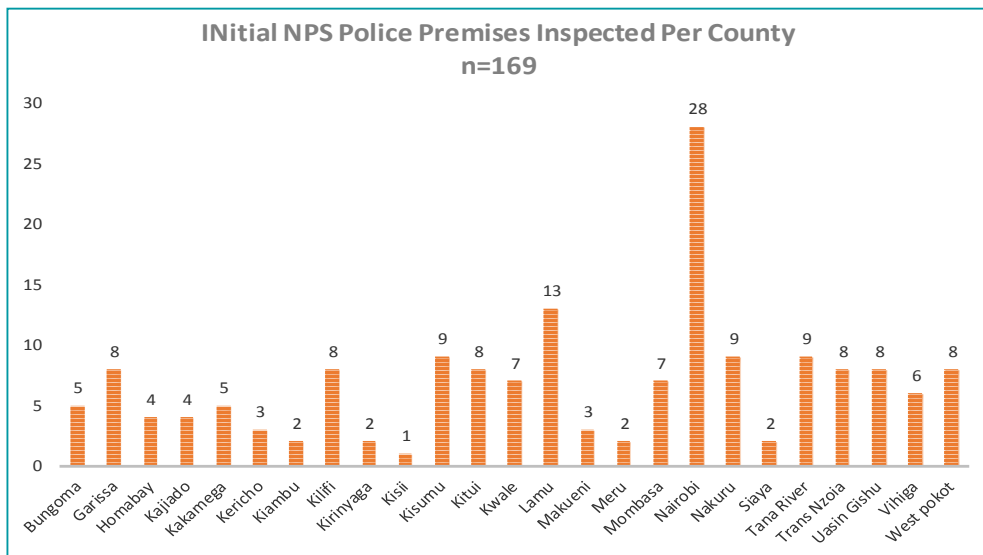
as monitor police operations. The overall objective is to enhance compliance by the police with constitutional standards on fundamental freedoms and human rights in policing, and specific objectives are to:

- Improve standards of detention facilities, detainee welfare and police working conditions, and
- Improved police operations that adhere to standards of human rights.

During the reporting period, the Authority sustained inspections of police premises and detention facilities. The findings arising from these inspections informed the recommendations presented in Table 7 here below.

The Authority conducted 169 new inspections and 10 follow-up inspections of police premises in 25 Counties and monitored 6 police operations. In addition, 3 police training facilities were inspected. Cumulatively since inception, the Authority had conducted 237 inspections as at 31 December 2014, in 28 Counties (60% of the 47 Counties) in Kenya. Inspections of police premises conducted during July-December 2014 are as per Figure 5 below:

Figure 5: Police premises inspected



(Source: IPOA, 2014)

2.4.1 Status of detention facilities

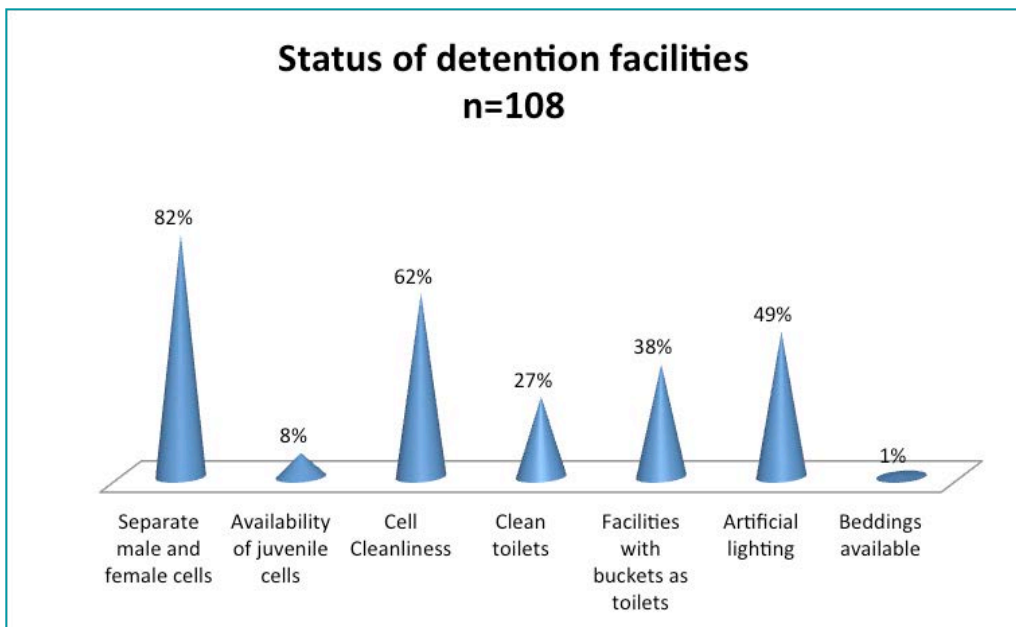
Out of 169 police premises inspected, 108 (63.9%) had detention facilities. Of the 108 facilities, 89 (82.4%) had separate cells for male and female detainees while 19 (17.6%) had only one cell for holding male detainees. Officers alleged to hold female detainees at the report offices. 99 facilities (91.7%) lacked juvenile and children cells.

The cells in Central Police Station in Mombasa County and Karen Police Station in Nairobi County were exceptionally clean and outstanding. On the other hand, the cells in Bamburi and Changamwe Police Stations in Mombasa County and Ahero Police Station in Kisumu County were filthy and unsafe for human habitation.

Moreover, 51% of the detention facilities inspected lacked artificial lighting in the cells. Detainees were thus subjected to dark cells which amounted to cruel, inhuman and degrading treatment or punishment and contrary to Rule 5 (b) of the Fifth Schedule of the National Police Service Act 2011.

