



**LAYING THE FOUNDATION:  
INAUGURAL ANNUAL REPORT**

# **ANNUAL REPORT AND FINANCIAL STATEMENTS**

**FOR THE YEAR ENDED 30 JUNE 2013**





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**Submitted to the Cabinet Secretary, Ministry of Interior and Coordination of the  
National Government for onward transmission to the National Assembly in accordance  
with Section 38 of IPOA Act.**





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## LIST OF ABBREVIATIONS AND ACRONYMS

APCOF	African Policing Civilian Oversight Forum
CCG	Centre for Corporate Governance
CEO	Chief Executive Officer
CIOC	Constitution Implementation Oversight Committee
CIPEV	Commission of Inquiry into the Post-Election Violence
DPSM	Directorate of Public Service Management
EACC	Ethics and Anti-Corruption Commission
HR	Human Resource
IAU	Internal Affairs Unit
ICT	Information and Communication Technology
IPCC	Independent Police Complaints Commission
IPID	Independent Police Investigative Directorate
IPOA	Independent Policing Oversight Authority
JSC	Judicial Service Commission
KNCHR	Kenya National Commission on Human Rights
KNDR	Kenya National Dialogue and Reconciliation
MOU	Memorandum of Understanding
NGEC	National Gender and Equality Commission
NPS	National Police Service
NPSC	National Police Service Commission
OIG	Office of Inspector General
OPONI	Office of the Police Ombudsman for Northern Ireland
PBNI	Policing Board for Northern Ireland
PCCO	Police and Crime Commissioner's Office
PEV	Post Election Violence
POB	Police Oversight Board
PRIC	Police Reform Implementation Committee
PRPSC	Police Reforms Programme Steering Committee
PSD	Professional Standards Department
PSNI	Professional Standards for Northern Ireland
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
WPA	Witness Protection Agency



## CHAIRPERSON'S STATEMENT

It gives me great pleasure to present IPOA's inaugural Annual Report for the year ended 30 June 2013. IPOA Board was sworn into office in June 2012. Thereafter, the Board embarked on a journey of laying the foundation for operations of the Authority. It was a humble beginning. The Board acknowledged that this was a new institution that was established amidst great expectations from the public. The Board realized that the establishment of the Authority was a great opportunity for entrenching policing oversight in the country. Starting a new institution is always confronted with challenges. This has not been exceptional to IPOA. However, the Board has endeavoured to overcome some of the initial challenges towards building a robust institution.

I am pleased that one year on, the Authority is now standing on its feet, with a vision for a robust civilian accountability mechanism that promotes public trust and confidence in the National Police Service. One of the Authority's principal objectives is to hold the Police accountable to the public in the performance of their functions, giving 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. The Board has been steadfast towards realization of this objective.

During the reporting period, the Authority made significant progress in setting up the initial institutional structures. One of the major achievements was to secure a budgetary allocation from the exchequer. Through resolute efforts, the Authority was allocated Kshs. 96m, which was later increased to Kshs. 246m. To underpin its independence, Section 4(5) of IPOA Act requires Parliament to ensure that the Authority is adequately funded to be able to discharge its duties. However, the current funding level is grossly insufficient, considering its mandate. Unless this is addressed urgently, lack of resources will definitely impact negatively on implementation of the Authority's programmes.

To enable the Authority to deliver on its mandate, it is imperative to have a functional and effective Secretariat. The initial and enhanced budget, therefore, enabled the Board to direct funds towards areas of priority such as acquisition of operational assets and securing temporary office space. The Board has designed and continued with efforts to operationalize the Secretariat. During the year, the Board developed an organizational structure for staff establishment (80 staff members for the financial year 2013/2014) and job descriptions, defining the requisite jobs required for the Authority. Investigations was considered a priority, and the Board recruited the first set of six investigators towards the end of the financial year. Additionally, the Board commenced a rigorous recruitment process for priority and senior positions.

To achieve its mandate, the Authority recognizes that there is need to empower and equip both its Board members and the staff with the required capacity to face the task and challenges that lie ahead. The Board has therefore placed great emphasis on training. During the period, the entire Board attended a one-week's training on corporate governance aimed at anchoring best governance practices within the Board.

The Board also developed modalities for its internal operations. To this end, and to foster the working of the Board, relevant Board Committees were established specifically addressing its core mandate areas: investigations, complaints, inspections and monitoring in addition to finance, human resource, communications and audit.

In June 2013, one Board member and a senior investigator attended the African Policing Civilian Oversight Forum (APCOF) Civilian Police Oversight Investigation Training project in Johannesburg, South Africa. Through generous support from the British High Commission, seven Board members visited the United Kingdom, specifically England and Northern Ireland on an experiential learning study. In the study, the Board was taken through a number of programmes which greatly helped to enhance their understanding of the operations of a civilian oversight agency. In particular, the Board members attended a number of interactive lectures at the International Academy (College of Policing) at Bramshill. This helped the Board members greatly in understanding the models, policies, structures and practices of policing in the UK. Following this study visit, the Authority has continued to make steady progress in establishing a police oversight agency that Kenyans have gradually started to trust, considering the number of complaints received to date.

During the period, the Authority developed draft Police Complaints Procedures Regulations, 2013. The Regulations provide procedures and mechanisms in four key IPOA's operations: lodging complaints, investigations, case management, and oversight of the complaints resolution mechanism by the Internal Affairs Unit of NPS. On inspections and monitoring, the Board carried out visits to 25 police stations and Administration Police camps and premises across the country. During the coming year, the Authority will develop a tool that will inform inspections and monitoring activities.

The Board successfully held discussions with, and in some instances established working relations with several relevant state and non-state institutions as part of its inter-agency cooperation initiative. During the forthcoming year, the Authority plans to conclude at least three MOUs with relevant Government agencies. The Authority has also been engaging the media on an ongoing basis. During the period, the media played a significant role in disseminating the workings of the Authority through interviews with Board members and press coverage of Authority's functions.

During the year, the Authority received 594 complaints of which 489 (82%) were received from the male gender and 68 (12%) were received from the female gender. It was not easy to determine the gender of the remaining 37 (6%) cases as very little information was provided. Of the 594 complaints received, 212 were within the mandate of IPOA and were scheduled for investigations while 382 were outside its mandate, and were referred to appropriate Government agencies and civil society organizations for the necessary assistance.

The authority conceptualized and commissioned a baseline survey towards the end of the financial year on policing standards and gaps in Kenya. The report was launched in September 2013. The study findings will form a critical basis in setting the Authority's oversight agenda. The report indicated that about 34.3% of the public have confidence in IPOA's ability to effectively hold the police accountable for their misconduct while 13.7% had no confidence at all. The Board has established a research unit which will be responsible for carrying out appropriate research studies that will inform the Authority's recommendations to the NPS and other stakeholders.

On statutory reporting, the Authority prepared and submitted its inaugural Performance Report, July-December 2012, and January-June 2013, though belatedly due to staff capacity

constraints. Henceforth, the Authority will continue to prepare and submit these reports on timely basis.

Despite the achievements recorded during the year, the Authority has recognized potential challenges along the way. First, the adequacy in funding will remain key, and one of the factors that will contribute towards the Authority achieving its objectives. Second, the Authority will be looking forward to getting full cooperation from the NPS, and in particular individual police officers to ensure that IPOA's investigations are not impinged by interference of evidence whatsoever.

IPOA Board would like to assure the public that, it has the commitment to implement its mandate fully in guarding public interest as espoused by its Act. During the coming year, 2013/14, the Board plans to undertake the following: a) Develop and implement a four-year Strategic Plan; b) Publish and implement its Regulations; c) Implement all its developed operational manuals and strategy papers in areas such HR, ICT, finance, risk and security; d) Develop operational manuals in inspections and monitoring; e) develop a resource mobilization strategy; f) Conclude MOUs with relevant government agencies such as the Office of Director of Public Prosecutions, EACC and Witness Protection Agency amongst others; g) Roll-out a country-wide outreach program; h) Develop modalities for decentralization of its functions to the counties; and i) Continue to actively participate in the Police Reforms Programme Steering Committee.

The Authority remains indebted to many institutions that have steadfastly supported it during the formative year, and still continues to support its activities to date. The Board would like to express thanks and appreciation to the Ministry of Interior and Coordination of National Government for tirelessly ensuring that the Authority acquired office space and obtained all the basic requirements to enable it to start its work. The Authority would also like to appreciate the support received from the National Treasury in ensuring that the Authority was allocated funds to commence its operations unhindered. It is through the support of the National Government that 15 officers were deployed to the Authority, including the interim CEO/Director, to assist with setting up the initial operational structures and systems. We thank all the deployed staff for their commitment, diligence and invaluable contribution.

On behalf of the Board, I would like to thank the Parliament's Budget and Appropriations Committee for the fruitful engagements that secured reasonable funding to the Authority from the exchequer during the period. The Board would also like to recognize the Parliament's Departmental Committee on Administration and National Security for the time accorded to the Board to discuss operationalization of the Authority, and unwavering support to ensure that IPOA realizes its objectives.

The Authority would also like to register its acknowledgement and gratitude to our development partners, and in particular US, and UNODC for the strong support given to the Authority. Indeed, the support that the Authority has received and continues to receive from these partners has boosted IPOA to significantly carry out its activities so far. To these partners, we salute you! We cannot forget to thank all our stakeholders for their support and encouragement.

In conclusion, I would like to sincerely thank my fellow Board members for their unwavering support, commitment, dedication and sacrifice. I would like to acknowledge each for their

individual contributions and efforts made during the year.



**MACHARIA NJERU**

**Chairman,**

**Independent Policing Oversight Authority**

**March 2014**

## EXECUTIVE SUMMARY

IPOA's mission is to conduct impartial and independent investigations, inspections, audits and monitoring of NPS to prevent impunity and enhance professionalism in the interest of the public.

When the Constitution of Kenya, 2010, was promulgated, it sought to promote the establishment of a Police Service that would break with the unaccountable, often abusive policing of the past era. Oversight of the Police was made a priority in the transformation period. The new Police Service contemplated by the Constitution is to be both transparent and accountable. Article 244 of the Constitution articulates that 'the National Police Service shall strive for professionalism and discipline and shall promote and practise transparency and accountability'.

Further, the Constitution requires the Service to comply with Constitutional standards of human rights and fundamental freedoms and dignity. While it is recognized that ultimately, it is the responsibility of NPS to ensure the professionalism and integrity of its members, it was noted that the notion of the Police investigating their own would hardly restore public confidence and trust. Thus, in order to bring into effect these fundamental requirements of the Constitution, it became imperative that a civilian oversight mechanism be put in place to monitor how the Service went about its duties of law enforcement without breaching the confines imposed by the Constitution. It is against this background that IPOA was established to provide oversight on the work of the Police. A historical background is presented in Chapter 1 of this report.

During its first year of operations, the Authority started building its structures in terms of establishing a functional and an effective Secretariat. Thus, a lot of emphasis was placed on developing strategies, policies and regulations that would enable the Authority to embark on implementation of its mandate and functions. Chapter 2 of this report highlights the initiatives undertaken by the Authority to lay its foundation during the first year of its existence.

During the reporting year, the Authority recorded 594 complaints, 329 (54%) were received from the public, 161 (26%) were recorded from the police while the remaining 104 (20%) were received from non-state and state actors. The Authority received 48 notifications from NPS of which 25 related to deaths in custody while 23 were in relation to injuries. Pangani Police Station in Nairobi had the highest notifications with five cases followed by Soweto Police Station with four. Out of the 594 complaint cases, 232 (39.1%) related to inordinate delays and misuse of office, 160 (27%) were to do with promotions/dismissals of police officers. 14 (2.4%) complaints were in relation to deaths in custody.

Chapter 3 of this report outlines how the Authority executed its mandate during 2012/13 financial year despite numerous initial challenges, particularly lack of staff capacity. The Authority's audited financial statements for the period ended 30 June 2013 are presented in Chapter 4 of this report.

