



Independent Policing
Oversight Authority



PERFORMANCE REPORT JULY - DECEMBER 2017





IPOA photo: IPOA undertaking a dialogue session with Station Commanders from Nakuru County.

Cover photo: IPOA Board Vice Chair Ms. Jedidah Ntoyai during the opening of the Authority's Garissa Regional Office.

Back cover: IPOA Board Chairman Mr. Macharia Njeru receiving Members of Parliament from Laikipia and Samburu who visited the Authority to lodge a complaint on behalf of their constituents.



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PERFORMANCE SUMMARY

Activities	Numbers
Complaints Received and Processed	1,206
Complaints received (within mandate)	957
Registered complaints received through IPOA website	250
Concluded investigations during the reporting period	98
Cases currently under investigations	712
Cases awaiting commencement of investigations	810
Cases forwarded to ODPP	12
Cases in courts	114
New inspections conducted in police premises	30
Follow up inspections conducted in police premises	54
Police operations monitored	35



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ABBREVIATIONS AND ACRONYMS

AP	Administration Police
CIC	Case Intake Committee
DCI	Directorate of Criminal Investigations
ECM	Enterprise Content Management System
IAU	Internal Affairs Unit
IG	Inspector General
IPOA	Independent Policing Oversight Authority
KNCHR	Kenya National Commission on Human Rights
KPS	Kenya Police Service
NPSC	National Police Service Commission
NPS	National Police Service
OCPD	Officer Commanding Police Division
OCS	Officer Commanding Station
ODPP	Office of the Director of Public Prosecution
OPSA	Outstanding Police Service Award
UNODC	United Nations Office on Drugs and Crime





STATEMENT BY CHAIRPERSON OF THE Authority

On behalf of the Board, the Management and the staff, I am pleased to present the 11th Statutory Performance Report since inception of IPOA for the Period July - December 2017. During this period, the Authority achieved great milestones in pursuit of achieving its mandate. As we reflect on the gains the Authority has made so far, this report outlines the Authority's performance in key mandate areas, achievements, challenges and recommendations made to the National Police Service (NPS) and other stakeholders. The achievements made by IPOA since inception is a clear indication of its important role in guarding public interest in policing and also in professionalizing the NPS.



In the spirit of co-operation and partnership as stipulated in the IPOA strategic plan, the Authority continued to work with stakeholders in guarding public interest in policing. As per the Authority's mission, we continue to conduct impartial and independent investigations, inspections, audits and monitoring of the NPS. This indeed continues to prevent impunity in the Police Service while promoting professionalism and integrity. Gradually, our vision to be a robust civilian accountability mechanism that promotes public trust and confidence in the NPS continues to be realized.

Since inception, the Authority has received and processed **9,248** complaints and **691** consequent investigations have been concluded. The conclusion of investigations has gradually grown over the periods attributed to sustained capacity growth in staffing, training and financial allocation. Complaints by police have reduced to 3.6% of all complaints in this period under review from a high of 26% during the inception year 2012-2013. This can be attributed to a more functional IAU through IPOA intervention and also through the recommendations made to NPS upon inspections of police premises and monitoring of police operations.

The Authority has also conducted **790** inspections since inception towards realization of improved detention facilities and police premises. This was done through conducting inspections of police premises, and making recommendations on areas of improvement by the NPS.

The Authority sustained collaboration with various stakeholders including the US Embassy, the British High Commission, the Swedish Embassy and UNODC. IPOA wishes to express gratitude to all our development partners whose enormous support is key in achieving its mandate during this period. Special acknowledgment also goes to the National Treasury, National Assembly's Committee on Administration and National Security and the Budget Appropriation Committee for ensuring that the budget for 2017/2018 was revised upwards to meet IPOA's needs.

In conclusion, I would like to thank my fellow Board members for their continued contribution, support and commitment to the Authority's vision and mission. I also wish to thank the IPOA management and staff, for their hard work and dedication that has enabled the Authority to record another six months of great success.

Macharia Njeru
Chairperson

The Independent Policing Oversight Authority





MESSAGE FROM THE CEO

The Independent Policing Oversight Authority's performance continues to improve compared to other years which is attributed to increased levels of awareness of its existence and mandate amongst members of the public and the NPS.

During the period under review, the Authority received 1206 complaints, conducted **84** inspections in police facilities and concluded **98** investigations. Twelve (**12**) files were reviewed and recommendations made to the ODPP, two cases referred to NPSC, 19 files were recommended for further investigations while Eight (8) files were closed.

The IPOA Act Section 6 (a) gives the Authority power to investigate deaths as a result of police action. Since its inception IPOA has been in the forefront in investigating and recommending prosecution of police officers engaged in extra-judicial killings, serious injuries and other forms of human rights abuses.

Further, the Authority fully rolled out The Enterprise Content Management (ECM) dubbed 'IPOA Cloud Connect'; the Authority's online platform for conducting its businesses aiming at digitizing all the operations.

The Authority participated in monitoring the police conduct during the pre-election, the elections days (August 8 and October 26, 2017) and the post-elections periods. This crucial exercise consumed much of the Authority's time in engaging in other functions under its mandate due to the extended electioneering period.

On behalf of all the staff, I would like to thank the Board for its continued guidance and support throughout the period. I would also like to thank and commend the staff for their tireless efforts towards another successful period.

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





EXECUTIVE SUMMARY

Complaints Management

Between July - December 2017, the Authority received **1,206** complaints leading to a total number of **9,248** complaints received since inception. Out of the 1,206 complaints, 54% (651) of the complainants were male while 164 (13%) were female. The complaints included Police inaction, Police misconduct, and abuse of office, assault and harassment by police among others.

Investigations

During the reporting period, the Authority concluded **98** investigations out of which twelve (**12**) cases were forwarded to the ODPP. Two cases referred to NPSC, 19 files were recommended for further investigations while eight (**8**) files were closed. Cumulatively, IPOA has concluded a total of **691** case investigations since inception.

Inspection, Research and Monitoring

The Authority conducted a total of **84** inspections in twenty (20) Counties. Since inception the Authority has conducted **790** inspections. Out of the 84 inspections conducted between July and December 2017, **54** were follow-ups while **30** were new inspections. Among the 30 new inspections conducted, **22** were done in Kenya Police Service (KPS) while **8** were conducted in Administration Police Service (APS) premises.

Out of the 30 new inspections conducted, 17 (56.6%) were reported to have detention facilities. All the 17 detention facilities inspected had cells for male adult detainees while only 24% (4) had cells for juvenile male detainees. 82% of the detention facilities had cells for female adult detainees while only 12% (2) had cells for juvenile female detainees. 65% (11) of the detention facilities had clean cells, 53% (9) had adequate artificial lighting, and 76% (13) had adequate ventilation while only 18% (3) of the facilities were providing beddings for detainees. 100% (17) of the detention facilities lacked child protection units.

Key Recommendations

The (NPS Act) rightly recognizes that the detention of detainees should be carried out in accordance to the law. According to Rule 5 of the Fifth Schedule of the NPS Act 2011, it is the responsibility of the Officer in Charge of the station, to ensure that a lock up facility is in hygienic condition conducive for human habitation, have adequate light, toilet and washing facilities and an outdoor area. The officers in charge of the stations and posts should ensure that they adhere to the provision of the NPS Act.

According to the Fifth Schedule Rule 5(c and d), juveniles should be kept separately from adults. The Inspector General of Police and the Cabinet Secretary Interior and Coordination of National Government should ensure that designated detention facilities are facilitated in establishing male and female juvenile cells.

The Inspector General of Police should investigate the operational commanders in the public order management operations where officers under their command used excessive force leading to deaths and serious injuries.

According to the NPS Act the police should furnish the Authority with timely reports on deaths of occurring under their attention. Notifications are not done and when done they are not timely. IPOA should sign an MOU with NPS to ensure timely notification of deaths due to police action or in police custody.





Partnership and Collaboration

During the reporting period, collaboration and partnership was sustained with various stakeholders including, UNODC on the 'Basket fund', USA Embassy support on the ECM project among other development partners.

