**THE INAGURAL IPOA BOARD PRESENTS ITS END-TERM REPORT**

In a colourful and well attended ceremony held at the Sarova Stanley hotel in Nairobi, the outgoing board of IPOA yesterday released a comprehensive six-year report that detailed their achievements and challenges in their endeavour to ensure a professional National Police Service for the benefit of Kenyans.

The ceremony was graced by Dr. Fred Matiang’i, Cabinet Secretary, Ministry of Interior and Coordination of National Government and attended by other dignitaries including US Ambassador to Kenya, Robert Godec, Deputy British High Commissioner to Kenya Ms. Susie Kitchens, Chairperson, Parliamentary Committee on Administration and National Security Hon. Paul Koinange, Chairperson National Police Service CommissionJohnston Kavuludi, Chairperson Kenya National Commission on Human Rights Ms. Kagwiria Mbogori, Inspector General, National Police Service Mr. Joseph Boinnet, Director of the Directorate of Criminal Investigations Mr. George Kinoti, Director of Public Prosecutions Mr. Noordin Haji, Solicitor General Kennedy Ogeto, Executive Director, the Independent Medico-Legal Unit Mr. Peter Kiema, representatives from the United Nations Office on Drugs and Crime, members of the clergy and Imams and civil society organisations.

All the speakers had commendable things to say about the Authority and what it had managed to do towards professionalization of the National Police Service within half a decade. Appreciating the institution for setting international benchmarks, Hon. Koinange told the audience that while on a recent trip to the United States of America, IPOA was cited as an exemplary institution forging police reforms. On their part, both the US Ambassador and the UK’s Deputy Commissioner pledged their government’s continued support to IPOA to realise police reforms in Kenya.

The DPP and Solicitor General in their speeches also pledged to continue working closely with IPOA to enable the Authority to achieve its mandate.

**HIGHLIGHTS FROM THE REPORT**

**CHAIRPERSON’S STATEMENT**

It is with great pleasure and pride, on behalf of the IPOA’s inaugural Board, that I present this

end-of-term report that documents a six-year journey travelled together as a united team.

When the Board was appointed on 22nd May 2012 and later sworn-in on 4th June 2012, we were under no illusion of the task ahead. We looked into the future with hope and confidence. Six years down the road, we have finished our journey together with a great sense of satisfaction and achievement. We trusted one another, shared our experiences and challenges, and gave our very best. We are happy and grateful for the opportunity to serve the public and to have made a contribution in the civilian policing oversight initiative in Kenya.

The Board commenced its work fully aware of the Authority’s huge, complex, difficult and unique mandate placed in its hands. This was in addition to the policing challenges at the time and ongoing reforms. It required tremendous courage, self-sacrifice, hope and faith. We look back with great pride on what the Board has achieved during its six years’ tenure in office. We are convinced that we built a strong institution, and indeed a brand that will continue serving the people of Kenya effectively, diligently and with commitment.

Since inception, the Board embraced a culture of corporate governance, common approach to decision making, high level of integrity, respect for the rule of law, adhering to laid down institutional policies, procedures, and internal processes framework. The Board ensured a transparent integral processes of staff recruitment that ensured a diverse workforce and gender

parity.

Reflecting on some of the successes, the Board is pleased that the Authority managed to decentralize its services to the public by establishing nine regional offices in the following Counties: Mombasa, Kisumu, Garissa, Nakuru, Uasin Gishu, Kakamega, Meru, Nyeri and in Turkana. All the offices are functional and ensure that the Authority’s services are accessible closer to the public and police.

In 2016, the Authority with the support of the US Government embarked on an integrated Enterprise Content Management (ECM) system with eleven operational modules. The system

was launched on 30th April 2018, and will remain one of the success stories during the Board’s

term of office.

Financially, the Authority has seen its annual budgetary allocations grow from the initial Kshs. 96m in 2012/13 to over Kshs. 800m for the 2018/19 financial year. The Authority prides itself

with modern offices equipped with a state-of-the art data centre, ICT equipment, and a fleet of 27 motor vehicles.