The Authority's baseline survey on policing standards and gaps in Kenya, whose findings were released in September 2013, was aimed at assessing the perception of Kenyans on policing services and the factors affecting effective policing in the country. A summary of the survey findings is presented in Chapter 3 of this report.

Though the Authority recorded successes during the formative year, it encountered several

challenges and constraints. These are articulated in Chapter 5 of this report, while Chapter six outlines the Authority's agenda for the following year, and way forward.

# 1.0 INTRODUCTION

## 1.1 Historical Background

Policing in Kenya has for many years been characterised by excessive use of force, extra-judicial executions, torture, corruption, low efficiency and limited effectiveness. At independence, the new Kenyan government was bequeathed a police force that was “narrow in outlook, unclear in mission and violent in tendency”.<sup>1</sup> Throughout the colonial period (1895-1963), the Police Force (we have to say the Kenya Police Force, but today termed as National Police Service) had been used as an instrument of oppression. Police presence and services were reserved for the white settlers and geographically constrained within urban areas and white settlements.

When the Police Force interacted with the local population it was with brutal force. Although it had been hoped that independence would change all these, the culture of the Kenya Police Force has remained intact for close to six decades. Across time and space, the Police Force has always been rated among the most corrupt institutions in Kenya. Reports of gross violations of human rights have regularly emerged from Police operations.

There are perhaps few episodes in Kenya’s history that demonstrate the fact that police culture has remained unchanged than the reaction of the Police during the 2007/2008 Post Election Violence (PEV). According to the Commission of Inquiry into Post Election Violence (CIPEV), established as part of the implementation of the Kenya National Dialogue and Reconciliation (KNDR), Police response during the PEV was “inconsistent in its application, jeopardized the lives of citizens and was in many cases a grossly unjustified use of deadly force”.<sup>2</sup> Out of the official number of 1,133 people who died during the PEV, 405 were as a direct result of gunshot wounds whereas 557 people suffered non-fatal gunshot injuries.

There was no evidence received by CIPEV to suggest that those killed and wounded by gunshots were victims of people other than the Police.<sup>3</sup> Thus, one of the critical issues that Kenya had to confront in the aftermath of the PEV related to the reform of its security agencies in general and the Police Force in particular. More than ever before, it was felt that there was urgent need to reform the Police Force with a view to, among other things, infuse into the Force a culture of respect for human rights, accountability and professionalism.

On the particular question of accountability, CIPEV recommended the establishment of an independent police oversight body with the mandate to investigate police conduct and provide civilian oversight over the operations of the Police.<sup>4</sup> It also recommended the formation of a Police Reform Group (PRG) composed of policing experts drawn from Kenya and other foreign countries and charged with the task of facilitating the police reforms it had identified. Additionally, CIPEV criticised as “unfortunate” the government’s move in September 2008 to establish a Police Oversight Board (POB) shortly before it released its own report. The members of POB were appointed solely by the President and it was widely perceived as lacking independence. (Let’s footnote the Gazette Notice of September 2008.) As such, CIPEV observed that POB had “few, if any, of the key foundation components or properly functioning

<sup>1</sup> *Government of Kenya Report of the Truth, Justice and Reconciliation Commission, Vol. IIA (2013) p. 72.*

<sup>2</sup> *Government of Kenya Report of Inquiry into Post Election Violence (CIPEV) (2008) p. 419.*

<sup>3</sup> *Government of Kenya Report of Inquiry into Post Election Violence (CIPEV) (2008) p. 387.*

<sup>4</sup> *Government of Kenya Report of Inquiry into Post Election Violence (CIPEV) (2008) p. 482.*

arrangements necessary for the provision of quality civilian oversight of the police”.<sup>5</sup> In the end, POB did not take off.

In 2009, two reports were released that gave the twin recommendations by CIPEV considerable support and traction. The first report was released in May 2009 by the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. In the Report, the Special Rapporteur concluded that it was routine for Kenyan Police to execute individuals and that a climate of impunity prevailed in the country.<sup>6</sup> He recommended, in line with the CIPEV recommendation on police accountability, the establishment of an independent police oversight body established by an Act of Parliament. The second report was released in October 2009 by the National Task Force on Police Reforms (Ransley Task Force). Like CIPEV, the Ransley Task Force was established as part of the implementation of Agenda Item Four<sup>7</sup> of KNDR.

Among the findings of the Ransley Task Force was the fact that complaints against police conduct have not been traditionally dealt with impartially and that indeed they were often ignored.<sup>8</sup> The Task Force, therefore, added its voice to calls for the establishment of police oversight mechanism. It also recommended the establishment of a body to coordinate, monitor, and supervise the implementation of reforms recommended by the Task Force.

The above concerted calls around the need to ensure police accountability began to bore fruits in January 2010 when the Police Reform Implementation Committee (PRIC) was formed to coordinate and oversee the implementation of the Ransley recommendations. In fulfilment of its terms of reference, PRIC drafted five bills for enactment by Parliament. These were: The National Police Service Bill; National Police Service Commission Bill; Independent Policing Oversight Authority Bill; National Coroners Bill; and the Private Security Industry Regulation Bill. By the end of December 2011, Parliament had enacted into law all of these bills save for the last two.

## 1.2 Establishment of IPOA and Functions

On 18 November 2011, the President of the Republic assented to the Independent Policing Oversight Authority Act No. 35 of 2011 (IPOA Act), which establishes the Independent Policing Oversight Authority (the Authority or IPOA) as a body corporate with perpetual succession. 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;

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<sup>5</sup> Government of Kenya Report of Inquiry into Post Election Violence (CIPEV) (2008) p. 441.

<sup>6</sup> Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston: Mission to Kenya (2009) p. 2.

<sup>7</sup> Agenda four - to examine and address constitutional, legal and institutional reforms, poverty and inequality, youth unemployment and land reforms.

<sup>8</sup> Government of Kenya Report of the National Task Force on Police Reforms (2009) xxviii.

- 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.

The establishment of IPOA was also in line with the resolution adopted in 2006 by the African Commission on Human and People's Rights (ACHPR)<sup>9</sup>. The preamble of the Resolution states that:-

Concerned and in many of the African states, there exist no independent policing oversight mechanisms, to which members of the public may report police misconduct and abuse of their powers for redress and that where they do, they are directly under police authorities,

Recognising, that police forces in African states, which do not have oversight mechanisms require reform in order to become effective instruments of security, safety, and justice and respect for human and people's rights across the continent,

Noting that accountability and the oversight mechanisms for policing forms the core of democratic governance and is crucial to enhancing rule of law and assisting in restoring public

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<sup>9</sup> ACHPR, 40<sup>th</sup> Ordinary Session held in Banjul, The Gambia, 15-29 November 2006

confidence in police; to develop a culture of human rights, integrity and transparency within the police forces; and to promote a good working relationship between the police and the public at large.

### **1.3 Policing Oversight in Similar Global Jurisdictions**

Kenya is the second African country to establish an independent policing oversight body after South Africa's Independent Police Investigative Directorate (IPID) [that succeeded the Independent Complaints Directorate - ICD]. This is significant for Kenya, in the region, and in Africa in general. The success of IPOA in carrying out its work will have a significant bearing as a benchmark to other regional and African states. Being a new institution, the Board is increasingly aware of its public expectations, and is committed towards realizing its mandate and functions. This steadfast commitment and vision is expected to inform and guide the Authority's in discharging its activities in the coming years. Following a Board experiential learning trip to the Independent Police Complaints Commission (IPCC, UK) and the Office of the Police Ombudsman in Northern Ireland (OPONI), the Authority has commenced a guided journey on best policing practices, and will in future continue benchmarking with other similar global jurisdictions. The Board envisions a robust and vibrant police oversight institution that will infuse professionalism, responsibility and accountability in the police service.

### **1.4 Appointment of IPOA Board**

The enactment of IPOA Act paved way for the formal commencement of the process of establishing the Independent Policing Oversight Authority (IPOA). A Selection Panel, composed of representatives of the Office of the President, Office of the Prime Minister, Kenya National Commission on Human Rights (KNCHR), Judicial Service Commission (JSC) and Ethics and Anti-Corruption Commission (EACC) and the National Commission on Gender and Equality (NGEC) was constituted to recruit Board Members of the Authority through a competitive and transparent process. An extensive process of advertising, shortlisting, interviewing and vetting the candidates was carried out between November 2011 and May 2012 when the President appointed Macharia Njeru as the first Chairperson of the Board and the following as members, for a term of six years:<sup>10</sup>

1. Jedidah Ntoyai;
2. Grace Madoka;
3. Rose Bala;
4. Fatuma Saman;
5. Vincent Kiptoo;
6. Njeri Onyango; and
7. Tom Kagwe.

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*10 Kenya Gazette Notices 6938 and 6939 of 22 May 2012.*

The Chief Justice swore the Chairperson and the Members into office on 4 June 2012. During its inaugural Board meeting, Jedidah Ntoyai was elected the Authority's Vice-Chairperson as provided for under Section 9(2) and 9(3) of IPOA Act. During the period, the Board has worked as a coherent team guided by unity of purpose, laying the foundation for the Authority's work. During the initial months, the Board worked with minimal or no resources, and its commitment has come to fruition with a functional institution that is gradually establishing itself in the public domain.

The commitment demonstrated by the Board members during the formative period was encouraging. The Board is happy with the achievements and progress made during its first year, considering the numerous challenges encountered during the period. However, the Board is alive to the enormous task ahead, and is tirelessly working closely with Management to ensure that the Authority realizes its objectives as enshrined in its Act. The Board is encouraged by the support that it has continued to receive from the Government and its agencies. Additionally, the Board recognizes several development partners that have supported the Authority to date, and of particular mention, the United States and United Nations Office on Drugs and Crime (UNODC)

### The IPOA Board



*Standing from left to right: Vincent Kiptoo, Grace Madoka, Njeri Onyango, Fatuma Saman and Tom Kagwe. Sitting from left to right: Rose Bala, Macharia Njeru (Chairperson) and Jedidah Ntoyai.*

# IPOA Board Members

## 1.5 Board Members' Profiles

### Macharia Njeru



Macharia is Chairman of the Independent Policing Oversight Authority. He is an advocate of the High Court of Kenya and has practiced law for the past 22 years specialising in corporate, banking and property law. He is the founding managing partner of Macharia-Mwangi & Njeru Advocates.

In 2009 he was appointed a member of the National Task Force on Police Reforms (Ransley Team) that developed the programme for police reforms in Kenya and subsequently sat in the Police Reforms Implementation Committee (PRIC). As a member of this committee, he led drafting of policing related legislation that was later enacted into law.

He has studied policing practices including experiential visits in the UK and Northern Ireland, Sweden, Botswana and South Africa and has attended a course on police accountability at the Centre for Human Rights, University of Pretoria.

Additionally, he helped restructure the Kenya Premier League governance structures resulting in infusion of professionalism and commercial sponsorship to the premier league and remains responsible for corporate governance, secretarial and legal services at the Kenyan Premier League Ltd.

### Jedidah Ntoyai

Jedidah is a Psychologist with vast experience in the field and in human resource management. She has worked in the public sector for over 25 years and is currently a consultant. She holds an MA in Psychology from the United States International University.

She has a passion for supporting organisations develop their human capital so as to enhance their competitive edge in the market place. She is the Vice Chairperson of the Authority and chairs the Human Resources and Compensation Committee

Formerly, she was a Commissioner with the Interim Independent Boundaries Review Commission which determined electoral boundaries.



## Fatuma Ali Saman

Fatuma holds a BEd and is currently undertaking an Executive MA in Policy and Leadership. She has a background in women rights advocacy and has worked with national and international faith-based organisations representing interests of marginalised and minority communities.

She served on the devolved government task force and helped develop the Bill of Rights and Devolution chapter. She represented Muslim women in the National Constitutional Conference. She is a member of the HR and Compensation as well as Communications and Outreach Committee. She Chairs the Inspections, Research and Monitoring Committee.