Transparency and Accountability

In the financial year 2017/2018 the Authority was allocated Kes 695.8m and has already spent kshs 250.9m. Financial management is guided by the Constitution of Kenya 2010, the Public Financial Management (PFM) Act 2012, Government financial regulations 2015, Public Audit Act 2015, International Public Sector Accounting Standards (IPSAS) and IPOA financial policies and procedures manual.

The Authority has also continued to ensure high standards of internal controls are in place and well-functioning. The Authority's risk management framework was implemented with an oversight from the Board to safeguard the Authority's assets and stakeholder interests.



1.0. INTRODUCTION

The Independent Policing Oversight Authority is established pursuant to the Independent Policing Oversight Authority Act (Act No. 35 of 2011). Its main function is to provide for civilian oversight over the work of the Police.

The objectives of the Authority as set out in Section 5 of its constitutive Act are to:

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

In accordance with section 30 of the IPOA Act No.35 of 2011, the Authority shall submit to the Cabinet Secretary, at least once in every six months, a report of the performance of the functions of the Authority, making such recommendations as it may consider necessary, and the Cabinet Secretary shall, within 14 days after receiving such report, cause it to be published and laid before the National Assembly.

Performance status

During the reporting period, the Authority implemented various activities in fulfillment of its mandate which include but not limited to receiving and processing complaints against police; conducting investigations, inspecting police premises and detention facilities and monitoring police operations affecting members of the public as detailed in the sections below.

Performance summary

Activities	Numbers
Complaints received and processed	1,206
Complaints received (within mandate)	957
Registered complaints received through IPOA website	250
Concluded investigations during the reporting period	98
Cases currently under investigations	712
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2.0. COMPLAINTS MANAGEMENT

The IPOA Act No.35 of 2011 requires the Authority to ensure independent oversight of the handling of complaints against the NPS. IPOA executes this function through the receipt, processing and investigation of complaints lodged by the public and police officers.

2.1 Complaints Received

The Authority received a total of **1,206** complaints during the reporting period as illustrated hereunder bringing the total number of complaints received since inception to **9,248**. The number of complaints received per month, per region is as shown in the table below.

Month	Mombasa office	Kisumu office	Garissa office	Headquarters Nairobi	Total
July	33	22	5	157	217
August	16	49	3	207	275
September	12	12	3	132	159
October	37	37	6	145	225
November	18	60	8	106	192
December	21	22	11	84	138
Total	137	202	36	831	1,206

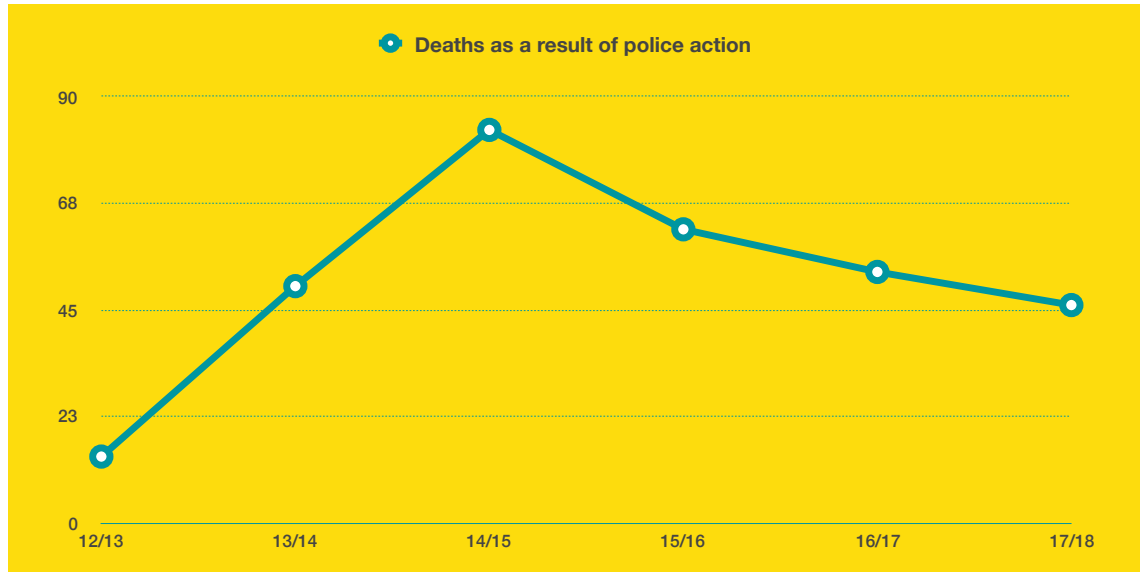
2.2 Nature of Complaints

The totals in this chart vary as a complaint could be having more than one nature i.e. a complainant having been assaulted and harassed at the same time. The chart shows complaints received due to police inaction was the highest at 289 followed by physical assault and misconduct at 269 and 137 respectively. The nature of complaints was as follows:

Nature of complaints	Total	Proportion
Unlawful arrest and detention/ Threats	63	5.8%
Injuries as a result of police shooting	84	7.8%
Deaths from police shooting	46	4.3%
Death in police custody	11	1%
Enforced disappearance	4	0.4%
Physical Assault	269	25%
Police Inaction	289	26.9%
Police misconduct	137	12.8%
Administrative police issues	32	3%
Abuse of Power/ Misuse of Authority	21	2%
Sexual assault	43	4%
Destruction/Failure to return property	34	3.2%
Contempt of a court order	11	1%
Extortion	30	2.8%

2.2.1 Deaths as a result of police action

The IPOA Act Section 6 (a) gives the Authority power to investigate deaths as a result of police action. Since its inception IPOA has been in the fore- front in investigating and recommending prosecution of police officers engaged in extra-judicial killings, serious injuries and other forms of human rights abuses.



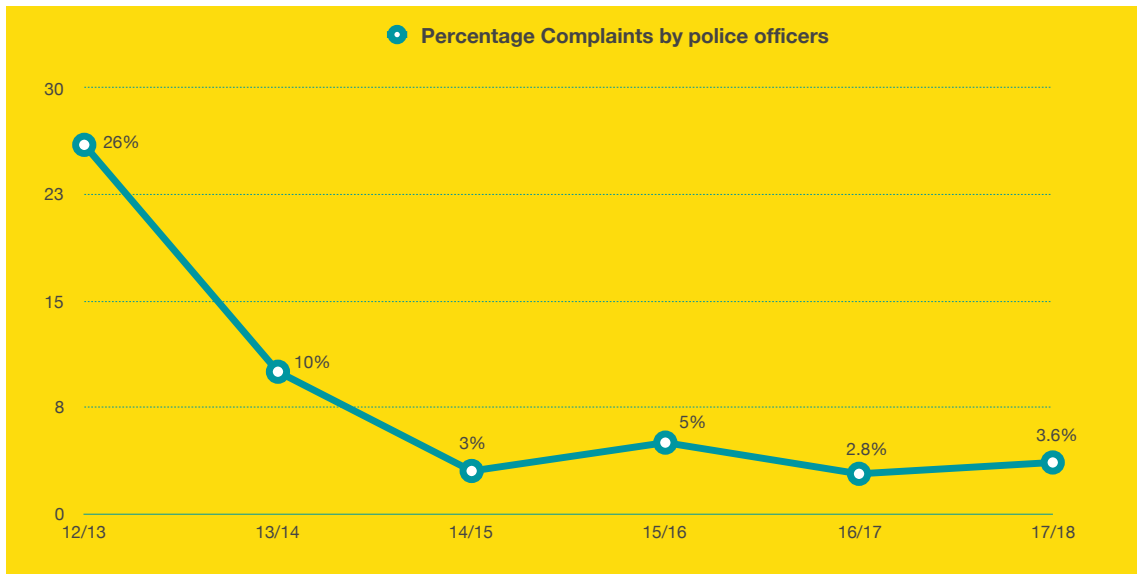
The above chart indicates that deaths as a result of police shooting were on a rising trend during the first two years since inception then a drop following the successive years. The low number (14) in 2012/2013 indicates a situation where the public had little knowledge of where to report deaths caused by the police. With increased awareness, the number rose to 50 and 83 in the following years. After, IPOA took up investigations of a case where the police killed a minor in Kwale County, which later ended in convictions of involved police officers, there has been a decline in the number of deaths caused by the police hence the decline to 62 and eventually 46 cases in 2017/2018 which represents only 3.8% of all the complaints received this during this reporting period.

