



**PERFORMANCE REPORT
FOR SIX MONTHS ENDED
31ST DECEMBER 2013
(JULY 2013 – DEC 2013)**





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CHAIRPERSON'S REMARKS

On behalf of the Board, I am pleased to present the 3rd IPOA's Performance Report since it commenced operations in July 2012. As at 31 December 2013, the Authority was operational for one and half years, most of which was spent laying the institutional structure, and setting its police oversight agenda. The Authority has also prepared its inaugural Annual Report articulating its achievements and challenges during its first year in existence. The Board and Management continue to forge ahead in implementing the Authority's mandate with understanding that the beginning is always difficult, requiring patience and forbearance.



During the six months ended 31 December 2013, the Authority recorded a total of 250 complaints, 78% of which were from the public, 4% from the police, 14% from state actors, and 4% from non-state agencies. 115 or 46% of the 250 complaints were within IPOA's mandate while 135 or 54% were outside its mandate. It is becoming increasingly clear that the public is yet to understand the Authority's role, and particularly its mandate and thus complaints directed to it rather than to appropriate Government agencies. The Authority is planning to roll out an awareness campaign in the coming months to educate the public on its functions so that energy and attention can be directed to cases that are within its mandate.

In terms of nature of complaints received, they involved inordinate delays or misuse of office, harassment by the Police, promotion or dismissal issues, death in custody, assault, serious injuries, and sexual offenses. Of the 250 complaints, 17 were on death in custody of the police. The Authority continues to be concerned on the increased number of deaths caused by the police actions, particularly shooting of suspects or innocent members of the public during shoot-outs with suspected gangsters. During the reporting period, the Authority received 79 notifications from NPS of which 114 related to death in custody. This is a high number of deaths that raises grave concerns, taking into account that there could be unreported cases during the period.

During the period, the Authority launched investigations of 23 cases, 9 of which relates to unlawful killing, 3 on death in custody and three relating to sexual abuse. The Authority is pleased that 2 cases are at the final report-writing stage, while one file has already been submitted to the Office of the Director of Public Prosecutions (ODPP) at the time of preparing this report. IPOA hopes that at least 2-3 investigation cases will be finalized and submitted by end of the next reporting period in June 2014. The uptake of investigations was constrained due to lack of adequate capacity to handle all the cases received during the period or earlier. The Authority has strengthened its investigations by hiring an additional 14 investigators, increasing the capacity to twenty. With the increased capacity, the Authority will hasten investigations of the pending cases. Notably, the Authority continues to be faced with challenges in investigations, particularly due to interference of evidence by suspected officers. This is a matter that the Authority is taking seriously, and will take appropriate action within its powers against officers hindering its work.

In September 2013, the Authority launched a research study: Baseline Survey on Policing Standards and Gaps in Kenya. The research study was commissioned during the second half of 2012/13 financial year. The findings of this study are covered in Section 5 of this report. The Authority has established a research unit that will be responsible for carrying out relevant policy research studies. The Authority will continue to share findings arising from such studies with its stakeholders, and will be used to make appropriate policy recommendations.

In this report, we have highlighted several recommendations that were made in the previous two reports, and status thereof. Additionally, the Authority has presented additional recommendations in Section 9 of this report. Section 10(m) of the NPS Act requires the IG to cooperate and implement the decisions of IPOA. Further, Section 10(t) of the same Act requires the IG to act on the recommendations of the Authority, including compensation to victims of police misconduct. The Authority will continue to monitor the implementation of these recommendations and will report on progress in the next report.

The report also includes challenges and constraints experienced by the Authority during the period, as well as key activities to be undertaken during the remaining half of the current financial year.

On behalf of the Board and Staff, I would like to thank all our development partners, particularly, the US, UNODC and the African Policing Civilian Oversight Forum (APCOF) for their continued and invaluable support. The Authority would like to recognize the additional support of Kshs. 59m received from Treasury. IPOA hopes that Treasury will respond positively to its request for additional support to fund investigation, inspection and monitoring activities for the remaining period of this year.

I would like to thank our newly-recruited staff for their enthusiasm and settling down and adapting quickly to their new duties and responsibilities. I would like to express our gratitude to all deployed staff who have remained committed and supporting our operations as we recruited our own employees. Finally, and not least, I would like to thank my fellow Board members for their personal commitment to IPOA's activities and welfare. I am pleased with the achievements that the Board has made so far, and its vision and mission towards realization of the ongoing police reforms for the good of the Kenyan public.



MACHARIA NJERU

**Chairman,
Independent Policing Oversight Authority**

April, 2014

LIST OF ABBREVIATIONS AND ACRONYMS

APCOF	African Policing Civilian Oversight Forum
CEO	Chief Executive Officer
CSOs	Civil Society Organizations
EACC	Ethics and Anti-Corruption Commission
GBS	Goodnews Broadcasting Service
IG	Inspector General
IAU	Internal Affairs Unit
IPOA	Independent Policing Oversight Authority
KICC	Kenya International Convention Centre
KTI	Kenya Transition Institute
KTN	Kenya Television Network
USAID	United States Agency for International Development
US	United States
UNODC	United Nations Office on Drugs and Crime
NPSC	National Police Service Commission
NPS	National Police Service
NTV	Nation Television
ODPP	Office of Director of Public Prosecutions
PRIC	Police Reforms Implementation Committee
PRSC	Police Reform Steering Committee



EXECUTIVE SUMMARY

On 1 July 2013, the Independent Policing Oversight Authority (IPOA or Authority) entered its second year of operation. As described in its 2012/2013 Annual Report, the first year of the Authority's existence was dedicated to laying the institutional foundation. This involved undertaking foundational activities, including: 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 and experienced staff; training of Board members; and collaboration with development and other partners. In its second year of operations, the Authority is focusing on finalising and strengthening these foundational activities, building on the gains made so far, and more importantly, on discharging its operational functions and implementing its mandate.