## Grace Madoka

Grace is a lawyer with long standing experience in legal, communications, advocacy and development work. She served in the Public Complaints Standing Committee the precursor of the Commission on Administrative Justice (Office of the Ombudsman) before being appointed to the Independent Policing Oversight Authority in 2012.

She has worked in a number of national task force committees and boards on HIV/AIDs, microfinance, pension and education. She leads the Communications and Outreach committee of the Board.

## Rose Bala

Rose holds a BA (Hons) in Sociology, MA in Social Work and an MA in International Child Welfare. She has previously worked in the Ministry of Home Affairs, Children's Department. In 1997, she initiated a technical co-operation between Government of Kenya and the Japan International Cooperation Agency (JICA). The cooperation was instrumental in capacity building of children officers, probation officers and judicial officers with a view to streamline the rehabilitation of children in the justice system.

She spearheaded the introduction of Child Protection Units at police stations to ensure that children and vulnerable groups are handled in a child friendly manner. She has been at the forefront in the amendment of the Children Act that led to the ban on Corporal Punishment within the Children Act No. 8 of 2001. She chairs the Adoption Case committee at Little Angels Network and is the chair of Risk and Audit Committee Authority.



## IPOA Board Members



### Tom Kagwe

Tom holds an MA in International Studies from the University of Nairobi and a BA (Hons) in Political Science. He has a wealth of experience in research, human rights law and practice.

In addition to authoring numerous scholarly works on general reforms and police reforms in particular, Tom participated in the initial conceptualisation of a police oversight framework in Kenya, which led to enactment of the Independent Policing Oversight Authority Act of 2011. He chairs the Finance and Administration Committee.

### Vincent Kiptoo

Vincent is a Valuer and Lead Environmental Impact Assessment Expert. He holds an MSc degree in Urban Land Appraisal from the University of Reading (UK), MA Arts in Housing Administration and BA in Land Economics both from the University of Nairobi.

Vincent has trained and has extensive knowledge and experience in criminal and asset tracing investigations having worked with KACA, Anti-Corruption Police Unit, KACC and Ethics and Anti-Corruption Commission for over 10 years. He has also served as a Member of the Pending Bills Closing Committee and as Council Member of the Institution of Surveyors of Kenya (ISK).

He is the Managing Director, Afriland Valuers Ltd and Chairs the Investigation and Legal Committee.



### Njeri Onyango

An ardent sportswoman, Njeri is an advocate of the High Court of Kenya and member of the Chartered Institute of Arbitrators. She sits on the Kenya Premier League Independent Complaints Committee, Kenya Volleyball Federation Constitutional Review Committee among other sporting bodies.

In 2008/9 she served as legal consultant to the Kriegler Commission that reviewed the disputed 2007 General Elections. She is the Secretary to both the Investigations and Legal Committee and Finance and Administration Committee

## 1.6 Board Committees

In accordance with section 18 of IPOA Act, the Board established six Board Committees to ensure efficient execution of its functions. These committees are as listed below:

- Investigations, Complaints and Legal Committee;
- Inspections, Monitoring and Research Committee;
- Communications and Outreach Committee;
- Risk and Audit Committee;
- Human Resources and Compensation Committee; and
- Finance and Administration Committee.

## 2.0 LAYING THE FOUNDATION

### 2.1 Introduction

The first year of IPOA's existence was mainly dedicated to laying the institutional foundation. This involved: induction of the Board members; developing the institutional vision, mission and values; interpreting the Authority's mandate; developing internal policies, regulations and strategies; sourcing and acquiring office space; recruitment of professionally qualified staff; training of Board members; and partnership with development and other partners. This section provides an in-depth discussion of these foundational activities.

### 2.2 Development of the Institutional Vision, Mission and Values

In July 2012, about a month after the Chairperson and the Board Members were sworn in, the Authority held a retreat at the Great Rift Valley Lodge, Naivasha, with a view to, among other objectives, define the vision, mission and the core values of the Authority. Discussions on these issues were premised on the understanding that the Board is the governing Authority of IPOA and that it is accountable for its performance. In other words, the Board is expected to formulate strategic direction and policy that will drive the Authority towards fulfilling its mandate provided for in section 6 of the Act. The authority of the Board is derived from, among others, sections 8 and 18 of the IPOA Act. With this in mind, the Board developed the following guiding organisational principles and values:

- Vision: A robust civilian accountability mechanism that promotes public trust and confidence in the National Police Service.
- Mission: To conduct impartial and independent investigations, inspections, audits and monitoring of the National Police Service to prevent impunity and enhance professionalism in the interest of the public.
- Values:
  1. Transparency and Accountability
  2. Integrity
  3. Independence and Impartiality
  4. Respect and Diversity
  5. Compassion
- IPO's Slogan is: Guarding Public Interest in Policing

### 2.3 Interpretation of IPOA Mandate

The success of any statutory body partly depends on its understanding of its mandate. Thus, as part of its foundational activities, the Board took time to review and refine its mandate. The mandate of the Authority is spelt out under sections 5 and 6 of IPOA Act. Section 5 stipulates that the objectives of the Authority are to:

- a) hold the Police accountable to the public in the performance of their functions;

- b) give effect to the provision of Article 244 of the Constitution that the Police shall strive for professionalism and discipline and shall promote and practice transparency and accountability; and
- c) ensure independent oversight of the handling of complaints by the [National Police] Service

To enable the Authority achieve its objectives, section 6 of IPOA Act mandates the Authority to undertake specific functions. Section 6 lists 13 interrelated and mutually reinforcing functions. For operational purposes, these functions may be summarized into seven (7) core mandate areas as discussed below.

### 2.3.1 Investigation of Deaths and Serious Injuries

The objective of this mandate is to prevent impunity whereby every single death and every single serious injury that is either a result of police action, caused by a member of the police on duty, or happened while in police custody, is independently investigated by the Authority, leading to a decline of such deaths and serious injuries. It is based on Section 7, 25 and 31 of the constitutive Act.

### 2.3.2 Investigation of Police Misconduct

This mandate is derived from sections 6(a), 24 and 29 of IPOA Act. The objective of this mandate is to prevent police misconduct, as defined in Section 2 of IPOA Act. It is premised on the notion that every complaint and every case of police misconduct needs proper investigation and where confirmed remedy is provided.

### 2.3.3 Monitor, Review and Audit Investigations and Actions by IAU

The legal basis of this mandate is provided for in sections 6(d), 31 and 39 of IPOA Act. The objective of this mandate is to ensure that the Police properly deal with complaints against them, in a fair and effective manner without undue delay.

### 2.3.4 Conduct Inspections of Police Premises

Section 6(e) of IPOA Act mandates the Authority to inspect police premises. The objective of this mandate is to ensure that all police premises meet a predefined standard and the treatment of detainees and others is in line with the values laid down in the Constitution.

### 2.3.5 Monitor and Investigate Policing Operations and Deployment

Based on section 6(c) of the IPOA Act, this function is intended to ensure that: policing operations are independently scrutinized; policing is conducted for the benefit of the Kenyan people; and to prevent excessive use of force and generally abuse of power, and when these do occur, provide effective investigations and remedy. The Authority is mandated to monitor policing operations affecting the public. As each policing operation by definition always affects the public, this allows the Authority wide oversight powers. The following criteria, however, will be applied so as to select what operations to monitor:

- a) Recurrent or ongoing police operations affecting large numbers of members of the public;
- b) One-off operations affecting large numbers of members of the public;

- c) Operations requiring use of fire arms; and
- d) Operations requiring use of crowd control measures.

### **2.3.6 Reporting on all Mandate Areas**

The main objective of reporting is to inform the Kenyan public of activities of the Authority and how resources have been utilized, as per sections 6(j) and (l), 30, 34, 35 and 38. The Authority is under strict regulations to report at regular intervals, obviously subject to the Constitution and the laws related to freedom of information, and publish the findings of its investigations, monitoring, reviews and audits in any manner as it sees fit, including by means of the electronic or printed media.

For all reports, the Authority may decide to release further reports on its findings in any way it deems fit. The performance and the annual reports are first released to the Cabinet-Secretary (Ministry of Interior and National Coordination of National Government) and then forwarded to Parliament. In exceptional circumstances regarding matters of national importance, the Authority may submit a report simultaneously to the National Assembly and the said Cabinet-Secretary if such a matter requires urgent consideration, and is meant for the well-being of the people of Kenya.

### **2.3.7 Giving Recommendations**

This function is derived from section 6(k) of IPOA Act. Pursuant to this function, every IPOA report will always incorporate recommendations for the police and other relevant authorities. Compliance with these recommendations will always be monitored and followed-up. Recommendations will be formulated as concrete and practical as possible, and will indicate a timeframe for implementation, and where possible, a budget estimate (that is, a cost implication when implementing the recommendations).

## **2.4 Development of Internal Policies**

A key foundational task during the first year of the Authority's tenure involved the development of internal policies to guide its operations and execution of its mandate. In this regard, the Board developed the following internal operational documents:

### **2.4.1 Human Resources Manual**

This Manual contains human resources policies and procedures and a code of conduct for both the Board and staff members. The Authority plans to attract and retain qualified, experienced, and high performing staff to implement its mandate and vision. In this respect, the draft manual espouses best HR practices to be adopted by the Authority in implementing its human resource objectives and strategies.

### **2.4.2 ICT Strategy (2013-2018)**

The Board identified the role of Information and Communication Technology (ICT) as pivotal to the successful achievement of IPOA's operational mandate. Therefore, with donor support, an ICT Strategy, with accompanying budget was developed. The Strategy includes the IPOA ICT vision, the establishment of a lean ICT governance structure and the conceptualization of

the strategic pillars as its foundation. This Strategy will be continuously revised to reflect new ideas and new requirements in support of IPOA's institutional goals. In the coming years, it is the deliberate position of the Board to embrace and implement a high calibre IT platform in its entire operations. This will ensure timely processing of its internal transactions as well as complaints received from the members of the public and police service. Part of this strategy is installation of high-end security system within the Authority's premises.

### 2.4.3 IPOA Regulations (Police Complaints Procedure Regulations, 2013)

These Regulations were prepared by the Board in terms of section 39 of the IPOA Act. The Regulations provides procedure and mechanisms in four key areas of the Authority's operations: lodging of complaints; investigations; case management; inspections and monitoring; and oversight of the complaints resolution mechanism by the IAU. The Regulations were discussed with various stakeholders in the reporting period, and as we author this report, they are at the drafting stage for onward transmission to the State Law Office.

### 2.4.4 Investigations Operational Manual

The draft Operational Manual is a comprehensive document that provides detailed protocol relating to investigation of cases that fall under the Authority's mandate. The thematic areas covered in the Manual include the following: investigations into death and serious injuries; investigations into gender and sexual violence; incident case management; handling and preservation of evidence and exhibits; procedure in conducting search, seizure and search warrants; treatment of victims and witnesses; dealing with children; interviewing and interrogations; and investigation reporting.

### 2.4.5 Risk and Audit Policies

The Authority's exposure to risk (both internal and external) is enormous. Therefore, the Board in fulfilling its governance and oversight responsibilities identified several risks including areas in accounting and finance. Thus, to lay the foundation for risk management, the Board developed the following draft policies, awaiting Board adoption in the next Financial Year:

- Security and Safety Policy;
- Ethics and Compliance Policy; and
- Risk management Policy.

### 2.4.6 Communications and Outreach Strategy

During the second half of the reporting period (Jan-June 2013), the Board developed a Communications and Outreach Strategy. This was followed by a sensitization workshop during which the Board Members were trained on media relations, use of social media platforms, and taking advantage of key communication opportunities. The Authority has recognized the media as one of its key stakeholders. Indeed, it is through the media that police activities are brought to light, and especially where there brutal cases involving the members of the public. The Authority will continue working with the media to disseminate its findings and reaching out to the public as one of its outreach initiatives.

## 2.4.7 Financial and Procurement Guidelines

The draft Guidelines were adopted by the Board in October 2012 to guide the Authority's financial and procurement transactions.