2.3 Source of Complaints

Complaints were received from various sources including members of the public, police officers, state and non-state actors, people complaining on-behalf of others and others by IPOA's own motion. The frequency was as illustrated below:

Source	July	Aug	Sept	Oct	Nov	Dec	Total
Complaints by the public	155	172	126	156	158	115	882
Complaints by police officers	6	10	7	11	5	5	44
Complaints by non-state actors	32	11	13	10	12	14	92
Complaints by state actors	14	14	3	8	5	5	49
Complaints on Own Motion	10	19	59	21	21	9	139
Total	217	226	208	206	201	148	1,206

2.4 Complaints by Police



Complaints by police officers displays a reducing trend with only 3.6% of all cases reported under the reporting period emanating from police from a high of 26% during the inception year 2012-2013. This can be attributed to a stronger IAU which receives most of these complaints directly without the intervention of the Authority.

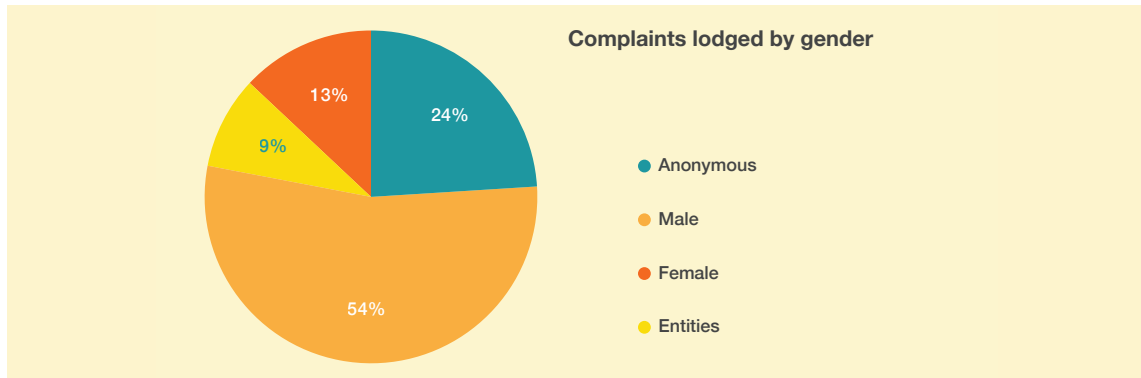
The complaints from police officers included illegal transfers, insufficient allowances, intimidation from colleagues among others.

2.5 Complainants Analysis by Gender

Complaints were received from both the male and female gender. Male complainants were the majority at 54% while female complainants were 13%. However other complaints were received from entities and persons whose gender could not be ascertained. Twenty four (24) percent of the complaints were from people who sought anonymity.

The chart below is a gender analysis of the complaints received.

Gender	Total	Percentage
Male	651	54
Female	164	13
Entities	106	9
Anonymous	285	24
Total	1,206	100



2.5 Mode of Receiving Complaints

Complaints were received mainly through walk-ins and letters to the Authority. A small portion was received through IPOA's website, telephone, own motion, letters and through email. The Chart below shows the most common mode of launching complaints within the Authority during the reporting period.

Month	Walk in	Letters	Website/ Email	Phone	Social Media & others	Own Motion	Police Notification	Total	%
July	66	67	57	6	0	7	0	203	17
August	104	68	57	23	2	29	0	283	23
September	64	51	39	6	3	2	0	165	14
October	87	49	51	15	2	25	3	232	19
November	69	40	29	10	21	13	1	183	15
December	53	47	17	11	4	7	1	140	12
Total	443	322	250	71	32	83	5	1,206	100

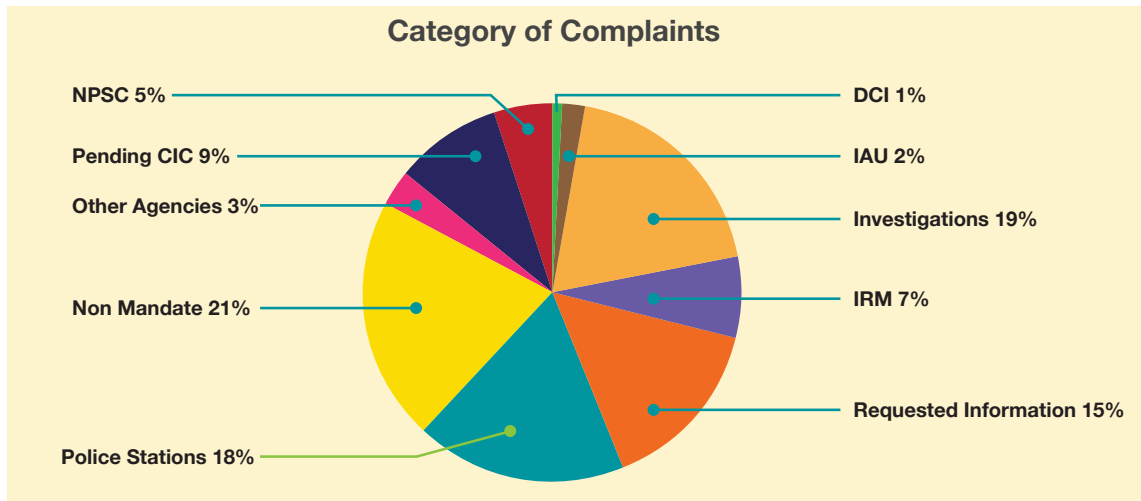
2.6. Complaints Processing

As per the Authority's service charter, complaints were processed within two weeks by the case intake committee and feedback given to clients in time. Feedback included forwarding of complaints to other agencies such as IAU or NPSC, request for more information, case under investigation, facility to be inspected and request to consider reporting a matter to other agencies if not within our mandate.

Case Referral	Investigations	Referred to Inspections	Incomplete Information	Police Stations	Non-Mandate Complaints	Referred to other Agencies ¹	Pending CIC	IG	NPSC	DCI	IAU
No	229	86	188	214	249	36	111	7	56	10	20

¹ Other agencies: EACC, NLC, CAJ

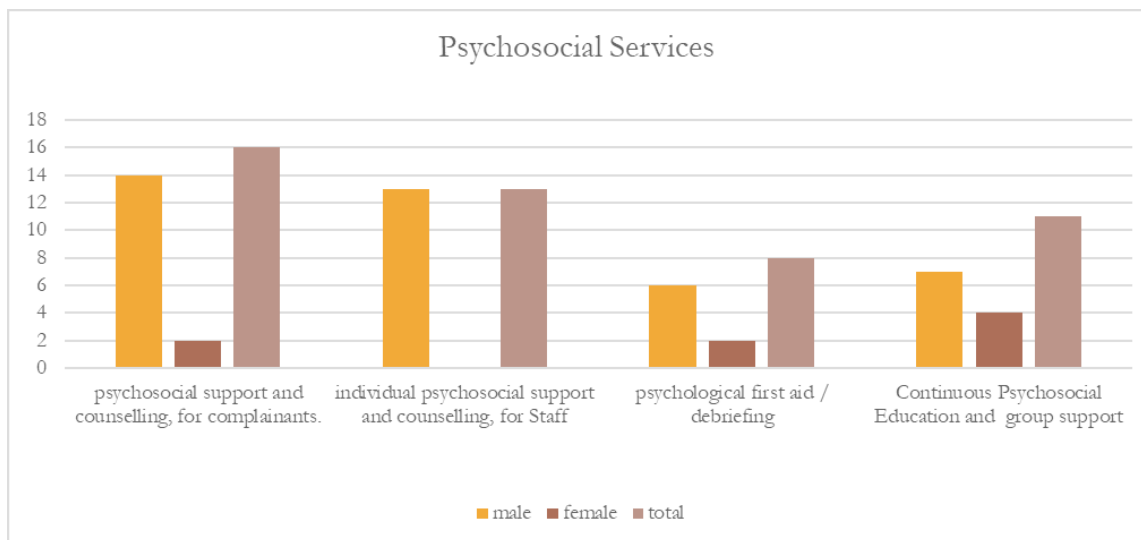




From both the table and pie-charts above its clear that out of the **1,206** complaints processed, 20.6% (249) were non mandate complaints while 19% (**229**) were recommended for investigations. 17.7% (214) were forwarded to the police for further attention while 1.7% (20) were recommended to the internal affairs unit. Three hundred and forty one (**341**) files were closed while **865** remained active.