This report further highlights achievements made in mandate areas such as processing of complaints, investigations, inspection of police premises, and monitoring of police operations.

We urge the National Police Service to implement all the recommendations made through the

Authority’s bi-annual, annual and other thematic reports towards professionalizing the Service

for the good of the public.

As the inaugural Board exits, there are a few unfinished key areas that the next Board and Management should carry on and finalize. These include the proposed legislative amendments

 to the IPOA Act, currently before the National Assembly as a Bill; review of IPOA Regulations by the State Law Office and eventual gazettement; review of salary structure by SRC; review of the current Strategic Plan and development of the next one; and development of a framework for management and coordination of regional offices.

In recognition of its work, the Authority received the Huduma Ombudsman Award Third Edition (2017) in the Institution Category for professionalism, making the police accountable to the public thereby securing the rights of citizens, and enhancing trust in the police service. This is in addition to two Financial Reporting awards that the Authority received in 2016. As IPOA family, we cherish these awards and have been an encouragement for the challenging work that we have continued to do together.

I would like to express my thanks to all our stakeholders, partners, civil society and development partners for the invaluable support and encouragement that they have accorded us during the last six years. I would like to single out the US Government through its Embassy in Kenya that has hugely supported us through training, equipment, development of the ECM system that has automated the Authority’s operations thus ensuring effective and efficient processing of transactions at the head office and regional offices. We remain grateful for this support and the US Government’s assurance that it will continue supporting the Authority in future.

Since inception, United Nations Office on Drugs and Crime (UNODC) has remained a true partner that has supported the Authority in various programmes and supply of ICT equipment and other critical operational materials. We thank the UNODC for this support especially when the Authority needed support during the formative stages. The Embassy of Sweden in Kenya has also walked this journey with us. We express our gratitude to the Swedish Government for the great support to the Authority. The British High Commission in Nairobi has also been our key supporter, having sponsored the Board and Management to the UK for training in 2013 and 2016. In 2013, the Authority received support from the Kenya Transition Initiative that included furniture, computers, servers, printers and other ICT accessories. This support has continued to be appreciated by the IPOA fraternity.

We thank the Office of the Director of Public Prosecutions for taking up our investigation files and ensuring that the cases are prosecuted at the Courts. We also thank the Judiciary for the many cases that have been processed successfully and justice served to the police offenders.

We thank the Witness Protection Agency for providing our witnesses with the much required

protection and availing them in court, as required. We are also pleased with the ongoing cordial

working relationships initiated by the Cabinet Secretary for Interior and National and National

Coordination, Dr. Fred Matiangí, to bring the NPS, NPSC and IPOA towards a common purpose while each serving their respective mandates. We thank the CS for the commitment to ensure that all parties in this initiative are given their space and cooperation with all the stakeholders.

We thank the National Assembly’s Departmental Committee on Administration and National Security for their support over the years. Our thanks also go to the National Treasury for their continued support. As a key stakeholder, we thank the Inspector General of Police and the entire Service for their cooperation, and call upon for a better working partnership with the Authority in future.

I would like to pay tribute to Management and staff for their hard work, commitment, diligence

in realization of the many achievements during the six years, despite the many operational challenges. You have been a great team. We owe all that the Authority has achieved during this period to each one of you. We have trust and confidence that we have put in place a strong team that will carry forward the work that we started six years ago into the future with even more achievements. We urge and encourage each one of them to remain focused and continue to nurture the momentum that we have built together as one institutional family.

Finally, but not least, I would like to express my special gratitude and appreciation to my fellow

Board members for their unwavering support, passion to serve, unity of purpose, invaluable contributions during Board meetings, and commitment and participation in various Board Committees.

This is a team that served selflessly, working long hours, demonstrated a sense of duty and responsibility, guided discussions, and ensured that Board remained united and focused. It served its term diligently, with integrity and demonstrated courage and effective leadership at the top corporate level. I wish each Board member God’s blessings and best wishes in their future career undertakings after we exit from our six-year dedicated service.