Further, 72% of the detention facilities had dirty toilets which emitted strong stench. Moreover, 40 (37.9%) of police detention facilities inspected provided detainees with bucket toilets inside the cells for use, which is dehumanizing and indeed amounts to degrading treatment of detainees contrary to the Constitution and the NPS Act. 106 (99%) of the detention facilities inspected did not have blankets thus detainees slept on the cold cell floors, and this could predispose them to respiratory infections. Karen Police Station had beddings for detainees though inadequate. At Kilifi Police Station, women detainees were provided with blankets. In summary, the condition of detention facilities is as presented in Figure 6 below.

Figure 6: Status of detention facilities



(Source: IPOA, 2014)

During the period, the Authority also conducted follow-up inspections in 10 police stations. These inspections were conducted in Bungoma Police Station (Bungoma County), Bamburi and Central Police Stations (Mombasa County), Kisumu Police Station (Kisumu County), Kericho Police Station (Kericho County), Kerugoya Police Station (Kirinyaga County), Thika Police Station (Kiambu County), Mbumbuni Police Station (Makueni County), Ongata Rongai Police Station (Kajiado County) and Garsen Police Station (Tana River County).

The follow-up inspections revealed that seven of the station commanders had, to an extent, implemented IPOA's recommendations, particularly on cleanliness of detention facilities and artificial lighting. However, Thika, Garsen and Kerugoya police stations were noted for not undertaking any improvements, as recommended.

2.4.2 Treatment of detainees

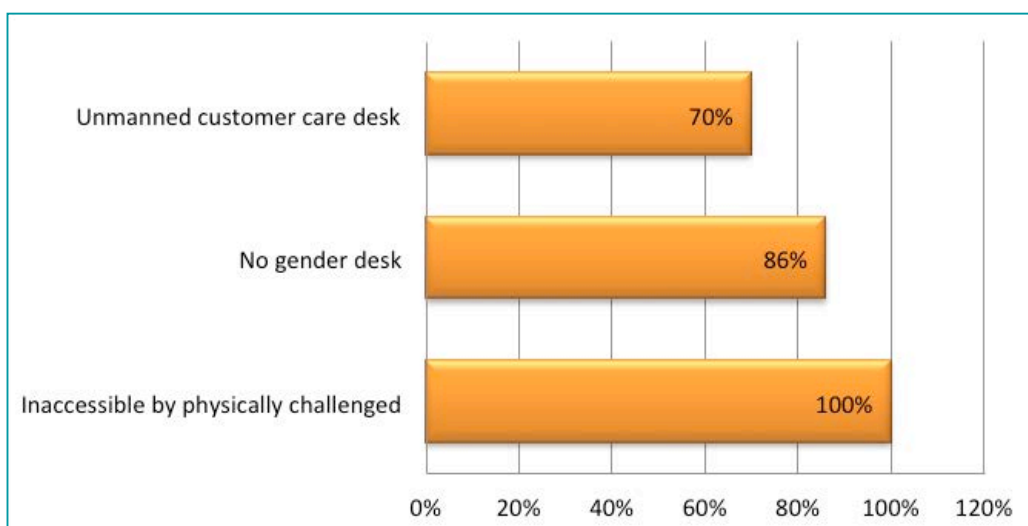
Despite the presence of cell sentry and lockable cells, it was observed that detainees in Awasi Police

Station and Riat Police Post (in Kisumu County) were held in cells but still handcuffed. In Kacheliba Police Station a metal bar was pinned on the floor inside the cell which apparently was used to chain detainees while inside the cells. This is contrary to Article 29(f) and 33 of the Constitution of Kenya 2010 and Article 33 of the Standard Minimum Rules for the Treatment of Prisoners.³

2.4.3 Special services for vulnerable groups

As presented in Figure 7 below, out of the 92 Police Stations inspected on child protection unit, 86 (93.5%) did not have these units. Out of 64 Police Stations inspected on gender desks and customer care, 55 (86%) had no gender desks while 44 (70.3%) had no manned customer care/information desk. None of the police stations inspected were friendly for the physically challenged. Thus, Persons With Disabilities (PWD) would have difficulties in accessing the police facilities. This is a violation of Articles 54 (c) (d) & (e) of the Constitution of Kenya on protecting and promoting the entitlements of PWDs.

Figure 7: Status of special services



(Source: IPOA, 2014)

2.4.4 Working conditions for officers

Ordinarily, working conditions of police, seem to be a mandate of the NPSC. However, IPOA acknowledges that this is also a mandate area, since “police premises” are defined by the NPS Act to include: “...any location where police hold office or from where they carry out their duties, including police stations, posts and camps”.

⁴ From this very definition, it is evident that there are policing functions carried out within these premises, and they do determine their conditions, and hence fall under the radar of IPOA.

Out of the 140 police premises inspected, 11 (80%) had insufficient office space. It was noted that all the three police training colleges inspected had sufficient office space. All the 34 APS Camps and Posts inspected were either housed at Administration offices or on private land. The government should make deliberate efforts to secure land for police premises across the country.

³ See, <http://www.ohchr.org/Documents/ProfessionalInterest/treatmentprisoners.pdf>, accessed March 26, 2015.

⁴ Republic of Kenya, National Police Service Act, No 11A, as amended, 2014, Preliminary.

Nine of the overall police premises that were inspected had no offices and operated under trees or temporary structures. These nine include: Soy AP Camp in Uasin Gishu County, Twiga AP Post in Trans Nzoia County, Lous AP Camp and Sarmach AP Post in West Pokot County, Ruthimitu AP Post in Nairobi County, Kabula AP Post in Bungoma, Sankuri AP Post in Garissa County, Baharini and Hongwe in Lamu County. In these premises, police kept steel boxes containing arms and ammunitions in their houses, which were also made of temporary structures (uni-huts). NPS needs to address these concerns urgently. See the photo below as an example.