Although it had limited capacity, the Authority is happy to report that during the period under review, it made significant steps towards executing its operational functions. At the start of the period under review, the Authority hired the first batch of investigators who immediately commenced investigations into a number of selected cases that had been previously submitted or referred to the Authority. By the end of the period, the Authority had commenced investigations into 23 cases, three of which were at advanced stages of completion. The period under review also witnessed the official introduction of the Authority to the public and the launch of a baseline survey commissioned by the Authority on policing standards and gaps in Kenya.

This report has been prepared pursuant to section 30 of the IPOA Act No. 35 of 2011. The report provides a description of the performance of the functions of the Authority for the period 1 July 2013 to 31 December 2013. The thematic areas covered under the report include the following: complaints management; investigations; inspection and monitoring; research and planning; communication and outreach; training and capacity building; and institutional strengthening.

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1.0 RECOMMENDATIONS MADE IN PREVIOUS PERFORMANCE REPORTS

In line with Sec. 30(1), the Authority has already prepared and submitted the following two Performance Reports: a) July - December 2012, and b) January - June 2013. In the inaugural Performance Report (July-December 2012), the Authority made the following recommendations:

1. Publication and operationalization of the NPS Act: This has since been implemented;
2. Nomination, approval and appointment of the National Police Service Commission (NPSC): This has also been implemented; and
3. Appointment of the Inspector General and the deputies: Again, this has been implemented.

The Authority is pleased with the progress made upon implementation of the above recommendations.

In the 2nd Performance Report, IPOA made the following recommendations:

1. Articulated its position on the ongoing police reform, and in particular, the proposed amendment to the NPS Act. Whereas the Authority supported and continues to support, in principle, the separation of powers and functions of the Chairperson of NPSC versus the IG, the Authority strongly felt that the amendment should not be done to undermine the leadership of any of the two institutions or going against the spirit and letter of the Constitution. The Authority still stands by this position, and therefore recommends that any amendments made thereof should be made in good faith and aimed at strengthening the ongoing police reform in Kenya. IPOA recognizes the strides already made in establishing the two institutions and gains can only be made where each operates complimentary to each other without any antagonism or in an acrimonious manner.
2. The Authority also felt that any proposed amendments should not be made to undermine the mandate and powers of IPOA in any way. The Authority needs to remain an effective oversight institution whose recommendations to IG/NPS should be implemented for the good of the public and the police. The Authority's position remain unchanged.
3. The Authority made its position to Parliament and other stakeholders in respect of the proposed amendment on use of arms. IPOA has consistently opposed this amendment as it undermines the Constitution and waters down police accountability on their actions.
4. For IPOA to remain effective and relevant, there should be sustained constitutionalism, government and political goodwill and commitment towards professionalizing policing in Kenya. Towards this, the Authority requested and continues to request the National Assembly, Senate and the National Government to continue providing the necessary support to the three police reform institutions namely; NPS, NPSC and IPOA. The support should be in form of adequate resources to enable each agency to implement

their mandate unimpeded.

5. Need to continue monitoring progress in police reforms and assessing the outcomes thereof across the country. The Authority is pleased that the Police Reform Steering Committee (PRSC) is now operative and has made good progress in tracking implementation of activities contained in the Police Reform Document¹. IPOA remains an active member of the Committee.

2.0 COMPLAINTS MANAGEMENT

The Authority is mandated under the Act to receive complaints related to disciplinary or criminal offenses committed by any member of the National Police Service (NPS). It carries out this mandate through the receipt, processing and investigation of complaints lodged by the public and police officers. This mandate is operationalized by the Complaints and Legal Services department together with the Investigations department of the Authority.

2.1 Overview of complaints received

During the six months’ reporting period, the authority received a total of 250 complaints with 194 (78%) emanating from the public, 11 (4%) from the police, 36 (14%) from state actors and 9 (4%) from non- state agencies.