3.0 PSYCHOSOCIAL SUPPORT

The Authority offers psycho social support and counselling services to clients who are victims of police brutality, witnesses, as well as staff involved in handling complaints, investigators or any other staff in need. This is done through individual counselling, psycho education forums, and debriefing and psychological First Aid sessions. During the reporting period, 48 clients were received, 16 were either complainants or witness while, 32 clients were IPOA staff members. The nature of the psycho social services offered is as shown in the graph below;



4.0. INVESTIGATIONS AND REVIEW OF CASE FILES

The Authority concluded investigations on complaints against the police as received from the public, members of the NPS and IPOA's own motion. Outcomes of the investigations include; recommendations for prosecutions by the ODPP, opening of inquests, exoneration among others.

4.1. Cases Investigated by Counties

During the reporting period a total of 98 investigations were completed and this leads to 691 completed investigations since inception. The 98 investigations were conducted in 30 counties in the country. This indicates that at least 63% of the 47 counties in Kenya had cases of police misconduct and injustices which needed investigations as shown in the table below. Out of the 98 cases, 41 i.e. 42% were through rapid response activities conducted by the Authority.

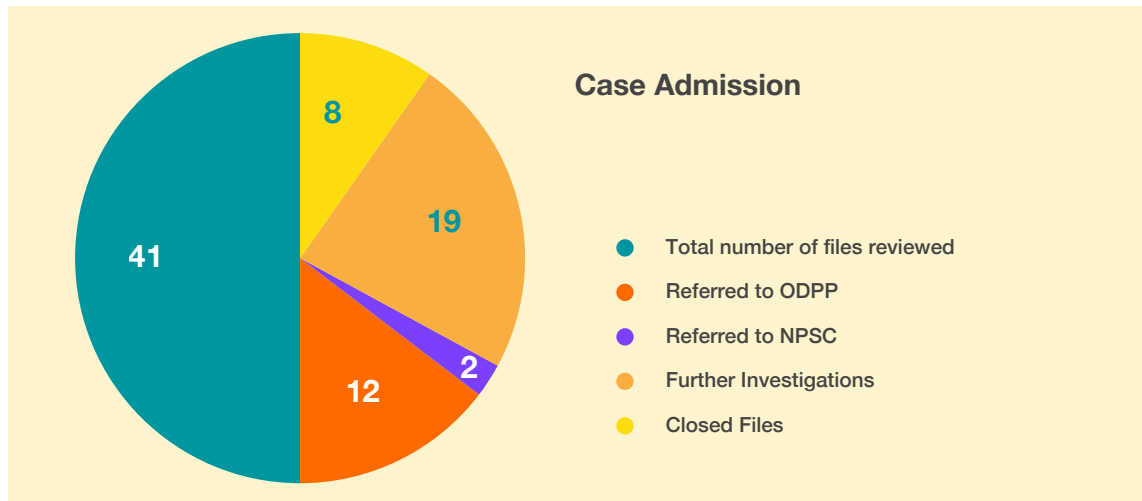
County	Count	Percent	County	Count	Percent
Nairobi	35	36	Murang'a	4	4
Meru	6	6	Homabay	1	1
Kericho	1	1	Siaya	5	5
Machakos	3	3	Laikipia	2	2
Mombasa	4	4	Tana-river	4	4
Kiambu	4	4	Bungoma	1	1
Narok	1	1	Busia	1	1
Kirinyaga	1	1	Migori	1	1
Kisii	3	3	Kilifi	1	1
Kitui	3	3	Turkana	1	1
Nakuru	3	3	Makueni	1	1
Kakamega	2	2	Uasin Gishu	1	1
Embu	1	1	Lamu	1	1
Isiolo	1	1	Elgeyo Marakwet	1	1
Kisumu	4	4	Mandera	1	1

4.2 Nature of Cases Investigated

Nature of case	No. of cases	% Proportion
Deaths arising out of police action or inaction	40	40.9%
Deaths in custody	3	3.1%
Serious injuries/assault/police brutality	25	25.5 %
Sexual offences and sexual related offences	5	5.1 %
Harassment, intimidation, extortion & corruption/ arbitrary arrest	4	4 %
Use of excessive force	4	4 %
Undue delay and partial investigations/negligence/collusion/ inaction	9	9.2%
Failure to investigate	8	8.2%
Total	98	100%



Out of the 98 concluded investigations, Forty one (41) investigation files were reviewed, analyzed and recommendations done. Twelve (12) files were reviewed and recommendations made to the ODPP, two cases referred to NPSC, 19 files were recommended for further investigations while Eight (8) files were closed as shown below. By the end of the period under review, one hundred and fourteen (114) cases were before courts.



From the 41 cases files reviewed, proportion of cases on death of members of public in police custody and police action remaining high at 52%(21) followed by assault by police at 15% (6). Sexual offences 10%(4) was third followed by injuries due to Police shootings at 7% (3).Police in-action and corruption had a representation of 5%(2) each while enforced disappearance and unlawful detention had 2% (1) each. It was also noted that sexual offences to the members of the public by police was still in existence and NPS needed therefore to address the matters seriously and urgently.

4.3. Status of Investigations during the Reporting period

Investigation stage	No. of cases	Percent
Cases currently under investigations	712	37.4%
Concluded investigations	98	5.1 %
Cases awaiting commencement of investigations	810	42.5%
Total cases received for investigation during the reporting period	287	15 %
TOTAL	1,907	100%

4.4. Civil Cases in Court

During the period under review; the Authority handled 13 civil cases in court relating to its mandate. Six cases arose from investigations concluded. One case was finalized while the other five are ongoing. Seven other civil cases relating to the Authority's mandate were handled, six (6) being Constitutional Petitions while one (1) was an appeal lodged before the Court of Appeal. All the seven (7) cases were ongoing as at 31st December 2018.