Kabula AP post operating under a tree in Bungoma County (Source: IPOA, 2014)

2.4.5 Officers' housing

Out of 140 police premises inspected, 131 (93.6%) had inadequate housing with officers sharing houses. For instance, a single housing unit was shared by up to three officers who had families. In some stations officers were housed in halls and canteen facilities, while in other stations the housing units were made of mud or wood structures which were in deplorable conditions. These included: Londiani, Matunda, Endebess, Cherangani, Diani Turbo, Mbita, Kendu Bay, Garsen, Vihiga and Mbale Police Stations and Mokowe Police Post.



Police Canteen subdivided by bed sheets to accommodate officers at Eldoret police station (Source: IPOA, 2014)



A dilapidated officer's housing at Mbale Police station in Vihiga County (Source: IPOA, 2014)

2.4.6 General security of police premises

In terms of general security, 128 (74.4%) of the 169 premises inspected had no officers guarding the access points. The commanders attributed this to insufficient number of staff in their premises.

2.4.7 Staff capacity

All 169 NPS premises inspected were under-staffed. This negatively impacted on policing operations and subjected officers to work for longer hours. This is contrary to Article 46(2) of the NPS Act of 2011 which provides for reasonable working hours for police officers. In case excessive overtime is required, police officers are to be compensated with commensurate periods of rest. Further, still, officers are to be entitled to a minimum time of rest during and in between shifts.

Thirty three or 19% of police premises inspected did not have women officers at all, and thus, affecting handling of vulnerable women victims of crime or suspects. For instance, in Tarakwa Police Station in Uasin Gishu County, the officers alleged that sometimes they were forced to use the wives men police officers to conduct searches on women suspects or detainees.

2.4.8 Disjointed policing services

At the County level, despite the rallying call by IPOA on a coherent command structure, the Authority's interaction with the APS and KPS officers in the field, it was evident that the two services were disjointed and operated as parallel independent entities with independent commands. This led to duplication of duties. Better synergy would be achieved if both services worked together under one command and control.

2.4.9 Motor vehicles

Out of the 169 police premises inspected, 77 (46%) had no vehicles. The officers in these premises, at times, had to patrol their areas of jurisdiction on foot or relied on vehicles from their respective camps/stations or on public means at their own cost. Sometimes officers relied on well-wishers, and complainants' resources to carry out policing operations within their jurisdiction. These arrangements provided opportunities for corruption, an issue that has dented the image of the Service over the years.

2.4.10 Police operations monitored

During the reporting period the Authority monitored the following six police operations affecting members of the public.

a) Police Recruitment

During this recruitment drive, several inconsistencies and irregularities were observed in the manner the process was conducted. It was characterized by discrepancies in the final selection of the candidates, discrimination based on ethnic background and physical features, and lack of uniformity in the way the exercise was conducted across the recruitment centers. On the basis of these observations, the Authority moved to court petitioning the manner in which the exercise was conducted. A court ruling nullified the recruitment prompting the appeal by NPSC. AS At the end of drafting this report, the case is before the Court of Appeal, with a judgment expected on 8th May 2015.

b) Joint NPS/KDF Operation

The Authority was requested by the National Security Council (NSC) to undertake the exercise of monitoring this operation to ensure human rights standards were complied with. The monitoring was specifically done in Lamu, Tana River and Garissa Counties. The key notable concerns observed during the monitoring have since been documented in a report, and will be publicized soon once the Authority reports back to the NSC.

c) Saba Saba Rally⁵

The Authority monitored the Saba Saba Rally at Uhuru Park Recreational Grounds on July 7, 2014. The rally, which members of public had feared would result in insecurity incidents saw heavy deployment of officers from the security agencies including the National Police Service, Kenya Prisons Service and National Youth Service. The NPS conducted the security surveillance professionally and in a humane manner as envisioned in Article 37 of the Constitution of Kenya 2010 which provides for the right to, peaceably and unarmed, assemble, demonstrate, picket and present petitions to public authorities was respected.

d) My Dress My Choice procession

The Authority keenly followed the provision of security during My Dress My Choice procession in Nairobi Central Business District. My dress My choice' procession was a culmination of the indecent stripping of a lady at Embassava Matatu Bus Terminus in Nairobi on 12th November, 2014. The barbaric act led to the formation of a social media (face book and twitter hash tagged #mydressmychoice), by a group of women from Kilimani Area. This group ran a social media campaign dubbed 'my dress my choice', leading to a public procession that was held on November 17, 2014.

During the procession the NPS provided security professionally hence ensuring adherence to Article 37 of the Constitution of Kenya 2010.

e) Interactions with Human Rights Organization after the Mosque Operations⁶

Kenya has in the recent past faced increased spate of terror attacks from the Al Shaabab

⁵ Detailed monitoring report can be accessed from the Directorate

⁶ Ibid

militia and particularly in Mombasa County. This prompted the Police to carry out a number of operations in mosques after allegedly gathering intelligence reports that the mosques were being used as an armoury and training ground for terrorists, and for radicalization. The monitoring was conducted on 24 - 28th of November 2014.

The Authority's monitoring team conducted interviews with Human Rights groups namely Muslims for Human Rights, Kenya National Commission Human Rights, HURIA) and the NPS commanders based in Mombasa. Interactions with these groups raised concerns on use of excessive of force by police; arbitrary arrests, extortion, harassment and profiling on religious grounds. There were no formal complaints launched with the Human Rights Organizations interacted with.

f) The Third Reading of Security Laws (Amendment) Bill⁷

The Authority conducted a monitoring exercise on 18th December 2014 during the Third Reading of Security Laws (Amendment) Bill at the National Assembly. This was based on continued attacks in the country. The Chairman of the Departmental Committee on Administration and National Security Hon. Asman Kamama tabled the Security Laws (Amendment) Bill 2014 on December 8, 2014, which was viewed as draconian by some sections of the society hence necessitating the planned demonstration during its Third Reading on 18th December 2014. IPOA monitored the conduct of NPS officers during the debate in parliament as the Coalition for Reforms and Democracy had publicly stated there would be public demonstrations during the debate.