## 2.5 Capacity Building and Training

The Constitutive Act of IPOA provides that “the Board shall ensure that Board members and members of staff are adequately trained for their respective positions, and in particular that all members of staff directly involved in investigations undergo appropriate training on human rights and fundamental freedoms”.<sup>11</sup> In compliance with this section, the Board and a number of staff members attended diverse kinds of training during the reporting period. Some of these include: corporate governance, investigations, and also human rights and policing.

During the 2013/14 financial year, the Authority plans to upscale training of its Board and staff members. In addition to general training, special attention and focus will be directed towards training staff on investigations and human rights. Further, the Authority will continue to pursue relevant training opportunities for its staff, particularly through support from development partners, taking into account of IPOA's scarce resources.

### 2.5.1 Corporate Governance Training

During the period, the Board attended a 5-day training in Mombasa organized by the Centre for Corporate Governance (CCG). This initiative was informed by the Board's recognition of anchoring its operations within the best corporate governance practices. Coupled with this, the Board is planning to develop a Board Charter, and a mechanism for annual self-appraisal of its performance. These initiatives are geared towards developing and setting high standards within the Board, management and the entire staff complement.

### 2.5.2 Experiential Learning in the United Kingdom

In February 2013, and under the sponsorship of the British High Commission in Kenya, seven Board members travelled to the United Kingdom (England and Northern Ireland) for an experiential visit. The visits had three key aspects:

- Participation in interactive lectures at the International Academy (College of Policing);
- Experiential visits to relevant bodies such as the Professional Standards Department (PSD), Independent Police Complaints Commission (IPCC), Police and Crime Commissioner's (PCC) Office, Office of the Police Ombudsman for Northern Ireland (OPONI), Professional Standards for Northern Ireland (PSNI) and Policing Board for Northern Ireland (PBNI).
- Exposure to initiatives for rebuilding public trust and confidence in the police in a post conflict era.

The Board learnt a lot from the interactive lectures and visits to the organizations mentioned above. Among others, the Board learnt about the following: organizational structure; skill sets for police officers; the relationship between the police and other stakeholders; staffing

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<sup>11</sup> Section 22(2) of IPOA Act

establishment, responsibilities and job descriptions of police structures; information management systems; vetting processes; management of professional standards; and experiences of civilian policing oversight authorities.



*IPOA Board delegation participating in an interactive session in the United Kingdom*

## 2.6 Communications and Outreach

### 2.6.1 IPOA Logo and Website

During the reporting period, the Authority developed an organizational logo and procured and registered its website domain. As at the close of the reporting period, construction of its website was ongoing. The Authority plans to use its website as one of the ways of disseminating its work, and regularly informing the public of progress of implementation of its functions.

### 2.6.2 Engagement with the Media

The Board undertook several meetings with the main media houses to educate them on the mandate of the Authority and its work plan. The Authority's press releases on various issues of national importance were published including concerns on the delay of the establishment of the NPSC and the appointment of the Inspector General of the NPS and his/her deputies. As the spokesperson of the Authority, the chairperson was regularly invited by media houses to present the Authority's views on topical issues of policing.

### 2.6.3 Consultation with Stakeholders

Section 6(f) of the IPOA Act mandates the Authority to "cooperate with other institutions on issues of Police oversight, including other State organs in relation to services offered by them". In this regard, during the reporting period, IPOA strove to build partnerships and networks with appropriate institutions in and outside the country. To this end, the Authority met and had discussions with various partners during the reporting period, including the following:

- NPS and NPSC: The Authority discussed areas of common interests and concerns with the leadership of these two institutions.
- Witness Protection Agency (WPA): The Board held a meeting with the WPA to explore ways and means of enhancing collaboration between the two institutions, mainly on the subject of witness protection.
- Parliamentary Departmental Committee on Administration and National Security: the Board held several meetings with this Committee to discuss police reforms, IPOA's budget allocation and other relevant matters relating to IPOA mandate.
- Parliamentary Constitutional Implementation Oversight Committee (CIOC): A meeting was held with this Committee to discuss fast tracking of police reforms.
- Deputy President: The Board held a meeting with the Deputy President to discuss the role of the government in ensuring police reforms.
- County Governors: During the reporting period, IPOA made a presentation on the role of Governors in the establishment of County Policing Authorities (CPAs) to all the 47 Governors in a meeting in Naivasha. The CPAs are created by the National Police Service Act, and are different from IPOA, including mandate areas.

#### 2.6.4 Partnerships and Linkages

The Authority recognizes the value of establishing partnerships and linkages with similar local, regional and international institutions in other jurisdictions. During the Board experiential learning visit to England, Wales and Northern Ireland early in 2013, close ties were established with the institutions visited, and in particular IPCC and PONI. During the period, the Authority was also able to establish ties with the African Policing Civilian Oversight Forum (APCOF). Through these partnerships and linkages, the Authority hopes to benefit from training opportunities for its staff as well as from exchange programs.

### 2.7 Recruitment of Staff

Upon entry into office, the Board commenced the process of setting up a functional and effective Secretariat. The initial task to this end involved developing an organizational structure. Thus, during the July 2012 retreat held at Great Rift Valley Lodge, Naivasha, the Board Members discussed the issues relating to organizational structure and agreed that the Authority would be composed of the following units or departments:

- Investigations
- Complaints and Legal Services
- Inspections and Monitoring
- Research and Reporting
- Business services

A document containing the Authority's proposal for its organizational structure and job descriptions for various staff positions was subsequently forwarded to the Directorate of Public Service Management (DPSM) for review and advice. As at the time of writing this report, the review and approval process was in progress.

In February 2013, the Authority commenced the recruitment process by advertising for 67 various management and technical positions. Earlier on, the Board had agreed that its recruitment process would be conducted in compliance with the following general principles or criteria:

- a) Recruitment of staff will be on a competitive basis and through an open and transparent process;
- b) Emphasis will be given to hiring fresh graduates who will be trained appropriately;
- c) The Authority will strive to allocate adequate resources for staff training and development;
- d) A code of conduct for members of staff will be developed;
- e) The Authority may hire former police officers but will vet them to ensure they were not involved in violation of human rights before;
- f) Staff will be hired on such terms and conditions of service that will be approved by the Board and the Salaries and Remuneration Commission (SRC); and
- g) The Authority may recruit employees on short-term basis such as consultants.

The first phase of the recruitment process resulted in the filling of the following positions: Deputy Director, Research and Strategy; Deputy Director, Business Services; Head of Human Capital; Head of ICT; Head of Corporate Communications & Outreach; and six investigators. However, the Authority could not get suitable candidates for the following positions that had been advertised: Director/Chief Executive Officer (CEO); Deputy Director, Investigations; Deputy Director, Inspections and Monitoring; Deputy Director, Complaints and Legal Services; and Head of Risk and Audit. These positions were re-advertised during the second round of staff recruitment

## 3.0 EXECUTION OF MANDATE

### 3.1 Introduction

As indicated earlier in this report, the period under review was mainly dedicated to laying the institutional foundation by developing the requisite operational structures and procedures. Still, the Authority made modest efforts in the execution of its operational mandate, particularly in receiving and managing complaints, conducting investigations and undertaking inspections and monitoring. This section of the report provides a review of the Authority's efforts to execute its mandate. Three main mandate areas are covered in this section: complaints management; investigations; and inspection and monitoring of police premises.

## 3.2 Complaints Management

### 3.2.1 Complaints management

Section 6 of IPOA Act provides that the Authority may receive and investigate 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. In this regard, the Authority may receive a complaint from any member of the public and/or the NPS. A person wishing to lodge a complaint against the Police may do so orally or in writing. Where a person lodges his/her complaint orally, the Authority is required to reduce that complaint into writing. Upon receipt of a complaint, section 24 of IPOA Act requires the Authority to either:

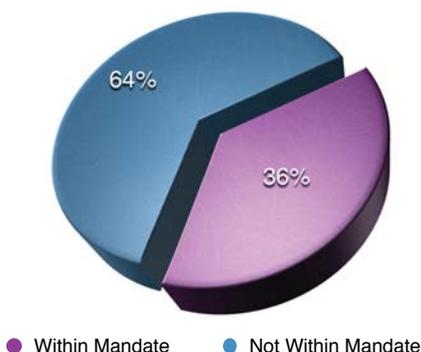
- a) call for information or reports regarding the complaint from the appropriate Government Department or agency or any other body within a specified period; or
- b) initiate such inquiry as it may consider necessary, having regard to the nature of the complaint and taking into account the fundamental rights and freedoms of the individuals concerned, including members of the Police contemplated in Chapter Four of the Constitution.

Within the Authority, complaints management is undertaken by the Complaints Management and Legal Services Unit together with the Investigations Unit.

### 3.2.2 Overview of complaints received

During the reporting period, the Authority received a total of 594 complaints. Gender analysis of the 594 complaints received at the Authority shows that the male gender forms the largest complainants. The gender accounted for 489 (82%) while the female complainants were 68 (12%). The gender of 37 (6%) complainants could not be determined as the complaints were filed by organizations which did not give adequate details to determine the gender analysis.

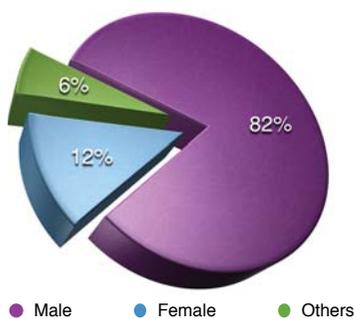
**Admission Status**



### 3.2.3 Admission Status

Out of the 594 reported complaints, 212 were within the mandate of the Authority and were scheduled for investigations while 382 complaints were outside the mandate of the Authority. Complaints that were not within the mandate were provided with advice and referred to other relevant Government Institutions, Civil Society Organizations (CSO) for further assistance and advice. The high number of complaints falling outside the mandate of the Authority shows that many people are not yet well informed about the functions of the Authority. As such, one of the key priority areas for the Authority during its second year will be running an outreach campaign.

**Gender Analysis**

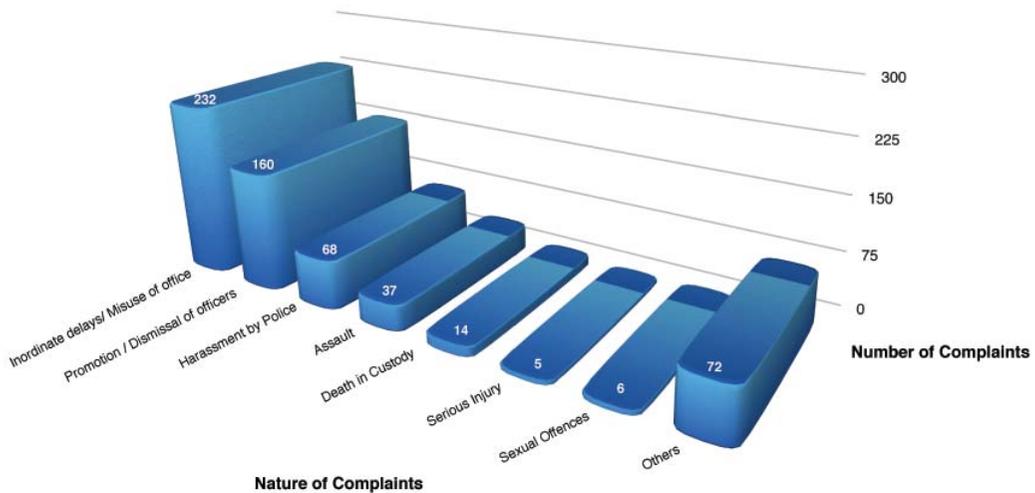


The table below illustrates the disaggregation of data as per the Category of complainants:

Complainant details	Number	Percentage
Complaints by the Public	329	54
Complaints by Police Officers	161	26
Complaints by non-state actors	63	10
Complaints by state actors	41	10
<b>Total</b>	<b>594</b>	<b>100</b>

The bulk of the complaints received by the Authority during the reporting period related to

misuse of office and inordinate delays in service delivery by the National Police Service. As such a big chunk of complaints received from the Police were referred to the National Police Service Commission as they fell squarely within the human resource function of the National Police Service Commission. The bar graph below categorizes the nature of complaints received at the Authority during the period.



