REPUBLIC OF KENYA

IPOA Independent Policing Oversight Authority

THE

INDEPENDENT POLICING OVERSIGHT AUTHORITY

CASHBAIL MANAGEMENT THEMATIC STUDY REPORT

2025



GUARDING PUBLIC INTEREST IN POLICING

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Executive Summary

The Independent Policing Oversight Authority (IPOA), conducted a thematic study on cash bail management between October and December 2024. The study was done in forty-nine (49) police stations across sixteen counties (16) to assess compliance with the National Police Service Standing Orders, identify gaps in documentation, and highlight challenges in managing cash bail.

The findings revealed several systemic weaknesses. Documentation was often incomplete, with some Occurrence Book entries lacking essential details, and in some cases, receipts contained unexplained alterations. A number of stations reported inadequate supply of official cash bail receipt books, forcing officers to use improvised forms. In certain instances, receipts were issued by officers other than the Officer Commanding Station, undermining accountability. The study also noted unclaimed or forfeited funds that were not forwarded to the Chief Accountant as required. Infrastructure gaps were apparent, with many stations lacking secure safes for storing cash and receipt books. In addition, public misunderstanding of the purpose of cash bail led to perceptions of it as an informal payment rather than a legal safeguard.

To address these issues, the Authority recommends the provision of secure safes in all police stations, the consistent and adequate supply of official receipt books, and the allocation of separate books to different units such as DCI and Traffic to prevent misuse. The adoption of digitized or cashless bail systems is strongly encouraged to improve tracking and accountability. Equally important is the training of officers on proper handling of cash bail, supported by clear guidelines and standard operating procedures. Public sensitization campaigns should also be expanded to clarify the role of cash bail in the justice process and reduce defaults. Finally, accountability must be reinforced through strict documentation in the Occurrence Book, transparent handover procedures, and full adherence to the Standing Orders requiring that suspects released on bail report to court, not back to police stations.

INTRODUCTION

The Independent Policing Oversight Authority (IPOA) is established pursuant to Cap 86 of the Laws of Kenya, to provide for civilian oversight over the work of the Police. The objectives of the Authority, are:

i. To hold the Police accountable to the public in the performance of their functions;

ii. to 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

iii. to ensure independent oversight of the handling of complaints by the National Police Service.

Under Sections 6 (c and k) of the Independent Policing Oversight Authority Act, the Authority is required to monitor and investigate policing operations affecting members of the public; and to make recommendations to the National Police Service (NPS) or any other State organ.

In line with these provisions, IPOA conducted a preventive monitoring thematic study on cash bail management at the station level between October and December 2024. This report outlines the findings and offers recommendations aimed at improving cash bail management at the Station level.

1.1 Background

Through inspections, monitoring, and inquiries into various complaints related to cash bail management at the station level, the Authority had identified increasing concerns relating to refusal to refund cash bail, mismatches in amounts paid and receipted, and general mismanagement of cash bail within the Service. Between 2023 and 2024, the Directorate received 50 cases touching on cash bail. The findings revealed systemic issues affecting the Service countrywide. This study was carried out in response to these gaps with a view to recommend preventive measures to the NPS.

1.2 Objectives

The objectives of the thematic study were to:

i. Establish gaps in documentation of cash bail receipts.
ii. Establish the mode of paying cash bail in the Service.
iii. Establish whether the accountability mechanism put under the SSO was being followed.
iv. Establish challenges encountered by the Service in handling and refunding cash bail.
v. Establish proposals from members of the Service and any other relevant information on how best to improve cash bail management at the Station level.

1.3 Methodology

The IMPS Directorate utilized various methods and techniques to collect data during the thematic study. The methods ranged from the utilization of face-to-face interviews, filling of structured tools, observation, and the perusal of police records.

1.4 Interviews

Face-to-face interviews were conducted to understand station-level cash bail management procedures and compare them to best practices globally.

1.5 Structured Checklist

A thematic study tool with structured parameters was used to collect data on access to cash bail, safeguards in place, and compliance with procedures at police stations.

1.6 Perusal of police records

Police records, particularly cash bail receipt books, were reviewed. Copies were collected for further analysis.

FINDINGS FROM THE STUDY

1.7 Police Facilities visited

The team visited **49** police facilities spread across **16** counties as attached in Table **1**.

1.8 Access to Cash bail as a right

Out of the **49** Premises visited**,48** reported that they were releasing suspects on cash bail. At these stations, cash bail amounts were mainly set by the OCS. Sometimes, the cash bail amount was set by the DCI and Base commanders. Charidende Police Station in Tana River lacked a cash bail receipt book.

1.9 Safe guards to the cash bail management

All the **48** Police facilities cash bail money was received by hand**. 42** Police stations required bailees to report to court on set dates while **6** of the premises visited required bailees to report to Police stations.

1.10 Cash bail Documentation

5 of the police premises visited failed to document full details about cash bail releases on the OB. Some cash bail entries, failed to capture the amount and the receipt numbers.

1.11 Sufficiency of Cash bail books

48 of the police premises visited had one operational cash bail receipt book. Their serial numbers matched store records. However, there were notable irregularities at Kandara Police Station and Tala Police Station where officers issued P18 forms as cash bail receipts.