There were allegations of excessive force used by the police from the members of the public, during the demonstration. However the Authority was not able to verify this, as they did not meet with any of the complainants.

2.5 COMMUNICATION AND OUTREACH

During July-December 2014, communication and outreach events were stepped up towards achieving the following overall and specific objectives:

- Overall objective: Enhancing public knowledge about IPOA among the public and the police.
- Specific objective: Increasing IPOA publicity and thus visibility in the public domain.

The Authority continued to implement its Communication Strategy aimed at actualized in its three pronged objective approach of: a) awareness creation about IPOA; b) promotion of effective stakeholder engagement; and c) generation of a brand personality. Specific activities included: facilitation of speaker opportunities for Authority's officers; public was reached with messages through print and electronic media, social media, official website and talks to groups; launch of the Strategic Plan; printing of IEC materials⁸; holding of media briefings and advisories. The Authority established a new partnership during the period with the Nairobi Rotary Club. The Club supported the OPSA arrangements through co-sponsorship of the award activities.

⁷ Ibid

⁸ 19,592 communication materials (pieces) were produced that included; 500 carrier bags, 700 soft & hard strategic plans, 5,000 fliers, 6,500 brochures, 3,000 bumper stickers, 1,000 posters, 600 branded pens, 1,000 invitation cards for OPSA and strategic plan launch, 10 banners, 300 T-shirts/shirts, 600 Notebooks, 200 caps, 2 pages newspaper supplements, 10 model outfits and 170 certificates.

Additionally, the Authority held outreach forums in Nyahururu, Nyeri, Kiganjo, CID Training School in Nairobi and in a church and a mosque in Nairobi. The following four communication campaigns were conducted: OPISA media and Short Message Service (SMS), pre-launch events of the Strategic Plan within Nairobi, and through a newspaper supplement.



IPOA Strategic Plan Launch on 11th September 2014 was attended by various stakeholders including: Former IG, Mr. David Kimaiyo; UK High Commissioner, Dr. Christian Turner; Judge (Rtd) Philip Ransley; US Ambassador, Mr. Robert Godec; Ministry of Interior, Victor Okioma, UNODC representative, Mr. Hirbod Aminrali; and IPOA Chair Mr. Macharia Njeru. (Source: IPOA, 2014)



IPOA Board Member, Rose Bala, dispensing IEC materials during the pre-launch of the Strategic Plan. (Source: IPOA, 2014)



Head of Communication and Outreach together with the Director of Inspections and Monitoring with senior police officers at an outreach and inspections exercise at Kiganjo Training School. (Source: IPOA, 2014)



Senior Communications and Outreach Officer at an outreach exercise for civic leaders in Nyeri on 4th November 2014. (Source: IPOA, 2014)



Head of Communications and Outreach at an outreach exercise for senior police officers at the CID Training School, Nairobi, on 11th November 2014. (Source: IPOA, 2014)



IPOA Board members during a press conference at IPOA offices on leadership changes at the Ministry of Interior and the NPS on 4th of December 2014. (Source: IPOA, 2014)

2.6 INSTITUTIONAL STRENGTHENING

2.6.1 Human resource management

During the 2013/14 financial year, the Authority commenced an open and competitive recruitment exercise to fill all the identified critical positions. By 31 December 2014 the Authority's staff compliment was about 70, including the CEO, who was appointed in June 2014. The Board and management continued to review the current staffing levels to ensure that the Authority is able to carry out its activities effectively and efficiently. The Authority has not yet attained its optimal staffing levels, largely due to budget constraints. The Authority had earlier enlisted the services of the Department of Public Service Management (DPSM) to review the organizational structure and staff needs and establishment.

In November 2014 the Board and management held a two-day retreat to review the IPOA Human Resources Policies and Procedures Manual. The Board approved the Manual in the retreat.

2.6.2 Capacity building and training

IPOA considers training of its staff key as a way of nurturing and development of existing skills and talents. Capacity building, therefore, was one of the areas that were given utmost attention. Table 8 below shows the different training offered to staff since February 2014 to December 2014.

Table 8: Staff training conducted

Training	Sponsor	Venue	Number	Theme / Objective of the training
Civilian Oversight and Investigation processes, February 2014	APCOF	Nairobi, Kenya	16 investigators	Civilian Oversight and Investigation Process

Federal Bureau of Investigation (FBI) Training, May 2014	FBI	Nairobi, Kenya	26 investigators and complaints officers	Crime Scene Management
Staff induction, June 2014	IPOA	Nairobi, Kenya	74 staff (facilitated by the IPOA Board)	To provide a clear understanding of IPOA's mandate to staff
Human Rights training, October 2014	UNODC	Nairobi, Kenya	74 staff	To sensitize staff on human rights aspects of concern relating to IPOA's mandate
Training on complaints handling at Queen Mary University, November 2014	UNODC	London, United Kingdom	2 complaints management officers	To enhance critical analysis of complaints

2.6.3 Financial management

During the financial year 2014/15, the Authority was allocated Kshs. 205m against a desired budget of Kshs. 429m, as projected by the IPOA Strategic Plan. This left the Authority with a huge financing gap, particularly staff on salaries and critical core areas such as investigations, inspections and monitoring.

Total expenditure as at 31 December 2014 stood at Kshs.123m, a budget absorption of 60%. In October 2014, the Authority submitted a request for additional resources amounting to Kshs. 224m through 2014/15 Supplementary I Estimates out of which Kshs.92 million was allocated to support personal emoluments. During the second half of the year, the Authority will submit a request to the National Treasury for additional resources in the Supplementary Estimates II to cater for operational expenditures.

