



Baseline Survey on Policing Standards and Gaps in Kenya



Table of Content

Acknowledgements.....	04
Executive Summary.....	06
MAIN REPORT	12
1.0 INTRODUCTION AND CONTEXT.....	13
1.1 Background/Context of the Study	13
1.2 Methodology, Respondents & Research Tools.....	13
2.0 FINDINGS OF THE SURVEY: (BASELINE INDICATORS)	16
2.1 Police Misconduct.....	16
2.1.1 Incidences of police misconduct	16
2.1.2 Percentage of Kenyans that reported police misconduct	16
2.1.3 Percentage of Kenyans that would report if they witnessed or experienced police misconduct in the future	17
2.1.4 Incidence of police misconduct among the police.....	18
2.1.5 Percentage of police who witnessed Police misconduct and reported	18
2.1.6 Why police officers do not report cases of police misconduct....	19
2.1.7 Percentage of police officers that would report if they witnessed Police misconduct in the future.....	19
2.1.8 Case Files Review: Police malpractice in felony cases.....	19
2.1.9 Number of days for police misconduct investigations: from referral to decision	20
2.1.10 Number /percent of complaints of police against police	21
2.2 INVESTIGATIONS MANAGEMENT BY THE POLICE.....	22
2.2.1 Establishing the number of cases that meet minimum evidentiary threshold for charging	22
2.2.1a Felony cases that did not meet the minimum evidentiary threshold for charging	22
2.2.1b Felony cases that met the identification legal element criteria	25
2.2.1c Felony cases with evidence to identify the accused person.....	25
2.2.1d Number/Percent of felony cases that prosecutor received at the time of charging in court with sufficient documentation	26
2.2.1e Number/Percent of felony cases returned to Police investigators for further investigation before charging.....	26

2.2.1f Felony cases returned to Police investigation for further investigation with quality directive27

2.2.1g Felony cases that came back to prosecutors from Police investigators with additional evidence 28

2.2.1h Felony cases that met the 24 hour rule.....29

2.2.1i Case progression rates of felony cases (Nairobi Court case file review)29

2.2.1j Case timeframes30

2.3 FACTORS AFFECTING POLICE PERFORMANCE 32

2.4 CRIME DETECTION/PREVENTION AND INTELLIGENCE GATHERING32

2.5 PUBLIC AWARENESS OF COMMUNITY POLICING32

2.6 PREPAREDNESS OF THE POLICE FOR 2013 GENERAL ELECTIONS33

2.7 PUBLIC CONFIDENCE IN POLICE AND IPOA34

2.7.1 Public confidence in Police 34

2.7.2 Public confidence in IPOA35

2.7.3 Number and percentage of people who know where to report cases of Police misconduct.....37

3.0 CONCLUSIONS AND RECOMMENDATIONS38

Abbreviations and Acronyms

AP	Administration Police
C/B	Cash Bail
CAT	Convention against Torture
CBP	Community Based Policing
CID	Criminal Investigation division
CPC	Criminal Procedure Code
CR	Crime Register
D/D	Drunk Driving
DCIO	Divisional Criminal Investigating Officer
DFID	Department for International Development
DPP	Director of Public Prosecution
FGD	Focus Group Discussion
GJLOS	Governance, Justice, Law & Order Sector
HQ	Headquarters
ICT	Information and Communication Technology
ICTJ	International Center for Transitional Justice
IG	Inspector General
IJM	International Justice Mission
IMLU	Independent Medico-Legal Unit
IPCA	Independent Police Complaints Authority
IPOA	Independent Police Oversight Authority
KII	Key Informant Interview
KTI	Kenya Transition Initiatives
KNBS	Kenya National Bureau of Statistics
KNHCR	Kenya National Commission on Human Rights
KP	Kenya Police
NPS	National Police Service
NPSC	National Police Service Commission
NYS	National Youth Service
OB	Occurrence Book
OCPD	Officer Commanding Police Division
OCS	Officer Commanding Police Station
ODPP	Office of the Director of Public Prosecution
P2CF	Preparation to commit a felony
PCIO	Provincial Criminal Investigation Officer
PRIC	Police Reform Implementation Committee
PS	Permanent Secretary
RwV	Robbery with Violence
RTA	Refused To Answer
SMS	Short Message Service
TbS	Theft by Servant
UDHR	Universal Declaration of Human Rights
UN	United Nation
UNDP	United Nation Development Program
UNESCO	United Nation Educational Scientific and Cultural Organisation

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IPOA, as a civilian oversight body, wishes to sincerely acknowledge all Kenyans across the country (from the 36 Counties) and the police officers who took time to effectively participate and give guidance to the future of policing in Kenya. We thank you deeply and remain indebted to you to ensure the findings and recommendations of this Survey guide IPOA's strategic direction in the next few years.

This Report was edited by Dr. Okwach Abagi, the Deputy Director in charge of Strategy and Research at IPOA, whose special attention to details, including credibility and reliability of the data presented, has led to the conclusion of this Survey. We thank you for this first assignment at IPOA.

We hope as many Kenyans as possible get a chance to read this Survey and work with IPOA towards making the police more accountable and professional as they render services to the public.

Macharia Njeru
Chairperson,
INDEPENDENT POLICING OVERSIGHT AUTHORITY

Executive Summary

METHODOLOGY

The Survey was based on a national representative sample of 5,082 households and 515 police offices selected from 36 out of 47 Counties across the country. The report is also informed by the assessment and analysis of 203 closed Case Files purposively selected from four police stations in Nairobi County namely: Kamukunji, Kilimani, Kariobangi and Huruma Police Stations. The broad objective of the baseline study was to assess the perception of Kenyans about policing services and the factors affecting effective policing in the country. Specifically, the study sought to provide:

Information on the status, nature, extent, quality, effectiveness and challenges of policing in Kenya; Evidence of the current performance levels and the factors that hinder effective and efficient policing, with a view towards strategically targeting key result areas that could lead to better policing services in the next five years; and, a common basis for measurement of the success of police reforms relative to key effectiveness and efficiency success indicators.

The Survey was designed to provide data/information that IPOA will use to monitor the process and outcomes of professionalizing the National Police Service and assessing the public perception of the Service over time. The research design and data collection was based on two approaches; (i) Perception surveys and (ii) Case file reviews. The perception surveys aimed at assessing both the Public and Police perceptions about police performance and policing in general; while the case file reviews (the first of its kind in Kenya) provided an opportunity to interrogate actual police performance. Data collection took place between January and February 2013.

The Survey obtained detailed information and indicators on public complaints about the police, investigations (performance) by police on felony cases (robbery with violence, preparation to commit a felony, and theft by servant), factors affecting performance of police, rate of crime detection and investigation/evidence gathering, public perception on police preparedness during the 2013 General Elections, and public confidence in the Police and IPOA. An independent firm designed and implemented the survey in consultation with the International Justice Mission (IJM), Kenya Transition Initiative (KTI), and Independent Policing Oversight Authority (IPOA).

POLICE MISCONDUCT

Incidence of police misconduct

The study findings indicate that one third (30%) of respondents had experienced police malpractice including: assault/brutality, falsification of evidence, bribery, and threat of imprisonment within 12 months prior to the study. The incidence of police malpractice is higher in rural areas at 61% than in urban areas at 39%. In terms of gender, 62% of men compared to 38% of women were exposed to police malpractice in the last 12 months. The incidences of police violations is higher among younger people aged less than 35 years (64%) than those aged above 35 years (34%).

Percentage of Kenyans who reported police misconduct

Only 30% of those who experienced incidences of police malpractice reported the crime to the relevant authorities. More respondents in the rural areas (68%) reported cases of police misconduct than their counterparts in the urban areas (32%). More males (62%) than females (38%) reported cases of police malpractice.

Percentage of Kenyans that would report if they witnessed or experienced Police misconduct in the future

High percentage of Kenyans (71%) were willing to report/to be witnesses in cases of police misconduct. Younger people are likely to report police malpractice compared to older people. Only 43% of urban people are willing to report police misconduct compared to 57% in rural areas.

Incidence of police misconduct among the police

Of the police officers interviewed, 53% admitted to have experienced incidences of police misconduct in the last 12 months before the survey. More male police officers (79%) admitted having witnessed police misconduct compared to female police officers interviewed. Officers aged 35 years and above were more likely to admit experiencing incidences of police misconduct than the younger officers. Some of the forms of police misconduct mentioned by police officers include the following: "bribery" (36%), "assault" (25%), "use of excessive force" (25%), "injuries from a weapon" (14%), "falsification of evidence" (14%), "threats of imprisonment" (14%), and "unwarranted shooting" (9%).

Percentage of officers who witnessed misconduct and reported

Among the police who had witnessed incidences of misconduct, only 32% of them reported such cases to relevant authorities. Analysis by sex indicates that male officers (83%) compared to female officers (17%) reported cases of police misconduct to relevant authorities.