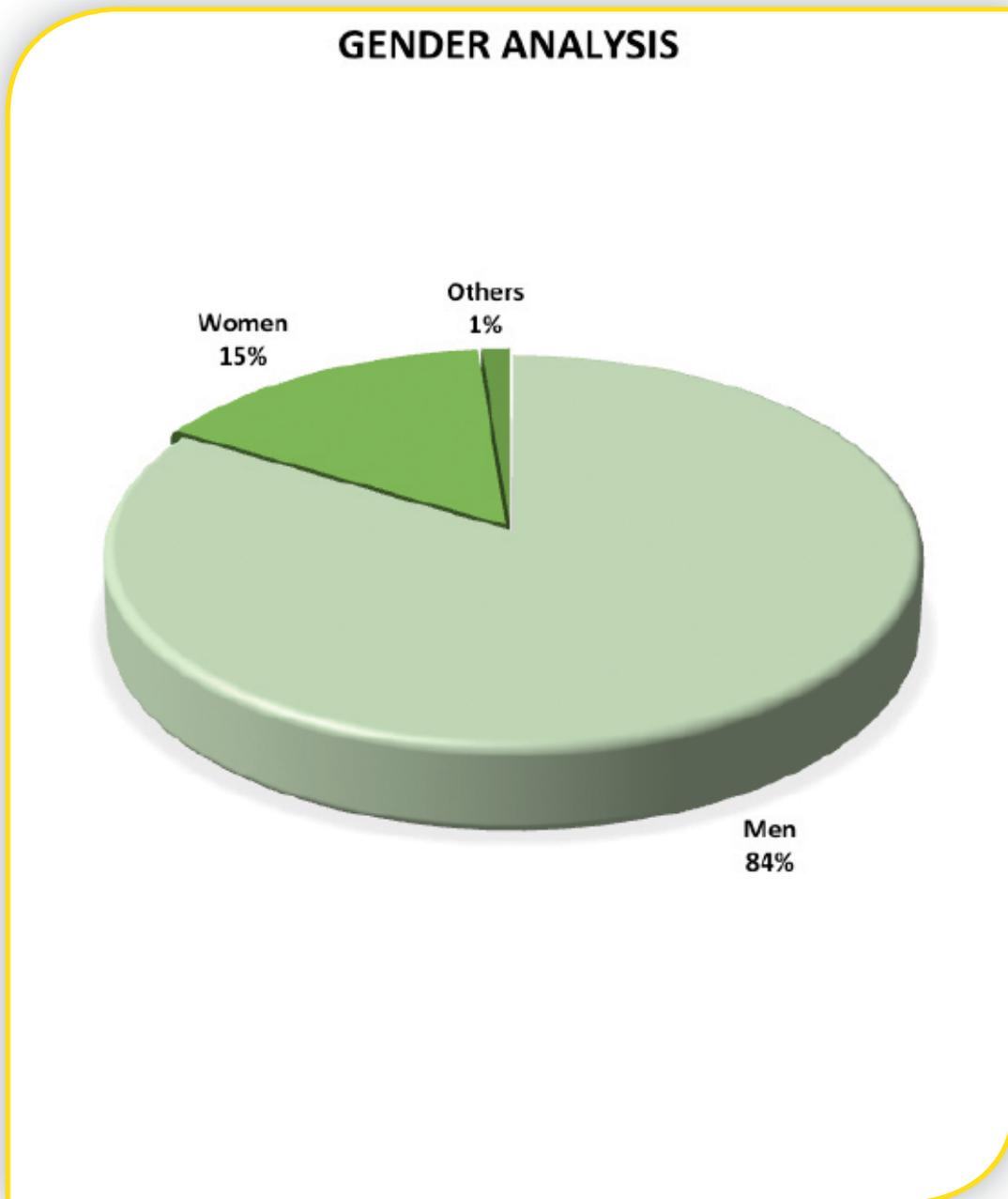
Table 1: No. of complaints received

Complainant details	Number	Percentage
Public	194	78
Police	11	4
State actors	9	4
Non-state actors	36	14
Total	250	100

¹ Document prepared to track the implementation of police reforms as per recommendations of the Police Reforms Implementation Committee (PRIC).

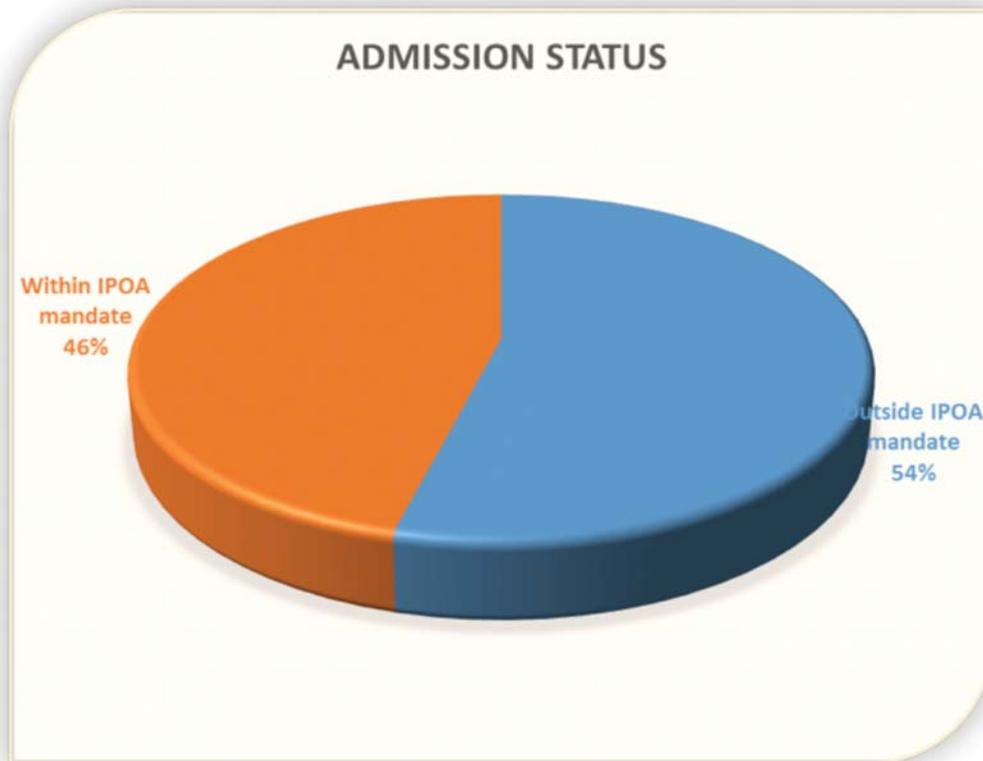
2.2 Gender analysis

A gender analysis of the 250 complaints received shows that men lodged more complaints 209 (84%) as compared to women 38 (15%). The rest of the complaints were received from institutions. The figure below illustrates the analysis of the complaints received:



2.3 Admission status

Out of the 250 reported complaints, 115 (46%) were within the mandate of the Authority and have been scheduled for action while 135 (54%) complaints were outside the mandate of the Authority. Individuals who lodged complaints that were not within the mandate of the Authority were provided with advice and referred to other relevant government institutions and Civil Society Organizations (CSOs) for assistance and advice.



