



# PERFORMANCE REPORT JANUARY 2014-JUNE 2014







Independent Policing  
Oversight Authority



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## ABBREVIATIONS AND ACRONYMS

APCOF	African Policing Civilian Oversight Forum
APS	Administration Police Service
EACC	Ethics and Anti-Corruption Commission
CAJ	Commission on Administration of Justice
CIC	Case Intake Committee
CIPEV	Commission Inquiring into the Post-Election Violence
COVAW	Coalition on Violence Against Women
CSO-NET	Civil Society Organization Network
DCI	Department of Criminal Investigations
DPP	Director of Public Prosecution
FBI	Federal Bureau of Investigations
IAU	Internal Affairs Unit
IG	Inspector General
IFMIS	Integrated Financial Management Information System
KNDR	Kenya National Dialogue and Reconciliation
KPS	Kenya Police Service
LSK	Law Society of Kenya
MOU	Memorandum of Understanding
NLC	National Land Commission
NPS	National Police Service
NPSC	National Police Service Commission
OCS	Officer in Charge of Station
OCPD	Officer in Charge of Police Division
ODPP	Office of the Director of Public Prosecution
PEV	Post-Election Violence
PRG	Police Reform Group
UNODC	United Nations Office on Drugs and Crimes

## STATEMENT BY CHAIRMAN OF THE BOARD

On behalf of the Board, management and staff, I am pleased to present IPOA's 4<sup>th</sup> Performance Report for the period ended 30 June 2014. Beyond the statutory requirement as per Section 30 of IPOA Act, on preparation and submission of a performance report every six months, the Authority regards the same as an important performance management tool. This is in line with the Performance Management strategy outlined in the Authority's Strategic Plan 2014-2018, that was developed. I would like to express IPOA's commitment towards enhanced public trust and confidence in the National Police Service. This continues to be key in the Authority's effort towards the realization of the ongoing police reforms in Kenya.



It is noted with satisfaction that the authority's staffing level rose to 69 by the end of the reporting period. The staff progressively picked up on their service delivery roles and responsibilities. The combined staff effort with the support of the Board undoubtedly contributed to the improved actualization of the progress presented in this report. During the period, the Board embarked on an open and competitive recruitment process for the position of Chief Executive Officer. The Board appointed Dr. Joel Mabonga as the CEO to provide the Authority's leadership with effect from June 2014. The Board is committed towards supporting the staff and the management team in forging ahead with the implementation of the Authority's mandate, and making a positive contribution in the ongoing police reforms in Kenya.

This report mainly focuses on IPOA's performance during the period, January to June 2014, but also pays attention to the cumulative status particularly on key deliverable areas notably: complaints management, investigations, and monitoring and inspections of police premises and operations.

During the period, the Authority registered a markedly high number of complaints at 610 compared to the previous period at 250 (an increase of 144%). Sixty six percent (66%) of the 610 complaints received were within IPOA's mandate compared to 46% during the previous period. This is indicative that the awareness on the kind of complaints handled by the Authority is gradually increasing in the public arena. However, much is required to raise public awareness on the Authority's mandate and functions.

Cases that qualified for investigation recorded a high of 281 (two hundred and eighty one) which are at different stages of investigation. Twenty six investigations cases were completed compared to 2 during the previous period. There were 179 cases that were pending investigations. This was due to a constrained staff capacity, and the fact that some of the cases required an extended investigation period due to their nature and complexity. The Authority is exploring the possibility of strengthening its investigative capacity, subject to availability of resources. The Authority is pleased to report its first case 00005 INV Nairobi 2013 OM 0699 forwarded to ODPP for prosecution in March 2014: the concerned senior police officer has already been prosecuted, and the matter is currently before a court of law. The Authority is committed to ensuring that all complaints received against police officers are thoroughly investigated and investigation reports submitted to ODPP for further action.

During this period, the Authority conducted inspections to 40 police premises and monitored 4 operations. The assessment on the conditions of the police premises revealed unsettling status indicating that, on overall, 55% of the detention facilities failed to meet the acceptable standards. In particular, 90% of detention facilities failed to provide separate cells for juveniles, 86% lacked lighting and 25% had dirty toilets. This situation among others, erodes the human dignity of the detainees, and thus a need for stepped up effort by the National Police Service to significantly improve the conditions of police premises.

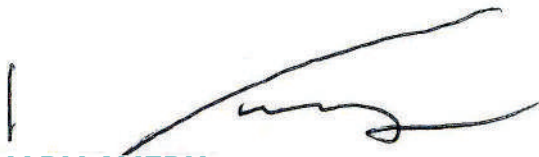
Further, the assessment revealed key concerns affecting police officers that include: lack of

transparency in promotions and trainings; poor remuneration; lack of humane considerations in deployment for police officers; inadequate equipment, vehicles and fuel. Of immense concern on the part of police officers was the staff housing conditions with all stations visited failing to meet the acceptable standards in form of space and structure. The Authority is optimistic that through combined effort of the Inspector General, NPS, NPSC and the National Treasury will address these concerns to bring positive change in the working conditions of the police officers.

The Authority is looking forward to a stepped up level of action on previous recommendations presented in the previous performance and annual reports. IPOA will pursue opportunities for review sessions with respective stakeholders in a bid to have key actions and recommendations implemented.

The benefits from stakeholder engagement were evidently realised as IPOA staff received various relevant group trainings sponsored by our partners namely UNODC, APCOF and FBI. UNODC supported the Authority in a consultative development of its Strategic Plan 2014-2018. The Authority actively participated during the monthly Police Reforms Steering Committee meeting, of which IPOA Chair was appointed Vice Chair of the Committee. The Authority will continue participating in this initiative that includes NPS, NPSC, IPOA, Interior ministry and several development partners.

In conclusion, I would like to thank all our stakeholders, development partners, Board members, management and the entire staff for their invaluable contribution towards the progress made by the Authority during the reporting period.



**MACHARIA NJERU,**

**Chairman,  
Independent Policing Oversight Authority**



## EXECUTIVE SUMMARY

An increased level of service delivery by the Authority characterized the January-June 2014 reporting period. This was as result of the efforts made by the Board during the formative stages that entailed development of strategies, policies, regulations and recruitment of staff.

The complaints received by the Authority increased during the period with the number growing from 250 during the previous period to 610, an increase of 144%. All the 610 complaints received were processed, 201 of which were referred to other relevant agencies<sup>1</sup>. 10 were closed without further action. Advice was given on 194 cases that were outside the Authority's mandate.

Investigations were stepped up during the period despite an overstretched staff capacity of 18 investigators. A cumulative number of 281 cases compared to 23 cases during the previous report period were at different stages of investigations. The Authority completed investigations on 26 (9%) cases, 69 (25%) were under full investigations, 7 (2%) under preliminary investigations and notably high are the 179 cases (64%) that awaited commencement of investigations. Out of the 26 completed investigations, 2 have been forwarded to ODPP (1 additional during the reporting period) while 3 are in the process of review for appropriate recommendation to ODPP. The Authority is concerned about the backlog of pending cases yet to be investigated, and is pursuing the option of recruiting additional investigators.

Inspection and monitoring of police premises and operations picked up steadily during the period. 40 police premises were inspected and four operations monitored. The assessment of the conditions of the police premises and police operations against the acceptable standards revealed good efforts made on some areas while others required urgent attention and action by NPS towards improved conditions. For instance, 45% of the 28 detention facilities, 12% of the 40 police buildings and 8% of staff housing met acceptable standards. It is worth noting that overall, the police staff housing is in deplorable and degrading conditions, and at best unsuitable for human habitation.

Focusing on detention facilities, it was evident that notable efforts have been made on ventilation of the cells and provision of separate cells for male and female with 86% of the 28 detention facilities meeting acceptable standards. However, it is of great concern to observe that only 10% and 14% of the detention facilities met acceptable standards in providing separate cells for juveniles and lighting respectively.

On Stakeholder engagement, the Authority joined the Referral Partners network, which is an initiative convened by KNCHR aimed at ensuring complaints are managed effectively. Further, an MOU with WPA was concluded and processes on development of MOUs with NPS, EACC and the ODPP were commenced.

During the period, the Authority through the support of UNODC successfully developed its four-year Strategic Plan 2014-2018. The strategic plan sets out the strategic direction, implementation focus and resources required and forms the basis for developing a performance management framework.

The Authority was granted additional funding of Kshs. 59m and Kshs. 66.7m during Supplementary I and II budgets respectively bringing the total approved budget to Kshs. 279m for 2013/2014 financial year.

Despite the steady progress, the Authority continued to face financial challenges due to inadequate funding, particularly on budget lines meant to facilitate field activities that include investigations, and inspection and monitoring of police premises and operations. The Authority is optimistic that its budgetary allocations will be enhanced during the subsequent periods to enable it realize its mandate and functions. Additionally, inadequate investigative capacity has also hampered uptake of emerging cases. This is evidently the result of 64% cases received that is awaiting investigation.

<sup>1</sup> IAU-125, NPSC-66, EACC-3, DCI-1, CAJ-1

## 1.0 INTRODUCTION

Policing in Kenya has historically been characterized by excessive use of force, extra-judicial executions, torture, corruption, low efficiency and limited effectiveness. The urgency to address this status was prompted by emergence of gross violations of human rights by the Police during the Post-Election Violence in 2007/2008. Deliberate efforts were therefore made to establish institutions expected to ensure police reforms that would subsequently result to respect for human rights, accountability and professionalism among police.

On 18 November 2011 through IPOA Act No. 35 of 2011, Independent Policing Oversight Authority was established as part of these institutions. The principal functions of the Authority are to:

- a) Investigate any complaints related to disciplinary or criminal offences committed by any member of the National Police Service, whether on its own motion or on receipt of a complaint, and make recommendations to the relevant authorities, including recommendations for prosecution, compensation, internal disciplinary action or any other appropriate relief, and shall make public the response received to these recommendations;
- b) Receive and investigate complaints by members of the Police Service;
- c) Monitor and investigate policing operations affecting members of the public;
- d) Monitor, review and audit investigations and actions taken by the Internal Affairs Unit of the Police Service in response to complaints against the Police and keep a record of all such complaints regardless of where they have been first reported and what action has been taken;
- e) Conduct inspections of Police premises, including detention facilities under the control of 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.