About 86% of the complaints received from members of the public concerned cases of inordinate delays, misuse of office, harassment, assault, and death in custody among others.

The complaints received from the Police largely centred on unfair or illegal dismissals from the National Police Service, illegitimate or arbitrary transfers, illegal termination from recruitment to the National Police Service, lack of promotion, corruption in handling of housing of Police officers, unfair orderly room proceedings, forced resignation and also Police appealing to IPOA to intervene when they feel they were treated unfairly in many other ways.

From the nature of the complaints, it emerged that a majority of the public are not very conversant with the Authority's mandate. Indeed a big chunk of complaints received from the Police were referred to the National Police Service Commission as they fall squarely within the human resource function of the National Police Service.

### 3.2.4 Notifications

The Authority received a total of 48 notifications from the Police during the reporting period. Of these, 25 notifications related to death in custody while 23 were in relation to injuries sustained. The majority of notifications were received from police stations within Nairobi and its environs. In essence, most police stations around the country are yet to begin complying with

section 25 of IPOA Act as read with the Sixth Schedule to the NPS Act. Moreover, in most cases notifications were lodged with the Authority way after the expiry of the stipulated timeframe.



### 3.3 Investigations

For the first half of the reporting period, the Authority’s investigations capacity was limited as investigators were yet to be recruited. As such, although the Authority was invited to participate in task forces formed by the Director of Public Prosecutions (DPP) to review investigations into the deaths of Sheikh Abuod Rogo in August 2012, Alexander Monson in May 2012 and that of Erastus Chemerei in 2010, the Authority did not meaningfully participate in these investigations.

In the second half of the reporting period, six investigators were hired and they commenced investigations into four of the cases that had been earmarked for investigations by the Board. In selecting cases for investigations, the Authority developed criteria under which all complaints received by the Authority are categorized based on severity of the complaints. The Table below highlights the nature of the cases that were under investigations during the reporting period.

Nature of complaint	County
Death in custody	Kwale
Alleged unlawful killing	Nairobi
Alleged unlawful killing	Kajiado
Alleged harassment, intimidation and extortion	Meru

## 3.4 Inspections and Monitoring

### 3.4.1 Inspections of Police Stations

Pursuant to Section 6(e) of its Act, the Authority is mandated to conduct inspections of police premises, including detention facilities under the control of the NPS. This is to ensure that the premises meet national and international standards, and that the rights of detained persons are protected and the police work and live in humane conditions. The Authority considers inspection and monitoring of police premises a strategic policy action. This is because the Authority will use the opportunity to gather credible evidence to inform policy, decision making and efforts to improve conditions of such premises (including cells) and enhance working and living environment for members of the NPS.

The Constitution of Kenya requires that police premises, working environment, and detention facilities under the control of the NPS adhere to human rights and fundamental freedoms. The Authority, therefore, believes that continuous inspections and monitoring will provide necessary and relevant data to inform necessary comprehensive reforms.

During the reporting period, the Authority undertook inspections of a total of 25 Police stations and Administration Police camps and premises across the country. These are:

1. Buruburu Police Station
2. Kamukunji Police Station
3. Kabete Police Station
4. Kileleshwa Police Station
5. Mugenda Administration Police Camp
6. Embakasi Administration Police Camp
7. Karen Administration Police Camp
8. Riruta Administration Police Camp
9. Kisumu Central Police Station
10. Kisii Central Police Station
11. Sigomere Police Station
12. Migori Police Station
13. Vihiga police Station
14. Vihiga Administration Police Camp
15. Kakamega Police Station
16. Luanda Police Station
17. Bungoma Police Station
18. Busia Police Station

19. Nakuru Police Station
20. Naivasha Police Station
21. Trans Nzoia Police Station
22. Kitale Police Station
23. Endebess Police Station
24. Eldoret East Police Station
25. Eldoret West Police Station

Some key highlights of the inspections undertaken by the Authority are as follows:

- **General outlook of Police Stations across the country:** Most of the Police stations visited had old and dilapidated infrastructure. Generally, the working environments in these stations were not conducive for the officers, and even for the visiting members of the public, leave alone the detainees. For example, office space was very limited in almost all the stations visited. Besides, most of the furniture in the few available offices were in deplorable conditions. But at least, most stations had a signal room and a workshop. Most stations did not have adequate and/or professionally organized and equipped offices for interviewing suspects. The general environment in the stations visited was not conducive for such a crucial exercise. Additionally, very few police stations had a “Gender desk” or office. In most stations, there was no “Child Protection Unit” and where they were available, the facilities were used for other things, like storing exhibit.
- **Police Housing - Lines and Homes:** The accommodation situation for police officers in almost all police stations visited were not only deplorable but also embarrassing in this time and age, and in fact against human rights as articulated in The Constitution of Kenya, 2010. The stations had very poor housing facilities. In some stations, we found police officers living in traditional huts that were poorly constructed and maintained. Others lived in iron sheet houses that were inhabitable. In almost all the stations visited, police officers shared houses. In one of the stations, we found police officers living in a hall like structure that they called a “barrack”. The beds for different officers were separated with curtains, denied them privacy and living in a dignified manner.
- **Detention Facilities and Cells:** In most of the police stations visited, there existed separate cells for female and male. But in most cases, juveniles were kept in the same room with adults of their gender. Water and sanitation facilities in the stations were in very bad condition thus posing health risks. In most cases, inmates used buckets that were kept in the cells, with stench emanating from them. In the Stations that had separate toilets, the facilities were never cleaned; very dirty and a health hazard to the suspects.
- **Vehicles and Working Equipment:** In all the stations visited, there were inadequate motor vehicles, thus transportation and response to distress, was a big challenge. In some cases, vehicles had broken down and were grounded for lack of spare parts.

However, the officers had enough firearms and riot gear. A few bulletproof jackets were available, but were said to be very heavy and not popular among officers. Another challenge was the inadequacy of officers' uniform and boots in most stations. The officers reported that the problem of having old / worn-out uniform in some cases forced the affected officers to buy/replace them using their own money.

- **Computers and Stationery:** Stationery in almost all police stations was lacking. Police officers were left to improvise on stationery. They used photocopy of occurrence books, cell registers, arms movement registers, and charge sheets. Members of the public were asked to photocopy or download P3 forms and Police abstract forms from the NPS Website. Very few stations had a computer and where they existed, in most cases, they were not working. Apart from the general inspection of facilities, the Authority had open discussions and consultations with the police officers during the visits to the police stations. Police officers all over the country raised concerns about their welfare, mostly accommodation, feeding and long working hours leading to fatigue. Some of the key concerns include the following:
  - a. Staffing was inadequate, one of the challenges in all the stations visited. Lack of adequate staffing has led to some of the officers getting overworked, desperate and obviously frustrated. The few available police officers in a particular station are assigned to work long hours in and out of the station.
  - b. Due to the extra (and sometimes, conflicting) duties officers are assigned, they do not get adequate time to conduct thorough investigations on various cases. This sometimes leads to courts throwing out genuine cases they handle for lack of evidence.
  - c. Frequent transfers of police officers, from station to station, affects the welfare and livelihoods of their children, in particular their schooling. This adversely affects the family set up. The officers claimed that female officers are affected by transfers more than their male counterparts. Some officers complained that they served in certain ranks for too long, while others got promoted easily.



*IPOA Staff with the OCPD Naivasha Divisional Headquarters and other senior officers*

### 3.4.2 Monitoring of Police Operations

The Authority is mandated to “monitor and investigate policing operations affecting members of the public”. During the reporting period, the Authority monitored police operations during the general elections in March 2013. Various members of the Board visited, or worked within the border confines, of all the former eight (8) Provinces across Kenya: Nyanza, Central, Western, Eastern, North Eastern, Rift Valley, Nairobi, and Coast.

As an initial step, a meeting was held between IPOA and top police leadership to discuss and assess preparedness of the Police. It emerged that the Police were well prepared and trained by the IEBC on the exercise and were issued with election manuals for security officers. Further, members of the public were informed through the media on how IPOA intended to carry out the exercise and were also advised on how to reach the Authority in case they wanted to share information in any part of the country. During the exercise, the following observations were made:

- a) Generally, the police conducted themselves professionally and on overall terms, law and order prevailed;
- b) Police officers all over the country raised concerns about their welfare, mostly accommodation, the feeding program and long working hours;
- c) Reports of insecurity in certain, but isolated areas were raised;
- d) A case of an IEBC clerk being accidentally shot was reported;
- e) There was a report on an officer who accidentally shot himself; and finally,
- f) Some members of the public actually called to congratulate the police on their good work in certain areas.

In future electoral processes, the Authority intends to have a full-scale monitoring exercise, and ensuring that the police remain accountable especially during peak seasons of heightened perceptions of insecurity and political activities that come with general elections. The Report of the above was shared with the Inspector General for his information and further action.

### 3.5 Baseline Survey

During the period, the Authority launched a baseline survey on policing standards and gaps in Kenya. The findings of the survey were presented on 11<sup>th</sup> September 2013 at the Laico Hotel, Nairobi. The findings will form a basis for the Authority to set its operations agenda, as it implements its functions. The survey was based on a national representative sample of 5,082 households and 515 police officers selected from 36 out of 47 counties across the country. The report was also informed by an assessment and analysis of 203 closed Case Files purposely selected from four police stations in Nairobi. In particular, 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 factors.

The following is a summary of some of the survey findings:

- ❖ Only 30% of Kenyans who experienced incidences of police malpractice reported the crime to the relevant authorities;
- ❖ 71% of respondents were willing to report and willing to be witnesses in cases of police misconduct;
- ❖ Out of 515 police officers interviewed in 36 counties, 53% admitted to have experienced incidences of misconduct in the last 12 months before the survey;
- ❖ On why police officers do not report cases of misconduct, 'fear of reprisals' (90%) was the top response with 5% indicating that nothing would be done even if they reported, while 5% did not know where to report the malpractice;
- ❖ 62% of the respondents indicated that they had confidence in the police to effectively discharge their duties;
- ❖ 34.3% of respondents had confidence in IPOA's ability to effectively hold the police accountable. However, another 18% were not able to indicate the ability of the Authority because they had little knowledge about the agency;
- ❖ 62.5% of police officers interviewed indicated confidence in IPOA; and
- ❖ On police officers expectations of IPOA, 16.4% indicated that the Authority would help them to have better working conditions while 9.5% indicated that the establishment of the Authority would ensure transparency in assessment and monitoring.

In summary, the study established that;

- a) Policing in Kenya requires to be professionalized as envisaged in the Constitution;
- b) Positive public confidence on policing needs to be revived, nurtured and sustained;
- c) Police officers need professional training and support to be able to effectively and efficiently do their work;
- d) There is need for comprehensive civic education on policing and rights awareness;
- e) To succeed IPOA needs support from the national and county governments, and from the police and the public; and
- f) Kenyans have a role to play in ensuring that civilian oversight of the police becomes a reality.

The Authority has recognized the great need to incorporate policy research in its activities so as

to give recommendations to NPS and other stakeholders that are research-based. The Authority thus plans to establish a research unit that will be responsible for this exercise.



*IPOA Chairman Macharia Njeru (right) during the baseline survey launch*

### **3.6 Performance Reports**

The Authority prepared and submitted its inaugural Performance Report (July 2012- December 2012) during the year in accordance with its Act. The 2<sup>nd</sup> Performance Report (January - June 2013) was also prepared and submitted, though belatedly due to unavoidable circumstances. The Authority will continue to prepare and submit these statutory reports every six months as required. Lack of staff capacity during the first year of IPOA's operations hampered its work. However, this hurdle is gradually being overcome after recruitment of staff in adequate numbers. The Board and Management are committed towards ensuring that the reports are prepared and submitted on time in subsequent reporting periods.