Why officers do not report cases of misconduct

Police officers who do not report cases of malpractice indicated that they do not do so for "fear of reprisals" "you can't report seniors and colleagues because they will be victimized (56%), "threats of being transferred" (18%), "it will affect my employment" (13%), "not much action will be taken" (5%), and "I don't know where to report" (5%).

INVESTIGATIONS MANAGEMENT BY THE POLICE

One of the objectives of the survey was to establish how effective and efficient the police are in case management – from investigations, arrests to prosecution. The findings are based on Case File assessment on the following categories of cases: “Robbery with Violence” (RwV), “Preparation to Commit a Felony” (P2CF) and “Theft by Servant” (TbS) from Kamukunji, Kilimani, Kariobangi and Huruma Police Stations.

Proper and comprehensive investigation by police is critical for justice to be done. This is because meritless cases against innocent citizens create unnecessary judicial backlog, improperly investigated cases of true criminals will result in low conviction rates, and allowing criminals to go free unfair and perpetuates the cycle of crime and insecurity. Another important concern associated with this finding is the potential for human rights abuses across the country.

Felony cases that did not meet the minimum evidentiary threshold for charging:

The “**Minimum Evidentiary Threshold**” refers to evidence sufficient to charge a person with an offense – i.e. “reasonable likelihood of conviction”.

Overall, 64% of the felony cases reviewed never met the minimum evidentiary threshold to charge a person with an offense. When analyzed by case-type the following were established:

- **62% of the 117 “Robbery with Violence” (RwV) cases never met the minimum evidentiary threshold for charging** according to legal criteria. In most of the cases, the following legal requirements were not met: (i) Complainant’s ownership established, (ii) Identification established, (iii) Intent established, (iv) Accused was armed, with other persons, or caused injury to another person, (v) Use or threat of violence, (vi) Violence against person/property, (vii) Violence occurred in relation to robbery, and (viii) Item was stolen. This finding is statistically significant because all RwV cases registered at the police stations visited were reviewed during the study.
- **76% of “Preparation to Commit Felony” (P2CF) cases never met the minimum evidentiary threshold for charging.** The evidence most often missed in the preparation to commit felony type, leading to a score of “did not meet threshold,” is listed below in the order of most frequently missed to most frequently substantiated. P2CF: (i) Identification established, (ii) Intent established, and (iii) the third ingredient (either accused was armed, or accused was not home/ usual routes and had possession of an article or accused was disguised).¹
- **61% of “Theft by Servant” cases never met the minimum evidentiary threshold for charging,** i.e. (i) Complainant’s ownership established, (ii) Intent established, (iii) Accused was servant/agent of complainant, (iv) Accused had access to stolen item, (v) Identification established, (vi) Item was stolen.

¹ In the majority of P2CF cases reviewed, the third set of ingredients was met with “being armed or possession of an article” instead of “having a disguise”.

Number/percent of felony cases that prosecutor received with sufficient documentation at the time of charging in court

The case files reviewed from the police stations that participated in the baseline survey indicates that only 24.6% of the 150 felony cases that the prosecutors received at the time of charging had the specific documents required for the case to proceed to court for charging. In RwV cases, “sufficient documentation” was considered to be the Complainant Statement, Crime and Incident Report, OB Extract, and Signal. In P2CF and TbS cases, the necessary documents were the Complainant Statement and the Crime and Incident Report.

Number/percent of felony cases returned by prosecutor to police investigators for further investigation before charging

The case file reviews indicates that a majority (60%) of felony cases reviewed were returned for further investigations. Kariobangi and Huruma Police Stations received returned files from prosecutors most frequently (89% and 76% respectively), while less than half (45%) of all cases reviewed in Kilimani and Kamukunji Police Stations had been returned for further investigations.

Of the 101 RwV cases that did not meet the evidentiary threshold, 81% were returned for further investigation. This finding indicates that prosecutors are returning files for additional investigation, but the police investigators are not necessarily producing any additional evidence.

Felony cases returned to police for further investigation with quality directive

In best practice, a prosecutor will communicate regarding additional evidence needed in a case. Detailed instructions for investigators to follow are helpful so that the investigating officer can quickly locate the remaining evidence necessary to substantiate the charge(s). Examples of “quality directives” are: “Write further statements/new statements,” “get expert reports,” “visit scenes of crime/take photos” or any other specific directive. A “poor quality” directive is, for example, a general statement like: “referred for additional investigation”.

According to the survey, out of 121 cases returned by prosecutors to the police for further investigations, only two cases (1.7%) were scored as having “quality directives”. The two cases were both RwV cases and were found at Kariobangi and Kilimani Police Stations.

Felony cases that met the 24 hour rule

The Constitution of Kenya (2010) states that persons held in custody must be brought before the court within 24 hours or on the next court day if the deadline falls on a holiday or weekend.

The survey indicates that only 27% of the felony cases initiated on or after the 28th of August 2010 complied with the 24-hour rule for holding and charging suspects. Cases that met the “evidentiary threshold for charging” performed slightly better than those which did not meet the threshold during this period, with 35% of those cases adhering to this rule. All the police stations that participated in the survey had less than 30% compliance rate with 24-hour rule.

The review of all the felony cases files also indicates a conviction rate of 25%. This means that only one in every four cases ends in a conviction. This finding raises concern since it reveals both poor quality investigations and challenges for police to determine which cases are ripe for prosecution.

FACTORS AFFECTING POLICE PERFORMANCE

Factors affecting Police performance

Officers were asked to indicate the factors that affect their performance. The most important issues affecting police performance in Kenya is low pay and incentives (54.6%), limited resources including transport to fight crime (24.7%), corruption (3.0%), discrimination, ethnicity, nepotism & favoritism (2.7%), lack of ICT infrastructure (1.6%), lack of proper training (1.2%), and other factors (2.6%).

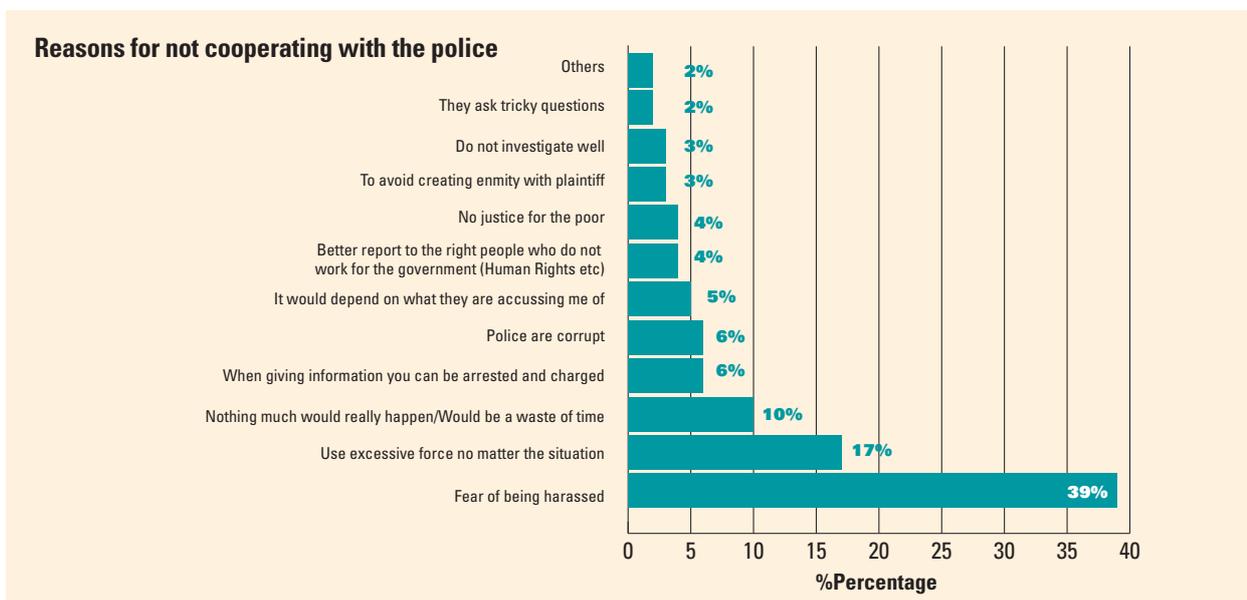
Crime Detection/Prevention and Intelligence Gathering

During the survey, the officers were asked to indicate their confidence in police investigation and felony prevention systems/mechanisms. Most officers (63.3%) have confidence with crime detection and prevention system by the service. But only 49.1% of the officers interviewed are confident with the intelligence gathering within the Police Service.