## 2.0 PERFORMANCE MANAGEMENT/IMPLEMENTATION STATUS

To objectively execute its mandate, the Authority has adopted a Performance Management Strategy outlined in its Strategic Plan 2014-2018. The key focus in the strategy is to achieve targeted results (outputs, outcomes and objectives/goal) both quantitatively and qualitatively. Based on this, performance indicators and their logical linkage to respective results targets have been defined for each Directorate, Department/units and for the Authority. During the review period, the Authority effectively commenced its service delivery facilitated by stepped up recruitment and joining of staff in all its Directorates. Performance within the period is detailed in the ensuing sub-sections.

### 2.1 Status of Previous Recommendations

Towards accomplishing its function of making recommendations to the Service and any State organ, the Authority made various recommendations during the previous reporting periods. The level of implementation is as shown in Table 1 below and the Authority will review with the respective agencies towards improvement.

Table 1: Status of Previous Recommendations

RECOMMENDATIONS	STATUS
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.
Any proposed amendments in the NPS Act should not be made to undermine the mandate and powers of IPOA in any way. The Authority needs to remain an effective oversight institution whose recommendations to IG/NPS should be implemented for the benefit of the public and the police.	Amendment Bill to NPS Act reversed the proposal that the IG should not act on IPOA recommendations.
IPOA 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. IPOA is of the view that this recommendation may be abused by errant police officers thus a need to put in place a mechanism to ensure accountability on use of firearms.
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 unimpeded.	Ongoing.
To effectively and efficiently perform all of its functions, adequate funding to IPOA need to be ensured by Parliament as articulated in Sec. 4(5) of IPOA Act	Ongoing. IPOA received additional funding during FY 2013/14. However, the funding level is still below IPOA's requirements.
Police Officer vetting, effective competence assessment and officer suitability continues to be carried out fairly.	Ongoing.

RECOMMENDATIONS	STATUS
<p>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</p>	<p>IPOA still pursuing recommendations to operationalize IAU by providing staff capacity and financial resources. Ongoing.</p>
<p>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.</p>	<p>IPOA still concerned on the lack of a structured command and control at County level. Ongoing.</p>
<p>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 &amp; Coordination of the National Government.</p>	<p>NPS Amendment Bill proposed financial independence to the IG. However, the Bill was returned to National Assembly for further changes. Ongoing.</p>
<p>The ongoing Community Policing initiative be fast-tracked and be given the necessary support. The National Government should continue to provide resources required for its implementation and sustenance.</p>	<p>Ongoing. IPOA strongly recommends that Community Policing Initiative be operationalized across the country as this will assist to curb crime rate at local level.</p>



## 3.0 COMPLAINTS MANAGEMENT

The IPOA Act mandates the Authority to ensure independent oversight of handling complaints by the public and the police. Within the Authority, this is operationalized by the Complaints Management Department with 11 complaints management officers who receive, process and forward to the Investigation Directorate for investigation. Further, the Authority monitors, reviews and audit actions taken by IAU of the Service in response to complaints against the Police.

### 3.1 Overview of complaints received

During the period, the Authority received a total of 610 complaints compared to 250 received during the previous period (1<sup>st</sup> July 2013-31<sup>st</sup> December 2013), recording an increase of 360 cases or 144%. Cumulatively, the Authority has so far received 860 complaints since inception in June 2012.

### 3.2 Admission Status

Out of the 610 complaints recorded, 401 (66%) fell within the Authority's mandate while 209 (34%) complaints were outside IPOA's mandate as presented in Figure 1 below. Complaints that were not within the mandate were referred to other relevant Government institutions for further assistance and advice to the complainants.

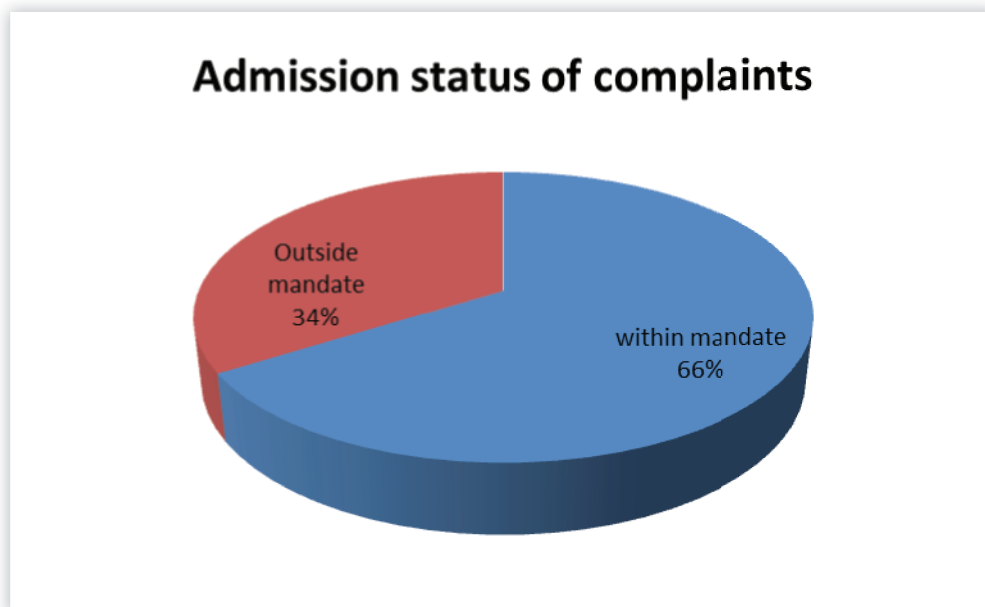
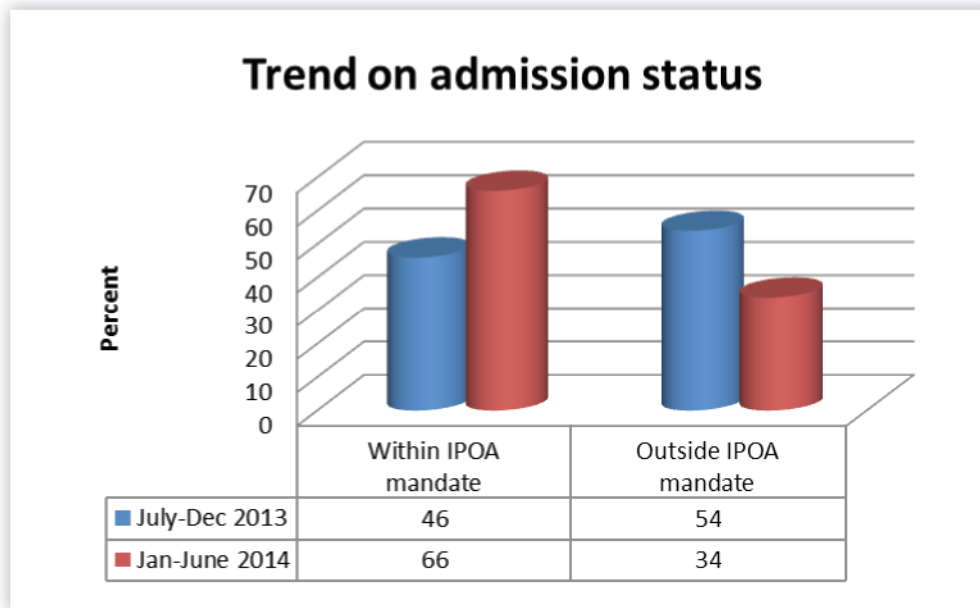


Figure 1: Proportion of complaints within and outside IPOA's mandate

As observed in Figure 1 below, the proportion of complaints outside Authority's mandate has narrowed from 54% during the previous report period to 34% during the report period while those within mandate have increased from 46% to 66%. This could, perhaps be attributed to growing awareness among the public on type of complaints that fall within Authority's mandate.

Figure 2: Trend on admission status



### 3.3 Complaints by Source

During the period, the Authority received complaints from the public, police officers, state and non-state and actors. Table 2 below illustrates the disaggregation of complaints as per the category of complainants:

Table 2: Category of complaints by source

Complainant details	Number July-Dec 2013	Number Jan-June 2014	Cumulative	Percentage (%) based on cumulative
Complaints by the Public	194	345	539	63
Complaints by Police Officers	11	75	86	10
Complaints by Non-State actors	36	111	147	17
Complaints by State actors	9	79	88	10
<b>Total</b>	<b>250</b>	<b>610</b>	<b>860</b>	<b>100</b>

It is clear from the above tabulation that the largest number of complaints during both reporting periods was received from the public with a cumulative proportion of 63% of all the complaints received to date. Complaints from the Police notably went up from 11 to 75 as well as from the state and non-state actors, an indication of increased collaboration with respective agencies. The Authority will continue instituting and strengthening collaboration mechanisms to step up such response by relevant stakeholders. The ongoing engagements through inter-agency MOUs will indeed enhance greater collaboration towards dealing with ongoing and future receipt of complaints.

### 3.4 Complaints' Gender Analysis

Out of the 610 complaints received by the Authority during the period, Male gender had the largest complainants accounting for 365 (60%)<sup>2</sup> while the female gender complainants were 81 (13%) as presented in Figure 3 below. This shows a slight decrease of 2% in the number of

<sup>2</sup> The trend is in consistency with the 62% male complainants depicted in the Baseline Survey conducted by the Authority in January-February 2013.

cases reported by women in the previous reporting period. It was not possible to determine the gender of 164 (27%) complainants received through the state and non-state agencies but the Authority will in future to the extent possible liaise with the agencies by providing templates to capture gender based details on complaints that they forward for Authority's action.