I wish the next Board and Management all the best in carrying on from where we have reached.

God bless you all.

**Macharia Njeru**

Chairperson

Independent Policing Oversight Authority

May 2018

**CEO’S STATEMENT**

On behalf of management and staff, I would like express our gratitude and appreciation to the inaugural Chairperson and the entire Board for steering the Authority diligently during their six-year tenure of office. This has been a committed and a visionary team that has inculcated a value system of integrity, transparency, accountability, quality service, sense of responsibility, and openness at both Board level and across the Authority. These values will indeed remain a pillar of identity for the Authority, and to propel it to the next phase of its development. It has been a spirited journey of building a corporate brand.

Right from the beginning, the Board has endeavoured to tap top talents and skills from the market to ensure that the Authority delivers its mandate efficiently and effectively. The Board worked as a team with unity of purpose, and remained focussed on realization of the Authority’s mandate, and protecting its interests and staff at all costs.

As the Board retires on 21st May 2018, it leaves behind a strong legacy of leadership to be emulated by Management and the next Board. Building the Authority from scratch to what it is today heralds a major achievement for the Board. The Authority has grown in staff numbers, annual budget levels, facilities and in technological advancement. On this front, the Board leaves behind a well-resourced institution that will certainly carry forward from where it has left.

We wish the Chairperson and the Board members the very best and God’s blessings in their future plans. We will remember each one of them for their contributions in building such a strong and respected institution.

We thank each one of them for leaving behind an example of good leadership and setting the tone from the top. Once again, we thank the outgoing Board for its demonstrated sterling performance, dedication, sacrifice, consistency and good stewardship.

Maina Njoroge

Chief Executive Officer/Secretary to the Board

May 2018

**EXECUTIVE SUMMARY**

This Report documents the journey travelled by the inaugural Board of IPOA during its six-year term of office from 22nd May 2012 to 21st May 2018. It is arranged as follows: Chapter 1 covers the road walked towards civilian policing oversight in Kenya; Chapter 2, the establishment of the Authority, its mandate and functions; Chapter 3, strategic direction; Chapter 4 performance in mandate areas; Chapter 5, institutional strengthening; Chapter 6, decentralization of services; Chapter 7, financial management and resource mobilization; Chapter 8, public participation and partnerships; Chapter 9, challenges and proposed solutions; and Chapter 10 that outlines the unfinished business of the next Board.

The inaugural Chair and Board members were appointed vide Kenya Gazette Notices 6938 and 6939 respectively dated 22nd May 2012. Their term of office thus ends on 21st May 2018. IPOA is the second independent civilian policing oversight agency in Africa after South Africa’s Independent Police Investigative Directorate (IPID).

In the UK there is the Independent Office for Police Conduct (formerly the Independent Police

Complaints Commission) that is similar to the Kenyan model. The Authority has benchmarked

with both, and this was the starting point towards establishment of IPOA. The establishment of the Authority followed the recommendations of the National Taskforce on Police Reform, popularly known as the Philip Ransley Taskforce.

The taskforce’s report contained 200 recommendations that included the establishment of the Independent Policing Oversight Authority composed of civilians to focus on police conduct. The taskforce recommended that the Authority be established under the Constitution with clear legislative powers to execute its mandate.

The Authority was thus established under IPOA Act No. 35 of 2011 to bring to effect Article 244 of the Constitution that envisages that the National Police Service shall strive for professionalism and discipline and shall promote and practise transparency and accountability.

Once the Board was appointed, it embarked on commencement of operations that involved conceptualization and internalization of the mandate; seeking for resources; reaching out to stakeholders; staff recruitment; commissioning of a baseline survey on policing standards and

gaps in Kenya; and staff and Board training.