PUBLIC AWARENESS OF COMMUNITY POLICING AND ITS CHALLENGES

The concept of community policing is fairly known with 56.3% of the public reporting awareness. More men (62.9%) than women (37.1%) are informed about community policing. Knowledge levels were lower among respondents aged below 22 years, and higher among those aged between 24 and 38 years.

Despite fair levels of awareness, only 7% of the public respondents reported participation in community policing, 39% of the respondents indicating that they feared being harassed by the police.



PREPAREDNESS OF THE POLICE FOR 2013 GENERAL ELECTIONS

The survey was done just two months before the March 2013 General elections. The Police officers who participated in the survey were thus asked to indicate how confident they were with the police preparedness in managing the General Elections. Only 58.3% of officers reported that they were confident with the preparation the police made towards ensuring peace and order during the elections.

PUBLIC CONFIDENCE IN POLICE AND IPOA

Public confidence in Police

The study established that 61% of the public had confidence in the police to effectively discharge their duties.

When asked whether the police have the necessary skills and resources to protect the citizens from violence in a people friendly, responsive and professional manner, 61.2 % of respondents indicated that the police have skills, and only 42.3% of the respondents indicated that they have necessary resources.

As a measure of confidence, the public was asked whether they would recommend policing as a career. Over a half of the public (53.0%) responded that they would, 29% would not, and another 18% were uncertain/not sure that they would.

Public confidence in IPOA

About 34.3% of the public have confidence in IPOA's ability to effectively hold the police accountable for their misconduct while 13.7% has no confidence at all. But another 18% are not able to indicate the ability of IPOA because they have little knowledge about the organization.

The majority of officers (62.5%) have confidence in IPOA and believe that it can deliver its mandate, while 29.3% are somehow confident. Only 6% are not confident while 2.1% are not sure about IPOA's ability. Some of police officers expectation of IPOA include the following: "They should help us have better working conditions/improve salaries/living standards/terms of service" (16.4%), "They should listen to our grievances/improve on complaint handling systems by police" (13.7%), "transparency in assessment and monitoring police working and living environment" (9.5%), "fair and equal consideration for both senior and junior officers/enhance relationship between junior and senior police officers" (7.8%) and "deliver on their mandate" (7.5%).

Level of public knowledge on their rights upon arrest

Only 40.2% of the public reported that they are familiar with their rights. More men (44.1%) than women (36.9%) reported that they know their rights.

MAIN REPORT

1.0 Introduction and Context

1.1 Background of the Baseline Survey

The Independent Policing Oversight Authority (IPOA) Act No. 35 of 2011 was enacted on 18th November 2011 to provide for civilian oversight of the work of the Police. According to Section 5 of the Act, the main objectives of the Authority are to:

1. Hold the Police accountable to the public in the performance of their functions;
2. 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
3. Ensure independent oversight of the handling of complaints by the Service.

Among others functions, IPOA has powers to investigate, recommend prosecution upon investigations, monitor policing operations, review or audit investigations done by the Internal Affairs Unit (IAU) of the NPS, conduct inspections of Police premises and detention facilities and also review patterns of Police misconduct with a view of making policy and institutional changes. IPOA started operations in June 2012.

It is from the above context that IPOA commissioned the baseline study. The broad objective of the baseline study was to gather first-hand information on the perception of Kenyans about policing services and the factors affecting effective policing in the country. The study provides baseline data/information that IPOA would use for decision making and planning. Specifically, the study sought to provide:

- a. Information on the status, nature, extent, quality, effectiveness and challenges of policing in Kenya;
- b. Evidence of the current performance levels and the factors that hinder effective and efficient policing, with a view towards strategically targeting key result areas that could lead to better policing services in the next five years; and,
- c. A common basis for measurement of the success of police reforms relative to key effectiveness and efficiency success indicators.

1.2 Methodology, Respondents and Data Collection Tools¹

Based on the nature and objectives of the study, the research design considered two broad approaches; (i) Perception surveys and (ii) Case file reviews. The Perception surveys aimed at assessing both the Public and Police perceptions about police performance while the Case file reviews (in practice how cases including complaints are actually managed in police stations) provided an opportunity to interrogate actual police performance in handling suspects and cases. Case Files and Cell Registers on felony cases from Kamukunji, Kilimani, Kariobangi and Huruma Police Stations were purposively selected and analyzed for their completeness as required by international best practice. The survey

¹ The detailed technical design and methodology including sampling frame is available in a separate document, and can be got from IPOA.

study was conducted in the months of January and February 2013. IPOA commissioned an independent research firm to design and conduct the survey.

The survey employed a mix of methodologies including qualitative and quantitative research techniques. In designing the survey and developing tools, selecting target groups, the research team consulted/ got technical support from the International Justice Mission (IJM), the Kenya Transition Initiative (KTI) and IPOA. Specifically, the research team made use of IJM's prior knowledge in developing research designs and analytical technics for case file and cell register reviews.

Three felony case-types were selected based on the anticipated frequency of these charges and the low threshold of evidentiary requirements for a case to be charged.

The three charges were: "Robbery with Violence"(RwV), "Preparation to Commit a Felony" (P2CF), and "Theft by Servant" (TbS). In order to be included in the review, cases must have been closed at the court. Closed cases were identified by a judgment entered in the Crime Register (acquitted, sentenced, and fined).²

The following tools were used for the survey:

1. Semi-structured Household³ Questionnaire used to collect quantitative data at the household level.
2. Focus Group Discussions Guides used to collect qualitative data from the citizenry at grassroots.
3. Key Informant Interview Guides used to collect data from the civil society, donors, minority groups, political parties, government ministries & agencies, professional organizations, religious organizations and the media.
4. Checklist for Case File Review used to collect data from the case files from the Police Stations.
5. Checklist for Cell Register Review used to collect data from cell registers.

Public Perception Survey – Respondents Characteristics: - The study surveyed 5,082 respondents randomly selected from 36 counties out of a possible 47. This is over 76% of the counties. The selection of counties took into consideration, geographic, ethnic and political diversities in the country to give a representative feel of the Kenyan public. Ideally, the initial target was all 47 counties in the country, however unavoidable challenges and considerations resulted in the following counties not being included in the survey: Kilifi, Lamu, Mandera, Marsabit, Makueni, Kirinyaga, Turkana, West Pokot, Kericho, Homa Bay, and Nyamira. Kilifi and Lamu were not included in the survey owing the fragile security situation that existed at the coastal region during the study period. Mandera, Marsabit, Turkana and West Pokot were not included as result of logistical challenges and security concerns as well in the run up to the 2013 polls. Makueni was not included since the neighbouring county of Kitui offered a richer sampling pool, while Machakos was chosen due to its cosmopolitan nature. Kirinyaga was

² A corresponding stamp by the OCS over the decision signified the case had also been closed by the police in addition to the court. For this study, the team considered all cases that reached judgment at court as closed cases, regardless of whether they were subsequently closed by police station administrators.

³ A household in this survey was defined as a person or a group of persons, related or unrelated, who live together and who share a common source of food. The Household Questionnaire included a schedule collecting basic demographic and socioeconomic information (e.g. age, sex, level of education, marital status, and religion and physical condition of respondents).

omitted since its neighbouring counties of Nyeri and Muranga offered richer sampling pools. Kericho, Homa Bay and Nyamira were excluded because Bomet, Migori and Kisii, which are almost identical topographically to the aforementioned three counties, which offered richer sampling pools.

The distribution of the household survey population constitutes 2,912 households in rural areas and 2,170 in urban areas, 57.3% were males and 47.4% were females.

The police perception survey: - A total of 515 police officers, selected through stratified sampling based on their ranks, were interviewed. The majority 76.3% were male officers and 23.7% were female officers. 19 % of the officers were based in rural police stations and 81% in police stations in urban areas.

2.0 Findings of the Survey: (Baseline Indicators)

2.1 POLICE MISCONDUCT

The study sought to establish the status of public complaints against the police by analyzing the actual number/percent of complaints about police misconduct. The focus was on various indicators as reported below:

2.1.1 Incidences of Police misconduct

The study findings indicate that out of the 5,082 households respondents interviewed, one third (30%) had experienced Police malpractice including: assault/brutality, falsification of evidence, bribery, and threat of imprisonment within 12 months prior to the study. As indicated in Table 3.1, the incidence of Police malpractice is higher in rural areas at (61%) than in urban areas (39%). In terms of gender, 62% of men compared to 38% of women were exposed to Police malpractice in the last 12 months. The incidences of Police malpractice is higher among younger people aged less than 35 years (64%) than those aged above 35 years (34%).