In October 2014, the Authority participated in the GJLOS retreat in Mombasa for the reparation of the sector report for MTEF period, 2015/16, 2016/17 and 2017/18 financial years. The Authority was allocated budget ceilings of Kshs. 244m, Kshs. 257m and Kshs. 280m for the three financial years respectively.

During the period, KENAO finalized audit on the Authority's 2013/14 financial statements. The Authority is pleased to report that it received an unqualified audit opinion on its 2013/14 financial statements. The Authority would continue to exercise financial prudence and discipline and to use of its allocated funds optimally, and ensure that the resources are utilized in accordance with the existing government fiscal policies, regulations and controls.

To guide the Authority's financial management and administrative function, a financial policy and procedures manual and a transport policy were developed.

The National Treasury installed IFMIS at the Authority in December 2014 upon which the CBK interfaced the system with G-Pay. Staff in the finance department attended training on Internet Banking (IB) organized by CBK in readiness for the planned rolling out of IB in all MDAs early in 2015.

3.0 PARTNERSHIPS AND NETWORKS

3.1 Stakeholder engagements

The Authority, in line with its stakeholder engagement strategy made every effort to initiate, develop and strengthen collaboration with various partners. During the report period, a stakeholder engagement policy was developed to guide engagement in all relevant partnerships.

Participation of the Authority in the collaborative initiative of the Complaints Referral Partners Forum continued through representation by its 2 officers in a forum coordinated by KNCHR held in Kirinyaga County. This provided a platform for the Authority to publicise and create awareness on its functions to members of the public in Kirinyaga. The Authority also attended the quarterly referral partners meeting whose purpose is to seek ways of effectively dealing with complaints through the network.

Further, collaboration intensified with Internal Affairs Unit, EACC, CAJ and NPSC with the number of complaints referred to them continued to grow. The Authority also continued to partner with International Justice Mission (IJM) and Independent Medical Legal Unit (IMLU).

3.2 Memoranda of understanding

Collaboration with ODP, EACC and NPS continued as the Authority pursued completion and signing of the MOUs with each of them. The signed MOU with WPA continued to be implemented.



The IPOA Board Chair, Macharia Njeru during the signing of and MOU with Alice Ondieki, the Director, Witness Protection Agency (WPA). (Source: IPOA, 2014)

3.3 Outstanding Police Service Awards (OPSA)

Article 244 of the Constitution contemplates that the police shall strive for professionalism and discipline. It is for this reason that IPOA was established to provide civilian oversight over the work of NPS, including holding the police accountable to the public in the performance of their functions.

The Authority considers that recognizing and awarding outstanding performers amongst police officers is important to raise their morale and motivate them. During the period, the Authority, the Rotary Club of Nairobi, NPSC, NPS, Usalama Reforms Forum and KNCHRC conceptualized and rolled out OPSA to recognize and award deserving police officers for their excellent performance of their duties in service to the public. The team identified the following five categories for the awards:

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

The awards were scheduled to be held on 4th December 2014. However, the ceremony was postponed to March 2015 due to changes in the leadership at the Ministry of Interior and also the NPS.

The eligibility for these awards was for members of NPS i.e. serving officers of all ranks of the APS, KPS, CID and designated police facilities such as police stations, posts, outposts, bases and camps, as prescribed in the NPS Act.

Persons nominating officers and facilities were required to the following;

- Fill in the official nomination form and send it to the provided email address or drop it in the offices of any partner organizations;
- Dial a dedicated code (*384*9#, for Safaricom subscribers only) for free to nominate the preferred officer or facility;

Persons nominating were also required to briefly describe what criteria the nominee qualified for the particular award. To kickoff this nomination process, there adverts placed in the Daily Nation and The Standard on 1st October 2014. There was also a media campaign that run on Citizen Radio and Capital FM.



A group photo of the OPSA winners, the IPOA Board, sponsors and some of the guests during the event. (Source: IPOA, 2014)

4.0 CHALLENGES AND RECOMMENDATIONS

Execution of the Authority's functions has not been without various operational and technical challenges which if adequately addressed would aid in faster results towards the envisaged outcomes. Key challenges are as below.

4.1 Operational challenges

Challenge	Recommendations
Gross under-funding	Authority to engage the National Treasury for additional funding in 2014/15 Supplementary Estimates II.
High expectations from public and police	Authority to raise public awareness on the Authority's functions and mandate and work extra hard to meet these expectations
Inadequate facilitative equipment	Equipment to be procured upon availability of resources from Treasury

4.2 Technical challenges

Challenge	Recommendations
Inadequate number of investigators	The Authority to strengthen its investigative capacity through recruitment of additional qualified and experienced investigators
Police undertaking investigations and recommending inquests before informing the Authority and thus legally barring IPOA's investigations.	ODPP to address the issue with the police. IPOA to use its statutory powers where necessary
Lack of MOU's with vital stakeholders such as mobile telephone operators and government chemist.	Authority pursue entering into MOUs with these parties.
Inadequate cooperation from some police commanders during inspections of police premises by the Authority.	IG to sensitize and create awareness to field commanders on the role of IPOA. The Authority is planning to engage NPS on this matter