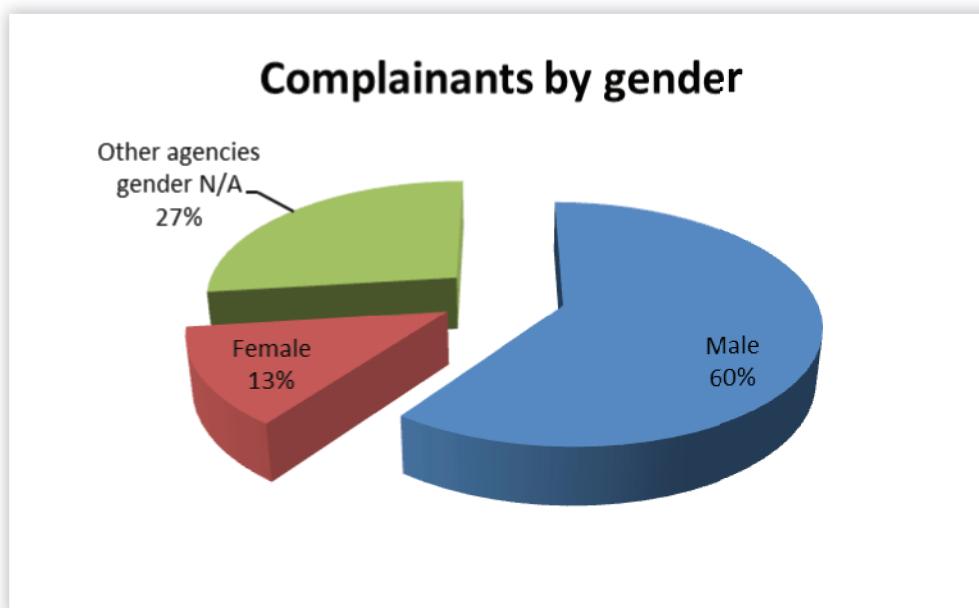


Figure 3: Proportion of complainants by gender

### 3.5 Case In-take Committee (CIC)

The Authority has established a case-intake committee (CIC) within the Complaints Management Department whose responsibility is to review all the complaints received and make recommendations on the subsequent action. The Committee was able to make recommendations on the 610 complaints received during the period as shown in Table 3 below:

Table 3: Recommendations made by CIC on received complaints

CIC Recommendation	Number of complaints
Investigations	205
Referral to Internal Affairs Unit	125
Referral to National Police Service Commission	66
Referrals to Office of the Director of Public Prosecution	5
Referral to Ethics and Anti-corruption	3
Referral to Director of Criminal Investigation	1
Referral to Commission on Administrative Justice	1
No action required from IPOA/Closed	10
Complainants Advised on ways to resolve the complaints as they did not fall within the mandate of IPOA	194
<b>Total</b>	<b>610</b>

### 3.6 Nature of complaints

During the period, the Authority received varied forms of complaints ranging from deaths caused by police actions, sexual offences, and serious injuries as presented in Table 4 and Figure 4 below. As can be observed, the bulk of the complaints received related to misuse of office/

inordinate delays in service delivery by NPS with 179, harassment by police at 134 cases while the least are on sexual offences with one case reported. Of concern is the indicative rising trend of registered complaints related to deaths and serious injuries while in the police custody at 88 during the report period compared to 22 registered during the previous period. Cumulatively, inordinate delays and misuse of office by police officers formed 37% of the cases received, while harassment by police recorded a cumulative 20%. The two nature of complaints formed 57% of all the reported complaints to date. These are two areas that the Authority continues to note and recommend NPS to address.

Table 4: Nature of complaints

Nature of complaint	Number	Number	Percent (%)
	Jul-Dec 2013	Jan-June 2014	Cumulative
Inordinate delays/misuse of office	141	179	37
Harassment by police	42	134	20
Promotions/dismissals	21	75	11
Assault	11	55	8
Serious injuries	5	55	7
Death by police actions	17	33	6
Sexual offences	3	3	1
Others	10	76	10
Total	250	610	100

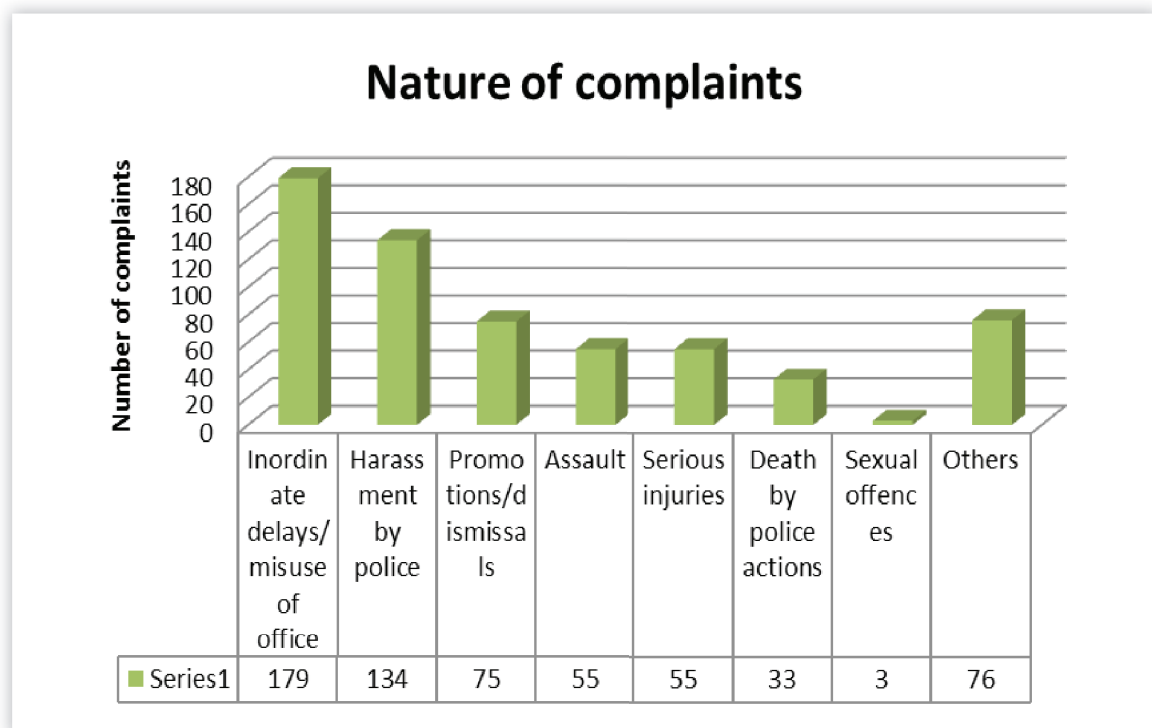


Figure 4: Nature of complaints

### 3.7 Police Notifications

As provided for in Section 25 of IPOA Act, the Police are required to notify the Authority on the deaths and serious injuries of detainees while in police custody within 24 hours. However,



the Authority has noted that the cases are normally reported beyond the statutory period, and therefore calls upon NPS to ensure that this provision is adhered to in all cases.

During the reporting period, the Authority received a total of 46 notifications from 25 Police stations. As shown in the Figure 5 below, thirty two 32 (70%) out of the 46 notifications related to deaths while 14 (30%) were in relation to serious injuries sustained in custody.

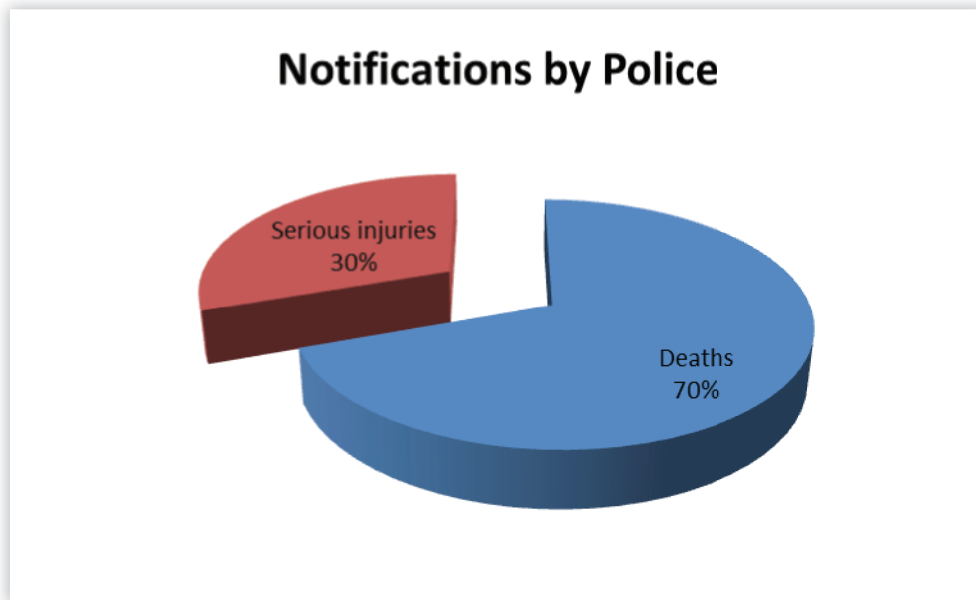


Figure 5: Proportion of notified cases

A consistent trend of higher deaths than injuries is noted in the reporting period as well as in the previous report period (82%). However, the notifications decreased compared to the previous period (July 2013-December 2013) that registered 70 with 135 victims out of which 114 were deaths while 25 were serious injuries. The cause for decline is yet to be established since a possibility of non-notification cannot be ruled out. It is also noted that registered complaints on deaths and injuries in Table 4 above are more than those received through notifications. This is an area that the Authority is reflecting on to ensure that the mechanism of notifications is tightened and adhered to by NPS.

Figure 6 below shows the number and nature of notification per police station:

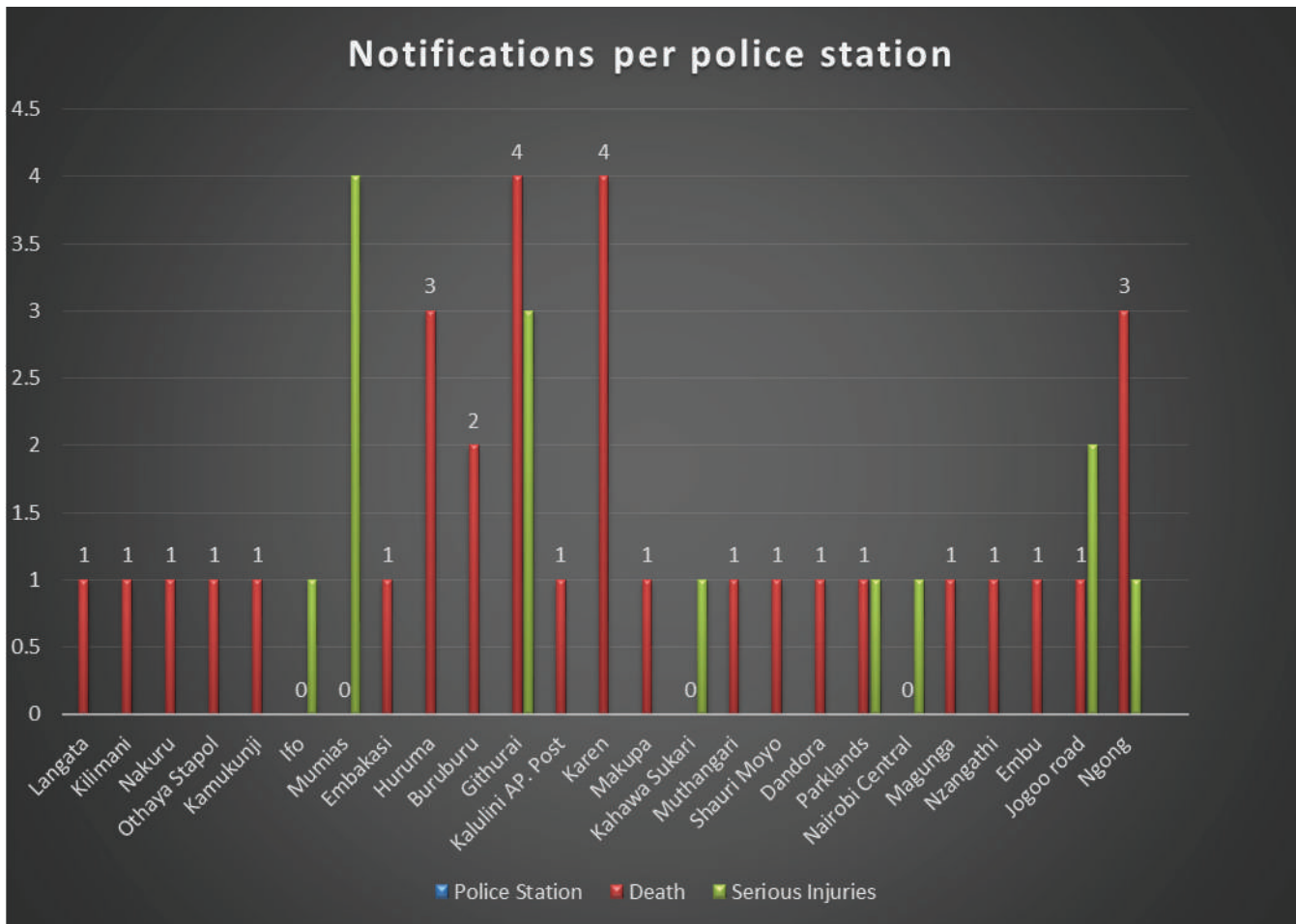


Figure 6: Notifications per Police station

As indicated in Figure 6 above, Githurai and Karen police stations recorded the highest death notifications with four cases each followed by Huruma and Ngong with 3 cases each. The highest death notification cases originated from Nairobi County. On serious injuries, Mumias led with four cases followed by Githurai and Jogoo Road with three and two reported cases respectively.

### 3.8 Psycho-social support

IPOA is alive to the fact that some complainants/victims do experience trauma and require psychosocial support. To provide such support, the Authority established the special support unit manned by two counsellors whose objective is to provide effective psychosocial support to clients (victims/complainants) who are mainly affected by deaths, serious injuries, and sexual assaults among other violations. The Unit also supports staff who are likely to suffer from burnout and stress due to the nature of their work in which they are exposed to trauma material as they deal with traumatized clients. During the reporting period, 11 staff members were provided with this support, six were female while five were male. Clients (victims/complainants) were supported by the counsellors within IPOA premises as well as in the field as depicted in Table 5 below:

Table 5: Clients served by gender

Complainant's Gender	Number	Percentage
Within IPOA premises		
Male	7	44%
Female	8	50%
Minor	1	6%
Total	16	100%
Field based support		
Male	5	38%
Female	7	54%
Minor	1	8%
Total	13	100%

## 4.0 INVESTIGATIONS MANAGEMENT

As mandated under Section 6 of IPOA Act, the Authority is expected to investigate complaints received from the public and the Police. Mechanisms and capacity towards improved internal investigations management on allegations of criminal actions and misconduct by Police were fairly well in place and stepped up investigations were registered during the reporting period. The Authority had a team of 18 investigators handling the day-to-day investigative responsibility within the Directorate of Investigations.

### 4.1 Status of Investigation Cases

The Authority finalized preliminary and full investigations on 26 cases out of which 2 were completed and recommended to ODPP, while 3 were under review at IPOA's legal department as the last stage towards recommending to DPP. Four cases were completed and referred to NPSC, 12 cases were completed on preliminary investigations and closed without further action while 5 cases were referred to other agencies (EACC, CAJ, NLC and Equality & Gender Commission). Further to this, 17 cases were under full investigation as at 30<sup>th</sup> June 2014, at the tail-end stage of investigations.

Overall, sixty nine (69) cases were under full investigation while investigation for 179 received cases was yet to commence. Time taken to conclude investigation of cases varied from the shortest at 4 months to longest at 7 months averaging to 5 months. The length of time is determined by the nature and complexity of the cases. A breakdown on the stages of cases as at 30<sup>th</sup> June 2014 is as shown in Table 5 and Figure 7 below:

Table 6: Summary of cases at the Investigation Directorate

Investigation stage	No. of cases	Percent
Cases currently under Preliminary investigations	7	2%
Cases whose investigations are completed (see table 7 below for breakdown)	26	9%
Cases awaiting commencement of investigations	179	64%
Cases under full investigations	69	25%
<b>Total Cases qualified for investigation</b>	<b>281</b>	<b>100</b>

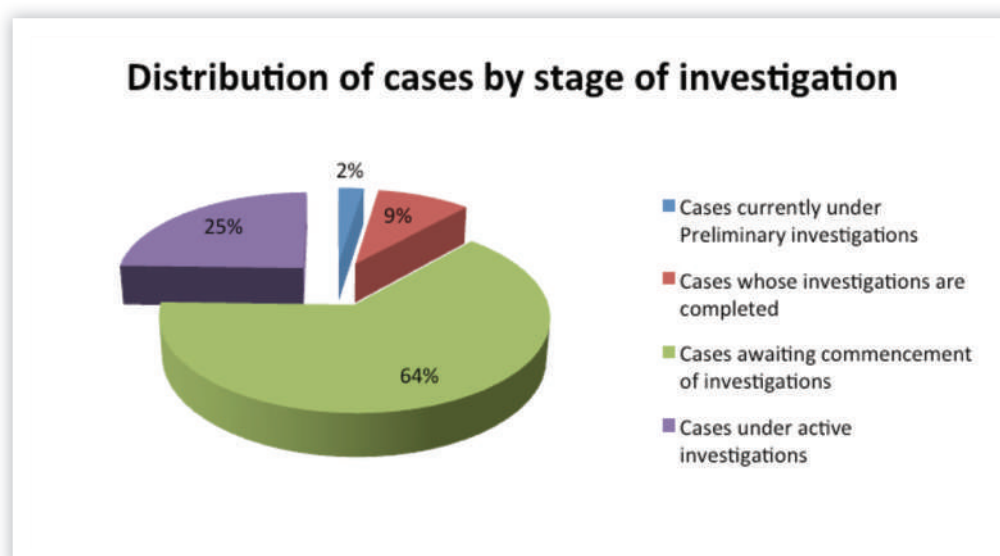


Figure 7: Proportion of cases per stage of investigation



The number of cases recorded for investigation increased from 23 during July-December 2013 to 281 as at 30<sup>th</sup> June 2014, a cumulative increase of 258 cases.

The main concern for the Authority is the remarkably high number of cases at 179 (64%) pending assignment for investigation. The Authority is pursuing the option of recruiting additional investigators to support fast tracking of investigations.

A status of the cases whose investigations are completed is shown in Table 7 below and the Authority is continuously following up with ODPP and NPSC towards prosecutions and remedial actions respectively.

Table 7: Status of cases after investigations

Status	No. of cases
Cases completed at preliminary investigations	12
Cases under review by legal team towards recommendation to ODPP	4
Cases forwarded to ODPP	1
Cases referred to NPSC	4
Cases referred to other agencies	5
<b>Total</b>	<b>26</b>

## 4.2 Investigations by Crimes and Misconduct

Within the 102 investigation cases completed and ongoing, there are varied criminal and misconduct categories as shown in Table 8 and Figure 8 below:

Table 8: Categories of cases by nature of crime or misconduct

Nature of case	Number of incidences	Percent
Deaths arising out of police action or inaction	62 <sup>3</sup>	50%
Deaths in custody	3	2%
Serious injuries	18	15%
Sexual offences	3	2%
Harassment, intimidation and corruption	23	19%
Improper orderly/ disciplinary proceedings	2	2%
Undue delay and impartial investigations	8	7%
Enforced disappearance	4	3%
<b>Total</b>	<b>123<sup>4</sup></b>	<b>100</b>

<sup>3</sup> This figure reflects the total number of deaths arising out of police action, inaction or contact. This includes deaths following the use of firearms, assaults and deaths in custody. Some cases involve multiple deaths.

<sup>4</sup> Cases under investigations contain more than 1 incident, thus the variance in 102 cases and 123 incidents

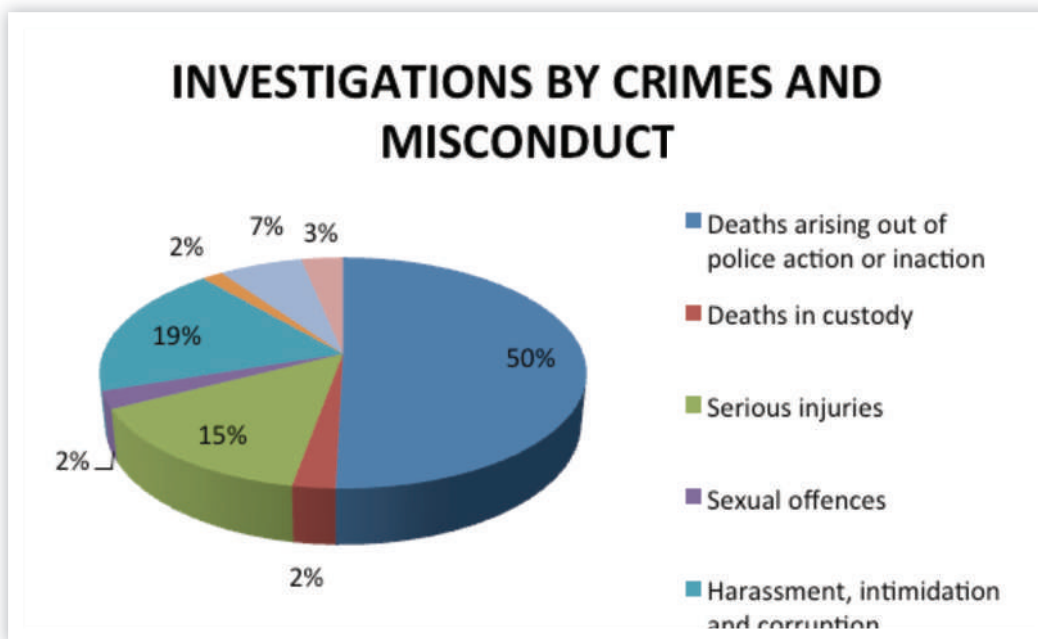


Figure 8: Proportion of crimes and misconduct incidents

As shown in Table 8 and Figure 8 above, incidents of deaths arising out of police action or inaction are conspicuously high at 50% while the least at 2% each are deaths in custody; harassment, intimidation and corruption, sexual offenses. The higher proportion on deaths investigation is guided by the Authority's criteria of prioritizing deaths and serious injuries for investigation amidst constrained resources.