Table 3.1: Percentage of Kenyans who have experienced Police misconduct

	Frequency Experienced police misconduct	% Experienced Police misconduct
% Kenyans (overall) that have experienced police malpractice	1546	30
% Kenyans (male) that have experienced police malpractice	963	62
% Kenyans (female) that have experienced police malpractice	583	38
% Kenyans (18-35 years) that have experienced police malpractice	988	64
% Kenyans (35 or more years) that have experienced police malpractice	520	34
% Kenyans (RTA) that have experienced police malpractice	38	2
% Kenyans (Rural) that have experienced police malpractice	943	61
% Kenyans (Urban) that have experienced police malpractice	603	39

2.1.2 Percentage of Kenyans that reported Police misconduct;

Only 30% of those who experienced incidences of Police malpractice reported the crime to the relevant authorities (Table 3.2). More respondents in the rural areas (68%) report cases of Police misconduct than their counterparts in the urban areas (32%). More males (62%) than female's respondents (38%) reported cases of Police malpractice.

Table 3.2: Percentage of Kenyans who have experienced Police misconduct and reported

	Frequency	%
% Kenyans (overall) that have experienced police malpractice and reported	466	30
% Kenyans (Male) that have experienced police malpractice and reported	291	62
% Kenyans (Female) that have experienced police malpractice and reported	175	38
% Kenyans (18-35 years) that have experienced police malpractice and reported	290	62
% Kenyans (35 years) that have experienced police malpractice and reported	160	34
% Kenyans (did not disclose age) that have experienced police malpractice and reported	4	3
% Kenyans (Rural) that have experienced police malpractice	317	68
% Kenyans (Urban) that have experienced police malpractice and reported	149	32

2.1.3 Percentage of Kenyans that would report if they witnessed or experienced Police misconduct in the future

The household survey findings indicates that 71% of the respondents were willing to report and willing to be witnesses in cases of police misconduct (Table 3:3). Younger people are likely to report/witness police malpractice compared to older people. Only 43% of urban people are willing to report police misconduct compared to 57% in rural areas.

Table 3.3: Percentage of Kenyans who will report Police misconduct in the future

	Frequency	%
% Kenyans (overall) that will report incidences of police misconduct in the future	3629	71
% Kenyans (male) that that will report incidences of police misconduct in the future	1888	52
% Kenyans (female) that will report incidences of police misconduct in the future	1741	48
% Kenyans (18-35 years) that will report incidences of police misconduct in the future	2392	66
% Kenyans (35 years) that will report incidences of police misconduct in the future	1166	32
% Kenyans (did not disclose age) that will report incidences of police misconduct in the future	71	2
% Kenyans (Rural) that will report incidences of police misconduct in the future	2080	57
% Kenyans (Urban) that will report incidences of police misconduct in the future	1549	43

Of those who did not report or unwilling to cases of Police misconduct, the most common reason given for not doing so included the following: “assumed that no steps would be taken even if they reported” (35.6%), “fear of being victimized” (33.1%), “lack of knowledge of the reporting process” (16.6%), “financial challenges” (5.3%), and “threats by the police if reported” (4.6%).

2.1.4 Incidences of Police misconduct among the Police

Out of the 515 police officers interviewed in 36 counties, 53% admitted to have experienced incidences of misconduct in the last 12 months before the survey. More of the male police officers (79%) admitted having witnessed some form of misconduct compared to female officers interviewed (21%). Officers aged 35 years and above were more likely to admit incidences of Police misconduct than the younger officers.

Table 3.4: Percentage of police who have experienced police misconduct

	Frequency	%
% Police in (overall) that have experienced police malpractice	275	53
% Male officers that have experienced police malpractice (Male) that have witnessed/ experienced police malpractice	218	79
% Female officers that have experienced police malpractice	57	21
% Officers (18-35 years) that have experienced police malpractice	92	79
% Officers (35 years) that have experienced police malpractice	175	64
% Officer who did not disclose age that have experienced police malpractice	8	3
% Rural police that have experienced police malpractice	52	79
% Urban police that have experienced police malpractice	223	81

Some of the forms of police misconduct mentioned by police officers include the following: “bribery” (36%), “assault” (25%), “use of excessive force” (25%), “injuries from a weapon” (14%), “falsification of evidence” (14%), “threats of imprisonment” (14%), and “unwarranted shooting” (9%).

2.1.5 Percentage of police officers who witnessed misconduct by colleagues and reported

Out of 275 police officers that had witnessed incidences of police misconduct, only 32% reported such cases, while 64% did not report (Table 3.5). Analysis by sex indicates that male officers (83%) compared to females offers (17%) reported cases of police misconduct to relevant authorities.

Table 3.5: Percentage of Police who have experienced Police misconduct and reported

	Frequency	%
% Police who have experienced police malpractice and reported (overall)	87	32
% Police (male) who have witnessed/ experienced police malpractice and reported	72	83
% Police (female) who have experienced police malpractice and reported	15	17
% Police (18-35 years) who have experienced police malpractice and reported	23	26
% Police (35 years and over) who have experienced police malpractice and reported	60	69
% Police (did not disclose) that have experienced police malpractice and reported	4	5
% Police (rural) who have experienced police malpractice and reported	12	14
% Police (urban) who have experienced police malpractice and reported	75	86

2.1.6 Why Police officers do not report cases of misconduct

“Fear of reprisals” (90%) was the top most response with 5% indicating that nothing would be done even if they reported, while 5% did not know where to report the malpractice (Table 3.6).

Table 3.6: Police officers reasons for not reporting cases of Police misconduct

Reasons for not reporting	Percentage
You can't report seniors and colleagues because they will victimize you	56%
Threats of being transferred to other areas	18%
Unless it will not affect my employment	13%
No much action would be taken	5%
I don't know where to report	5%
One may lose his or her job	3%

2.1.7 Percentage of Police Officers that would report if they witnessed police misconduct in the future

The study findings indicate that 88% of the police officers interviewed will report cases of police misconduct in future. Male police officers are more likely to report police malpractice in future compared to female officers.

2.1.8 Case Files Review: Police malpractice in felony cases

Assessment of case files corroborated the public perception about police malpractice and brutality when handling felony cases. Physical assault against an accused person during the robbery with violence (RwV) was found to be common. Evidence of physical assault was typically documented in the complainant statement, witness statements, and/or P3 medical forms.

As indicated in Table 3.8, the accused person sustained injuries in 13 of the 117 cases (11.1%) of RwV reviewed. It is possible the injuries could have been sustained during the robbery or in some cases at the time of securing an arrest. However, it is interesting to note that nearly two-thirds of these cases (where the accused sustained injuries) met the minimum evidentiary threshold and only one such

Table 3.8: Incidences of injuries in case file review (case resulted in a conviction)

Did the accused person suffer any injuries?					
		Total Files Met Threshold	RwV cases		Final case status
			Did not meet Threshold	Conviction of the charge to be reviewed	
BASE	NO	117	44	73	13
Yes	NO	13	8	5	1
	%	11%	18%	7%	8%
No	NO	102	36	66	11
	%	87%	82%	90%	85%
Missing Data	NO	2	0	2	1
	%	2%	0%	3%	8%

The majority of cases (62.4%) reported by police as RwV were found not to meet required threshold for prosecution.

2.1.9 Number of days for police misconduct investigations: from referral to decision

One of the tenets of an effective police complaints management system is hinged on the speed at which such cases are expedited; the ability of such a system to deal with Police complaints in a swift manner is crucial for maintaining trust and confidence in the rule of law.

According to the officers interviewed, 71% said investigations on misconduct take between one week and one month. The survey was not able to confirm the same from the police complaints files because as mentioned previously little or no information on police complaints was documented in the stations selected for the survey.

Table 3.9: Number of days taken to complete cases of police misconduct

No of days taken to complete cases of police misconduct	% Respondents
Less than 7 days	49%
Over one week but less than a month	22%
Over one month/months/years	7%
It depends on who is complainant /who the complaint is against	14%
Don't know/Not sure	7%
Total (N)	515

2.1.10 Number/percent of complaints of police against police

The number of officers who had complaints against the fellow officers (senior officers in particular) was reported at 67.6%. Officers in urban areas had the highest number of complaints (54.4%) representing 80.5% of the total complaints against Police.

Table 3.10: Number/percent of complaints against the police

Yes, I have ever had a complaint		Incidence of police complaints Against Police			Total
		No, I have never had a complaint	Not specified		
Rural	Count	68	26	4	98
	% Complaints	19.5%	18.6%	14.8%	19.0%
	% of Total	13.2%	5.0%	.8%	19.0%
Urban	Count	280	114	23	417
	% Complaints	80.5%	81.4%	85.2%	81.0%
	% of Total	54.4%	22.1%	4.5%	81.0%
	Count	348	140	27	515
	% Complaints	100.0%	100.0%	100.0%	100.0%
	% of Total	67.6%	27.2%	5.2%	100.0%

Only 27% of police officers interviewed indicated that they are satisfied with how officers complaints against colleagues are handled. When asked to rate the existing effectiveness of the complaints managements within the police stations only 24.3% percent of the officers expressed their confidence in the current complainants systems (Table 3.11).