2.4 Nature of complaints

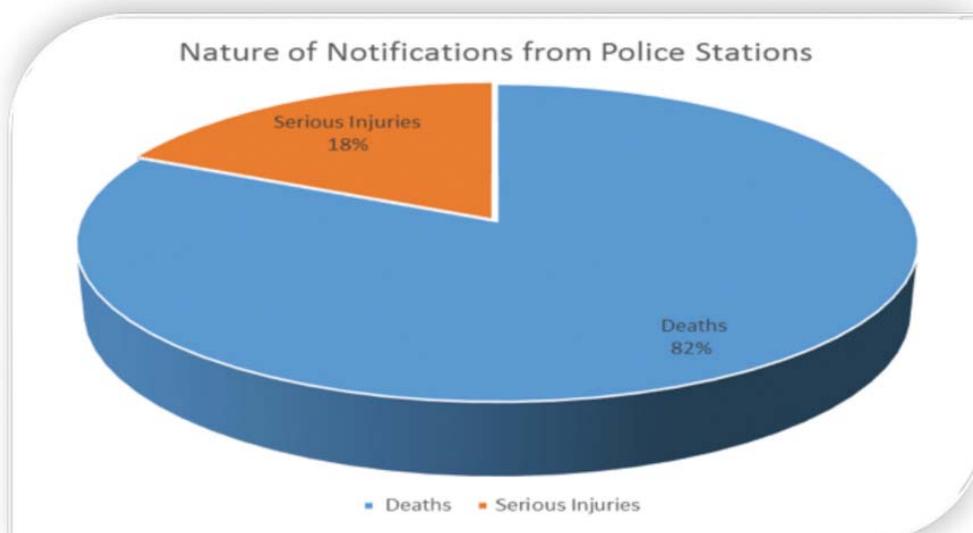
The bulk of the complaints (56%) received by the Authority related to misuse of office or inordinate delays in service delivery by the NPS. Complaints relating to harassment by the Police constituted the second highest percentage of complaints. The table below illustrates the disaggregation of data as per the nature of the complaints:

Table 2: Nature of complaints

Nature of Complaint	Number	Percentage
Inordinate delays/misuse of office	141	56
Harassment by Police	42	17
Promotion/dismissal ²	21	8
Death in custody	17	7
Assault	11	5
Serious injuries	5	2
Sexual offenses	3	1
Others	10	4
Total	250	100