As at 30th April 2018, the Authority had a staff compliment of 143 (33% women and 67% men) from the initial six recruited in 2013. The compliment is drawn from 41 Counties, a staff County representation of 87% of the 47 Counties. During the period, the Authority has offered the Board and staff extensive and appropriate training both locally and internationally.

The Authority has participated in several international civilian policing oversight engagements

that have involved both the Board and staff during the last six years. As the Board exits, it leaves behind a strong secretariat that is composed of highly trained, qualified and experienced officers, who will be able to carry on the Authority’s work with the next Board.

In 2014, the Authority developed its first four-year Strategic Plan. The Plan ends on 30th June 2018, and closely coincides with the end of the Board’s term of office. The Plan envisioned four strategic outcomes: compliance by police to human rights standards; restored public confidence and trust in police; improved detention facilities; a functional Internal Affairs Unit (IAU) of NPS; and a model institution on policing in Africa.

In 2016, the Authority undertook a mid-term review of the Plan that revealed that the Authority was on track towards realization of the five outcomes, particularly those directly under its control. The Authority is pleased that the NPS has secured an office for the IAU, and indications are that the Unit will be operational by August 2018.

During the last six years, the Authority has made a name and earned continental and global recognition. This is demonstrated by the number of continental and international engagements that the Authority has participated in and several experiential learning processes from and to countries such as Indonesia, Egypt, Lesotho, Sierra Leone, South Africa, Tanzania, Nigeria and Zimbabwe.

The Management and the next Board should carry out a full-term review of the Plan during the first quarter of 2018/19 financial year as well as develop the next cycle of the Strategic Plan.

As at 30th April 2018, the Authority had received and processed 9,878 complaints from the public and members of the police service of which 5,085 were classified for investigations. The balance of the cases were referred to the following for further action for undertaking part of its mandate: 748 to IAU; 364 to the Authority’s inspections and monitoring directorate for further action; 249 to NPS; 319 to NPSC; 41 to KNCHR; 370 to Police Station OCS; 289 to DCI; and 312 to other agencies such as EACC, NLC, and CAJ.

459 complaints were non-mandate matters, and 1,642 cases were closed due to reasons such as withdrawal by complainants; matters before Court; not actionable; and insufficient information. The complaints were received from the public, police, non-state actors and from state agencies.

Complaints received involved the following: abuse of office; arbitrary arrests and unlawful detention; corruption and extortion; unfair administrative action including dismissal, transfers, promotions and training; malicious prosecution and dissatisfaction with court processes; deaths; obstruction of justice; debts and loans; police assault; land issues, improper investigations; police harassment; police inaction; police misconduct; and police shooting.

5,085 complaints were classified for investigations of which 752 cases were investigated and completed; 458 were closed after preliminary investigations; 72 still under active investigations; 76 under legal review within IPOA; 103 cases forwarded to ODPP for prosecution; 11 to EACC; and 6 to NPSC. As at the end of April 2018, 2,978 cases were under initial investigations assessment, and 1,355 cases were under active investigations. 64 cases were before the Courts.

The cases investigated involved the following: deaths arising out of police action or inaction;

deaths in custody; serious injuries/assault/police brutality; sexual offences and sexual-related

offences; harassment, intimidation, extortion, corruption/arbitrary arrests; police inaction – undue delay and partial investigations/negligence/collusion; enforced disappearance; theft/fraud/robbery; cases involving minors; dismissal from service; non-cooperation; unlawful

wounding; and misconduct.

To date, the Authority has achieved 3 convictions: 1) High Court Criminal Case No. 41 of 2014

(Republic Vs IP Veronicah Gitahi and PC Issa Mzee and Criminal Appeal No. 23 of 2016 (IP Veronicah Gitahi and PC Issa Mzee Vs Republic), and 2) High Court Case No. 78 of 2014 (Titus Ngamau Musila).

During the period, the Authority carried out a total of 885 inspections on police premises of which 579 (65%) were new inspections and 306 (35%) follow-up inspections.