Table 3.11: Police officers confidence in the complaints system

N=550	%
Confident	24.3
Somehow confident	25.4
Not confident	39.4
Not specified	10.9
Total	100.0

Table 3.12 indicates the reasons given by respondents for lack of confidence in Police complaints management system/mechanisms.

Table 3.12: Reasons for lack of confidence in the police complaints system

Reasons for lack of confidence in Police complaints management system reported by officers	Percentage Base 515
Lack of transparency/corruption, not free and fair/eventually no action taken	37%
Juniors are victimized by seniors	15%
Discrimination favoritism/tribalism	16%
Impunity by seniors/mentality of seniors	12%
Channel of addressing matters is slow/long	4%
Poor investigations/investigation cover ups	5%
Lack of confidentiality	2%
We have not seen it work/lack of faith in how they handle complaints	1.5%
Did not respond/answer	7.5%

2.2 INVESTIGATIONS MANAGEMENT BY THE POLICE

One of the objectives of the survey was to establish how effective and efficient the Police are in case management – from investigations, arrests to prosecution. The findings herein are based on case file assessment at Kamukunji, Kilimani, Muthaiga, Kariobangi and Huruma Police Stations.

Three felony case types were selected for the survey: Robbery with Violence, Preparation to Commit a Felony and Theft by Servant. A total of 203 closed felony cases were reviewed for the period 2008 to June. The process included:

2.2.1 Establishing Minimum Evidentiary Threshold

2.2.1a Felony cases that did not meet the minimum evidentiary threshold for charging

The “Minimum Evidentiary Threshold” refers to evidence sufficient to charge a person with an offense – i.e. “reasonable likelihood of conviction”. This threshold for charging is much lower than the “beyond a reasonable doubt” standard required for the court to convict a person of an offense. All of the files evaluated for compliance with the “Minimum Evidentiary Threshold” had been adjudicated to final disposition and closed. The evaluation, therefore, took into account not only the evidence secured at the time of charging, but also any additional evidence secured by the prosecution at any point in the litigation, up to and including the court’s final disposition of the case. Cases that did not meet the “Minimum Evidentiary Threshold” were cases that never met this standard at any time during the life of the case.

Overall, 64% of the felony cases reviewed never met the minimum evidentiary threshold to charge a person with an offense.

When analyzed by case-type:

- 62% of the 117 “Robbery with Violence” (RwV) cases never met the minimum evidentiary threshold for charging according to the criterion above. In most of the cases, these legal requirements were not met: (i) Complainant’s ownership established, (ii) Identification established, (iii) Intent established, (iv) Accused was armed, with other persons, or caused injury to another person (v) Use or threat of violence (vi) Violence against person/property, (vii) Violence occurred in relation to robbery, and (viii) Item was stolen. This finding is statistically significant because all RwV cases found at the police stations for the survey period were reviewed during the study.
- 76% of “Preparation to Commit Felony” (P2CF) cases never met the minimum evidentiary threshold for charging. The evidence most often missed in the preparation to commit felony type, leading to a score of “did not meet threshold,” is listed below in the order of most frequently missed to most frequently substantiate. P2CF: (i) Identification established, (ii) Intent established, and (iii) the third ingredient (either accused was armed, or accused was not home/usual routes and had possession of an article or accused was disguised).⁴
- 61% of “Theft by Servant” cases never met the minimum evidentiary threshold for charging, i.e. (i) Complainant’s ownership established, (ii) Intent established, (iii) Accused was servant/agent of complainant, (iv) Accused had access to stolen item, (v) Identification established, (vi) Item was stolen.

One possible reason for the slightly better performance by police officers on “Theft by Servant” cases investigations arises from the circumstances under which these offences occur. In all instances, the complainant and the accused person are always known to each other. For this reason, investigations in such cases are more straightforward and focus on establishing whether something was stolen and then linking the same to the said servant.

Only 73, (36%) of the 203 cases reviewed obtained sufficient evidence to charge the accused during the life of the case. Table 3.15 presents details by police station on the felony cases in Nairobi that met or did not meet the minimum evidentiary threshold for charging.

4 In the majority of P2CF cases reviewed, the third set of ingredients was met with “being armed or possession of an article” instead of “having a disguise”.

Table 3.13: Total felony cases in Nairobi that met the minimum evidentiary threshold for charging.

Total felony cases in Nairobi that met the minimum evidentiary threshold for charging		Police Station									
		TOTALN = 203		Kariobangi N = 38		Kamukunji N = 75		Huruma N = 41		Kilimani N = 49	
		Met threshold	Did not meet threshold	Met threshold	Did not meet threshold	Met threshold	Did not meet threshold	Met threshold	Did not meet threshold	Met threshold	Did not meet threshold
RwV N = 117	38%	62%	41%	59%	22%	78%	70%	30%	12%	88%	
P2CF N = 28	24%	75%	0%	100%	31%	69%	67%	33%	0%	100%	
TbS N = 57	39%	61%	33%	67%	26%	74%	80%	20%	47%	53%	
Total	36% n = 73	64% n = 129	34% n = 13	66% n = 25	25% n = 19	75% n = 56	71% n = 29	29% n = 12	24% n = 12	76% n = 37	

Source: Sampled Stations, Huruma, Kamukunji, Kariobangi and Kilimani

2.2.1b Felony cases that met the identification legal element criteria

The case file review showed that more often than not, police were able to collect enough evidence to prove that a certain felony crime was committed; however, proving that the accused person was identified as having committed the said crime was much more challenging. The number and percentage of felony cases that met the “identification” legal element criterion are presented in Table 3.16.

Table 3.14: Felony cases that met the ‘identification’ legal criterion

Felony cases that met “identification” legal element criterion									
Was there sufficient evidence provided in the file to prove “identification?”	Unit	Evidentiary Threshold							
		RwV		P2CF		TbS		TOTAL	
		N = 114		N = 22		N = 56		N = 193	
		Met	Did not Meet	Met	Did not Meet	Met	Did not Meet	Met	Did not Meet
Yes	No.	16	59	7	3	22	31	45	93
	%	21%	79%	70%	30%	42%	58%	33%	67%
No	No.	0	39	0	12	0	3	0	54
	%	0%	100%	0%	100%	0%	100%	0%	100%

Source: Sampled Stations, Huruma, Kamukunji, Kariobangi and Kilimani

2.2.1c Felony cases with evidence to identify the accused person

These findings show that properly identifying suspects in P2CF cases is much more difficult than in RwV or TbS cases (less than half of the P2CF cases had evidence to substantiate “identification”). A possible reason for the difficulty in establishing identification of the accused in RwV cases is the violent nature of the crime. In such instances, the victims are unable, in the midst of abject fear, to critically look at their assailant in a way that would allow them to identify them at a later date. Alternatively, one reason for the high marks in TbS cases substantiating “identification” relates to the nature of that offense. In those cases, the complainant is always the boss and the accused is always their servant, which makes identification of the accused easier to substantiate.

The analysis also demonstrates that every case, which met the evidentiary threshold for charging also had sufficient evidence to prove “identification”, showing the importance of this legal element in the threshold calculation. Meanwhile, the majority of RwV (79%) and TbS (58%) cases which had sufficient evidence to prove “identification” still did not meet the overall evidentiary threshold, underscoring the importance of other legal elements (such as, “intent”) which are necessary for evidence based prosecution.

Bivariate analysis of various indicators reveals the following statistically significant correlations with the minimum evidentiary threshold for charging: There is a statistically significant positive correlation between the number of RwV cases that meet the evidentiary threshold and the number of RwV cases that remain in court long enough to reach a final conclusion, either ending in acquittal or conviction

($p < 0.0001$). The more the evidentiary threshold is met, the more cases will end in acquittal or conviction. Additionally, and as discussed in the previous section, in RwV cases where no one has identified the accused, the likelihood of that case meeting the evidentiary threshold significantly decreases. This ‘negative’ correlation is significant at the 0.001 level.

2.2.1d Sufficient documentation at time of charging: Number/percent of felony cases that prosecutor received at the time of charging in court with sufficient documentation

The case files reviewed in Huruma, Kamukunji, Kariobangi and Kilimani indicates that only 24.6% of the 150 felony cases that the prosecutors received at the time of charging had the specific documents required for the case to proceed to court for charging (Table 3.15). In RwV cases, “sufficient documentation” was considered to be the Complainant Statement, Crime and Incident Report, OB Extract, and Signal. In P2CF and TbS cases, the necessary documents were the Complainant Statement and the Crime and Incident Report.

Table 3.15: Felony cases that police prosecutors (PP) received at time of charging in court without sufficient documentation of the evidence.