## 4.0 FINANCIAL MANAGEMENT AND ACCOUNTS

### 4.1 Budgetary Allocation

During the reporting period, 2012/13 Financial Year, the Authority was initially allocated Kshs. 96m for its recurrent and development expenditure. This amount was further increased by Kshs. 150m bringing the total annual allocation by the National Treasury to Kshs. 246m. Being its first financial year, the resources allocated were utilized to finance operational expenditure and acquisition of assets that included motor vehicles, IT equipment, and partial payment towards office fit-out works.

Whereas, under Section 4(5) of IPOA Act, Parliament is required to ensure that the Authority is adequately funded to enable it to effectively and efficiently perform all of its functions, the budgetary allocation during the year under review was inadequate to set up the required institutional infrastructure as well as to meet the initial recurrent expenditure. Nevertheless, the Authority looks forward to increased budgetary allocation in the coming years to enable it to fully implement its mandate and functions. Indeed, IPOA recognizes that lack of adequate resources will hamper its work, considering the expected level of activity envisaged under its Act. IPOA Board thus continues to engage and urge the National Treasury, and respective House Departmental Committees of the National Assembly, for additional support.

### 4.2 Audited Financial Statements

A summary of IPOA's audited financial statements for the year ended 30 June 2013 is presented here below.

#### 4.2.1 Statement of Comprehensive Income

	30 June 2013
	Kshs.
Income	246,000,000
<b>Total Income</b>	<b>246,000,000</b>
<b>Expenditure</b>	
Staff Salaries - permanent staff	320,700
Board allowances	29,209,000
Personal allowance paid as part of salary	7,890,926
Communication, supplies & services	1,589,164
Domestic travel & subsistence	4,198,877
Foreign travel & subsistence	2,636,265
Printing, advertising and information supplies	7,780,991
Rentals	17,534,500

Training expenses	932,320
Hospitality supplies & services	2,977,350
Insurance costs	8,207,948
Office and general supplies & services	4,097,019
Fuel oil and lubricants	12,900
Other operating expenses	5,908,096
Routine maintenance - M/V	109,000
Routine maintenance - other assets	9,500
Over surrender of A-in-A to Treasury	3,000
Depreciation of fixed assets	13,417,668
<b>Total Expenditure</b>	<b>106,835,224</b>
<b>Net Surplus Income</b>	<b>139,164,776</b>

The Authority's total expenditure amounted to Kshs. 106.8m, mainly in salaries, allowances, medical insurance and rental costs.

## 4.2.2 Statement of Financial Position

<b>30 June 2013</b>	
<b>Kshs.</b>	
<b>Assets</b>	
<b>Non-Current Assets</b>	
Property, plant & equipment	49,238,052
<b>Total Non-Current Assets</b>	<b>49,238,052</b>
<b>Current Assets</b>	
Imprest & advances	94,035
Bank balance	71,039,356
Prepayments	18,793,333
<b>Total Current Assets</b>	<b>89,926,724</b>
<b>Total Assets</b>	<b>139,164,776</b>
<b>Financed by</b>	

Net surplus	139,164,776
<b>Total Equity &amp; Liabilities</b>	<b>139,164,776</b>

In line with the Public Financial Public Management Act, 2012, the surplus Kshs. 71m that remained unutilized as 30 June 2013 was returned to the Exchequer at the end of the financial year. During the year, the Authority expended Kshs. 42.5m, Kshs. 18.6m and Kshs. 1.6m on acquisition of motor vehicles, partial cost of office fit-out works, and IT equipment respectively. However, more resources such as motor vehicles and IT equipment will be required considering the anticipated level of activity in the coming months.

The Authority closed the year with total assets amounting to Kshs. 139.2m.

### 4.2.3 Office Premises

During the period, the Board embarked on an initiative to secure ultra-modern office premises. The office space spanning over two floors will provide a conducive working environment for staff, and a convenient address for the Authority's clients. The offices are located on the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the ACK Garden Annex, 1<sup>st</sup> Ngong Avenue, Nairobi.

During the period the Authority awarded eight tenders for the office fit-out construction works, totalling to Kshs. 100.4m of which only Kshs. 17.4m was paid as at the end of the year, leaving a balance of Kshs. 83m for the ongoing construction work. The project has been under the supervision of the Directorate of Public Works, Ministry of Lands, Housing and Urban Development. During the FY 2013/14, the Authority was only allocated Kshs. 10m for the project complicating the funding of the ongoing construction works. Resultantly, the Authority will be faced with difficulties in meeting its contractual obligations under the above tender awards.

### 4.2.4 Statement of Cash Flows

	30 June 2013
<b>Cash flow from operating activities</b>	<b>Kshs.</b>
Net Surplus	139,164,776
<b>Adjustment for Non-Cash Items</b>	
Depreciation of assets	13,417,668
<b>Changes in Working Capital</b>	
(Increase)/Decrease in imprest/advances	(94,035)
Prepaid rent	(6,646,033)
Prepaid fuel	(450,000)

Prepaid motor vehicle	(7,103,700)
Prepaid advertising cost	(4,593,600)
<b>Total operating cash flow</b>	<b>133,695,076</b>
<b>Cash flow from investing activities</b>	
Purchase of motor vehicles	(42,473,625)
Purchase of computers & accessories	(1,580,000)
Purchase of furniture, fittings and office partitioning	(18,602,095)
<b>Total investing cash flow</b>	<b>(62,655,720)</b>
<b>Cash flow from financing activities</b>	
Total financing cash flow	-
Net (decrease)/increase in cash and cash equivalents	71,039,356
Cash and cash equivalents at the beginning of the year	≡
<b>Cash and Cash Equivalents at the Closing of the Year</b>	<b>71,039,356</b>

As indicated above, the Authority's cash and cash equivalents of Kshs. 71m as at the close of the financial year was surrendered back to the Exchequer.

### 4.3 Financial Management and Controls

During the year, the Board Financial and Administration Committee provided the necessary oversight on the utilization of IPOA's financial resources on behalf of the Board. The Authority developed interim financial policies and regulations manual to guide its financial operations during the reporting period.

### 4.4 Accounts and Audit

Pursuant to Section 35(1) of IPOA Act, the Board ensured that all proper books and records of account of the income, expenditure, assets and liabilities were duly maintained. The Authority submitted its draft financial statements for the year ended 30 June 2013 to the Auditor-General in September 2013, upon which an audit certificate was issued in January 2014. The Authority's audited financial statements are presented in Appendix 1.

### 4.5 Opinion on Adequacy of Funding

As mentioned above, the National Treasury allocated IPOA a total of Kshs. 246m during the 2012/13 financial year. In its assessment, the resources allocated during the period were not adequate to support the Authority's activities during the first year of its operations. The Board feels that its enthusiasm to discharge the Authority's mandate needs to be supported with adequate annual budgetary allocations. Under its Act, the Authority is required to devolve its

functions to the Counties. Carrying out this exercise will require a huge budgetary outlay to enable the Authority to cover as much ground in the country in implementing its mandate and functions.

During the preparation of its 2013/14 annual budget, the Authority submitted its estimates amounting to Kshs. 600m. However, only Kshs. 154m was allocated, a decrease of Kshs. 92m, as compared to the amount allocated during the period under review. Looking ahead, IPOA would request Parliament to ensure that the Authority is adequately funded as provided for under Section 4(5) of its Act. Inadequate financial resources will no doubt be an impediment to the Authority's work, particularly now that it will scale up its operations during its second year and thereafter, after recruitment of the required personnel.

During 2012/13 and 2013/14 financial years, the Authority was allocated Recurrent Expenditure only without a Development Expenditure vote. The National Treasury is requested to consider allocating the Authority with a Development Expenditure component to enable it to finance long-term operational expenses such as acquisition of motor vehicles, IT equipment, and investigations/security equipment.

## 4.6 Resource Mobilization Strategy

Considering the scarce resources at its disposal, the Authority will continue to explore resource mobilization options to supplement Exchequer support in the coming years. During the year under review, the Authority received generous support from UNODC in form of funding consultancies towards the development of IPOA HR manual, ICT strategy, and Communication and Outreach strategy. During the ensuing year, the Authority will continue to pursue additional support from UNODC and explore other funding options from other development partners to supplement resources from Exchequer. This will be anchored through development and implementation of a resource mobilization strategy.

## 5.0 CHALLENGES AND CONSTRAINTS

Arising from an assessment of its first year of operations, IPOA has identified the following as potential challenges and constraints that are likely to hamper its work:

- a. Inadequate funding levels: The National Treasury and Parliament are requested to address this matter to resolve the current underfunding to the Authority;
- b. Interference of investigations by potential police suspects;
- c. Withdrawal of cases under investigations by complaints;
- d. Amendments to the National Police Service Commission and National Police Services Acts. Of major concern, is the weakening of the powers of IPOA through the amendments, requiring the Inspector General not to implement its recommendations;
- e. Non-establishment of an effective and efficient Internal Affairs Unit (IAU) at NPS. An effective and efficient IAU will certainly compliment the Authority's implementation of its mandate and functions;
- f. Due to the nature of its work, the Authority has recognized a potential risk to its staff, particularly those directly involved in investigations. The Authority has requested the Chief of Staff and Head of Civil Service to consider approval for designation of civilian number plates for its vehicles in view of this concern. The approval is being awaited.

## 6.0 CONCLUSION

The Authority is the first civilian policing oversight body in Kenya and the East African region. In its first year of existence, the Authority focused on laying a solid foundation. During this period, it has quickly gained the confidence of the public and of the members of the NPS. The high number of public complaints received during the reporting period is a sign of confidence the public and police have on the Authority to restore and make police account for their actions. The success recorded during the first year of IPOA's Authority was achieved despite the many challenges that the organization faced. Perhaps the major challenge related to the lack of investigations capacity for the larger part of the reporting period.

The Authority is prepared to build on the gains of its first year of operation. The Board is committed towards significant achievements, and to operate effectively in execution of its statutory mandate. The Authority is aware of the high public expectations and is prepared and ready to effectively serve the public. During its second year of operation, the Authority will focus on the following:

- (a) Develop and implement a 4-year Strategic Plan to guide its strategic objectives and functions, and institutionalize annual work planning;
- (b) Implement IPOA's Regulations;
- (c) Fill all identified staff vacancies with suitable, experienced and qualified staff with high level of integrity;
- (d) With the assistance of Directorate of Public Service Management, conclude

organizational structure, optimal staffing levels, career progression plan and review job descriptions and specifications;

- (e) Conclude investigations into cases that had been earmarked for investigations in the first year of operation and issuing reports of findings and recommendations in respect to these complaints;
- (f) Expand internal capacity to execute the Authority's core mandate, that is, complaints management, investigations, and inspections and monitoring;
- (g) Finalize the development of internal policies and guidelines. The policy documents will include: HR, Financial, and Procurement operational procedures, policies, and regulations. Others will include: Gender Mainstreaming policy, Board Charter and Staff Code of Conduct and Ethics;
- (h) Profile and brand IPOA, building partnerships and networks, and reaching out to the public across the country through a planned outreach program. The Authority will foster its inter-agency cooperation through signing of MoUs with relevant parties such as the Office of the Director of Public Prosecutions (ODPP), Ethics and Anti-Corruption Commission (EACC), Witness Protection Agency (WPA), and Kenya National Commission on Human Rights Commission (KNCHR) amongst others;
- (i) Identify training needs, and sponsor staff and Board for appropriate training course, as provided under Section 22(2) of its Act;
- (j) Entrench a performance management system in its operations to improve staff performance, responsibility and accountability;
- (k) Develop and implement a resource mobilization;
- (l) Establish modalities for decentralizing its services to the Counties during the next 1-2 years;
- (m) Continuously review its operations towards improving performance and staff productivity;
- (n) Hold consultative meetings with key stakeholders, at least twice a year for feedback;
- (o) Continue benchmarking its operations with similar international institutions; and
- (p) Participate effectively in the Police Reforms Programme Steering Committee (PRPSC) towards the realization of police reforms in Kenya.