The Authority monitored a total of 151 police operations that included 4 Police recruitments; 9 Government initiated matters; 12 beats and patrols; 14 traffic management; 22 referrals/own motion; 30 elections; 60 public order management.

In 2016, the Authority undertook a research study on police housing crisis in Kenya. The study

made several recommendations such as a shift from government-supplied police housing to allowance-based scheme; enhancement of housing allowances for police officers; out of police lines residency; mortgages for police officers; and development of a National Police Service Housing Policy. The Authority is pleased to note that the Ministry of Interior and National Coordination has taken these recommendations seriously towards improving the welfare of police officers.

In July 2014, the Authority monitored the recruitment by the National Police Service Commission of members of the National Police Service in line with its mandate in various centers and observed that the exercise was marred with corruption, fraud and massive irregularities. The Authority filed a case in the High Court to nullify the whole exercise and order a repeat of the recruitment.

The High Court agreed with the Authority and the exercise was nullified. This order was upheld by the Court of Appeal under Petition No. 390 of 2014 and Civil Appeal No. 324 of 2014 (The Recruitment Decisions). This was a major milestone for the Authority in execution of its mandate. Since this nullification, the Authority monitored the police recruitment in 2015, 2016 and 2017, and was pleased to note that in all the three, there was remarkable improvement in the exercise.

On institutional strengthening, the Authority developed and implemented a performance management framework to entrench the culture of performance management across all staff. In addition, the Authority developed and implemented an enterprise risk framework in recognition that management of risk is a key element of sound governance and an important strategy for the achievement of its objectives.

During the period, 44 operational policies, manuals, guidelines and regulations were developed and implemented. On technology, the Authority has implemented an Enterprise Content Management (ECM) system that has 11 integrated operational modules, including complaints management, legal, investigations, inspections, and monitoring amongst others.

The ECM system was funded by the US Government and took two years of development, testing and implementation. A call centre, which is part of the project has also been established and currently under piloting before full implementation. On physical facilities, the Authority has made efforts to ensure that it has modern ICT equipment, offices that provide conducive work environment for staff and complainants. The Authority currently has a fleet of 27 motor vehicles to facilitate operations in the field, some of which are stationed at the regional offices.

Section 3(3) of the IPOA Act requires the Authority to decentralize its services to the Counties in accordance with Article 6 of the Constitution. In 2015, the Authority developed a decentralization strategy that has informed the establishment of 9 regional offices, 3 in 2017 and 6 in 2018.

During the period, the Authority’s annual budget allocations grew from the initial Kshs. 96m to Kshs. 696m in 2017/18, and to over Kshs. 800m for 2018/19 financial year. In October 2016, the Authority received two Financial Reporting (FiRe) Awards for best application of the International Public Sector Accounting Standards (Cash) in the Ministries, Departments and Agencies, and in the Constitutional Commissions and Independent Offices category.

To ensure integrity and accountability of various grants by development partners, the Authority has developed and implemented a resource mobilization and ethical fundraising policy. It is the deliberate intention of the Authority that grants are only received in-kind to support areas such as capacity building and equipment rather than in cash. This is to ensure that the Authority maintains its independence in executing its core mandate. The government continues to fund the core operations of the Authority.

During the period, the Authority built lasting partnerships with related government agencies, development partners, the National Assembly, the civil society and other stakeholders. This has enabled the Authority to work closely with all its partners in realization of its functions.

The Authority has also been active on public participation in form of public awareness initiatives. In 2014, the Authority with other partners came up with the Outstanding Police Service Awards scheme to recognize and award deserving police officers who have demonstrated exemplary performance in their work. The awards were held during the 2014/15, 2015/16 and 2016/17 financial years.

Despite its achievements during the six years, the Authority was faced with several challenges

that include: non-cooperation by NPS; misunderstood mandate by the police and the public; and high staff turnover. In Chapter 9 of this report, the Authority has proposed solutions to these challenges, and also urgent actions that require the attention of both the NPS and NPSC.

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