PP received without sufficient documentation	3
	1.5%
PP received with sufficient documentation	50
	24.6%
Incomplete documentation to analyze sufficiency	150
	73.9%

Source: Case files from sampled stations: Huruma, Kamukunji, Kariobangi and Kilimani

Unfortunately, due to significant information gaps in the case files due to missing dates (including the charge date), 150 cases (nearly 74%) had to be excluded from this analysis. Missing data was especially problematic at the Kariobangi and Huruma stations, where nearly all cases reviewed lacked the documentation necessary to conduct this analysis.

2.2.1e Number/percent of felony cases returned to police investigators for further investigation before charging

The case file reviews indicates that a majority (60%) of felony cases reviewed were returned for further investigations (Table 3.16). Kariobangi and Huruma Police Stations received returned files from prosecutors most frequently (89% and 76% respectively), while less than half (45%) of all cases reviewed in Kilimani and Kamukunji Police Stations had been returned for further investigations. A likely reason for the marked difference in the numbers of files that were returned from Kilimani and Kamukunji could arise out of the fact that these two stations had a larger number of TbS cases (19 and 27 cases respectively) reviewed than Kariobangi (6 cases) and Huruma (5 cases). Cases of TbS are not ordinarily known to be complicated, it would therefore not be surprising that in those case types

less files would be returned by prosecutors to the Police for further investigations. Of the 101 RwV cases that did not meet the evidentiary threshold, 81% were returned for further investigation. This finding indicates that prosecutors are returning files for additional investigation, but the police investigators are not necessarily producing any additional evidence.

Table 3.16: Felony cases returned to police for investigations.

	TOTAL	RwV cases		P2CF cases		TbS cases	
		Met threshold	Did not meet threshold	Met threshold	Did not meet threshold	Met threshold	Did not meet threshold
BASE	203	16	101	7	22	22	35
Cases returned for further investigation	121	15	82	3	10	2	9
Cases returned for further investigation	60%	94%	81%	43%	45%	9%	26%

Source: Sampled Stations, Huruma, Kamukunji, Kariobangi and Kilimani

2.2.1f Felony cases returned to police investigation for further investigation with quality directive

In good practice, a prosecutor will communicate regarding additional evidence needed in a case. Detailed instructions for investigators to follow are most helpful so that the investigating officer can quickly locate the remaining evidence necessary to substantiate the charge(s). From the specific directive, the officer should know exactly how to improve the investigation. Examples of “quality directives” are: “Write further statements/new statements”, “get expert reports”, “visit scenes of crime/take photos” or any other specific directive. Example of a “poor quality” directive is: “referred for additional investigation”.

According to the survey, out of 121 cases returned by prosecutors to the police for further investigations, only two cases were scored as having “quality directives” (Table 1.17). The two cases with “quality directives” from prosecutors were both RwV cases and were found at Kariobangi and Kilimani Police Stations. While many case files did include other communications from prosecutors, most of these did not describe the further investigations required by the police and thus, were not coded as “quality directives” for follow-up investigations. These other communications included: case coming up for hearing, the complainant has not availed himself, the exhibit was produced/to be produced, witness ready to testify, avail the file to court, bond witness, etc. Certainly not every case would require the prosecution to guide further investigations, however in almost every case it is inevitable that numerous new issues always arise during trial.

Table 3.17: Felony cases returned to police for further investigation with quality directives

TOTAL		RwV cases			P2CF cases		TbS cases	
		Met Threshold	Did not meet Threshold	Met Threshold	Did not meet Threshold	Met Threshold	Did not meet Threshold	
BASE	No.	121	36	62	3	9	2	9
Quality directive	No.	2	1	1	0	0	0	0
	%	2%	3%	2%	0%	0%	0%	0%

Source: Sampled Stations: Huruma, Kamukunji, Kariobangi and Kilimani

This finding suggests that in most cases the communication between prosecutors and police is not being fully exploited as an opportunity to jointly work on strengthening the case by improving on the investigations.

2.2.1g Felony cases that came back to prosecutors from police investigators with additional evidence

After receiving a file returned from prosecutors with directives for further investigations, police investigators are expected to collect further evidence and then revert the file back to the prosecution. However, the case file review showed that, of the total 121 cases returned for further investigation or advice, only two cases included “quality directives” from prosecutors and thus, no cases were ever returned to prosecutors with additional evidence.

While prosecutors return files to request additional evidence from police investigators in six out of every 10 cases, prosecutors rarely include clear directions for further investigations and thus, police investigators fail to return the files with any additional evidence.

Table 3.18: Felony cases returned to police for further investigation with quality directives, N=121

		TOTAL	Charge			Investigation quality	
			RwV	P2CF	TbS	Met Minimum Threshold	Did Not Meet Minimum Threshold
						45	158
Cases withdrawn under 87a	% Count	18% n = 36	78% n = 28	3% N = 1	19% N = 7	25% N = 9	75% N = 27
Cases dismissed under § 202 of the CPC	% Count	2% N = 4	100% N = 4	0% N = 0	0% N = 0	0% N = 0	100% N = 4
Cases dismissed under § 210 of the CPC	% Count	1% N = 3	67% N = 2	0% N = 0	33% N = 1	0% N = 0	100% N = 3
Cases that result in acquittal	% Count	31% N = 63	73% N = 46	10% N = 6	17% N = 11	3% N = 4	97% N = 59
Cases that result in conviction	% Count	25% N = 50	26% N = 13	32% N = 16	42% N = 21	40% N = 20	60% N = 30

Source: Sampled Stations: Huruma, Kamukunji, Kariobangi and Kilimani

2.2.1h Felony cases that met the 24 hour rule

The Constitution of Kenya states that persons held in custody must be brought before a court of law within 24 hours or on the next court day if the deadline falls on a holiday or weekend.

Table 3.19 indicates that only 27% of the felony cases initiated on or after the 28th of August 2010 complied with the 24-hour rule for holding and charging suspects. Cases that met the “evidentiary threshold for charging” performed slightly better during this period, with 35% of those cases adhering to this rule.

Overall, Kamukunji, Huruma, and Kilimani have relatively the same level of compliance with 24-hour rule (27-38%), while Kariobangi is behind with only 19% of cases meeting the 24-hour rule.

Table 3.19: Total felony cases that respected the 24-hour rule on custody

Compliance with the 24 hour rule	%
Cases which respect the 24-hour rule	27%
Cases that do not respect the 24-hour rule	73%

Source: Sampled Stations: Huruma, Kamukunji, Kariobangi and Kilimani

Further analysis of the cell register data indicates that frequency of compliance with the 24-hour rule has increased significantly after the new Constitution came into effect (from 10% to 27%), however, there is still a significant gap. The Cell Register exercise further supports the finding that 24-hour rule compliance has increased over time at each station, with the selected entries at Huruma reaching near total compliance by the time the study was done. Following the constitutional requirement of the 24-hour rule suspects are being held an average of 5.5 days.

2.2.1i Case progression rates of felony cases (Nairobi court case file review)

18% of the felony cases reviewed were terminated under Section 87a of the Criminal Procedure Code. Out of these 75% (28 cases) were considered not to have met the minimum evidentiary threshold. Notably, cases of RwV had the most significant number (78%) terminated under Section 87a of the CPC.

Out of the felony cases reviewed, only four were dismissed under Section 202 for non-appearance of the complainant. Interestingly, all were RwV felony cases. There are many possible reasons a complainant would chose not to participate in the court process, such as fear of reprisal from the accused or even an acknowledgement that the police failed to apprehend the true perpetrator (had misidentified the accused). Regardless of rationale, in each of these cases, the complainant chooses not to pursue the case until the end. None of these cases met the minimum evidentiary threshold.

Only three out of the 203 cases reviewed were terminated under Section 210 with the court deciding, after considering all of the prosecution’s evidence, that there was not sufficient evidence for the accused person to be put on his defense. None of these cases met the minimum evidentiary threshold for charging.

The case file review showed a conviction rate of 25% of all the felony case files reviewed. This means that only one in every four cases ends in a conviction. This finding raises concern since it reveals both poor quality investigations and challenges for police to determine which cases are ripe for prosecution.

Furthermore, of the 50 cases that ended in conviction, 60% did not meet the evidentiary threshold for charging a person with a crime. This indicates that at least 30 of the cases reviewed in the study may have resulted in wrongful convictions and should be reviewed by the appropriate authorities.

An average conviction rate of 25% coupled with the high number of cases that never meet the minimum evidentiary standard to charge a person indicates that an already overburdened public justice system is exerting the majority of resources on cases that have little chance of success and should never have entered the public justice system. Corrective measures surrounding this finding are crucial to public justice sector reform and health. The wasted resources, both financial and human, are a result of poor case selection and investigation. This is an important finding given that if this issue is addressed there should be a resulting significant performance of the public justice system in terms of fewer cases handled per prosecutor, better conviction rates, greater public confidence, and fewer remandees which will decrease costs and seemingly improved police investigations.