## Appendix 1: Audited Financial Statements as at 30 June 2013

# FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

# INDEPENDENT POLICING OVERSIGHT AUTHORITY FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

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# INDEPENDENT POLICING OVERSIGHT AUTHORITY

## CORPORATE INFORMATION

### Board of Directors:

Macharia Njeru	-	Chairman
Jedidah Ntoyai	-	Vice Chair
Tom Kagwe	-	Member
Fatuma A. Saman	-	Member
Rose A. Bala	-	Member
Grace B. Madoka	-	Member
Vincent K. Kiptoo	-	Member
Njeri Onyango	-	Member
Winnie Makotsi	-	Acting Director/Secretary

### Senior Management Team:

Winnie Makotsi	-	Acting Director (Deployed)
Henry Mayabi	-	Chief Accountant (Deployed)
Christine Mathu	-	HR Manager (Deployed)
Dulo Elias	-	Procurement Officer (Deployed)

### Office Address:

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

## **Auditors:**

Auditor General,  
Kenya National Audit Office (KENAO),  
Anniversary Towers  
P O Box 49384, 00100 GPO,  
NAIROBI

## **Bankers:**

Central Bank of Kenya,  
Haile Selassie Avenue Street,  
P O Box 60000, 00200 City Square,  
Tel: 2860 000,  
NAIROBI.

# INDEPENDENT POLICING OVERSIGHT AUTHORITY

## BOARD COMMITTEES

The Board has four standing Committees, which meet quarterly or as required. The Committees have been set up with clear terms of reference to facilitate efficient and effective decision-making of the Board in discharging its duties, powers and authorities.

The Communication and Outreach Committee is charged with the Authority's communication and outreach function and programs.

The Finance and Administration Committee reviews annual budgets and procurement plans, quarterly and annual financial reports. The Committee also provides oversight on administration issues within the Authority.

The Audit & Risk Committee works closely with the internal audit unit and plays a critical role in reviewing financial information and ensuring that the system of internal controls is effectively administered. It considers significant audit findings identified by the Authority's internal and external auditors. The Committee maintains oversight on internal controls, and makes recommendations on financial information, risk management, policies and audit issues.

The HR and Compensation Committee advises the Board on organizational structure, administration, human resource policy and capacity enhancement/building, reviews the salaries, benefit packages and service contracts, recruitment of senior staff ensuring that these are competitively structured and linked to performance. The Committee also makes recommendations for broad guidelines that promote operational efficiency.

The Inspections and Monitoring Committee is responsible for inspections and monitoring function of the Authority.

The Risk and Audit Committee is responsible for investigations and legal functions of IPOA.

### Finance & Administration Committee

Tom Kagwe - Chair

Njeri Onyango

Vincent K. Kiptoo

### Inspections & Monitoring Committee

Fatuma Ali Saman - Chair

Jedidah Ntoyai

Rose Bala

Vincent Kiptoo

Tom Kagwe

## **Human Resource and Compensation Committee**

Jedidah Ntoyai - Chair

Grace Madoka

Fatuma Saman

## **Investigations & Legal Committee**

Vincent Kiptoo - Chair

Njeri Onyango

Tom Kagwe

Rose Bala

## **Communications & Outreach Committee**

Grace Madoka - Chair

Fatuma Saman

Macharia Njeru

## **Risk & Audit Committee**

Rose Bala - Chair

Jedidah Ntoyai

Grace Madoka

# INDEPENDENT POLICING OVERSIGHT AUTHORITY

## REPORT OF THE BOARD MEMBERS

IPOA Board members are pleased to present their report together with the audited financial statements for the year ended 30 June 2013.

## INCORPORATION

The Independent Policing Oversight Authority (IPOA) was established through Act No. 35 of 2011.

The objectives of the Authority are to:

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

## PRINCIPAL FUNCTIONS

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 the;
- 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.

### 3. RESULTS

	<b>30 June 2013</b>
	<b>Kshs.</b>
INCOME	246,000,000
EXPENDITURE	106,835,224
<b>Net Surplus</b>	<b>139,164,776</b>

### 4. BOARD MEMBERS' BENEFITS

No Board member has received or become entitled to receive any benefit other than members' allowances and approved benefits, and amounts received under employment contract for the acting CEO/Director.

### 5. AUDITOR

The Auditor General (Kenya National Audit Office, KENAO) is responsible for the statutory audit of the Authority's books of account in accordance with provisions of the Public Audit Act, 2003.

#### By Order of the Board



**ACTING DIRECTOR/SECRETARY**

**Nairobi**

**10th September, 2013**

## INDEPENDENT POLICING OVERSIGHT AUTHORITY

### STATEMENT OF BOARD MEMBERS' RESPONSIBILITIES

The IPOA Act requires the Authority to prepare financial statements for each financial year that give a true and fair view of the state of affairs of the Authority, as at the end of the financial year and its operating results for the year. It also requires the Board to ensure that the Authority keeps proper accounting records that disclose with reasonable accuracy the financial position of the Authority. The Board is also responsible for designing, implementing and maintaining internal controls relevant to the preparation of financial statements which are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances. The Board members are also responsible for safeguarding the assets of the Authority.

The Board members accept responsibility for the financial statements, which have been prepared using appropriate accounting policies supported by reasonable and prudent judgments and estimates, in conformity with International Financial Reporting Standards. The Board members are of the opinion that the financial statements give a true and fair view of the state of the financial affairs of the Authority and of the results of its operating results. The Board members further accept responsibility for the maintenance of accounting records which may be relied upon in the preparation of financial statements, as well as adequate systems of internal financial control.

The Board is required to prepare the financial statements on the ongoing concern basis unless it is inappropriate to presume that the Authority will continue in business.

Nothing has come to the attention of the Board members to indicate that the Authority will not remain a going concern for at least the next twelve months from the date of this statement.

Approved on 10th September, 2013 and signed by:-



**MAINA NJOROGE**

**ACTING DIRECTOR/SECRETARY**

# INDEPENDENT POLICING OVERSIGHT AUTHORITY

## STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2013

		<b>30 June 2013</b>
	<b>Note</b>	<b>Kshs.</b>
INCOME	4	246,000,000
Total Income		246,000,000
<b>EXPENDITURE</b>		
Staff Salaries - Permanent Staff		320,700
Board Allowances		29,209,000
Personal Allowance paid as part of Salary	5	7,890,926
Communication, Supplies & Services	6	1,589,164
Domestic Travel & Subsistence	7	4,198,877
Foreign Travel & Subsistence	8	2,636,265
Printing, Advertising and Information Supplies	9	7,780,991
Rentals	10	17,534,500
Training Expenses		932,320
Hospitality Supplies & Services	11	2,977,350
Insurance Costs	12	8,207,948
Office and General Supplies & Services	13	4,097,019
Fuel Oil and Lubricants	14	12,900
Other Operating Expenses	15	5,908,096
Routine Maintenance - M/V		109,000
Routine Maintenance - Other Assets		9,500
Over Surrender of A-in-A to Treasury	16	3,000
Depreciation of Fixed Assets	20	13,417,668
<b>Total Expenditure</b>		<b>106,835,224</b>
<b>Net Surplus Income</b>		<b>139,164,776</b>

## INDEPENDENT POLICING OVERSIGHT AUTHORITY

### STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2013

		30 June 2013
	Note	Kshs.
<b>ASSETS</b>		
<b>Non-Current Assets</b>		
Property, Plant & Equipment	20	49,238,052
<b>Total Non-Current Assets</b>		<b>49,238,052</b>
<b>Current Assets</b>		
Imprest & Advances		94,035
Bank Balance	19	71,039,356
Prepayments	18	18,793,333
<b>Total Current Assets</b>		<b>89,926,724</b>
<b>Total Assets</b>		<b>139,164,776</b>
<b>FINANCED BY</b>		
Net surplus		139,164,776
<b>Total Equity &amp; Liabilities</b>		<b>139,164,776</b>

The Board of Directors approved the financial statements on pages 50 to 62 on 10th September, 2013 and were signed on its behalf by:



**MAINA NJOROGE**

**ACTING DIRECTOR/SECRETARY**

# INDEPENDENT POLICING OVERSIGHT AUTHORITY

## STATEMENT OF CASH FLOWS

### FOR THE YEAR ENDED 30 JUNE 2013

	Kshs.
<b>Cash flow from operating activities</b>	
Net Surplus	139,164,776
<b>Adjustment for Non-Cash Items</b>	
Depreciation of Assets	13,417,668
<b>Changes in Working Capital</b>	
(Increase)/Decrease in imprest /advances	(94,035)
Prepaid Rent	(6,646,033)
Prepaid Fuel	(450,000)
Prepaid Motor Vehicle	(7,103,700)
Prepaid Advertising Cost	(4,593,600)
<b>Total operating cash flow</b>	<b>133,695,076</b>
<b>Cash flow from investing activities</b>	
Purchase of Motor Vehicles	(42,473,625)
Purchase of Computers & Accessories	(1,580,000)
Purchase of furniture, fittings and office partitioning	(18,602,095)
<b>Total investing cash flow</b>	<b>(62,655,720)</b>
Cash flow from financing activities	
Total financing cash flow	-
Net (decrease)/increase in cash and cash equivalents	71,039,356
Cash and Cash Equivalents at the beginning of the year	-
<b>Cash and Cash Equivalents at the Closing of the Year</b>	<b>71,039,356</b>

# INDEPENDENT POLICING OVERSIGHT AUTHORITY

## NOTES TO THE FINANCIAL STATEMENTS

### 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements are prepared in accordance with International Financial Reporting Standards (IFRS). The Authority has adopted the following principal accounting policies:

#### Basis of preparation

The financial statements have been prepared under the historical cost convention.

#### Revenue/Grants

are accounted for in the period when confirmation of the commitment to pay is received from the Government of Kenya (GoK).

#### Donations in kind

Donations in kind are recognised on a receipt basis and recorded at their estimated market values.

#### Financial instruments

Financial instruments carried on the balance sheet include cash on hand and bank, trade and other receivables and trade and other payables. The particular recognition methods adopted are disclosed in the individual policy statements associated with each item.

#### Plant, property, equipment and depreciation

Plant, property and equipment are stated at cost, less accumulated depreciation and any other impairment in value.

Subsequent costs are included in the assets' carrying amount or recognized as a separate asset as appropriate, only where it is probable that future economic benefits associated with the item will flow to the Authority and the cost of the item can be measured reliably. All other repairs and maintenance costs are charged to the income and expenditure account in the financial period in which they are incurred.

Depreciation is calculated on a reducing balance basis, at annual rates estimated to write off carrying values of the plant, property and equipment over their expected useful life.

The annual rates in use are as follows:

Class of Assets	Depreciation Rate (%)
Furniture, Fittings & Partitions	12.5
Computers & Laptops	30
Office Equipment	12.5
Motor Vehicles	25

The carrying values of property, plant and equipment are reviewed for impairment when events

indicate that the carrying values may not be recoverable and are adjusted for impairment where it is considered necessary. Gains or losses on disposal of property, plant and equipment are determined by reference to their carrying amounts and are taken into account in determining operating surplus/(deficit). On disposal of re-valued assets, amounts in the evaluation surplus relating to the asset are transferred to retained earnings.

### **Intangible assets**

The costs incurred to acquire and bring to use specific computer software licences are capitalized. The costs are amortized on a straight line basis over the expected useful lives, not exceeding three years. The carrying values of intangible assets are reviewed for impairment when events or changes in circumstances indicate that the carrying values may not be recoverable.

### **Trade and other receivables**

Trade and other receivables are recognized at anticipated realisable values less an allowance for any uncollectible amounts. An estimate/specific provision is made for doubtful receivables based on the review of all outstanding amounts at the year end.

### **Trade and other payables**

Trade and other payables are stated at their nominal value.

### **Taxation**

The Authority is not subject to taxation and, therefore, no provision for tax liability has been made in the financial statements.

### **Cash and cash equivalents**

Cash and cash equivalents comprise cash at bank and cash in hand.

### **Retirement benefits**

The Authority contributes to a statutory defined contribution pension scheme, the National Social Security Fund (NSSF). The Authority's obligations to the NSSF are charged to the income statement as they fall due.