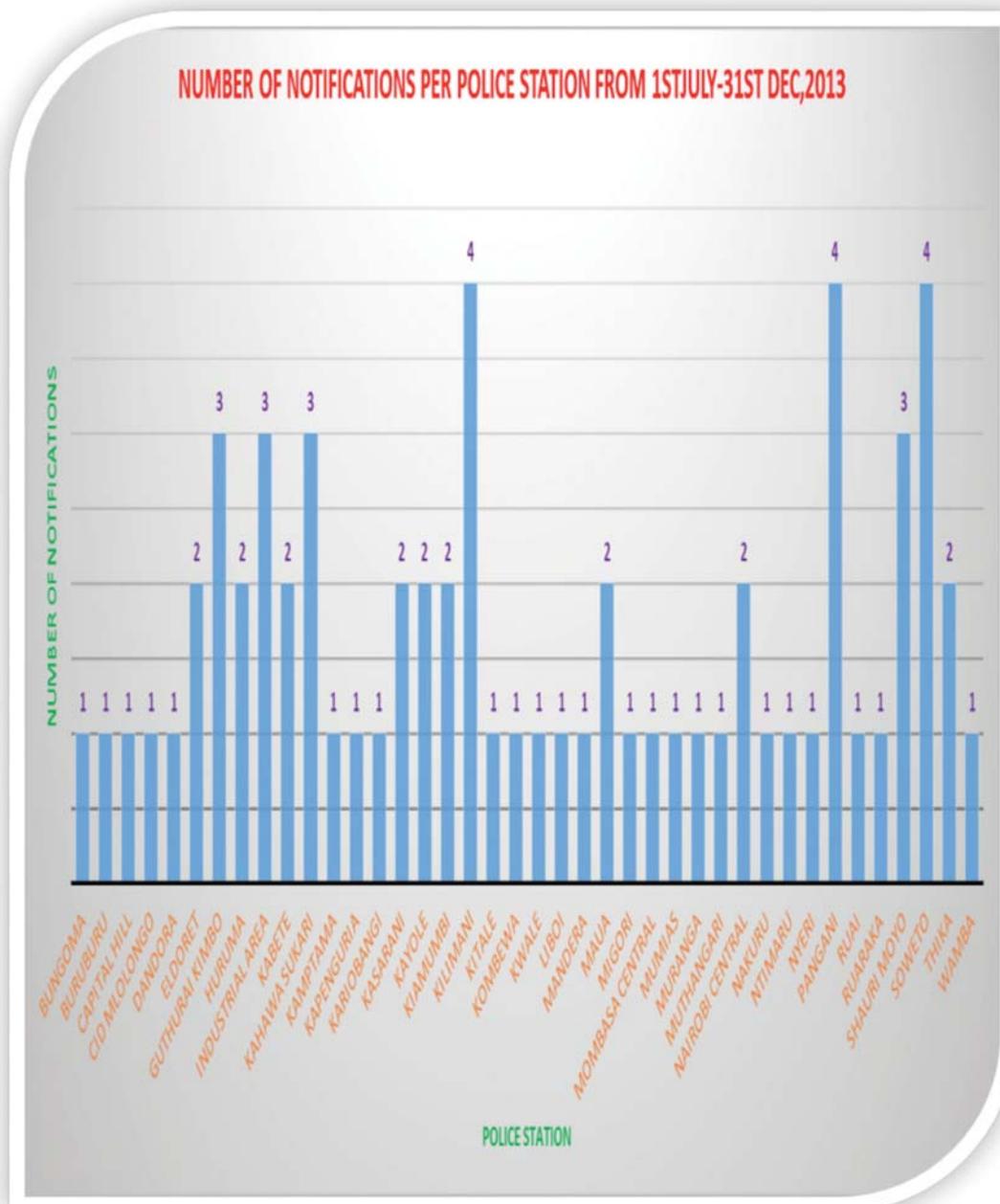
2.5 Police notifications

The Authority received a total of 79 notifications from the NPS during the reporting period. The notifications were received from 40 police stations in Kenya. The notifications received involved 139 victims out of which 135 were male while 4 were women. A total of 114 (82%) notifications related to death in custody while 25 (18%) were in relation to injuries sustained. The majority of the notifications were received from police stations within Nairobi. The city had 44 notifications recorded from 21 police stations forming 56% of all the cases reported during the period. Although it is not conclusive, it is indicative that Nairobi is complying with filing notifications or there could be other factors contributing to higher levels of death notifications within the city such as proximity or high level of awareness.



² The complaints were referred to NPSC for further action.

The graph below shows the notifications as per police stations:



Kilimani, Pangani and Soweto Police stations recorded the highest number with four notifications each. They were followed by Githurai Kimbo, Industrial Area, Kahawa Sukari and Shauri Moyo Police Stations with three notifications each. It is notable that far-flung stations such as Kapenguria and Mandera filed their notifications despite their respective distances from Nairobi. The Authority will continue engaging NPS in organizing awareness country-wide campaigns so that both the public and the police are informed on IPOA's mandate, and the

need to comply with statutory requirements, particularly on the part of the police. This is an area that IPOA will collaborate with NPS for cooperation and compliance with the statutory obligations.

The Authority would like to commend all the police stations that have continued to file the notifications, and request that NPS advise all stations to comply forthwith with this requirement. The NPS, and particularly the officer-in-charge of a police station under that jurisdiction, is required to report to IPOA within 24 hours. The Authority notes with concern that most of the notifications are made much after the required period thus delaying commencement of investigations by IPOA. Beyond reporting, the IPOA Act also requires the police to: *“take all necessary steps to secure evidence which may be relevant for the investigation, including pictorial and written evidence, and shall in writing notify the Authority, and supply it with the evidence and all other facts relevant to the matter, including, if available, the names and contact details of all persons who may be able to assist the Authority should it decide to conduct an investigation.”*³

The Authority would like to call upon the police to heed the above requirements, as this would fast-track and facilitate IPOA's investigations work.

3.0 INVESTIGATIONS

During the reporting period, the Authority commenced investigations into 22 cases. The majority of these cases, as shown in Table 1 below, relates to alleged unlawful killing of civilians by police officers. As at the time of submitting this Report, the Authority had finalised investigations into one case and the report of the findings thereof has been submitted to the Office of the Director of Public Prosecutions for appropriate action.

Table 1: Summary of cases under investigation (as at 31 December 2013)

Nature of case	No. of cases
Unlawful killing	9
Death in custody	3
Sexual abuse	2
Serious injury and physical assault	3
Harassment, intimidation and extortion	3
Failure to institute investigations and abuse of power	2
Non-cooperation with IPOA⁴	1
Total	23

³ IPOA Act, Section 25 (2)

⁴ Chief Inspector of Police Boniface M. Kavoo (OCS, Pangani Police Station, Nairobi) was prosecuted in April 2014 under Sec. 31 of IPOA Act for non-cooperation in the investigation case in which Peris Waithera was killed in Mathare slums on 15th July 2013 by a stray bullet allegedly fired by police. The case is listed for hearing in May 2014.

4.0 INSPECTION AND MONITORING

During the period under review, the Board successfully conducted recruitment for the position of Deputy Director in charge of the Inspection and Monitoring Department and for two monitoring officers. The staff reported in the month of January 2014. The recruitment of two inspection officers has been completed and successful candidates reported in March 2014. There were no inspection and monitoring activities undertaken during this period. The Inspections and Monitoring Department has now developed a work plan outlining several inspections and monitoring activities it will undertake during the remaining period of the fiscal year 2013/2014. During the period the Board initiated the development of an inspections and monitoring tool, which has now been approved and is being implemented.