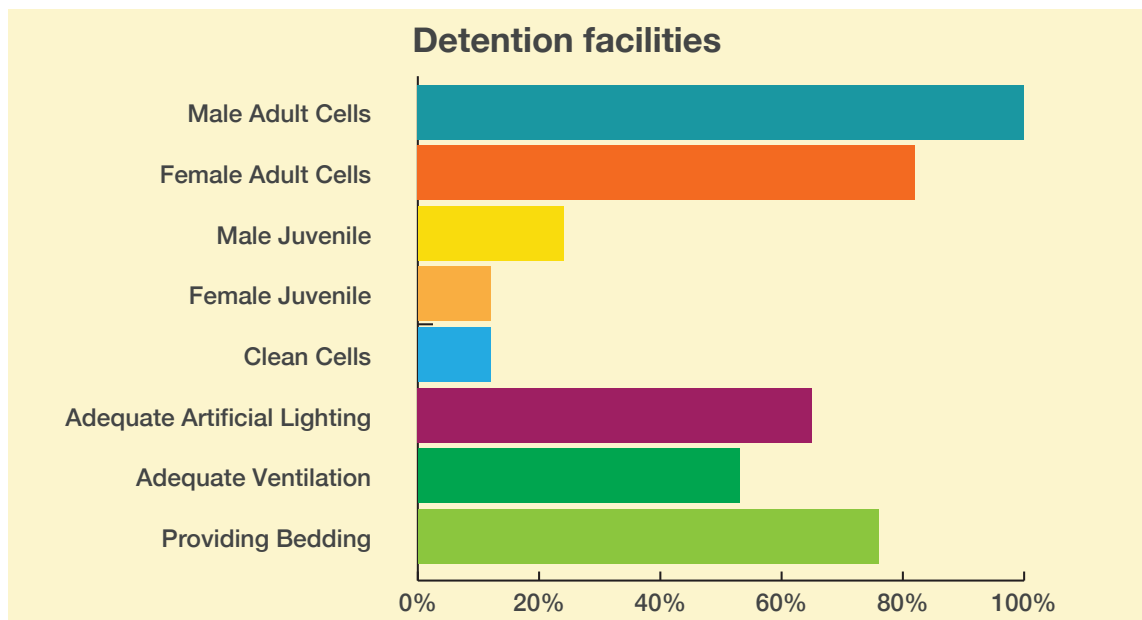


5.0. INSPECTION OF POLICE FACILITIES

As per Section 6(e) of the Authority's Act, IPOA conducted a total of 84 inspections in police premises and detention facilities in 20 Counties. Out of this, 30 were new inspections while 54 were follow ups to previously inspected premises. Follow ups are done to assess the levels of improvement based on recommendations given during earlier inspection. Cumulatively, the Authority has conducted a total of **790** inspections since inception.

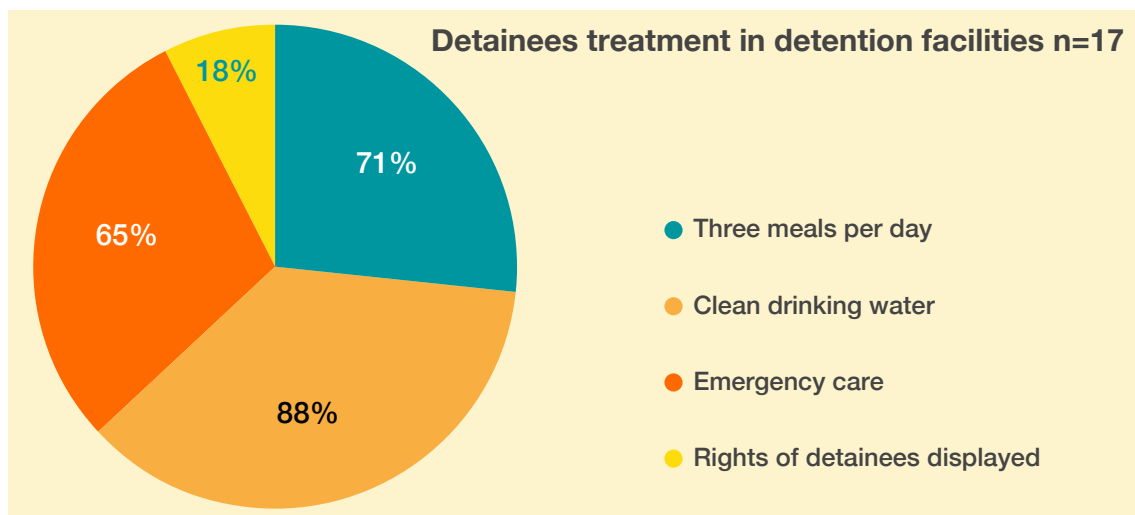
5.1 Detention Facilities

Out of the 30 new inspections conducted, 17 (56.6%) were reported to have detention facilities (police stations). All the 17 detention facilities inspected had cells for male adult detainees while only 24% (4) had cells for juvenile male detainees. 82% of the detention facilities had cells for female adult detainees while only 12% (2) had cells for juvenile female detainees. 65% (11) of the detention facilities had clean cells, 53% (9) had adequate artificial lighting, and 76% (13) had adequate ventilation while only 18% (3) of the facilities were providing beddings for detainees.



5.1.1 Treatment of Detainees and Utilities

In the detention facilities inspected, 88% (15) detainees were provided with clean drinking water. In seventy one (71%) which is 12 facilities; detainees were being provided with three meals per day (Breakfast, Lunch and dinner). In some premises detainees were being provided with two meals a day (Breakfast and Lunch). Eighteen (18%), which is three detention facilities, had the rights of detainees displayed on the wall in conspicuous places. Emergency care was available in 65% (11) of the detention facilities. In all the detention facilities inspected there was no special treatment services for female detainees or detainees with special needs.



5.1.2. Infrastructure, Working Conditions and Security

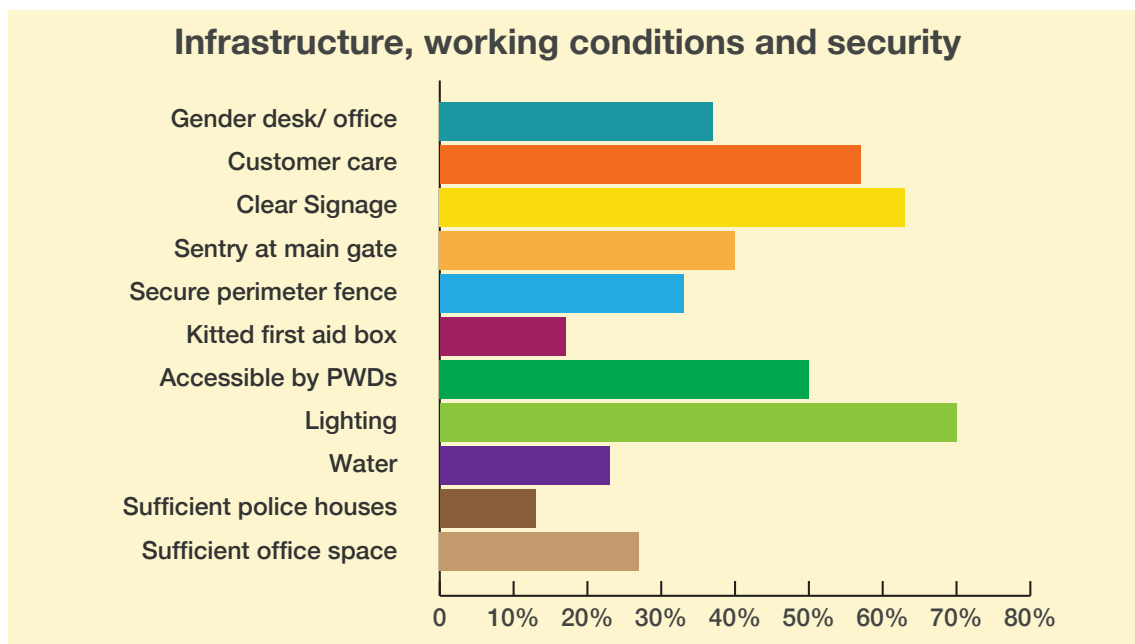
In the 30 Police premises where new inspections were conducted, 27% (8) of the facilities had sufficient office space while only 13% (4) had sufficient houses for the officers. In the facilities inspected, 76% (23) had water, 70% (21) had lighting, and 50% (15) were accessible to physically disabled clients by use of wheelchair. Further, in the police premises inspected, it was found out that 17% (5) were well equipped with First Aid kits. In terms of security of police premises, the inspections established that 33% (10) of the police premises inspected had secure perimeter fence, while 40% had officers guarding the entry to the police premises. It was also established that only 63% (19) had clear signage showing directions to the police stations.



Nov 2017; A photo showing a very dirty cell with a bucket toilet in Litein Police Station in Kericho County

It was also found out that 57% of the police premises had customer care desk with only 30% of the customer care desks being labeled. 37% (11) of the police premises had gender desk/ office.





5.1.3. Records Management & Stationeries

During the new inspections, 93% (28) of the police facilities had their occurrence book correctly entered. Eighty (88)% (15) of the premises with cells had their cell registers correctly entered while 48% (8) of the 6 premises with cells, had their Detainees' Property Registers correctly entered. Sixty three (63) % i.e. 19 of the total newly inspected facilities had their Arms and Ammunition Register correctly entered. In all the stations inspected availability of stationeries (records, registers and writing materials) was a major challenge as they were either inadequate or completely lacking.