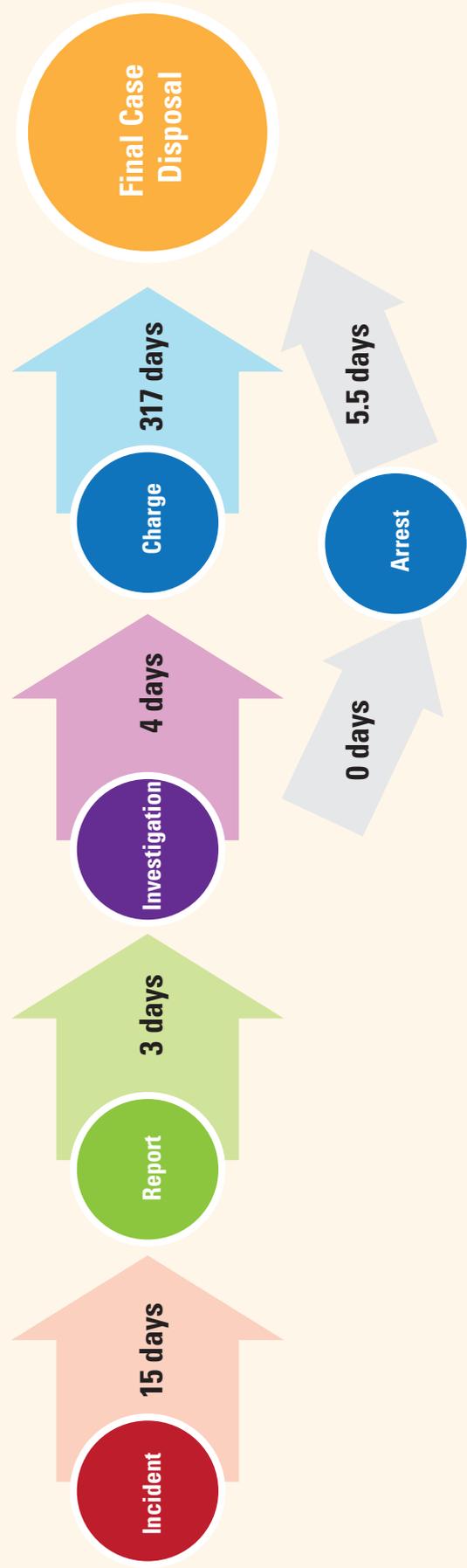
In regards to sentencing, nearly half (6 of 13) of the 13 RwV cases that resulted in a conviction received the requisite “death penalty” sentence. Of these six cases, two did not meet the evidentiary threshold – again, raising the researcher’s concerns about potential wrongful convictions. The remaining seven cases received a sentence other than “life imprisonment” or “death,” which implies that the prosecution may have substituted the initial RwV charges, or the court convicted on lesser charges due to a lack of evidence for the felony offense.

2.2.1j Case time frames

Diagram 1 below shows the average number of days between each major case milestone for the felony case files reviewed across all four police stations. The most significant finding revealed by this analysis is that police typically make an arrest the same day a crime is reported, and three days before they formally open an investigation. This suggests that police act quickly to secure arrests and charges of potential suspects, and thus, may not have had the time to ensure there was sufficient evidence to proceed with the charge.

Furthermore, while the average number of days between the arrest and charge of a suspect is 5.5 days, the range shows that, in at least one case, 95 days passed before the police brought the accused to court for charging after their arrest.

Diagram 1: Average number of days between each major case milestone



2.3 FACTORS AFFECTING POLICE PERFORMANCE

Table 3.23 indicates police responses on the factors that affect their performance. The most important issues affecting police performance is low pay and incentives (54.6%) limited resources to fight crime (23.9%) and corruption (3.0%) among others.

Table 3.21: Factor affecting police performance:

Factors affecting police performance	Frequency	Percentage
Low pay, morale and limited incentives/inadequate medical cover/inflexible working hours/lack of recreational facilities/transfers and personal development	281	54.6
Lack of resources to effectively fight crime	123	23.9
Lack of adequate housing	32	6.9
Not specified	23	4.5
Corruption	15	3.0
Discrimination, ethnicity, nepotism, favoritism	14	2.7
Lack of ICT infrastructure	8	1.6
Lack of proper training/inadequate trained personnel	6	1.2
Transport/supplies and logistics	4	0.8
Insecurity cases	3	0.6
Conflicts in command chain/poor leadership	3	0.6
Others	3	0.6
	515	100

Source: Sampled Stations, Huruma, Kamukunji, Kariobangi and Kilimani

2.4 CRIME DETECTION/PREVENTION AND INTELLIGENCE GATHERING

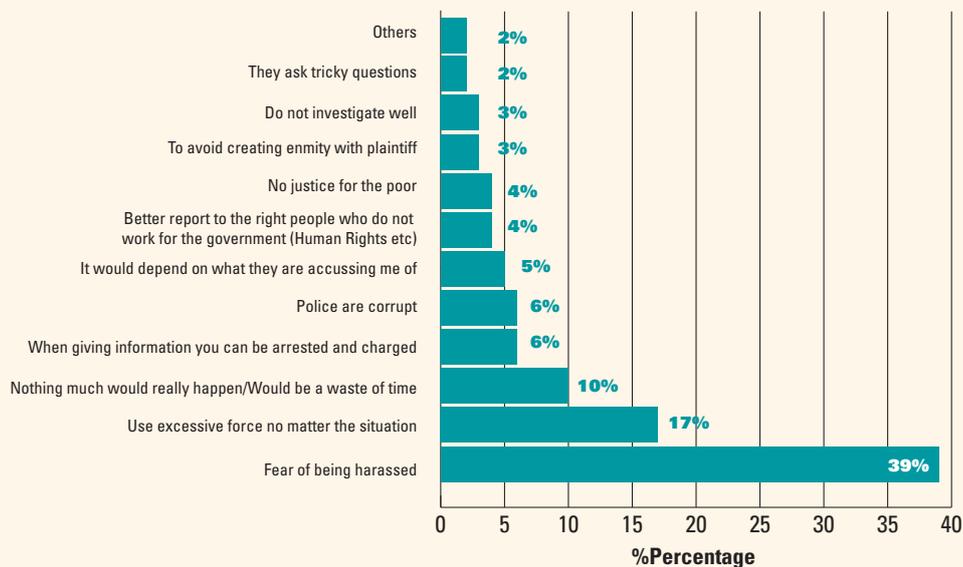
During the survey, officers were asked to indicate their confidence in detecting felony prevention system/mechanism. Out of the 326 officers interviewed, 63.3% have confidence with crime detection and prevention by the service. However, only 49.1% of the police officers interviewed are confident with the intelligence gathering within the Police Service (Table 3.22). This finding lends credence to the public and other stakeholder’s sentiments on the state of intelligence gathering in the Police Service as discussed in previous sections.

2.5 PUBLIC AWARENESS OF COMMUNITY POLICING

The concept of community policing is fairly known with 56.3% of the public reporting awareness. More men (62.9%) than women (37.1%) are informed about community policing. Knowledge levels were lower among respondents aged below 22 years, and higher among those aged between 24 and 38 years.

Despite fair levels of awareness, only 7% of the public respondents reported participation in community policing. Figure 1 indicates reasons given by the public on why they do not cooperate with the police with 39% of the respondents indicating that they feared being harassed by the police.

Fig1: Public reasons for not cooperating with Police (N=5082)



The disparity between public awareness and actual participation in community policing implies major strategic or operational gaps, and represents a significant opportunity for improvement of police performance. Low participation of the public in community policing is inconsistent with the Constitution of Kenya, which obligates police to foster and promote relationships with the broader society.

Table 3.23: Rating public knowledge on community policing

	How well informed are you about community policing?				Total
	Well informed	Somehow informed	Not informed	Don't Know	
Male	554	1094	861	163	2672
	10.9%	21.5%	16.9%	3.2%	52.6%
Female	327	895	968	220	2410
	6.4%	17.6%	19.0%	4.3%	47.4%
Total	881	1989	1829	383	5082
	17.3%	39.1%	36.0%	7.5%	100.0%

2.6 PREPAREDNESS OF THE POLICE FOR 2013 GENERAL ELECTIONS

During the survey, the police officers were asked how confident they were with managing the elections. Table 3.26 indicates that 58.3% of police officers reported that they were confident with the preparation the police made towards securing peace/order and making sure that elections were peaceful.