5.0 RESEARCH AND PLANNING

Among the functions of the Authority is to review or audit investigations done by the Internal Affairs Unit (IAU) of the NPS and to review patterns of police misconduct. Pursuant to this mandate, the Authority commissioned a baseline study or survey on policing standards and gaps. The study was commissioned with the broad objective of collecting data that the Authority would use for decision making and planning. The specific objectives of the study was to collect data that would provide:

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

The survey was conducted using two research methodologies. Firstly, a perception survey was conducted to assess both the public and police perceptions about police performance and policing in general. The perception survey was based on a national representative sample of 5,082 households and 515 Police Officers selected from 36 out of the 47 counties in the country. Secondly, a case file review (the first of its kind) was conducted to interrogate actual police performance. The case file review entailed the assessment and analysis of 203 closed case files purposively selected from four police stations in Nairobi, namely Kamukunji, Kilimani, Kariobangi, and Huruma Police Stations. The Case File assessment involved the following category of cases: i) Robbery with Violence (RwV); ii) Preparation to Commit a Felony (P2CF); and iii) Theft by Servant (TbS).

The findings of the survey were published in a report titled “Baseline Survey on Policing Standards and Gaps in Kenya”, and which, as discussed below, was officially launched on 11 September 2013. The key findings of the survey are provided below under the following thematic areas: police misconduct; investigations management by the police; factors affecting police performance; public awareness of community policing and its challenges; preparedness

of the police for the 2013 General Election; and public confidence in police and IPOA.

5.1 Police misconduct

The findings of the survey indicate that within 12 months prior to the study one third (30%) of the 5,082 respondents interviewed, had experienced police malpractice including assault or brutality, falsification of evidence, bribery, and threat of imprisonment. Incidences of police misconduct are higher in rural areas (61%). In terms of gender, 62% of men compared to 38% of women were exposed police malpractice in the 12 months preceding the survey.

The survey also indicates that most Kenyans do not report incidences of police misconduct to any authority. According to the survey, only 30% of those who experienced incidences of police malpractice reported it to a relevant authority. A substantive percentage (35.6%) of those who did not report assumed that no steps would be taken even if they reported.

Among the police, 53% admitted to have experienced incidences of misconduct. More male police officers (79%) compared to female officers (21%) had experienced some form of misconduct during the one year period preceding the survey. Out of the 515 police officers interviewed, 275 had witnessed incidences of police misconduct but only 32% of them reported such cases. Fear of reprisal was the top most reason for non-reporting.

5.2 Investigations management by the police

In order to assess how the police manage investigations, case file review was conducted on the following categories of cases: robbery with violence, preparation to commit a felony and theft by servant. According to the review, 64% of the felony cases, 62% of the robbery with violence cases, 76% of preparation to commit a felony cases, and 61% of theft by servant cases did not meet the minimum evidentiary threshold.

5.3 Factors affecting police performance

As part of the survey, police officers were asked to indicate factors affecting their performance. More than half of them (54.6%) indicated that low pay and lack of incentives was one of the important factors affecting police performance in the country. Other factors mentioned include: limited resources (e.g. transport) to fight crime (24.7%); corruption (3.0%); discrimination, ethnicity, nepotism and favouritism (2.7%); lack of Information, Communication and Technology (ICT) infrastructure (1.6%); and lack of proper training (1.2%).

5.4 Public awareness of community policing and its challenges

The survey showed that the concept of community policing is fairly known across the country. Among the public, 56.3% reported that they were aware of the concept of community policing. Despite the fair level of awareness, only 7% of the public respondents reported participation in community policing. Some of the major reasons for the public not cooperating with the police included the following:

- Fear of being harassed (39%);
- Use of excessive force no matter the situation (17%);

- Nothing much would really happen or would be a waste of time (10%);
- When giving information, one can be arrested or charged (6%); and
- Police are corrupt (6%).

5.5 Preparedness of the police for 2013 General Elections

The survey was conducted two months before the 2013 General Elections. As such, police officers who participated in the survey were asked to indicate how confident they were with police preparedness in managing the General Elections. Slightly more than half of them (58.3%) reported that they were confident with the preparation the police were making towards ensuring peace and order during the elections.

5.6 Public confidence in police and IPOA

The survey established that 61% of the public had confidence in the police to effectively discharge their duties. Moreover, the survey showed that about 34.3% of the public have confidence in IPOA's ability to effectively hold the police accountable for misconduct while 13.7% had no confidence at all. Another 18% were not able to indicate the ability of IPOA because they had little knowledge about the organization.

5.7 Key conclusions and recommendations

The following are key conclusions and recommendations arising from the study:

- 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 effectively carry out their duties and responsibilities;
- d) There is need for comprehensive civic education on policing and rights awareness;
- e) To succeed, IPOA needs support from both 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.

6.0 COMMUNICATION AND OUTREACH

During the reporting period, the Authority engaged in a number of activities aimed at publicizing the organisation and reaching out to relevant stakeholders and partners.

6.1 Media practitioners briefing breakfast

The media is a key stakeholder in advancing IPOA's mandate. On 22nd August 2013 the Authority organized a media briefing breakfast at the Laico Regency Hotel, Nairobi. Over 25 members of the fourth estate attended. The briefing was a round-table format discussion where the Board Chairman, Macharia Njeru, took the participants through a number of issues, including:

- a) the progress IPOA had made since inception;
- b) the role of the media in supporting civilian oversight on policing in Kenya; and
- c) IPOA's way forward in achieving its goal and objectives.

Members of the media were keen to support implementation of IPOA's mandate. An address by a media personality, Macharia Gaitho, underscored ways in which the media could advance the work of IPOA.