### 4.3 Technical training

Deliberate efforts were made in collaboration with the Authority's strategic partners to build the capacity of 16 investigators as they attended trainings funded by UNODC. The Authority's investigators and complaints management officers participated in 3 trainings:

- a) Training on civilian oversight and investigation processes by APCOF in February 2014,
- b) Training on scene management from the FBI in May 2014, and
- c) Training on the prevention and eradication of torture and other ill treatment in June 2014.



Training on civilian oversight and investigation processes by the African Policing Civilian Oversight Forum (APCOF) in February 2014



Investigators undertaking scene examination training at the School of Monetary Studies

## 5.0 INSPECTIONS AND MONITORING POLICE PREMISES, DETENTION FACILITIES AND POLICE OPERATIONS

Section 6 (e) of IPOA Act mandates the Authority to conduct inspections of police premises, including detention facilities under the control of NPS. The Authority is further mandated to monitor and investigate policing operations affecting members of the public. This, alongside the implementation of recommendations made is expected to result in improved conditions of detention facilities, police premises and police operations which is one of the result area stipulated in IPOA's Strategic Plan 2014-2018.

During the reporting period, the Authority conducted inspections of 40 police premises out of which 23 were police stations, 1 police post, 6 police patrol bases, 9 Administration Police camps/posts and the government Vehicle Check Unit headquarters. Recommendations were made for action to be taken by Officers in Charge of Stations within 90-days (3 months) duration while others required the action of NPS, NPSC, IG and Treasury. The inspection and monitoring team will follow up to appraise on the extent of improvements made. Cumulatively, 65 police premises have so far been inspected, 25 of which were conducted during 2012/2013 financial year. The 40 inspections carried out during the period covered 10 Counties: Nairobi, Kiambu, Nakuru, Nyeri, Kirinyaga, Murang'a, Kajiado, Tana River, Machakos and Makeni. The police premises inspected are shown in Appendix I.



### 5.1 Inspections of Police premises and detention facilities

The conditions of the inspected police premises as presented in Figure 9 below raise grave concerns. None of the 40 stations visited met the acceptable housing standards. It was evident that urgent action was required on the three areas presented. Some of the areas and in particular within detention facilities have no financial implications, and as such recommendations on improvement should be addressed immediately.



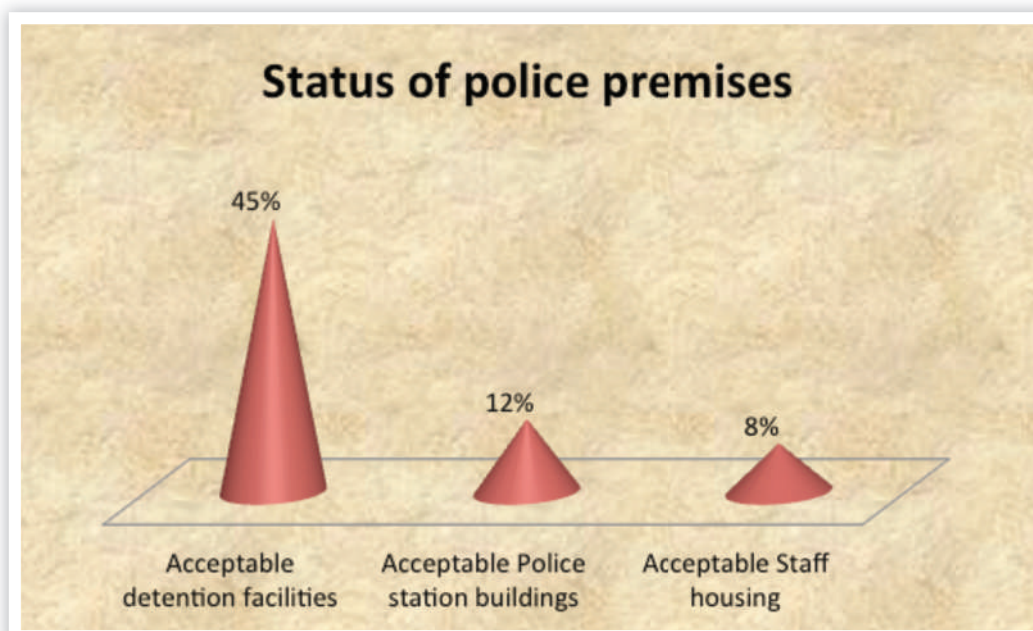


Figure 9: Proportion of police premises inspected meeting standards

Details on the condition of the police premises are highlighted below:

## 5.2 Detention Facilities

Out of the 40 police premises inspected 28 (70%) had detention facilities. Figure 10 below indicate that artificial lighting in the detention facilities was available to only 14% of the 28 facilities and only 10% had separate cells for juveniles. This notwithstanding, a significant proportion of facilities met the required ventilation, separation of cells for male and female, clean toilets while moderate proportion of facilities had ensured clean cells. It is worth mentioning that Nyeri, Kerugoya, Murang'a, Mai Mahiu, Pangani, Matuu, Gigiri, JKIA, Langata, Embakasi police stations and Mumbuni police post were outstanding in terms of cleanliness and maintenance of their cells. However, detention facilities are expected to meet all the requirements as per the Constitution and the NPS Act, 2011.

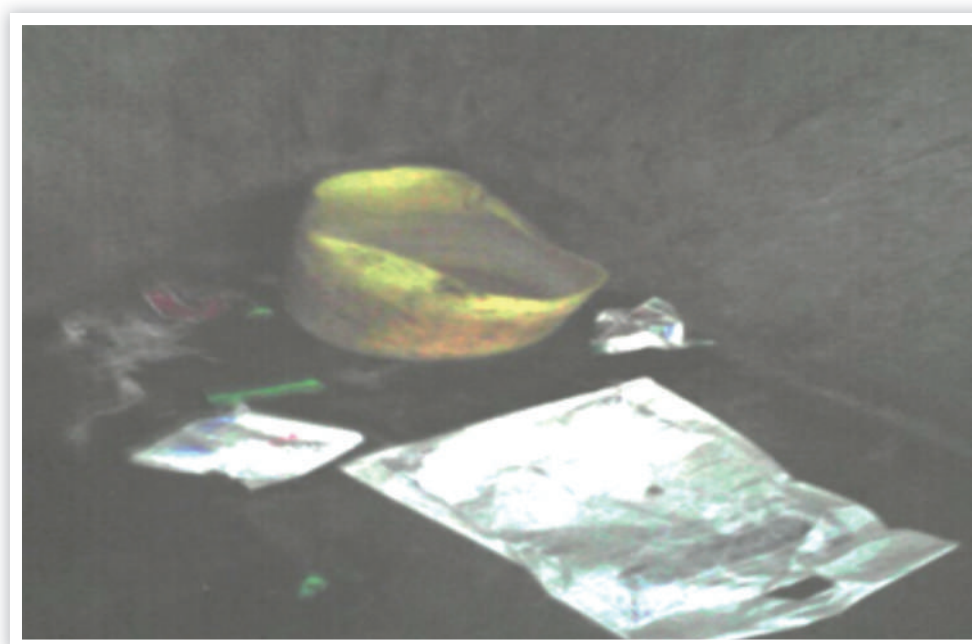


Photo showing a bucket inside Male cells for relieving themselves in Thika police station



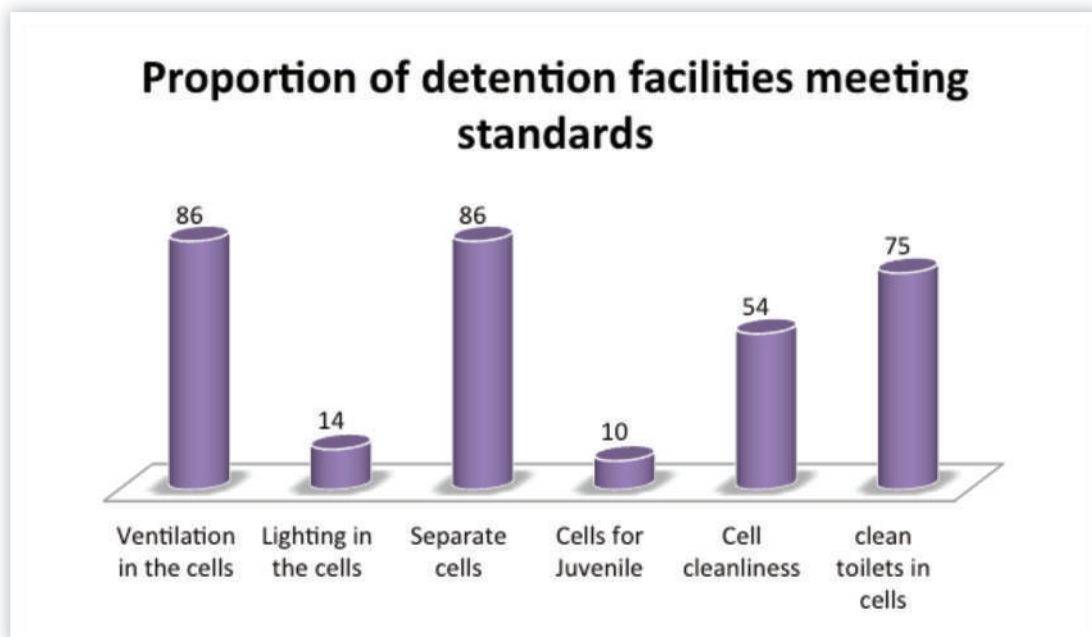


Figure 10: Proportion of detention facilities meeting acceptable standards

### 5.3 Police Station Buildings

All the 40 police premises inspected had either deplorable buildings or office space was very limited or a combination of both. Entarara AP Post in Kajiado operated under a tree for lack of office space, Oloitoktok Police station had only two offices, i.e. office for the OCS and report office - also used as crime office, radio room, search room and interview room. Marua, Rombo, Savanna, Imbirikani police patrol bases, Saba Saba AP post and the Government Vehicle Check Unit operate in deplorable buildings.