10 of the police facilities reported that cash bail receipt books were not replaced on time. This situation had given rise to improvisation including use of P18 forms and borrowing of receipts from nearby stations.

1.12 Compliance to procedures for the receipt of cash bail money

1.12.1 Cash bail handover between OCS's

47 Officer commanding Stations reported that there was proper handover of cash bail amounts by their predecessors. However, Lari Police Station reported anomalies during the handover. Station commanders reported that they signed the accountable

documents and the same was captured in the OB and correspondences forwarded to the SCPC.

1.12.2 Inspection of cash bail books

Some Station commanders inspected the cash bail receipt books daily. Others did it once a month and at the end of the quarter to balance all outstanding receipts against the cash received. However, there was no documentation to authenticate this. SCPC quarterly inspections were confirmed in some stations through OB entries and stamps.

1.12.3 Maintenance of cash bail books

45 of the Police facilities visited had well maintained cash bail receipt books while 3 had visible erasures without clear explanation.

1.12.4 Issuance of Cash bail at station level

In majority (43) of the facilities visited, cash bail was issued by OCS. However, in 5 facilities Base commanders and DCIOS issued cash bail that was documented in the OB.

1.12.5 Extension of cash bail terms

In Majority (**39**) of the Stations visited, cash bail extensions were done in court while in 9 facilities extensions were done at the Police Station. Extensions at police stations were done by the investigation officers and were done due to unforeseen circumstances like when the suspect gets sick, ongoing investigations, complainant requests for ADR, when the court is not sitting, or under ODPP direction.

1.12.6 Cash bail refund and accounting

In most of the facilities visited, original receipts were attached for the cash bail refunded. In Sagana Police Station the original was missing but an affidavit had been attached. Only **9** of the facilities visited had their cash bail refund receipts signed by the bailees. In **6** of the facilities visited, there were duplicate copy cash bail receipts without their cash either in the hands of the In-charge or without a court receipt.

17 facilities had cash pending collection by bailees for over a month. Some of the reasons as to why there was pending cash collection was that some cases were still under active investigation under DCI and traffic units. Also, some of the bailees had never showed up or relocated to other places. The remaining facilities had either surrendered the cash to the chief accountant or was collected by the bailees.

There were unclaimed cash bail at **10** facilities. This was attributed to bailees who had failed to turn up to collect their cash, some cases were still under active investigation like traffic cases and DCI.

34 facilities forwarded unclaimed cash bail to the Chief Accountant at the Service Headquarters, however only **17** had attached the receipt of the cash forwarded. 14

facilities did not forward the cash bail to the Chief Accountant at the Service Headquarters.

Out of the 48 facilities visited, only **17** of the facilities had bailees who had defaulted and their cash bail forfeited in court. There was no evidence of how the remaining **31** facilities dealt with cash bail from bailees who had defaulted.

1.12.7 Receipt and Handling of complaints at the Station level

In 4 of the facilities inspected, the Officers In-Charge reported to have received complaints against police in relation to cashbail management. Some of these complaints included officers receiving the money and not issuing receipts to members of the public. Some of these cases were either forwarded to DCI to handle while others were solved internally by the Officer In-Charge.

CHALLENGES

1.13 Infrastructure & Security Challenges

Some of the challenges raised included:

i. Lack of a safe/safe box
ii. Loss/misplacement of receipts – Bailees often lose original cash bail receipts.

1.14 Procedural & Administrative Issues

i. Insufficient supply of cash bail receipt books
ii. Officers making unauthorized copies of receipts – Some issue receipts without OCS approval.
iii. Use of same receipt books by DCI and OCS – Leads to confusion and mismanagement.
iv. Inadequate guidelines – Unclear standards for setting bail amounts and issuing receipts.
v. Officers not trained – Lack of proper training on handling court processes and cash bail.

1.15 Suspect/Accused Behavior

i. Inability to raise cash bail – Many suspects could not afford to pay.
ii. Disappearance of bailees – Bailees sometimes reappear later with malicious claims.
iii. Failure to attend court – Some default or deliberately miss court attendance.

1.16 Public Misunderstanding

i. Confusion over cash bail – Some members of the public perceive it as a bribe.
ii. Lack of awareness – Misunderstanding leads to defaults and failure to appear in court.

1.17 Operational Challenges

i. Overwhelming of the system – DCI lacking own receipt books burdens stations.

ii. Delays in investigations/court process – Leads to money overstaying in custody.

CONCLUSION

Cash bail management within the National Police Service remains a sensitive and critical area requiring urgent reform. While many stations show effort in adhering to established procedures, weaknesses in documentation, infrastructure, and officer training persist, undermining both efficiency and public trust. The service is still using the manual system of collecting cash bail money while the modern times requires its digitization. The presence of unclaimed funds, unexplained receipt alterations, and gaps in accountability highlight systemic vulnerabilities.

IPOA recommends the digitization of the cash bail system, enhanced officer training, improved infrastructure for secure handling of funds, and continuous public sensitization to dispel misconceptions about cash bail. These measures will not only enhance accountability but also restore public confidence in the fairness of the criminal justice system.