6.2 Launch of the Baseline Survey Report

Following the successful completion of a nationwide baseline survey on policing standards and gaps in Kenya, a launch of the Baseline Report was done on 11 September 2013 at the Laico Regency Hotel, Nairobi. The report was officially launched by the Cabinet Secretary for Energy, Hon. David Chirchir, who represented the Deputy President, Hon. William Ruto. Among those who were present at the event included the National Police Service Commission Chairman, Johnston Kavuludi, the Inspector General of Police, David Kimaiyo, members of the diplomatic corps, strategic partners and other government officials. The launch of the Baseline Survey also doubled up as an official introduction of IPOA to the public.



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

6.3 Stakeholders/Development Partners Breakfast Meeting

On 5 November 2013 the Authority hosted key stakeholders to a breakfast meeting where pertinent issues relating to the utilization of the basket fund for police reforms in Kenya were discussed. The Authority's Board Chairman moderated the meeting.

Through IPOA's initiative, the Police Reform Steering Committee commenced its work in November 2013. The Authority has continued to participate actively in the Committee's meetings. As one of the police reform institutions, the Authority is pleased with what the Committee is doing. During the period, IPOA Chairman and acting CEO/Director attended two Committee's meeting in November and December 2013.



Stakeholders/Development Partners Breakfast Meeting

6.4 Press appearances

During the reporting period, the Authority received substantive media coverage. The Chairman was interviewed on NTV AM Live (13th November 2013), KTN News (20th November 2013), and GBS News (22nd November 2013). During these interviews he highlighted the Authority's key achievements since inception and way forward in achieving the Authority's mandate. The Chairman also spoke about other relevant issues including the vetting of senior police officers, insecurity, and the operational capacity of the NPS.

6.5 Police vetting retreat

In November 2013, the Authority was represented by two Board Members in the Police Vetting Retreat held in Naivasha. During the retreat, Tom Kagwe, an IPOA Board Member, made a presentation on five key pillars of police vetting. These are: vetting as a transitional measure; as a legitimizing factor; as an enabler to create a new institution; as a way, not end, of enabling the NPS chart out a new course of action; and finally, vetting as a problem solver.



Board members Fatuma Saman and Tom Kagwe during the police vetting retreat.

7.0 TRAINING AND CAPACITY BUILDING

Section 22(2) of IPOA Act 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”. In compliance with this section, the Board and a member of staff attended the following training programs during the reporting period.

7.1 Police oversight and accountability in Africa

In July 2013, all the Board members attended a five-day high level course on police oversight and accountability in Africa at the Centre for Human Rights, University of Pretoria, South Africa. The training covered a wide range of topics including: democratic policing; architecture of police oversight bodies; challenges and opportunities for police oversight in Africa; use of force; and torture.

7.2 Investigators' Training

From 26 to 29 August 2013, a Board Member and a Senior Investigator attended a training on investigations organised by the Africa Policing Civilian Oversight Forum (APCOF) in Pretoria, South Africa. The training was aimed at building the capacity of policing oversight bodies in Africa and to refine and contextualize the revision of APCOF's 2010 training manual on building capacity in the civilian oversight of African policing.

8.0 INSTITUTIONAL STRENGTHENING

8.1 Budget allocation: 2013/14 Financial Year

During the 2013/14 financial year, the Authority was allocated Kshs. 154m against a budget request of Kshs. 603m. The budget has now been enhanced by Kshs. 59m during Supplementary Budget, mainly to support staff salaries. The funding level to the Authority is still inadequate considering the scope of its mandate and underlying operational activities. The underfunding has continued to hamper the operations of the Authority, particularly investigations, inspections and monitoring activities that form its core mandate. Funds are also required to procure the necessary investigations equipment, computers and motor vehicles. IPOA will continue to engage Treasury for additional resources during the second half of the financial year, and indeed during 2014/15 financial year.

8.2 New Office Premises and Equipment

In September 2013, the Authority moved from KICC to its new offices located on 2nd and 3rd floors, ACK Garden Annex, 1st Ngong Avenue, Nairobi. The location was carefully selected as it is close to the city where public transport is easily available. This will enable members of the public to visit the offices with ease to report their complaints. The offices include a convenient and dedicated rooms that are conducive for carrying out interviews and receiving complaints



The new IPOA offices housed in ACK Garden Annex



from the members of the public and from the police. A call center has also been set up to receive complaints on phone from all corners of the country. When fully operational, the center will be open on a 24-hour basis.

Through a grant from the USAID (Kenya Transition Institute, KTI), the Authority received personal computers, laptops, servers, network printer in addition to office furniture.

8.3 Staff Recruitment

In August 2013, the Authority advertised in the local press 67 positions, including 14 investigators, 11 Complaints Management Officers, and 4 Inspection and Monitoring Officers. During the period, the Authority made the following senior appointments:

- Deputy Director, Investigations,
- Deputy Director, Inspections and Monitoring,
- Deputy Director, Business Services,
- Deputy Director, Complaints and Legal Services,
- Head of ICT,
- Head of Communications and Outreach,
- Head of Security, and
- Head of Risk and Audit

The above senior positions were identified as key to start with, as the Authority sought to recruit the lower cadre positions.