93% of the police premises inspected did not have security arrangements at the main gates/entrance or screening of persons entering the premises; only 3 (7%) had security arrangements in place despite the current security threats where police stations have continued to become targets of terrorists.

All the 40 police premises inspected (100%) did not have access facilities for people with disabilities.

### 5.4 Staff Housing

Staff housing was observed as a major challenge in all the premises visited. Only 3 police premises had staff houses with acceptable structures but limited in space. All the other 37 premises were in deplorable and embarrassing condition, degrading and not suitable for human habitation. In all the 40 police premises, officers shared the inadequate space among three or two families. Majority of the patrol bases and AP posts occupied uni-huts, iron sheet or wooden houses. Water and electricity was also not available in some police premises. There is, therefore, great need to look into police housing so as to provide police officers with decent housing facilities that will protect their privacy. Improved housing facilities will definitely be a source of motivation and improved work-related morale from police officers.



*Police accommodation in Thika Police station*



*Police accommodation at Kerugoya Police station*

## 5.5 Vehicle and Fuel Allocation

In policing, mobility is paramount in establishing police presence and responding to distress calls. In the premises inspected, vehicles and fuel allocation was a big challenge. All the 6 Patrol bases inspected did not have vehicles and they relied on their mother stations for transport logistics and sometimes officers used personal means to attend to public duty. In some stations, there were no reliable vehicles hence officers used public transport to conduct policing duties. Fuel allocation and transport logistics were inadequate in all the stations visited. Officers were occasionally forced to fuel police vehicles using their own resources or from clients. For instance, Oloitoktok police station is allocated 15 litres of fuel every day, drawn from Emali, a distance of over 100kms away. This situation fails to meet the desired objective, and translates into irrational use of scarce resources.

## 5.6 Records Management

Records management is very crucial in police work since Kenyan justice system is heavily dependent on evidence and exhibits. In the premises assessed, there were notable concerns on record keeping of cell register, occurrence book, firearms movement register, prisoners' property and exhibits' registers. In all the 40 police premises inspected there was a serious lack of stationeries such as standard police file covers, statement forms, prisoners property register, staples, staplers, police notebooks, pens that are basic. Majority of the stations lacked detainees' property registers raising questions of accountability in handling detainees' property. Some premises used writing pads as statement recording forms, while the public obtained Police Abstract and P3 forms at a fee from most of the stations. There were also notable omissions in the firearms movement registers in some premises with serious implications for weapons' movement, use and control. Some of the premises identified with these omissions included Thika, Nyeri, Muranga, Embakasi and Kerugoya police stations.

Many police premises lacked computers and had poor records management and filing systems. Most premises inspected had dilapidated exhibits stores and exhibits were haphazardly kept in small rooms without labels, while vehicles, motorbikes and other larger physical exhibits were kept in the open thereby exposing them to vagaries of weather, and wastage.

## 5.7 Concerns by Police Officers

During the inspections, police officers shared with the Authority issues of concern, most of which were identified previously including in the IPOA's Baseline Survey on Policing Standards and Gaps in Kenya. The issues captured included the following:

- a) Promotions for KPS are marred by corruption and nepotism and with cases of officers' personal

- files disappearing;
- b) Poor remuneration and recommendations that police salaries be harmonized with other civil servants;
  - c) Inadequate issuance of uniforms for KPS thus officers end up buying from the Quartermaster General;
  - d) Non-clarity on the duration that Officers serve in special operational units such as Rural Border Patrol Unit. Their engagements could not support family life as they spent substantial time in the operational areas as opposed to their colleagues in the regular units. They further raised the issue of special allowances since they were mostly engaged in risky operations along the Kenyan borders;
  - e) Staff in the NPS felt that the selection for training opportunities was not transparent;
  - f) Transport facilitation for KPS officers was a major problem during deployment. The deployment was normally done without any logistical or humane consideration or support since officers were given short notice without any facilitation and expected to use their own resources to the assembly point;
  - g) Lack of facilitation (allowances) for officers attending court, and transit on transfer. Officers used their own resources to attend court or at times fail to show up in court due to lack of resources;
  - h) There were no official feeding arrangements for detainees in the police patrol bases. Detainees depended on relatives and well-wishers;
  - i) Kenya Police Service officers felt that the Administration Police officers were favored in promotions as they were normally accorded more promotion slots;
  - j) Senior Officers promoted corrupt practices in the service. For instance, during visits to the stations by seniors, junior officers were expected to prepare kitu Kidogo<sup>5</sup> at the station;
  - k) The officers complained of the current disjointed coordination between the KPS and APS at the local levels and lack of centralized command and control within NPS at the county level;
  - l) Officers with disabilities acquired in the course of duty complained that they were not considered during promotions and training because of their disabilities which psychologically affects them;
  - m) Inadequate staff and gender imbalance in the NPS which forces the officers to work long hours and thus affecting their performance and service delivery;
  - n) Inadequate police communication equipment in the stations and post/patrol bases forcing the officers to use their own mobile phones to coordinate police operations;
  - o) Patrol bases lacked allocated vehicles and most stations had no financial resources for operations.

.....  
*5 Usually inducement in the form of chicken or goat for senior officers visiting stations*



*Police officer from Rombo police patrol base in Kajiado responding to an incident using a public motorbike*

## 5.8 Community Policing Initiatives

Article 244 (e) of the Constitution requires the NPS to foster and promote relationships with the broader society. This can be achieved through community policing initiatives where the public is involved in policing. Out of the 23 stations inspected on community policing, only seven (30%) had evidence-based community policing structures, 70% of the stations inspected did not have active community policing structures in place. Oloitoktok and Thika Police Stations had the best well-structured, vibrant and elaborate system of community policing. Kabete, Murang'a, Ruiru, Matuu and Mbumbuni had functional community policing initiatives.

## 5.9 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 aim is to ensure police operations are carried out professionally and in conformity with fundamental human rights standards as espoused in the Constitution.

During the reporting period, IPOA monitored 4 police operations: demonstration by civil society groups under the banner of Fuata Sheria in Nairobi County in February 2014; procession by the Solidarity Movement for Society and Release Political Prisoners Trust in Nairobi in February 2014; Government driven 'Operation Usalama Watch' in April 2014; and Police response to Mpeketoni attacks in Lamu County in June 2014.

In the procession by the Solidarity Movement for Society and Release Political Prisoners Trust in Nairobi, no police presence was noted although it proved to be peaceful. The demonstration by civil society groups under the banner of Fuata Sheria in Nairobi County was also peaceful and no serious injuries or deaths were reported. Additionally, no excessive force was used to disperse the demonstrators.

The government initiated 'Operation Usalama Watch' as observed by IPOA was characterized by poor coordination and supervision; poor record keeping in the holding stations; allegations of police bribery; congested and dirty detention facilities; gross violation of the 24 hours rule within which arraignment in court should be done for persons under arrest, violation of the rights of



children to be detained separately from adults pursuant to Article 53 (1) (f) (ii) of the Constitution.

Police response to Mpeketoni attacks was observed to have been slow and disjointed, lacked centralized command and control within the NPS at the County level, lacked proper planning for the County security matters. KPS and APS in the County lacked requisite equipment and officers did not have personal protective gear such as bullet proof vests.

## 5.10 Recommendations on inspected police premises and operations

Based on the initial inspections that have been made, it is clear that much effort is required to improve the standards of police premises. Most of the efforts call for combination of initiatives by the Officer in Charge of Stations and enhancement of the funds for infrastructural and operations improvements. Specifically, the Authority would like to make recommendations as detailed in the matrix below:

	ISSUE	RECOMMENDATIONS	RESPONSIBLE	TIMELINE
1.	Dirty and unhygienic conditions of detention facilities	Provide lock-up facilities with hygienic conditions conducive for human habitation, adequate light, toilet and washing facilities and outdoor area.	The Officers-in-Charge of Station	90 days from date of inspection
2.	Dirty toilets for detainees	Officers-in-charge to ensure and maintain cleanliness of toilets to acceptable standards.	The Officers-in-Charge of Station	90 days from date of inspection
3.	Use of buckets inside the cells as toilets for detainees	Cell sentries in police premises should ensure that detainees are escorted to use the toilets within the premises.	The Officers-in-Charge of Station	90 days from date of inspection
4.	Detained persons held in patrol bases and posts that have no feeding provisions	Officers in Charge to desist from holding detainees in posts or patrol bases that have no feeding provision	The Officers-in-Charge of Station	90 days from date of inspection
5.	Detention facilities without separate cells for men, women and juvenile	Officer in charge of stations should ensure that men and women are detained separately as well as children.	The Officers-in-Charge of Station and Inspector General	90 days from date of inspection
6.	Lack of gender and children's desk	The officer in charge should ensure that a gender and children's desks are established in police stations	The Officers-in-Charge of Station	90 days from date of inspection
7.	Lack of proper record keeping	The officers commanding police station must ensure that proper records and entries are made as required by the law.	The Officers-in-Charge of Station	90 days from date of inspection
8.	Lack of community policing initiatives	Institute Community Policing Initiative	The Officers-in-Charge of Station	90 days from date of inspection
9.	Lack of manned security gates	The Station Commanders should ensure that the security of their respective stations is maintained by ensuring that the gates and other entry points are manned.	The Officers-in-Charge of Station	90 days from date of inspection