5.0 SPECIFIC RECOMMENDATIONS

Annex 1: Recommendations: Inspected police premises and facilities⁹

	Issue/Concern	Recommendations	Institution Responsible
1	Dirty detention cells and toilets	<ul style="list-style-type: none"> Clean the detention facilities (cells and toilets). 	OCS
2	Inadequate lighting of cells	<ul style="list-style-type: none"> Provide adequate lighting in cells. 	OCS & IG
3	Lack of beddings in the Cells	<ul style="list-style-type: none"> Beddings to be provided to all police stations 	IG
4	Separation of cells	<ul style="list-style-type: none"> Provide commanders with resources to ensure that lock-up facilities have separate cells for men, women and juvenile. 	IG
5	Rights of arrested persons	<ul style="list-style-type: none"> Detainees should be held in humane conditions at all times. Station Commanders must ensure that detainees are produced before court within the legislated 24 hours. The Inspector General to facilitate Station Commanders with adequate resources such as vehicles and fuel so that detainees can be produced in court within the requirements of the law. 	OCS & IG
6	Poor officers' working conditions	<ul style="list-style-type: none"> Secure land for police premises. Develop police infrastructure to promote efficiency and effectiveness. 	IG

⁹ The police premises affected include: Riruta, Huruma, Kilimani, Bamburi, Matunda, Tarakwa, Langas, Soy, Cherengani, Kapenguria, Kacheliba, Central in Nairobi, Garsen, Londiani, Kisumu, Kondele, Ahero, Bungoma, Eldoret Police Stations and Baharini, Mamboleo, Matisi, Kolongolo, Chepchoina, Magada Police Posts. Riruta, Bangale, Kariobangi, Mpeketoni, Matunda, Soy, Cherengani, Kacheliba, Garsen, Gamba, Londiani, Ahero, Riat, Mbita, Kendu Bay, Vihiga, Mbale and Kakamega Police premises used bucket toilets. In Nguni, Kilimani, Malindi, Bamburi, Kapenguria, Central in Nairobi, Parliament, Kisumu, Kondele, Eldoret, Bungoma and Mumias Police Stations, the toilets were dirty.

	Issue/Concern	Recommendations	Institution Responsible
7	Poor officers' housing	<ul style="list-style-type: none"> The IG, NPSC in consultation with the Salaries and Remuneration Commission should consider improving the NPS officers' house allowances to current market rate. This will enable the officers to look for decent housing. The NPS should also consider leasing houses for the officers. 	IG and NPSC
8	Inadequate services to Special Interest Groups	<ul style="list-style-type: none"> All station commanders should ensure that customer and gender desks are manned accordingly. Police premises should be modified and designed to meet the needs of the differently abled persons. 	OCS & IG
9	Inadequate security for police premises	<ul style="list-style-type: none"> Security measures to ensure that police premises are guarded 24 hours a day. 	OCS/Camp Commanders
10	Inadequate staffing (police officers)	<ul style="list-style-type: none"> Explore possibilities of hiring additional police officers to beef up existing capacity. 	NPSC and IG
11	Inadequate Vehicles and fuel allocation	<ul style="list-style-type: none"> Ensure adequate and fair distribution of resources to fund police stations, camps, posts and bases for effective policing operations. 	IG
12	Inadequate special equipment	<ul style="list-style-type: none"> Facilitate respective stations such as Lamu with special equipment such as boats and quad bikes. 	IG
13	Non-involvement of station Commanders in budget making process	<ul style="list-style-type: none"> Incorporate station commanders in the budget preparations process so that they present their priority areas for funding. Consider appointing OCSs as holders of Authority to Incur Expenditures (AIE) 	IG

	Issue/Concern	Recommendations	Institution Responsible
14	Disjointed work environment in the NPS	<ul style="list-style-type: none"> Make deliberate efforts to integrate APS and KPS for better policing. Also an overall commander should be appointed to coordinate the policing operations at the county level. 	IG
15	Inadequate stationeries	<ul style="list-style-type: none"> Streamline supply of crucial stationery and accountable documents to all stations, camps and posts. 	IG
16	Lack of proper records management	<ul style="list-style-type: none"> Ensure that records are correctly entered in the occurrence book. Ensure that the outlined particulars of detainees are correctly captured in the registers. Stringent measures should be put up to bring about accountability in handling of firearms. 	OCS IG
17	Poor handling of exhibits	<ul style="list-style-type: none"> Need to construct enough stores to ensure that exhibits are safely kept Station commanders to ensure that exhibits are well labelled as evidence obtained are crucial to making or breaking a case. 	OCS
18	Inadequate uniforms	<ul style="list-style-type: none"> Police officers to be provided with adequate and complete set of uniforms by streamlining of issuance procedures and accountability in supply. Allegations of officers buying uniforms from the Quartermaster should be urgently investigated and disciplinary action taken. 	DIG, KPS
19	Redeployment of staff	<ul style="list-style-type: none"> Need for regulations on the duration an officer is supposed to serve in an operational area. 	NPSC, DIG: APS & KPS
20	Delayed allowances (transfer, deployment or officers attending courts)	<ul style="list-style-type: none"> Streamline and automate payment systems so that applicable allowances are paid without unnecessary follow up by the officers (Payees). 	DIG: APS & KPS

	Issue/Concern	Recommendations	Institution Responsible
21	Lack/inadequate computers and furniture	<ul style="list-style-type: none"> Provide Police premises with at least a working computer, internet access and printer to process station's documentation work and communicate with headquarters. 	DIG: KPS & APS
22	Inadequate police communication gadgets	<ul style="list-style-type: none"> All stations/camps/posts/bases to be provided with communication gadgets to promote effective policing. Consider provision of satellite communication equipment. 	IG
23	Lack of transparency in promotions and training in the Service	<ul style="list-style-type: none"> The NPSC in consultation with the NPS should ensure that promotions and trainings are based on merit and clear set regulations. The NPS Officers should undergo regular refresher training courses on human rights 	NPSC & IG
24	Lack/non-functioning of Community Policing Initiatives	<ul style="list-style-type: none"> All OCSs should strive to have community policing initiatives in their respective jurisdictions and maintain minutes of the same. The DIGs should put in place mechanism to ensure the monitoring of the community policing implementation and operation. 	OCS/Camps DI: KPS/APS
25	Inexperienced officers in operational areas	<ul style="list-style-type: none"> There should be a balance in the staff composition in all operational areas for effective policing. 	DIG: APS & KPS
26	Lack of protective gear	<ul style="list-style-type: none"> Officers in the stations should be provided with appropriate protective gear. 	DIG: APS & KPS
27	Counseling and Psychological support	<ul style="list-style-type: none"> A Continuous counseling program should be put in place that ensures regular counseling for the officers. 	DIG: KPS & APS
28	Inappropriate transfers	<ul style="list-style-type: none"> Transfers should be effected according to set guidelines and procedures and that they are not applied as a punishment. 	DIG: APS & KPS