### **Contingent liabilities**

Contingent liabilities are possible obligations whose existence will be confirmed only by uncertain future events or present obligations where the transfer of economic benefit is uncertain or cannot be reliably measured.

## **2. FINANCIAL RISK MANAGEMENT OBJECTIVES AND POLICIES**

The Authority's activities expose it to a variety of financial risks including liquidity risks. The Authority's overall risk management programme focuses on unpredictability of changes in the business environment and seeks to minimize the potential adverse effects of such risks on its performance by setting acceptable level of risks.

### **a) Market risk**

Market risk is the risk that changes in market prices, such as interest rate, equity prices, and foreign exchange rates will affect the Authority's income or value of its holding of financial

instruments. The objective of market risk management is to manage and control market risk exposures within acceptable parameters, while optimising the return on risk. The Authority's market risk is low, based on its nature of business.

### b) Credit risk

Credit risk is the risk of financial loss to the Authority if a client or counterparty to a financial instrument fails to meet its contractual obligations and arises principally from the Authority cash and cash equivalents and deposits with banks, as well as trade and other receivables. The Authority does not have any significant concentrations of credit risk. The Authority assesses the credit risk quality of each client, taking into account its financial position, past experience and other critical factors.

The amount that best represents the Authority's maximum exposure to credit at 30 June 2013 is made up as follows:

	<b>Kshs.</b>
Prepaid Rent (Lloyd Masika)	6,646,033
Prepaid Fuel (Avenue Petrol Station)	450,000
Prepaid Motor Vehicle (Toyota East Africa)	7,103,700
Prepaid Advertising Cost (Brand Magnet)	4,593,600
<b>Total</b>	<b>18,793,333</b>

No collateral is held for any of the above assets. However, the amounts were secured through security bonds or bank guarantees as appropriate. All receivables that are neither past due nor impaired are within their approved credit limits, and the bulk are with reputable Government institutions and other parties that the Authority collaborates within in the area of research. The Authority writes off receivables as and when the Board determines that the receivables are uncollectible. Cash at hand is placed with the Central Bank of Kenya.

### c) Liquidity risk

Liquidity risk is risk that the Authority will encounter difficulty in meeting its obligations from its financial liabilities. The Authority's approach to managing liquidity is to ensure, as far as possible, that it will always have sufficient liquidity to meet its obligations when due, under both normal and stressed conditions, without incurring unacceptable losses or risk of damaging the Authority's reputation.

The Authority ensures that it has sufficient cash on demand to meet expected operational expenses, including the servicing of any financial obligations; this excludes the potential impact of extreme circumstances that cannot reasonably be predicted. All liquidity policies and procedures are subject to review of the management and approval by the Board. The ultimate responsibility for liquidity risk management rests with the Board, who have built an appropriate liquidity risk management framework for the management of the Authority's short, medium and long-term funding and liquidity management requirements. The Authority manages liquidity risk through continuous monitoring of forecasts and actual cash flows.

#### **d) Capita risk**

The Authority is not exposed to capital risk as it does not have share capital, being an independent state agency fully owned by the Government of Kenya.

#### **e) Operational risk**

Operational risk is the risk of direct or indirect loss arising from a wide variety of causes associated with the Authority's processes, personnel, technology and infrastructure, and from external factors other than credit, market and liquidity risks such as those arising from legal and regulatory requirements and of generally acceptable standards.

The Authority's objective is to manage operational risks so as to balance the avoidance of financial losses and damage to the Authority's reputation with overall cost effectiveness and to avoid any control procedures that restrict initiative and creativity in the Authority.

The primary responsibility of the development and implementation of controls to address operational risk is assigned to the Authority's management, with the overall responsibility resting with the Board. This responsibility is supported by the development of overall Authority standards for the management of operational risks in the following areas:

- Requirement for appropriate segregation of duties including independent authorization and approval of transactions;
- Requirement for reconciliation and monitoring transactions;
- Documentation of controls and procedures;
- Compliance with regulatory and other legal requirements;
- Requirements for periodic assessment of operational risks faced by the Authority, and adequacy of controls and procedures to address the risks identified;
- Development of contingency plans;
- Risk mitigation, including insurance where this is effective;
- Review of compliance with Authority standards is reviewed on an on-going basis. The Authority is in the process of developing a staff code of conduct, which each employee will be required to sign an integrity pact for compliance.

#### **f) Reputation risk**

Reputation risk is risk of failing to meet standards of performance or behaviour required or expected by stakeholders in commercial activities or the way in which business is conducted. Reputational risks arise as a poor management of problems occurring in one or more of the primary risk areas and/or from social, ethical or environmental risk issues. All members of staff have a responsibility for maintaining the Authority's reputation.

#### **g) Governance risk and compliance**

Governance risk is risk that the Authority will not identify, measure, report and appropriately manage risks to achieve governance objectives with integrity and confidence. In order to

mitigate governance risk, the Board ensures that it fulfills its regulatory obligations, duties and responsibilities. The Authority will develop and implement a Board charter, and regularly organizes Board training corporate governance. During the year, Board members attended a corporate governance training program.

### 3. CRITICAL ACCOUNTING ESTIMATES AND JUDGMENTS

Estimates and judgments are continually evaluated and are based on historical experience and other factors, including experience of future events that are believed to be reasonable under the circumstances.

#### a) Key sources of estimation uncertainty

The following are main assumptions concerning the future, and other key sources of estimation uncertainty at the balance sheet date, that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

#### b) Useful lives of plant, property and equipment

As described above, the Authority reviews the estimated useful lives of plant and equipment at the end of each annual reporting period. Critical estimates are made by the Authority in determining depreciation rates for the property, plant and equipment. The rates are set out in note 1 (d) above.

#### c) Provisions and contingent liabilities

The Authority reviews its obligations at the end of each balance sheet date to determine whether provisions need to be made and if there are any contingent liabilities. In the process of applying the Authority's accounting policies, management has made judgments in determining:

- Whether assets are impaired
- The classification of financial assets and leases
- Provisions and contingent liabilities

### 4. INCOME

The Authority's operations were funded by a grant from the Government of Kenya, which was received from the Exchequer in two tranches of Kshs. 96m and Kshs. 150m.

### 5. PERSONAL ALLOWANCES

House Allowance	76,000
Top Up Allowance	6,989,909
Transport Allowance	32,600
Leave Commutation	792,417
<b>Total</b>	<b>7,890,926</b>

## 6. COMMUNICATION, SUPPLIES AND SERVICES

Telephone and Mobile Phone Services	1,547,144
Courier and Postal Services	42,020
<b>Total</b>	<b>1,589,164</b>

## 7. DOMESTIC TRAVEL AND SUBSISTENCE, AND OTHER TRANSPORT

Travel costs	541,467
Accommodation - Domestic Travel	1,851,160
Daily Subsistence Allowance	1,806,250
<b>Total</b>	<b>4,198,877</b>

## 8. FOREIGN TRAVEL AND SUBSISTENCE

Travel Costs	1,189,576
Daily Subsistence Allowance	1,446,689
<b>Total</b>	<b>2,636,265</b>

## 9. PRINTING, ADVERTISING AND INFORMATION SUPPLIES AND SERVICES

Publishing	770,472
Subscription to Newspapers and Magazines	173,420
Advertising, Awareness and Publicity Campaigns	11,380,699
Trade Shows and Exhibitions	50,000
Less, Prepaid Advertising (Brand Magnets)	(4,593,600)
<b>Total</b>	<b>7,780,991</b>

## 10. RENTALS

Rents and Rates - Non-residential	24,065,033
Hire of Transport	115,500
Less, Prepaid Rent (Lloyd Masika)	(6,646,033)
<b>Total</b>	<b>17,534,500</b>

## 11. HOSPITALITY SUPPLIES AND SERVICES

Catering Services	1,081,464
Board, Committees, Conferences and Seminars	1,895,886
<b>Total</b>	<b>2,977,350</b>

## 12. INSURANCE EXPENSES

Group Personal Insurance	550,145
Medical Insurance	7,657,803
<b>Total</b>	<b>8,207,948</b>

## 13. OFFICE AND GENERAL SUPPLIES AND SERVICES

General Office Supplies	2,512,459
Supplies and Accessories for Computers and Printers	1,383,680
Sanitary and Cleaning Materials, Supplies and Services	200,880
<b>Total</b>	<b>4,097,019</b>

## 14. FUEL OIL AND LUBRICANTS

Refined Fuels and Lubricants for Transport	462,900
Less, Prepaid Fuels	(450,000)
<b>Total</b>	<b>12,900</b>

## 15. OTHER OPERATING EXPENSES

Membership Fees & Subscriptions to Professional Bodies	26,000
Contracted Professional Services	5,882,096
<b>Total</b>	<b>5,908,096</b>

## 16. A-IN-A

Total Collections	(367,000)
Remitted to Treasury	370,000
Total	3,000

## 17. IMPREST AND ADVANCES

Staff and Board members	94,035
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## 18. PREPAYMENTS

Prepaid Rent (Lloyd Masika)	6,646,033
Prepaid Fuel (Avenue Petrol Station)	450,000
Prepaid Motor Vehicle (Toyota EA)	7,103,700
Prepaid Advertising (Brand Magnet)	4,593,600
<b>Total</b>	<b>18,793,333</b>

## 19. BANK BALANCE

This represents the unspent amount as at 30<sup>th</sup> June 2013. The balance was subject to Sec. 45(1) of Public Finance Management Act, 2012. The amount was surrendered back to the Exchequer as at the close of the financial year.

## 20. PROPERTY, PLANT & EQUIPMENT

	Motor Vehicles	Furniture, Fittings & Partitions	Computers & Laptops	Total
<b>Cost</b>	<b>Kshs.</b>	<b>Kshs.</b>	<b>Kshs.</b>	<b>Kshs.</b>
1 <sup>st</sup> July 2012	-	-	-	-
Additions during the year	42,473,625	18,602,095	1,580,000	62,655,720
Total	42,473,625	18,602,095	1,580,000	62,655,720
Depreciation				
1 <sup>st</sup> July 2012	-	-	-	-
Charge for the year	10,618,406	2,325,262	474,000	13,417,668

<b>Balance as at 30<sup>th</sup> June 2013</b>	<b>31,855,219</b>	<b>16,276,833</b>	<b>1,106,000</b>	<b>49,238,052</b>

## 21. RETIREMENT BENEFIT OBLIGATIONS

The Authority makes contributions to a statutory pension scheme, the National Social Security Fund (NSSF) for all its long-term contract employees. Contributions to the statutory scheme are determined by local statute at Ksh 200 per employee per month for the twelve-month period ended 30 June 2013. The employees also contribute a similar amount per month. During this period, the Authority did not remit any NSSF contributions as it had not recruited its own employees and relied on officers deployed by the Directorate of Personnel Management (DPM).

## 22. STAFF GRATUITY FUND

Staff members of the Authority on contracts are entitled to service gratuity of 31% of their monthly basic salary payable whenever a staff contract comes to an end or whenever an employee leaves employment. As at 30 June 2013, no provision for gratuity was accrued as the Authority had not only recruited only six employees.

## 23. LEGAL STATUS

IPOA is a non-profit state agency which was established through an Act of Parliament No. 35 of 2011.

## 24. EMPLOYEES

The Authority had an average of 12 employees as at 30 June 2013. The employees were deployed to the Authority by the Directorate of Personnel Management (DPM) and were drawn from various Government ministries.

## 25. USE OF FUNDS

The management of IPOA ensures that funds from the Government of Kenya and other sources are used as stipulated in the approved annual estimates. This is done with due attention to economy, efficiency and only for the purposes for which the funding was provided.

## 26. CURRENCY

The financial statements are presented in Kenya Shillings (Kshs).

## **27. COMPARATIVE FIGURES**

The Authority commenced business in June 2012. Being its first year of operation, there are no comparative figures presented for the previous financial year.

## **28. EVENTS AFTER THE REPORTING DATE**

No material events or circumstances have arisen between the accounting date and the date of this report.

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