The Authority reaffirms its commitment to oversight and to ensuring compliance with the National Police Service Standing Orders in managing cash bail.

RECOMMENDATIONS

To address the systemic challenges identified in cash bail management, the following measures are recommended:

1.18 Infrastructure and Security

- Provide secure safes or strongboxes in all police stations for the storage of cash and receipt books.
- Ensure that safes are permanently installed and accessible only to authorized officers for accountability and security.

1.19 Receipt Book Management

- Guarantee a consistent and adequate supply of official cash bail receipt books to all police stations.
- Allocate separate receipt books for different units (e.g., DCI, Traffic, Base Commanders) to prevent confusion, duplication, and misuse.
- Enforce strict procedures to eliminate unauthorized issuance of receipts.

1.20 Digitization and Modernization

- Introduce a digitized or cashless bail payment system to minimize misuse, ensure accurate tracking, and strengthen accountability.
- Integrate these systems with police and judicial databases to streamline oversight and reporting.

1.21 Training and Guidelines

- Conduct regular training sessions for officers on proper handling of cash bail, documentation, and compliance with Standing Orders.
- Develop and circulate clear guidelines on setting bail amounts, issuing receipts, and refunding cash bail.

1.22 Public Sensitization

- Implement continuous public education campaigns to raise awareness of the purpose and procedures of cash bail.
- Clarify that cash bail is a legal safeguard, not an informal payment or bribe, to reduce defaults and build trust.

1.23 Accountability and Oversight

- Strengthen handover protocols by requiring proper documentation in the Occurrence Book (OB) whenever cash bail is received or refunded.
- Reinforce transparency and record-keeping to ensure all actions are verifiable.
- Enforce strict adherence to Chapter 15, Paragraph 8(9) of the National Police Service Standing Orders, which stipulates that individuals released on cash bail or bond must appear before a magistrate and should not be required to report back to a police station.
- The Sub-County commander to conduct regular inspection of Cash bail books and management at the station level.

ANNEXTURES

Table 1: List of Stations visited during the Study

S. No	County	Sub-County	Police Facility
1	Baringo	Koibatek	Timboroa Police Station
2	Baringo	Koibatek	Eldama Ravine Police Station
3	Baringo	Mogotio	Mogotio Police Station
4	Baringo	Koibatek	Gatarakwa Police Station
5	Bungoma	Bungoma South	Bungoma Police Station
6	Busia	Teso North	Malaba Police Station
7	Garissa	Garissa Township	Iftin Police Station
8	Isiolo	Isiolo	Kula Mawe Police Station
9	Isiolo	Isiolo	Isiolo Police Station
10	Kiambu	Lari	Lari Police Station
11	Kiambu	Thika West	Thika Police Station
12	Kiambu	Thika East	Ngoliba Police Station
13	Kiambu	Thika East	Makongeni Police Station

14	Kirinyaga	Kirinyaga West	Sagana Police Station
15	Kirinyaga	Kirinyaga West	Baricho Police Station
16	Kisumu	Kisumu Central	Kisumu Central Police Station
17	Kisumu	Nyando	Ahero Police Station
18	Kisumu	Kisumu West	Maseno Police Station
19	Kisumu	Kisumu Central	kondele Police Station
20	Machakos	Matungulu	Tala Police Station
21	Machakos	Kangundo	Kangundo Police Station
22	Meru	Igamba Central	Kangata Police Station
23	Meru	Mutuati	Mutuati Police Station
24	Mombasa	Likoni	Shelly Beach Police Station
25	Mombasa	Likoni	Inuka Police Station
26	Mombasa	Kisauni	Kiembeni Police Station
27	Mombasa	Kisauni	Kadzandani Police Station
28	Mombasa	Likoni	Vijiweni Police Station
29	Mombasa	Kisauni	Mjambere Police Station
30	Mombasa	Kisauni	Bamburi Police Station
31	Muranga	Kandara	Kandara Police Station
32	Muranga	Kandara	Githumu Police Station
33	Muranga	Kandara	Kabati Police Station
34	Muranga	Mathioya	Nyakianga Police Station
35	Muranga	Mathioya	Kiiri-aini Police Station
36	Nairobi	Dagoretti	Kabete Police Station
37	Nairobi	Ruai	Ruai Police Station
38	Nakuru	Kuresoi North	Mau Summit Police Station
39	Nakuru	Molo	Molo Police Station
40	Nakuru	Kuresoi North	Keringet Police Station
41	Nyandarua	South Kinangop	Mugumu Police Station
42	Tana River	Balambala	Madogo Police Station
43	Tana River	Bura	Charidende Police Station
44	Trans Nzoia	Cherangani	Cherangani Police Station
45	Uasin Gishu	Soy	Soy Police Station
46	Uasin Gishu	Soy	Moi's Bridge Police Station
47	Uasin Gishu	Soy	Ziwa Police Station
48	Vihiga	Luanda	Luanda Police Station
49	Vihiga	Emuhaya	Embali Police Station

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