5.1.4. Resource Allocation and Vehicles

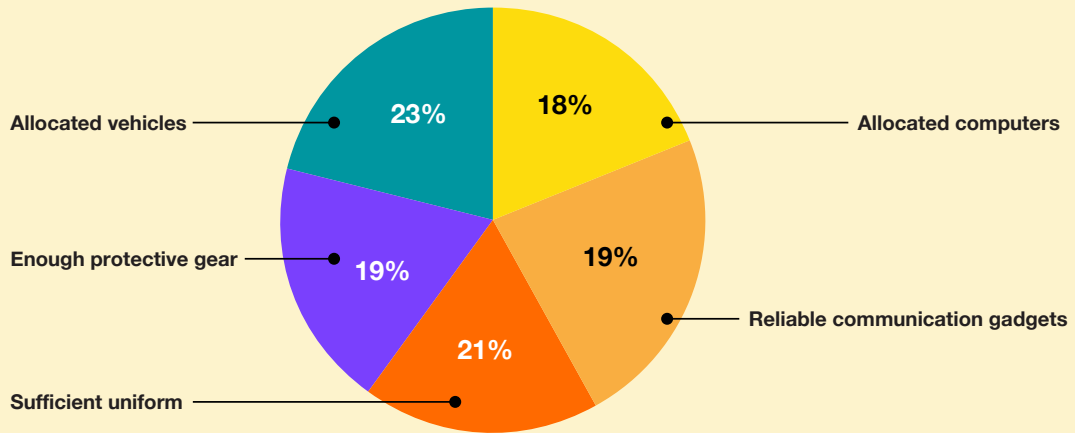
In the police premises inspected, 60% (18) had been allocated vehicles for use in policing duties. It was established that less than half, i.e. 47% (14) had computers for use in police work. In terms of police communication it was found out that 50% (15) of the police premises had reliable communication gadgets. In other, police premises the police officers were using personal mobile phones for communication.

In the police premises inspected, it was established that only 53% (16) of the police premises had sufficient issue of uniforms to officers. It was established that uniforms supplied to officers were not enough with some officers lacking shirts and blouses. Further, it was established that 50% (15) of the police premises had protective gear for police officers.





Status of resource allocation



Nov 2017; newly constructed police houses at Turbi Police Station in Marsabit County.

5.1.5. Community Policing

From the new inspections conducted, community policing initiative had not been embraced as per the law, out of 9 stations, only 22 % (2) of the police premises had community policing initiatives. The two Stations had evidence of a structured Community Policing and even had a record of previous minutes.



5.2. Follow-Up Inspections

During the reporting period, 54 follow-up inspections (51 KPS and 3 APS) were conducted in police premises across the country. The objective of the follow-up inspection was to assess any status improvement of the previously inspected detention facilities, detainees' welfare and police working conditions as well as find out if the recommendations given after the initial inspections had been implemented, and if not what the challenges were. This also followed the full inspections approach.

The table shows the initial status of the police facilities, status at follow-up inspection and comments on improvement or decline in the status in percentages.

Parameter	Status at Initial Inspections in Percentage	Status during follow-up in percentage	Comments on Improvement/deterioration
A: UTILITIES			
Water	76%	69%	In the initial inspections there were 76% of the facilities with water. On follow up of the same facilities there was a decline of 7% of the facilities with water. Follow up inspection had 69%. In some police premises water had been cut off by the providers due to accrued bills.
Lighting	90%	84%	6% of the facilities inspected showed decline in lighting. This was due to unpaid bills to providers.
Accessibility by persons with disability (PWD's)	47%	35%	12% decrease. The follow up was based on the structural design factoring ramp, and the facilities were these follow ups happened did not have ramps initially.
First Aid Box	10%	12%	There was uptake of this recommendation by 2%
B: SAFETY AND SECURITY			
Main Gate	14%	16%	2% uptake of IPOA recommendations was noted.
Secure report desk	33%	37%	4% uptake of IPOA recommendations after initial inspections.
Perimeter Fence	33%	37%	There was 4% uptake of IPOA recommendations on perimeter fence in NPS institutions.
Clear Signage	76%	78%	2% of the facilities implemented IPOA recommendations on signage.



Parameter	Status at Initial Inspections in Percentage	Status during follow-up in percentage	Comments on Improvement/ deterioration
Fire equipment	66%	29%	37% the facilities were these follow ups happened did not have fire equipment initially due to limited resource allocations
C: FRONT DESK			
Guarded customer care desk	21%	45%	24% of the facilities inspected showed improvement as a result of recommendations made during initial inspection
Guarded gender desk	29%	37%	8% of the facilities inspected showed improvement as a result of recommendations made
D: DETENTION FACILITIES			
Detainees held over 24hrs	8%	18%	There was an increase of 10% of facilities holding detainees for more than 24 hours. This is a clear sign of violation of the law and Officers in Charge were warned of the legal consequences to these violations.
Existence of child protection unit	2%	6%	There was an increase of 4% on detention facilities with a child protection unit
E: CONDITIONS OF CELLS			
Hygienic conditions of cells	72%	80%	8% of the detention facilities improved as a result of IPOA recommendations
Toilets within cells	27%	35%	8% of the police stations improved by having toilets in the cells.
Cleanliness of toilets and wash area	29	53%	24% of the detention facilities improved as a result of IPOA recommendations
Adequate light	41%	39%	3% decrease was noted in detention facilities. Explained by lack of payment of accrued electricity bills.
Adequate ventilation	60%	64%	4% improvement was noted in detention facilities.
Provision of bedding	19%	19%	There was no change in all facilities where follow ups were done.
F: DETAINEE WELFARE			
Provision of 3 meals a day	82%	84%	2% improvement as a result of recommendations made
Provision of drinking water	84%	84%	There was no change in all facilities where follow ups were done.





Parameter	Status at Initial Inspections in Percentage	Status during follow-up in percentage	Comments on Improvement/ deterioration
Provision of special hygienic services for women. I.e. sanitary towels	4%	6%	2% improvement as a result of recommendations made.
G: DETAINEE TREATMENT			
Detainee rights displayed	6%	4%	2% decline. This can be explained by lack of clear law on displaying of the rights in detention facilities. The law just talks about informing of detainees about their rights but not display which is important for them to read.
Provision of medical care to detainees	54%	64%	10% improvement as a result of recommendations made.
H: RECORDS			
Occurrence book correctly entered	92%	86%	6% decline in most stations. This was attributed to the new officers from the colleges who were being inducted in the police work.
Cell register correctly entered	84%	80%	4% decline most stations. This was due to the new officers from the colleges who were being inducted in the police work.
Detainees' property register correctly entered	25%	33%	8% of the facilities inspected showed improvement as a result of recommendations made
Arms and ammunition movement register correctly entered	86%	73%	7% decline noted. This was a consequence of the officers being in operation and the fear of attacks hence officers were not renewing firearms daily.
Exhibits register correctly entered	27%	39%	The facilities inspected showed improvement as a result of recommendations made
Complaints against police register	33%	41%	8% improvement as a result of recommendations made
Weekly duty roster	75%	90%	15% improvement as a result of the previous recommendations made
I: OFFICE SPACE, HOUSING AND RESOURCE ALLOCATION			
Sufficient office space State of offices	19%	16%	There was attributed to the increased demand of police working space with the current increase in recruitment rates, without a match in availability of space.