	ISSUE	RECOMMENDATIONS	RESPONSIBLE	TIMELINE
10.	Lack of facilitation (allowances) to officers attending court, transit on transfer or deployment to operation areas	Promptly provide the necessary allowances to Officers	The Inspector General of police	
11.	Short notice to officers on deployment to operation areas	The NPS should put in place a system where officers are notified in advance on impending deployment to operational areas unless it is an emergency situation	Deputy Inspector Generals (KPS, APS & DCI)	
12.	Inadequate resource allocation	<p>The IG should ensure fair distribution of the available resources for good policing in all areas. The resources should be decentralized to the station level for effective and efficient use.</p> <p>The IG addresses the need for adequate fuel for the stations. It is suggested that fuel should be drawn from facilities nearest the stations or held in drums for those stations in remote areas.</p>	<p>The Inspector General of Police</p> <p>The Inspector General of Police</p>	
13.	Inadequate uniforms for the police Officers	<p>Provide Officers with adequate uniforms.</p> <p>The Inspector General of police should audit the activities of the quartermaster general with a view to curb the alleged sale of police uniforms.</p>	The Inspector General of Police	
14.	Lack of centralized command and control within NPS at county level.	NPS needs to harmonize its command and control structures under one person at the county level to provide effective and efficient services.	Inspector General of Police	
15.	Inadequate police communication equipment	Provision of adequate police communication equipment	Inspector General of Police	
16.	Delay in establishing County Policing Authorities (CPAs)	Establish and operationalize the CPAs	Inspector General of Police	
17.	Staff housing and basic amenities	<p>Improve the NPS officers' house allowances to the current market rate to facilitate renting of better houses.</p> <p>The NPS should also consider leasing houses for the officers.</p>	<p>The Inspector General of Police,</p> <p>The Cabinet Secretary</p> <p>National Police Service Commission</p>	

	<b>ISSUE</b>	<b>RECOMMENDATIONS</b>	<b>RESPONSIBLE</b>	<b>TIMELINE</b>
18.	Inadequate staff and gender imbalance	NPSC should ensure that shortage of staff and gender balance are addressed to ensure the third gender rule as enshrined in the Constitution is complied with.	National Police Service Commission	
19.	Lack of transparency in promotions and training in the Service.	NPSC in consultation with the NPS should ensure that promotions and training are based on merit and clear set regulations.	National Police Service Commission	

## 6.0 COMMUNICATION AND OUTREACH

### 6.1 Communications and Public Awareness

As outlined in IPOA's Strategic Plan 2014-2018, communication is one of the key strategies that the Authority will pursue over the next four planning years. The Authority is therefore keen to support this strategy more intensively during the early periods. The Authority is focused on enhancing public knowledge about IPOA's mandate and functions among the public and the police through continuous publicity. This is expected to trigger an increase in the number complaints from both the public and police relating to police misconduct within the 1st and 2nd year of the Strategic Plan.

During the report period, initiatives towards continuous publicity included:

- a) Authority's participation on Citizen's television breakfast show in June 2014 which constituted more than 60 brand exposures in both mainstream print and electronic media times that included TV, Radio, Print and Communication materials;
- b) 14 public outreach forums were conducted;
- c) 2,500 brochures were produced and were under circulation to various parts of the Country;
- d) Five banners were produced;
- e) Collaborations with 2 churches and 2 mosques were initiated.

Cumulatively, IPOA logo was successfully designed and adopted; all materials such as envelopes, letterheads, complementary slips and general stationery were branded; placed a signage at the entrance on the 1st and 2nd floors of IPOA premises; Three successful quarter review meetings were conducted with media partners in which pertinent information about the Authority were issued and covered extensively in the mainstream print and electronic media.

## 7.0 RISK AND AUDIT MANAGEMENT

Partly, some of the Authority's core values include; Integrity, Transparency and Accountability. To institutionalize these values in its day-to-day operations, risk and audit management is highly regarded, and mechanisms towards this continued to be strengthened.

It is envisaged that enhanced accountability and integrity in the Authority's operations will be achieved through systematic and disciplined approach to its work.

During the period under review, achievements towards this end included:

- Establishment of a Risk management committee with a membership of ten (10) and effectively conducted 3 meetings.
- Management team was trained on Risk Management.
- An Audit Charter was developed.
- A Risk Management Policy was developed.
- An organization-wide Risk Assessment was carried out.
- An institutional risk management framework was developed and will be updated annually.
- An ad-hoc audit was carried out and recommendations made for implementation by the respective unit.

## 8.0 INSTITUTIONAL STRENGTHENING

Institutional strengthening of Authority's capacity will remain key towards realization of its mandate and functions. This will also be critical in determining the extent to which the Authority will efficiently and effectively undertake its operations towards achievement of strategic results. Institutional capacity includes human capital, equipment, funds, technology and systems. Clear strategies outlined in the Strategic Plan in support of this include: Organization Development, Performance Management, Information Communication and Technology (ICT), Resource Mobilization and Stakeholder Engagement.

### 8.1 Human Resource Management

Human Resource Management for the Authority is premised within the Organization Development strategy. The Authority highly regards its human capital with a focus on improving the productivity of its staff through effective and efficient human resources services and enhanced capacity. Such services and support include benefits to employees that promote health, trainings, wellness and a sound work life balance.

During the review period, the Authority conducted recruitment, orientation and training to the staff. Fifty nine (59) staff members joined the Authority between January and June 2014 bringing the total number of staff to 69. The entire team was taken through induction training in June 2014 to assist them settle quickly in their respective directorates.

#### 8.1.1 Capacity building and Trainings

The Authority's success depends on the high level of skills and professionalism of the staff. The following trainings were conducted during the review period: -

Table9: Trainings conducted as at 30th June 2014

Training	Number of staff/Board members	Objective of the training
Civilian Oversight and Investigation processes, February 2014	35 participants: Investigators, Complaint Management Officers, Inspections and Monitoring Officers	Enhanced skills on investigation process among IPOA's investigators
Federal Bureau of Investigation (FBI) Training, May 2014	26 Investigators and Complaints Management Officers	Enhanced Crime Scene Management skills among relevant staff
Training on Torture, June 2014	33 participants: Investigators, Complaint Management Officers, Security Staff and Inspections and Monitoring Officers	Prevention and eradication of torture and other ill treatment
Staff induction, June 2014	74 participants, Staff and Board members	To assist new members of staff have a clear understanding of IPOA's mandate and functions

Plans are underway to have all staff undergo an intensive training on Human Rights during 2014/2015 financial year.



*Section of IPOA staff during the induction at Panafric hotel on 16th June 2014*

## **8.2 ADMINISTRATION AND FINANCIAL MANAGEMENT**

Administration and financial management has continuously been enhanced to facilitate improved operational and strategic results of the Authority through provision of timely and quality operational services.

### **8.2.1 Procurement**

During the period under review, notable progress was made in procurement of 30 desktop computers, 10 laptops, 3 printers and 11 Tablets. Additionally, the Authority procured medical insurance, security, and cleaning services during the period. Tender Committee, Procurement Committee, Tender Processing Committee and Disposal Committee are active and have continued to support the procurement process.

### **8.2.2 Security Services**

Towards provision of adequate and effective security for all Authority's resources, a security policy is in the final stages of formulation before approval by the Board. A security manual was developed and completed. The general security situation within IPOA premises was enhanced with the installation of access controls including; physical security provided by a contracted Security Company, installation of biometric system and CCTV cameras. Staff security at the work place was enhanced through the mentioned access controls and the security policy.

Security of assets has been partly addressed by access controls already put in place. Other measures such as installation of fleet management system and asset tagging expected to safeguard and restrict misuse of IPOA resources are planned for during 2014/2015 financial year.

### **8.2.3 Administration**

During the review period, a draft transport manual was developed. Among other office maintenance and transport services, the Authority introduced the use of fuel cards to monitor and control fuel consumption. The motor vehicles were effectively deployed in investigation, inspection and monitoring activities during the period. As the Authorities fieldwork intensifies, there is need to plan for additional resources in form of additional and appropriate motor vehicles.



## **8.2.4 Financial Management**

Financial management within the Authority is aimed at prudent and accountable utilization of financial resources, and ensuring that timely financial support services provided to its operations.

During 2013/2014 financial year, the Authority submitted to Treasury a budget of Kshs.603m. However, Treasury allocated only Kshs.154m. During the review period, additional funding of Kshs.59m and Ksh66.7m was granted during Supplementary I and II budgets respectively. This brought the total approved budget for the year to Ksh279m. IPOA is thankful to Treasury for the continued support, and for positively considering additional funding during the second half of the financial year. However, despite the increased funding, the Authority experienced challenges due to underfunding of core budget lines that were required to facilitate investigations, inspection and monitoring of police premises and operations.

The Authority filed quarterly expenditure returns to Treasury and Controller of Budget for December 2013, March 2014. The expenditure returns for the quarter ended 30 June 2014 was submitted early in July 2014.

The Authority defended its desired 2014/15 budget amounting to Kshs.429m before the Parliament's Administration and National Security Committee, and also made submissions to the Budget and Appropriations Committee for additional funding. Despite efforts made to seek for additional funding, the Authority was eventually allocated Kshs.205m as per Appropriation Act, 2014 for 2014/15 financial year, leaving a financing deficit of Kshs.224m. The Authority will continue engaging Treasury, as the amount allocated is far below the required level to enable IPOA to implement its planned activities for 2014/15 which is the first year of the Strategic Plan.

## **8.2.6 ICT-Based Operations**

In line with the ICT strategy, the Authority focuses on enhanced ICT capacity and long-term sustainability of all systems and related infrastructure. Automation of operations remained the Authority's priority and currently, the complaints and investigation processes have been automated to some extent, and is still work in progress. It is worth mentioning that scheming of other functions that need to be automated has been an ongoing process. Staff and Board members continued to access telecommunication facilities provided by the Authority and were also provided with connectivity to access Internet services and corporate mails. So as to enhance communication within the organization, senior managerial staff were provided with electronic tablets.

The Authority is in the process of getting connected to IFMIS and integration with Central Bank of Kenya's G-Pay system in line with Government regulation. Finalization of the project, including training is expected to be completed in August/September 2014.

## **8.2.7 Research, Planning, Monitoring and Evaluation**

Research, Planning, Monitoring and Evaluation are necessary in guiding the Authority's strategic direction towards realization of the desired results and attainment of its overall goals.

### **Planning, Monitoring and Evaluation**

During the period under review, a major achievement was the consultative development of a Strategic Plan 2014-2018. A key process in its development was the validation workshop held on 16th April 2014 that gained the participation of key stakeholders. The Strategic Plan was expected to be launched in June 2014 but was deferred to a later date pending confirmation of the chief guest.



*Participants during the validation of the Strategic Plan at the Norfolk hotel on 16th April 2014*

To facilitate focused implementation of the activities, the Authority developed a six-month operational plan (January-June 2014), which was partially implemented due to cash constraints. Further, the Authority developed the 2014/15 operational work plan and budget heavily derived from the Strategic Plan core objectives.

In line with the performance management strategy outlined in the Strategic Plan, the Authority engaged staff in development of overall Results Framework that was cascaded to Directorates' Results Frameworks. The Frameworks are part of the results based management system and will form the basis of development of the Annual Work Plans. The Frameworks were awaiting final discussion with management and subsequent approval by the Board.