As of March 2014, the Authority had appointed 73 members of staff out of the 80 positions identified for recruitment. Considering the mandate of the Authority, the Board feels that the number of staff recruited so far is inadequate, particularly the number of investigators taking into account the number of investigations that need to be launched. Additionally, the Authority will be considering devolving its activities to the Counties thus requiring additional staff and other necessary resources. In November 2013, the Board commissioned the Directorate of Public Service Management (DPSM) to among others, review the Authority's organizational structure and establish the optimal staffing levels. During the period, DPSM had already submitted its draft report.

During the recruitment process, the Board ensured that considerations such as meritocracy, gender parity, and regional balance were observed. The 73 staff members already appointed represent over 34 Counties with gender parity of 60% male and 40% female.

9.0 RECOMMENDATIONS

In its 3rd Performance Report, the Authority would like to make the following recommendations:

1. That the National Assembly reassesses the proposed amendments to the NPS and NPSC Acts. IPOA continues to support the ongoing police reforms where each institutions is strengthened without weakening the other.
2. The Authority reiterates the need to manage the use of fire arms in circumstances that

other reasonable options are available to control the prevailing situation. IPOA has continued to receive an increasing number of death notifications from NPS.

3. In order to realize the gains envisaged in Article 244 of the Constitution, there is need for the Government to continue providing the required resources to the police reform institutions. Indeed, Sec. 4(5) of IPOA Act articulates that Parliament shall ensure that the Authority is adequately funded for it to effectively and efficiently perform all of its functions.
4. That the ongoing police vetting exercise be carried out without delays so that public can develop faith and confidence in police officers. The Authority recommends that the exercise continue to be carried out fairly and to effectively assess the competence and suitability of each police officer.
5. That IG/NPS provide the required support towards operationalization of the Internal Affairs Unit (IAU). A robust and effective IAU would greatly collaborate with IPOA work, and ensuring that all recommendations made are implemented accordingly.
6. The need to streamline the command structure within NPS, particularly after merging the Kenya Police and Administration Police under one command. Additionally, there is great need and urgency to restructure the current County command to ensure that police carry out their duties and responsibilities in a structured and an accountable manner.
7. That NPS needs to be given financial independence through appointment of an Accounting Officer to enable it to carry out its functions independent of the 'parent' Ministry, which is currently the Ministry of Interior & Coordination of the National Government.
8. That the ongoing Community Policing initiative be fast-tracked and be given the necessary support. The Authority supports this initiative and looks forward to its implementation throughout the country. The National Government should continue to provide resources required for its implementation and sustenance.

10.0 CHALLENGES AND CONSTRAINTS

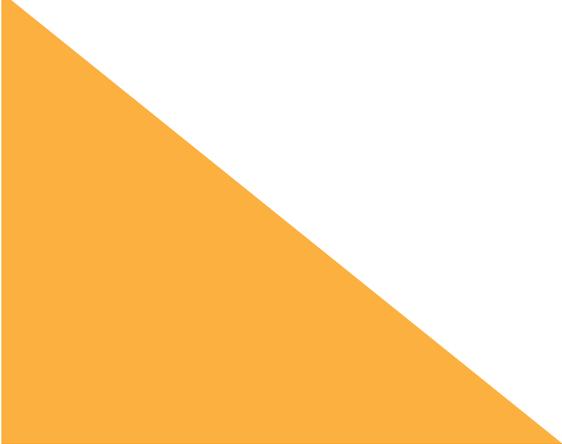
As mentioned above, funding remains a key impediment to the Authority's operations. However, IPOA is positive that Treasury will continue providing adequate resources to overcome this challenge. Additionally, the Board is developing a resource mobilization strategy to explore on other funding options from development partners. One more fundamental challenge that the Authority has experienced and foresees in future is lack of cooperation from the police, particularly on investigations. So far, the Authority has had difficulties to conclude some investigation cases due to interference of evidence by suspected police officers. The Authority also considers the planned amendments to the NPS Act will have an adverse effect on IPOA's powers, particularly where the IG will have discretion to implement recommendations from the Authority.

11.0 ACTIVITIES PLANNED FOR IN THE NEXT HALF OF THE YEAR

The Board and Management of IPOA continue to recognize the public expectations of its work since inception. The Authority is fully aware of these expectations, and particularly its statutory role in the police reform agenda in Kenya. It is for this reason, therefore, that the Board has made all efforts to ensure that the Authority has the capacity to receive complaints from the public and police, carry out investigations and submit its reports as required. As reported in the first two Performance Reports, the Authority has during the first and half years been building pillars upon which its functions will be executed. The Board is committed that at least three ongoing investigation cases will be concluded and submitted to the ODPP by June 2014. This will set the stage for its work and implementing its mandate.

During the second half of 2013/14 fiscal year, the Authority has prioritized the following key strategies, amongst others, so to consolidate the gains already made during the first and a half years:

- a) Develop its 4-year (2014/18) Strategic Plan;
- b) Finalize ongoing investigation cases and submit files to ODPP;
- c) Review and restructure its organizational structure with advice from the Directorate of Public Service Management;
- d) Develop and implement Gender Mainstreaming Policy;
- e) Train the newly-recruited Investigators and Complaints Management Officers on relevant operational areas, and also on human rights;
- f) Fill the CEO/Director's position;
- g) Finalize and implement operational manuals, including HR, financial, procurement, investigations, complaints, inspections and monitoring;
- h) Carry out inspections on selected police facilities across the country;
- i) Conclude inter-agency cooperation MOUs with Witness Protection Agency, ODPP and EACC;
- j) Carry out public awareness campaigns in selected Counties; and
- k) Develop and implement security policy procedures.



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