Parameter	Status at Initial Inspections in Percentage	Status during follow-up in percentage	Comments on Improvement/ deterioration
State of offices	23%	25%	Improvement by 2%
Computers	53%	61%	Improvement by 8%
Vehicle allocation	76%	84%	Improvement by 8%
Working communication gadgets	43%	45%	Improvement by 2%
Sufficient issue of uniforms	53%	45%	Declined by 8%. Officers alleged that there is laxity and corruption at the Quarter Master General on issuance of police uniforms.
Sufficient protective gear	35%	29%	Decline of 6% with allegations that the police Service has not been supplying gloves and bullet proof vests supply is not in tandem with increasing number of police officers.
Separate crime office	67%	63%	Decline in offices by 4%. This was explained by the increasing number of police officers in need of space while construction of new offices is lagging.
Interrogation/ interview rooms	10%	4%	Decline by 6%. This was explained by the increasing number of police officers in need of space while construction of new offices is lagging.
Adequate Exhibits Store	18%	24%	6% of the facilities inspected showed improvement as a result of recommendations made
Sufficient houses for Police officers	23%	15%	There was a decline of 8%. Explained by increasing number of police officers being recruited without alternatives as were proposed by the Authority, and with the NPS being slow in building new houses for the officers.
J: COMMUNITY POLICING			
Existence of community policing committees/ nyumba kumi initiative	43%	41%	2% decline in community policing. In most cases there has been confusion between Nyumba Kumi and implementation of the Community Policing, with officers letting the County Security Intelligence Committees (CSICs) run community security mechanisms.





6.0. MONITORING OF POLICE OPERATIONS

Section 6 (c) of IPOA Act, mandates the Authority to monitor and investigate policing operations affecting members of the public. The monitoring aims at ensuring that police operations are carried out professionally and within the confines of law.

6.1. Public order management

Twenty two (22) police operations were monitored during the reporting period. It was observed that 55% of the police operations were professionally conducted while in 45% the NPS officers used excessive force in handling protests. It was also observed that police used excessive force on anti-IEBC protesters with injuries and deaths being reported in Migori, Kisumu, Nairobi, Kisumu and Siaya.

6.2. Monitoring police conduct during the 2017 elections

The Authority, as part of its mandate, monitored police conduct during the electioneering period. This included political party primaries, pre and post-election, and during the two elections days (August 8 and October 26, 2017).

On the 8th August general elections, the Authority deployed one hundred and four (104) personnel in the monitoring exercise, with the deployment plan starting on 6th August and ending on 11th August 2017. The general observation was that during the voting date, deployed security officers conducted themselves as per the law. However despite their proper conduct on the voting day, it was observed that; the deployed officers worked for long hours without any replacement or plans for working on shifts. Some special officers had no equipment for crowd control in some polling stations while in others, there was only one special officer deployed per polling station notwithstanding that they were meant to control up to approximately 700 voters.

After the announcement of Presidential results on 11th August 2017 there were incidences of violence in a number of areas including Kibra, Kawangware, Mathare, Huruma, Baba Dogo, Kawangware, Lucky Summer (all in Nairobi County), Kisumu County, Siaya and Migori. From the Authority's findings, the deployed police officers contravened Chapter 4 and Article 244 of the Constitution, the 6th Schedule of the NPS Act and International Instruments of human rights by being unprofessional in how they managed public order. Most officers interviewed decried long working hours as there were no arrangements in place for change in shift, provision of food during such periods and the officers endured hunger in addition to the strain of security provision. The rights of the officers were blatantly violated, with many being fed on bread and milk in the entire exercise. Important to note, cases related to the elections are at various stages of investigations by the Authority.

6.3. Monitoring of Government Initiated Operations

A follow up monitoring of Linda Boni forest was done through interviewing the County Police Commander, AP Commander, Lamu County Commissioner, OCPD Lamu and Mpeketoni, OCS's of Lamu, Witu and Mpeketoni Police Stations. The Authority also engaged the civil society organizations in Lamu. The purpose of the follow up was to establish whether the initial recommendations made had been taken by the operational teams on the ground and also to respond to complaints by members of the public that there was general profiling of all



Muslims. Complainants who had initially made their complaint against police officers operation in Boni were interviewed and the nature of their cases handled. Findings from the monitoring indicated that generally the security officers in the operations were able to uphold and comply with constitutional standards and human rights. However, there were two cases of misconducts allegedly perpetrated by some KDF and NPS officers and 2 community members complained of harassment, torture, profiling and illegal confinement.

7.0. TRANSPARENCY AND ACCOUNTABILITY

The Authority continued to ensure high standards of internal controls are in place and well-functioning. The Authority's risk management framework was implemented with an oversight from the Board to safeguard the Authority assets and stakeholder interests. Financial management is guided by the Constitution of Kenya 2010, the Public Financial Management (PFM) Act 2012, Government financial regulations 2015, Public Audit Act 2015, International Public Sector Accounting standards (IPSAS) and IPOA financial policies and procedures manual.

Risk and Audit is the Key in terms of enhancing accountability and integrity in IPOA's operations. Through the consultative meetings with the board, the risk and audit committee has ensured adequate oversight on all recommendations that revolves around accountability and efficiency in operations are adhered to.

8.0. COMPLIANCE WITH THE LAW, PRESIDENTIAL DIRECTIVES AND CIRCULARS

The Authority complies with the Law, Circulars and Presidential Directives in all its processes. During the period under review, the Authority complied with the Public Procurement and Disposal Act 2015 and presidential directive of 2013. Goods and services were procured as per the Authority's 2017/2018 Procurement Plan.

8.1 Access to Government Procurement Opportunities (AGPO)

In line with the Presidential Directive of 2013, requiring that 30% of tenders be awarded the Youth, Women and Persons with Disabilities (PWD's); the Authority awarded tenders to youth, women and PWD's worth Kes 4,644,088 as follows;

Category	No.	Amount
PWD	1	17,000
Youth	2	27,965
Women	30	4,599,123
Total	33	4,644,088

9.0. AWARENESS CREATION ON IPOA MANDATE

During the period under review, the Authority was keen in creating awareness to the public on its mandate, promotion of effective stakeholder engagement and generation of a brand personality. These were done through various activities such as the implementation of outreach activities targeting our stakeholders, distribution of IEC materials, media briefings and advisories, media mentions and appearances, stakeholder MOU signings among other activities.

Public outreach forums were conducted in Nairobi, Kisumu, Mombasa, Garissa and Isiolo



Counties. These forums involved police officers and members of the public at the CID Training School in Nairobi, Mathare youths, Kibera youths, Huruma youths, Senior APS Officers in Loresho, Dandora Women and Youths, Legal Awareness Week at Milimani Law Courts, Human Rights Defenders at Hotel Metro in Mombasa, Pumwani and Shauri Moyo, Public inquiries in the Coastal region as well as in churches and mosques. Road shows were also conducted before the Launch of Garissa regional office within Garissa town and its environs including Modka, Garissa Ndogo, Madogo, Iftin, and Mororo centers. The road shows, outreaches and the social media updates were meant to inform the general public about the mandate of the Authority.



IPOA photo: IPOA undertaking a dialogue session with Station Commanders from Nakuru County.

10.0 INSTITUTIONAL STRENGTHENING

In the spirit of institutional strengthening and enhancing performance, the Authority recruited 22 new staff. This was done on merit and based on the principles of national cohesion and national values mainstreaming i.e. equity, equality, integrity among others. Members of staff were also facilitated to undertake various courses such as Senior Management Course (SMC) and Strategic Leadership Development Course (SLDP) for effective performance and to instill values such as governance, integrity, leadership among others.

The Authority endeavors to go paperless the Authority was able to fully roll out all the modules of the Enterprise Content Management (ECM) system dubbed 'IPOA Cloud Connect. This is an online platform for conducting its businesses aimed at automating all the operations of the Authority. All the modules are live and operational within the ECM with user improvement upgrades ongoing

11.0 PARTNERSHIP AND COLLABORATION.

The Authority, in line with its stakeholder engagement strategy continues to develop collaborative working relations with partners who include the NPS, Internal Affairs Unit, the Office of the Director of Public Prosecutions, the Witness Protection Agency, the Kenya National Commission on Human Rights, International Justice Mission, Independent Medical Legal Unit (IMLU), Ethics and Anti-Corruption Commission, NPS, Commission on Administration of Justice, US Embassy, EU, UNODC among others.