	Issue/Concern	Recommendations	Institution Responsible
29	Delayed compensation after demise of officers	<ul style="list-style-type: none"> The Next of Kin of demised officers should be compensated without any further delays 	DIG: APS & KPS
30	Recruitment process	<ul style="list-style-type: none"> Proper mechanisms should be put in place to ensure that the recruitment process starts early and is finished before dusk. There should be clear guidelines on how the recruitment process should be carried out. The recruiting officers need to prepare beforehand and get more organized to quicken the recruitment process. All measures must be put in place to ensure the process is free, fair and transparent. 	IG and NPSC
31	Complaints handling mechanism	<ul style="list-style-type: none"> A structured and functional joint complaints handling mechanism should be set up for detainees and during security operations. 	IG
32	Delay in establishing County Policing Authorities (CPAs) and Community Policing Committees (CPCs)	<ul style="list-style-type: none"> Establish and operationalise the CPAs to fast-track the operationalization of Community Policing Committees. 	IG, County Governments

Annex 2: Recommendations: Usalama Watch, Eastleigh, Nairobi

	Concerns/Issues	Recommendations (Dated 14 th July 2014)
1	Under Section 10(1) of NPS Act, the IG is required to provide a command structure and system of Service for the efficient administration of the Service nationally	<ul style="list-style-type: none"> The structure should be organized, taking into account the command and control in that there should be a specific officer in charge of an area of operation whether KPS or APS. This will ensure that there is no doubt as regards the command at all levels. The IG should immediately institute measures to put in place a seamless structure of the Service at all levels to avoid a repeat of the situation witnessed during this operation. The IG should furnish IPOA with a report on measures instituted within 90 days.
2	Harmonization of NPS command structure. Under Articles 243 and 245 of the Constitution, NPS is established as a single entity. While the KPS and APS are recognized in the Constitution, it was never intended that the two should operate as parallel services.	<ul style="list-style-type: none"> There is need to urgently take steps to have them organized nationally to work together at all levels. Harmonization should include and be manifested in joint trainings, deployment including patrols, procurement, legal services, communication, sporting events and all other matters aimed at promoting one NPS. The IG must immediately take steps to avoid duplication
3	Capacity of Directorate of Criminal Investigation to collect criminal intelligence	<ul style="list-style-type: none"> The DCI to immediately take steps to enhance the capacity of the Directorate to collect criminal intelligence and to carry effective investigations. Additionally, DCI to take similar steps to ensure that there is intelligence-led policing. DCI to provide IPOA with evidence of the mechanisms put in place to this end within 90 days.
4	Section 24(f) of NPS Act requires the KPS to share in the responsibility of collecting criminal intelligence.	<ul style="list-style-type: none"> DIG of KPS required to institute measures to enhance intelligence gathering and ensure intelligence-led policing in tandem with recommendation (3) above. Evidence of the mechanisms put in place should be furnished to IPOA within 90 days.
5	Respecting Human Rights	<ul style="list-style-type: none"> Human rights training should form part of all police training curriculum in Kenya. All serving police officers should undergo a refresher training course on human rights. IPOA will take steps and collaborate with NPSC to mainstream human rights training curriculum of NPS.
6	Detention facilities	<ul style="list-style-type: none"> The police should ensure that detention facilities are maintained clean at all times. This requirement of the Constitution is replicated under Rule 5 of the Fifth Schedule of the NPS Act.

	Concerns/Issues	Recommendations (Dated 14th July 2014)
7	Confinement of children	<ul style="list-style-type: none"> Children should be confined separately from adults, when detained, as provided for in Article 53 (1) (f) of the Constitution and Rule 5(d) of the Fifth Schedule to the NPS Act. Additionally, such an operation should have children officers and children's issues report desks to address issues of children in detention.
8	Conducting searches on women	<ul style="list-style-type: none"> Enough female police officers should be deployed as part of any police group conducting stop/search and arrest operations. The officers are required to comply with Section 27 of the Criminal Procedure Code, which provides that: whenever it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.
9	Detained persons to be accorded their rights	<ul style="list-style-type: none"> Detained persons should be accorded their rights as stipulated in Articles 49, 50, and 51 of the Constitution as is required of them under Rule 2 of the Fifth Schedule to the NPS Act. The rights include the right to communicate with and receive visits from members of one's family, the right to inform family members of the arrest and detention and place of detention, the right to have access to doctors and general medical assistance when required, and the right to lodge complaints against ill-treatment and to seek compensation against the police.
10	Police operations	<ul style="list-style-type: none"> All future policing operations should aim at fostering broader relations with the community. There is need for members of the Service to understand that community engagement is the cornerstone of effective counter-terrorism policy.
11	Stigmatization of certain groups of people	<ul style="list-style-type: none"> The IG is required to take active steps to correct the impression created by the operation that certain communities are criminal and/or may harbor criminals.
12	Carrying out post-mortem of the operation	<ul style="list-style-type: none"> The police should carry out a post-mortem of the operation with a component of the public element and report its findings to IPOA within 90 days. NPS required to put in place measures to capture lessons learnt after every such operation and to conduct an after-action-review after every operation.
13	Detainees' records	<ul style="list-style-type: none"> OCSs to ensure that detainees' records are captured in the OB and Cell Register in the manner prescribed under Rule 8 of the Fifth Schedule to the NPS Act.
14	Allegations of bribery and corruption	<ul style="list-style-type: none"> IAU of the NPS to institute investigations into allegations of bribery and corruption levelled against members of the Service during the Operation, and to report its findings to IPOA.