## **Research**

Research for the Authority is aimed at gaining empirical based data and information provided to inform both internal and external policy changes.

During the report period, research needs assessment was conducted and a Research Plan developed while the Authority's Research Policy was at draft stage. The Research plan was awaiting presentation and subsequent approval by the Board.

## **9.0 LEGAL SUPPORT SERVICES**

The legal department of the Authority provides legal support to all other Departments and to the Authority as a body corporate.

### **9.1 IPOA's Regulations**

Through the expertise of the department, the Authority reviewed the earlier developed draft IPOA regulations that were awaiting review by the Board and subsequent submission to other agencies such the Office of the Attorney General and Law Reform Commission before being published for implementation. Once finalized, the regulations will facilitate effective operationalization of the IPOA Act.

### **9.2 Upholding Confidentiality**

The IPOA Act requires any document or statement drafted or made or taken during an investigation

to remain confidential unless the Authority in writing determines otherwise. Furthermore the Act makes it an offence punishable by a fine not exceeding three hundred thousand shillings or imprisonment for a term not exceeding three years to publish a confidential document or statement. In line with these statutory provisions, during the review period, the Authority prepared and administered an oath of confidentiality to 58 IPOA staff members before a Magistrate. Arrangements were underway to have the remaining 11 staff members to take the oath before a Magistrate.

### **9.3 Representation in civil and criminal court proceedings**

During the reporting period, the Authority was represented in Six (6) ongoing court cases, Five (5) civil cases and One (1) criminal case where the Authority is watching brief in a prosecution it recommended. Court cases and their current status are as presented in Appendix II.

## **10.0 COLLABORATION WITH STAKEHOLDERS**

### **10.1 Human Rights Complaints Referral and Management Committee (Referral Partners)**

During the review period the Authority officially joined the Referral Partners network, which is an initiative, convened by the Kenya National Commission on Human Rights. The network comprises members from the civil society, and other Governmental agencies who handle complaints, they seek ways of dealing with human rights complaints and particularly how victims of human rights abuses could be assisted without being subjected to untold misery as they shuttle from one organization to another in pursuit of assistance.

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

### **10.2 Kenyatta University**

The Authority participated in a meeting at the Kenyatta University to validate the curriculum for the National Police Service Senior Officers.

### **10.3 Witness Protection Agency**

During the report period, the Authority concluded the preparation of an MOU with the Witness Protection Agency (WPA) to guide procedures between the two organisations in handling vulnerable witnesses.

### **10.4 Review of draft National Police Service Standing Orders and the National Police Service draft Strategic Plan**

The Authority made its recommendations in the review of the draft National Police Service Force Standing Orders. It further provided its views on the draft Strategic Plan 2013-2017 for the NPS.

## 10.5 Memoranda of Understanding (MOUs) with Collaborators

### 10.5.1 Office of the Director of Public Prosecutions

For effective collaboration with the ODPP, the Authority and ODPP were in the process of preparing an MOU to guide their interaction. In this regard, the Authority facilitated various meetings with representatives from the ODPP, and a small committee comprised of representatives from the ODPP and the Authority was formed to spearhead the process of developing a working draft MOU to form the basis of discussion and adoption.

### 10.5.2 National Police Service, Ethics and Anti-Corruption Commission:

Memoranda of Understanding (MOUs) with National Police Service and Ethics and Anti-Corruption Commission were commenced during the review period and were work in progress as at end of June 2014.

## 11.0 CHALLENGES AND RECOMMENDATIONS

During the review period, the Authority experienced various challenges both operational and technical as outlined below.

### 11.1 Operational Challenges

CHALLENGES	UNDERTAKINGS
Budget constraints due to underfunding adversely affecting field activities that includes investigations, inspections and monitoring of police premises.	Treasury to provide sufficient funding.
Limited office resources such as computers, laptops, printers etc	Adequate office resources required to facilitate staff to carry out their responsibilities.

### 11.2 Technical challenges

Challenges	Recommendations
The Authority does not have an independent ballistics or forensic services provider and relies on the National Police Service for provision of these services. This not only presents challenges for the independence of the Authority's investigations but has also been problematic in terms of the results provided by the Police Ballistics laboratory.	It is imperative that integrity in the forensic capability of the Police is restored through engagement with the Authority, training and if necessary an independent inquiry into the Police system of exhibits management.
The methods of handling exhibits by Police Officers and the manner of storage of these exhibits in Police premises has in a number of ongoing investigations seriously impeded the search for the truth and outcome of the investigations.	

Failure of various institutions to cooperate with the Authority on matters of vital importance to ongoing investigations and even hampering the progress of investigations. A number of institutions have failed to provide information or evidence on the premise that such information or evidence can only be obtained by the police or law enforcement bodies.

It is essential that awareness and sensitization efforts to highlight the Authority's mandate are made at all levels.

National Police Service ought to reiterate to Officers the legal and moral duty to maintain integrity at all times and take stern action against officers who breach the law.

The Authority's evidence gathering process is hampered by fearful and intimidated witnesses.

Provision of resources and capability to address the safety of vulnerable, fearful and intimidated witnesses.

Constrained financial resources present challenge to promptly respond to cases, travel plans and this adversely affects the quality of investigations.

Engagement with Treasury for sufficient funding

Inadequate staffing level presents a challenge for expedited case progression and quality of investigations

Engage additional investigators



## Appendix I: Police premises inspected (January-June 2014)

County	Police Stations	Police Posts	Police Patrol Bases	APS Camps/Posts
Nairobi	<ul style="list-style-type: none"> <li>Langata</li> <li>Pangani</li> <li>Embakasi</li> <li>JKIA</li> <li>Kasarani</li> <li>Buruburu</li> <li>Industrial Area</li> <li>Gigiri</li> <li>Shauri Moyo</li> <li>Kabete</li> </ul>		<ul style="list-style-type: none"> <li>Savannah</li> </ul>	
Kiambu	<ul style="list-style-type: none"> <li>Thika</li> <li>Ruiru</li> </ul>			
Nakuru	<ul style="list-style-type: none"> <li>Mai Mahiu</li> </ul>		<ul style="list-style-type: none"> <li>Marua</li> </ul>	
Nyeri	<ul style="list-style-type: none"> <li>Nyeri</li> </ul>			
Kirinyaga	<ul style="list-style-type: none"> <li>Kerugoya</li> </ul>			<ul style="list-style-type: none"> <li>Kerugoya AP camp</li> <li>Kerugoya AP Post</li> </ul>
Muranga	<ul style="list-style-type: none"> <li>Murang'a</li> </ul>			<ul style="list-style-type: none"> <li>SabaSaba AP Post</li> </ul>
Kajiado	<ul style="list-style-type: none"> <li>Ilasit</li> <li>Oloitoktok</li> </ul>		<ul style="list-style-type: none"> <li>Rombo</li> <li>Kimana</li> <li>Imbirikani</li> </ul>	<ul style="list-style-type: none"> <li>Rombo AP Camp</li> <li>Rural Border Patrol Unit</li> <li>Entarara AP Camp</li> <li>Kimana AP Camp</li> <li>Ilasit AP post</li> </ul>
Tana River	<ul style="list-style-type: none"> <li>Garsen</li> </ul>			
Machakos	<ul style="list-style-type: none"> <li>Yatta</li> <li>Matuu</li> </ul>	<ul style="list-style-type: none"> <li>Mumbuni</li> </ul>		<ul style="list-style-type: none"> <li>Kwawanzilu AP post</li> </ul>
Makueni	<ul style="list-style-type: none"> <li>Mbumbuni</li> <li>Mbooni</li> </ul>		<ul style="list-style-type: none"> <li>Tawa</li> </ul>	
Nairobi	The Government Vehicle Check Unit Headquarters			

## Appendix II: Court cases and their current status

Parties	Case Number	Status
CSO-NET & Others Vs IPOA & Others	Kisumu HC Const. Petition Number 15 of 2013	The Authority has been sued as the 3rd Respondent, where the petitioners are seeking damages for sexual and gender based violence during the post-election violence. The Authority has already entered appearance in the matter and the parties are now awaiting the court's directions on how the matter should proceed.
COVAW and Others Vs IPOA and others	Nairobi HC Constitutional petition no. 122 of 2013	IPOA has been sued as the 3rd respondent where the petitioners are seeking damages for sexual and gender based violence during the post- election violence. The Authority has entered appearance, although the same has been entered late since the Department was not initially alerted of the existence of the petition, which as per court records was served on the Authority some time last year in November. The hearings have already begun and are expected to continue on 27th and 28th of August 2014.
LSK Vs Samuel Kimaru and the National Police Service Commission	Nairobi HC Constitutional petition no. 520 of 2013	IPOA has sought to be enjoined as an interested party in this petition filed by the Law Society of Kenya against the Traffic Commandant Samuel Kimaru and The National Police Service Commission. The Authority has already entered appearance and filed grounds of opposition. The matter pends for hearing dates to be fixed by the petitioner.
Naomi Asibitar & Others Vs IPOA & others	Nakuru HC JR NO. 55 of 2013	The Authority has been sued as the 4th Respondent in this matter where the Applicants, who are police officers, are challenging their transfers. The Authority entered appearance and filed grounds of opposition in response to the application and made submissions in opposition to the application. The matter comes up in in court for judgment on 22nd September 2014.
Cyprian Mwaniki & Others Vs IPOA & Others	Nakuru HC Misc APPln No. 59 of 2013	The Authority has been enjoined in this suit as the 3rd respondent. The Applicants who are police officers are seeking to challenge orderly room proceedings against them. The Authority has already entered appearance in the matter, and filed grounds of opposition in response to the application and made submissions on preliminary objection. The matter pends for hearing dates to be fixed by the petitioner.

<b>Parties</b>	<b>Case Number</b>	<b>Status</b>
R Vs Boniface Kavoo	Criminal case no.475 of 2014	The Authority is watching brief in this matter where the accused is charged with offences under the IPOA Act. The accused has taken plea and the hearing of the matter has commenced, with further hearing slated for 3rd of October 2014.







Bishops' Annex Plaza, 2nd and 3rd Floor,  
1st Ngong Avenue, Community,  
P O Box 23035-00100 GPO, NAIROBI.  
Email: [info@ipoa.go.ke](mailto:info@ipoa.go.ke)  
Website: [www.ipoa.go.ke](http://www.ipoa.go.ke)