The Authority worked closely with KNHCR during the election monitoring period in ensuring a smooth running of the process. There was a collaborative effort with the government pathologist in carrying out the post-mortem operations for victims reported to have been killed out of police action.



12.0 CONCERNS, CHALLENGES AND RECOMMENDATIONS.

Over the years, the status of detention facilities has been improving. For instance, several stations improved on various aspects highlighted in the initial inspections. The improvements are recorded as a result of follow-up inspections which assess the intake of recommendations made in the initial inspections. Out of the 43 parameters assessed during follow-up inspections, 24 (55.8%) recorded improvements around the standards of detention facilities, 2(4.7%) maintained status quo and there was slight deterioration in 17(39.5%) of them which were availability of lighting in the premises and availability of lighting in the cells.

ISSUE	RECOMMENDATION	ACTION PERSON
Conditions of cells and Toilets.	The National Police Service Act (NPS Act) rightly recognizes that the detention of detainees should be carried out in accordance to the law. According to Rule 5 of the Fifth Schedule of the National Police Service Act 2011, it is the responsibility of the Officer In Charge of the station, to ensure that a lock up facility is in hygienic conditions conducive for human habitation, have adequate light, toilet and washing facilities and an outdoor area. The officers in charge of the stations and posts should ensure that they adhere to the provision of the NPS Act. These conditions do not require much effort other than the officer in charge mobilizing officers under his command to ensure that these conditions are met at all times. In addition, the detention facilities should have toilets within the cells to avoid detainees being given bucket toilets.	Officer Commanding Stations ²
Separation of detainees by gender.	Fifth Schedule Rule 5(c & d) states that males and females should be kept separately. The Inspector General of Police and the Cabinet Secretary Interior and National Government Coordination should ensure that designated detention facilities are facilitated in establishing female cells. All the cells in addition to this should be labeled accordingly.	IG, CS and the Officers in charge of the station
Separation of detainees by age	Fifth Schedule Rule 5(c & d) states that juveniles shall be kept separately from adults. The Inspector General of Police and the Cabinet Secretary Interior and National Government Coordination should ensure that designated detention facilities are facilitated in establishing male and female juvenile cells.	IG and CS



ISSUE	RECOMMENDATION	ACTION PERSON
<p>Records management.</p> <p>Poor records</p>	<p>The keeping of proper records determines and influence the accountability of members of the National Police Service while at the same time ensures the rights of the detained persons are safeguarded. The necessity of keeping proper records is well recognized in the National Police Service Act, and the officers commanding police station must ensure that proper records are kept as required by law. Section 50 (1) of the NPS Act stipulates that a police officer in charge of a police station or post, unit or formation shall keep a record in such form as the IG may in consultation with the DIG direct and shall record all complaints and charges preferred, the names of all persons arrested and the offences with which they are charged. Further the 5th Schedule of the NPS Act section 8, stipulates that a register shall be kept in police station or other place of detention in which particulars of detained persons are entered. The officers in charge should ensure that registers are correctly entered and consistently updated.</p>	<p>In charge of police premises³</p>
<p>Community Policing Initiatives</p>	<p>According to Article 244(e) of the Constitution, the National Police Service should strive to foster and promote relationships with the broader society. Section 98 of the NPS Act mandates a police officer in charge of an area in consultation with stakeholders to establish community policing committee. If implemented properly community policing leads to intelligence based policing and ensures safer neighborhoods. The officers in charge should ensure that community policing is up and running at the station level.</p>	<p>In charges of police premises⁴</p>
<p>Officers' housing and Office Space.</p>	<p>To ensure efficiency in Police work, police stations should have enough office space to accommodate all its sections as this will improve service delivery.</p> <p>Article 43 (b) of the Constitution stipulates that every person has the right to adequate housing and to reasonable standards of sanitation. To address the crisis in housing the cabinet Secretary and the IG should facilitate for adequate housing for officers serving under the National Police Service. The possibilities of giving officers decent house allowance and leasing more houses should be considered. The NPS should also consider leasing houses for the officers.</p>	<p>The Inspector General of Police, the Cabinet Secretary/ National Police Service Commission</p>
<p>Inadequate notifications on deaths</p>	<p>According to the NPS Act the police should furnish the Authority with timely reports on deaths of occurring under their attention. The Authority should develop an MOU with the NPS to effect on the timely submission of these notifications,</p>	<p>IPOA, NPS.</p>
<p>Investigations and holding accountable officers.</p>	<p>The Inspector General of police should investigate the operational commanders in the public order management operations where officers under their command used excessive force leading to deaths and serious injuries.</p>	<p>IG</p>





ISSUE	RECOMMENDATION	ACTION PERSON
<p>Resource Allocations</p> <p>Stationery All stations inspected lacked sufficient stationery.</p> <p>Communication gadgets Some Stations lacked computers, printers and copiers.</p> <p>Vehicle allocation. The vehicles and fuel allocation in all inspected facilities were not sufficient to cover their respective jurisdiction. Worse, some stations had no vehicles.</p> <p>Uniform supply. Officers working in operation area decried of the lack of supply of the jungle uniforms.</p>	<p>According to Section 116 (2) of the National Police Service Act 2011; it is the responsibility of the Inspector General to ensure that every police station, post, outpost, unit, base, and county Authority is allocated sufficient funds to finance its activities. The Inspector General should ensure that, stationery, registers, vehicle and fuel allocation are sufficient to address the needs of the stations. The issue of lack of stationeries should seriously be addressed.</p> <p>Further the Inspector General should ensure that each police station/camp/posts has at least a computer which is internet enabled and a printer for efficient and effective performance of police duties.</p> <p>Stations should also be issued with adequate uniforms and communication gadgets</p> <p>To ensure accountability at the station level, the Inspector General of police should ensure that the Authority to Incur Expenses (AIEs) is delegated from the OCPD's to the station Commanders' (OCS).</p>	<p>The Inspector General of Police</p>
<p>Adherence to human rights standards.</p>	<p>The Constitution in Article 244 calls upon the NPS to adhere and respect human rights. During the period under review the police were noted for violating Article 26, 37 of the Constitution.</p>	<p>IG</p>
<p>Non-cooperation from NPS especially in Nairobi County continues to impede the progress of IPOA investigations.</p>	<p>IPOA should intensify dialogue sessions with the police senior commanders so as to smoothly tackle the contentious issues.</p> <p>Issue court orders to compel police officers to honor summons and produce documents needed for investigations.</p>	<p>IPOA, NPS</p> <p>IPOA, Judiciary</p>





ISSUE	RECOMMENDATION	ACTION PERSON
Non-cooperation from witnesses/ victims who in some cases refuse to testify in court cases investigated and some Prosecution counsel fail to appreciate the role and mandate of IPOA	The Authority should intensify awareness creation through outreach program	IPOA
Delay in giving feedback on complaints referred to IAU and on progress made on recommendations given by IPOA	IPOA to develop IAU engagement policy and an MOU Compel NPS to give feedback through court orders	IPOA,IAU IPOA, ODPP, NPS

13.0. APPENDIX; PUBLIC INTEREST CASES

Investigations into the alleged defilement of a minor in police custody.

The Authority commenced this inquiry on its own motion. Investigation findings established that on the fateful day, the victim was arrested and detained at Murang’a Police Station for the offence of stealing. At night, a male Police officer accessed the cell and defiled her. The matter was reported by a suspect detained in the male cell. The officer was arrested and arraigned in court by Murang’a Department of Criminal Investigations for the offence of defilement. An investigation report was compiled and forwarded to IPOA legal department for review with recommendations that the Authority monitor the case which was already before court.

Investigations into alleged rape of a woman by a General Service Unit officer.

IPOA commenced this inquiry on its own motion. The victim, a sister-in-law to the suspect officer went to GSU headquarters to collect shoes belonging to her sister’s baby after her sister separated with the suspect. She accessed the officer’s house from where investigations established the assault took place. The Authority forwarded the report to ODPP with recommendations that the suspect be charged for the offence.