Annex 3: Recommendations: Mpeketoni Terror attacks in Lamu County

	Concerns/Issues	Recommendations (Report released on 6 th October 2014)
1	Harmonization of the NPS command structure	<ul style="list-style-type: none"> Urgent need to harmonize the command structure of the NPS in order to integrate the three services. At operational/tactical level, there should be one officer in command of all the Service personnel in the region. IG to appoint a single NPS County Commander in all the 47 Counties to oversee all police officers and units in KPS, APS, DCI and GSU. IG to furnish IPOA with a report on the measures taken within 90 days.
2	Operation centre	<ul style="list-style-type: none"> Need to establish an operation centre or command post to coordinate such operations.
3	Investigation into the failure to respond	<ul style="list-style-type: none"> IG needs to review the concept of the deployment of the Rapid Deployment Units (RDU) and other specialized units. Need to by NPS to conduct in-depth investigations into why the RDU and the GSU who were in a better position to respond failed to do so. IG required to provide to IPOA a report into the investigations within 90 days.
4	Use of Heli-borne operations	<ul style="list-style-type: none"> NPS to consider the use of Heli-borne operations during such incidents in future to pursue attackers.
5	Continuous training of NPS officers	<ul style="list-style-type: none"> There is need for a work-based continuous development training curriculum that incorporates all facets of policing including law, conflict handling, decision making, public relation skills, combat, range classification and field craft among other aspects. Additionally, NPS must undertake to ensure that all officers receive regular refresher firearms training in line with Chapter 31 of the Force Standing Orders paragraph 31. IG to furnish IPOA with a copy of the planned training course schedule within 90 days.
6	County Policing Authorities and Community Policing Committees	<ul style="list-style-type: none"> There is need to Gazette the County Policing Authority and operationalize the community policing committee so as to fulfill the objectives contemplated in Article 244 of the Constitution.

	Concerns/Issues	Recommendations (Report released on 6th October 2014)
7	Staffing versus core functions	<ul style="list-style-type: none"> • NPSC and NPS need to address staffing levels and roles assigned to the officers at station level. • The practice of assigning officers to guard financial institutions at the expense of wider policing demands ought to be reviewed. • NPS to enforce Section 46 (2) by imposing compulsory rest periods for officers in between shifts unless of course in cases of an emergency.
8	Commercialization of operations	<ul style="list-style-type: none"> • The commercialization of police operations should be addressed and the issue of operational pulse to enable the officers be paid allowances should be discouraged.
9	Audit of police operations	<ul style="list-style-type: none"> • KENAO should conduct specific audit of police operations expenditures to ensure taxpayers money is spent in a transparent manner and for the purpose intended.
10	Transport	<ul style="list-style-type: none"> • The National Government must make a deliberate effort to facilitate the mobility of police officers particularly in remote areas to enable better service delivery. • The NPS budgeting process should be bottom up approach.
11	Communication	<ul style="list-style-type: none"> • The National Government must urgently provide suitable and sufficient communication equipment to facilitate the NPS to appropriately coordinate response emergencies and day to day operations.
12	Disaster response plan	<ul style="list-style-type: none"> • There is need for police in all Counties to have a police disaster response plan in place. The plan should be subject to regular mock drills.
13	Detainees evacuation plan	<ul style="list-style-type: none"> • The duty of care owed to suspects in custody by police officers should be reinforced amongst officers including the legal consequences of such neglect.
14	Redeployment of NIS and National Government representation	<ul style="list-style-type: none"> • Consideration should be made to redeploying the National Government and NIS representation in Lamu.

	Concerns/Issues	Recommendations (Report released on 6th October 2014)
15	Recognition of police officers	<ul style="list-style-type: none"> • The IG recognized and promoted some of the officers who were on duty at Mpeketoni Police Station on 15 June 2014. • However, such promotions ought not to be based on single acts of bravery alone. • A suitable promotion process should involve a careful competence-based assessment which should consider operational aptitude, involve examination of legal and technical knowledge and an interview by a panel.
16	Interdiction of police officers	<ul style="list-style-type: none"> • NPS must abide by the rule of law and procedures in taking disciplinary action against police officers.
17	Investigation and collection of evidence	<ul style="list-style-type: none"> • The DCI must ensure that scenes of crime officers and investigators are sensitized and suitably trained on scene examination and evidence identification and collection and particularly on the importance of physical evidence, prioritization of evidence and speed of evidence collection.
18	Intelligence	<ul style="list-style-type: none"> • NPS should ensure that disseminated intelligence is appropriately managed and any operational, strategic and policy decisions or actions arising are urgently actioned.
19	Underlying County concerns	<ul style="list-style-type: none"> • There is need for political will on the ground to diffuse searing ethnic, religious, land and political tension. • The National Government should take necessary measures to address the contentious and long-standing land issue, which has remained an emotive subject in Lamu County.

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The OPSA event Guest relations team.

(Source: IPOA, 2014)



One of the OPBA winners receiving his trophy.

(Source: IPOA, 2014)



ACK Garden Annex, 2nd Floor,
1st Ngong Avenue, Community,
Telephone: +254-020-4906000, 0725-327289, 0732-081490
P O Box 23035-00100 GPO, NAIROBI.
Email: info@ipoa.go.ke
Website: www.ipoa.go.ke