Table 3.24: Rating police confidence with the preparedness in the March 2013

Confident						Total	
		Somehow confident	Not confident	Not specified			
Male	Count	219	143	25	6	393	
	% of Total	42.5%	27.8%	4.9%	1.2%	76.3%	
Female	Count	81	29	12	0	122	
	% of Total	15.7%	5.6%	2.3%	.0%	23.7%	
		Count	300	172	37	6	515
		% of Total	58.3%	33.4%	7.2%	1.2%	100.0%

2.7 PUBLIC CONFIDENCE IN POLICE AND IPOA

2.7.1 Public confidence in the Police

From the household survey, the study established that 62% of the respondents indicated that they had confidence in the police to effectively discharge their duties.

Table 3.25: Public confidence in the police 2013 General Elections

	Frequency	Percent
Respect very much	1692	33.3
Somewhat respect	1456	28.7
Respect very little	1067	21.0
Don't respect at all	796	15.7
Don't know	71	1.4
Total	5082	100.0

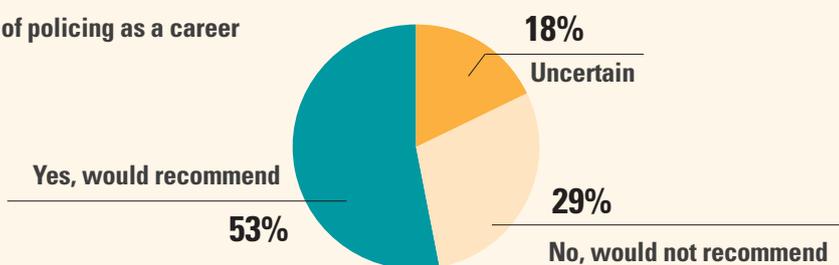
When asked whether the police have the necessary skills and resources to protect the citizens from violence in a people friendly, responsive and professional manner, 61.2 % of respondents indicated that the police have skills, and only 42.3% indicated that they have necessary resources (Table 3.26)

Table 3.26: Public confidence in the police to protect citizens from violence in a people friendly, responsive and professional manner.

	Police have skills	Police have resources
Yes	61.2	42.3
No	37.0	53.4
Don't know	1.9	4.3
Total	100.0	100

As a measure of confidence, the public were asked whether they would recommend policing as a career and 53.0% responded in affirmative (Figure2).

Fig2: Public endorsement of policing as a career



The survey also reveals that only 39% of the respondents interviewed had ever visited or called a police station to seek any assistance in the last two years.

2.7.2 Public confidence in IPOA

Table 3.28 illustrates the public perception on IPOA's ability to effectively hold the police accountable. 34.3% of the respondents answered in the affirmative while 33.7 reported that they are somewhat confident of IPOA's ability. But another 18% are not able to indicate the ability of IPOA because they have little knowledge about the organization.

Table 3.27: Public confidence in IPOA

Public confidence in IPOA to effectively hold Police accountable for misconduct		
	Frequency	Percent
Not at all confident	698	13.7
Somewhat confident	1715	33.7
Confident	1741	34.3
Cannot rate (little knowledge of IPOA)	590	11.6
Don't know	338	6.7
Total	5082	100.0

Table 3.28 indicates that the police are aware of the existence of IPOA and the majority has confidence in the institution and believes that it can deliver its mandate.

Table 3.28: Police confidence in IPOA as an oversight Authority

Police confidence in IPOA as an oversight authority		
	Frequency	Percent
Confident	322	62.5
Somehow confident	151	29.3
Not confident	31	6.0
Not specified	11	2.1
Total	515	100.0

Figure 3:
Public confidence
in IPOA to
effectively hold
Police accountable
for misconduct

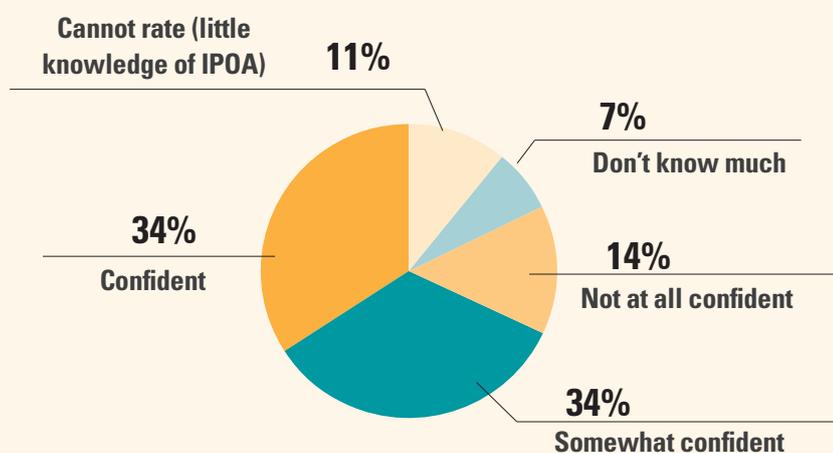


Table 3.29 Indicates police officers expectations on IPOA as far as offering civilian oversight and professionalising the police are concerned.

Table 3.29: Police officers expectations of IPOA

Police expectations of IPOA	Frequency	Percentage
They should help us have better working conditions/improve salaries /living standards/terms of service for the police	85	16.4%
Transparency in assessment and monitoring	58	9.5%
To deliver on their mandate	46	7.5%
They should listen to our grievances/improve on complaint handling systems/ sort out police complaints	82	13.7%
Fair and equal consideration for both senior and junior officers/enhance relationship between junior and senior police officers	48	7.8%
Improve performance/work conditions	35	5.7%
Implementation of reforms	31	5.1%
Instill discipline in the Service	28	4.6%
Enhance independence and transparency	23	3.8%
IPOA should be corruption free/there should be no interference so that they can deliver	23	3.9%
Protect right of all officers/treat all officers equally	29	4.7%
Educate senior officers on how to handle their juniors	16	2.6%
Review transfer allowances and risk allowances	15	2.4%
They will improve on investigations	14	2.3%
Inject professionalism	12	2.0%
Reforming senior officers	8	1.3%
Improve the police image	8	1.3%
Impartial to public and police complaints	4	.7%
Improve public relations with Police	2	.3%
Others	9	1.3%
Not specified	19	3.1%
	613	100.0%

2.7.3 Number and percentage of people who know where to report cases of police misconduct

When asked where and to whom they would report cases of misconduct, 69% of the public mentioned institutions within the policing environment such as police stations, chief’s office, and anti-corruption offices; and to the question of whom they would report to, 91% of the public mentioned officers within the National Police Service such as the OCS, OCPD, and the officer in charge. The survey also wanted to know if people are aware of their rights when dealing with police. Figure 2 indicates that only 40.2% of 5082 respondents interviewed reported that they are familiar with their rights.

Table 3.30 indicates that more men than women are aware of their rights upon arrest.

Table 3.30: Rating public’s awareness of rights

	When arrested by a police officer, to what extent would you say you know your rights?				Total
	I know my rights very well	I know my rights somehow	I do not know my rights	98 N/S	
Male	1125	1121	404	22	2672
	55.1%	53.9%	44.2%	46.8%	52.6%
	22.1%	22.1%	7.9%	.4%	52.6%
Female	916	958	511	25	2410
	44.9%	46.1%	55.8%	53.2%	47.4%
	18.0%	18.9%	10.1%	.5%	47.4%
Total	2041	2079	915	47	5082
	100.0%	100.0%	100.0%	100.0%	100.0%
	40.2%	40.9%	18.0%	.9%	100.0%

3.0 Conclusions and Recommendations

This baseline study was commissioned by the Independent Policing Oversight Authority to gather first hand data/information and perception of Kenyans, including police officers on policing standards and factors/challenges affecting effective and efficient policing in Kenya. As a new authority of its kind in the region, IPOA will use this report and indicators herein as baseline to measure progress and evaluate the effectiveness of police reforms in general, and IPOA's work in particular. In this report, we have presented information on the following:

- Information on the status, nature, extent, quality, effectiveness and challenges of policing in Kenya;
- Evidence of the current performance levels and the factors that hinder effective and efficient policing, with a view towards strategically targeting key result areas that could lead to better policing services in the next five years;
- A common basis for measurement of the success of police reforms relative to key effectiveness and efficiency success indicators.

The study has indicated core issues that have implications on professionalizing policing in Kenya. As an independent authority, IPOA will use the baseline data to inform its decisions and programming in order to effectively deliver on its mandate.

In a nutshell, the study has indicated that:

1. Policing in Kenya requires to be professionalized according as envisaged in the Constitution
2. Positive public confidence on policing needs to be revived, nurtured and sustained.
3. Police officers need professional training and support to be able to effectively and effeciently do their work.
4. There is need for comprehensive civic education on policing and rights awareness.
5. To succeed IPOA needs support from the national and county governments, and from the police and the public.
6. Kenyans have a role to play in ensuring that civilian oversight of the police becomes a reality.

Comments

Comments



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