



BOARD END-TERM PERFORMANCE REPORT

GUARDING
PUBLIC
INTEREST IN
POLICING



IPOA Board together with select members of the Parliamentary Committee on Administration and National Security during a human rights training in November 2018.



IPOA Board after a consultative meeting with the former Director of Criminal Investigations in August 2019.

THE 2018-2024

IPOA BOARD

END-TERM PERFORMANCE REPORT

GUARDING PUBLIC INTEREST IN POLICING



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WHO WE ARE

The Independent Policing Oversight Authority was established by the IPOA Act published in November 2011 to provide for civilian oversight over the work of the police in Kenya. The inaugural Board was sworn into office in June 2012.

VISION

A transformative civilian oversight Authority that promotes public trust and confidence in the National Police Service.

MISSION

To conduct independent and impartial investigations, inspections, audits and monitoring of the National Police Service to enhance professionalism and discipline of the Service.



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ABBREVIATIONS AND ACRONYMS

AIE	Authority to Incur Expenditure
APCOF	African Policing Civilian Oversight Forum
CAJ	Commission on Administrative Justice
CIC	Case Intake Committee
CIPU	Critical Infrastructure Protection Unit
COTU	Central Organisation of Trade Unions
CS	Cabinet Secretary
DCI	Director of Criminal Investigation
EAC	East African Community
EACC	Ethics and Anti-Corruption Commission
ERP	Enterprise Resource Planning
FKE	Federation of Kenya Employers
GIZ	German Agency for International Cooperation
GoK	Government of Kenya
IAU	Internal Affairs Unit
IEC	Information, Education and Communication
ICRC	International Committee of the Red Cross
ICPAC	Institute of Certified Public Accountants of Kenya
ICPSK	Institute of Certified Public Secretaries of Kenya
ICT	Information Communication and Technology
IEC	Information Education and Communication Materials
IIA	Institute of Internal Auditors
IJM	International Justice Mission
INL	International Narcotics and Law Enforcement Affairs
IPOA	Independent Policing Oversight Authority
KFS	Kenya Forest Service

KIM	Kenya Institute of Management
KLIF	Kenya Leadership and Integrity Forum
KNDR	Kenya National Dialogue and Reconciliation
KPS	Kenya Police Service
KRAs	Key Results Areas
KWS	Kenya Wildlife Service
LSK	Law Society of Kenya
MTP	Medium Term Plan
NCAJ	National Council on the Administration of Justice
NGAO	National Government Administration Officers
NPS	National Police Service
NPSC	National Police Service Commission
NYS	National Youth Service
ODPC	Office of the Data Protection Commissioner
ODPP	Office of Director of Public Prosecution
OHCHR	Office of the United Nations High Commissioner for Human Rights
PRIC	Police Reforms Implementation Committee
PSC	Public Service Commission
SCAC	State Corporations Advisory Committee
SP	Strategic Plan
SRBS	Staff Retirement Benefit Scheme
SRC	Salaries and Remuneration Commission
TI	Transparency International
TSC	Teachers Service Commission
UN	United Nations
US	United States
WPA	Witness Protection Agency



The Independent Policing Oversight Board after a meeting with His Excellency President William Ruto on 31st October, 2022.



The Second Independent Policing Oversight Board 2018 - 2024

Chairperson's Statement



Anne Makori, (Mrs.), EBS.
Chairperson

I am honoured to present the Independent Policing Oversight Authority (IPOA) Board's performance report for the 2018 to 2024 period. During my tenure, the IPOA Board, in collaboration with our dedicated secretariat and partners, strived to uphold our mandate of ensuring transparency, accountability, and justice in policing across the country. The six-year period was marked by significant successes and challenges which we comprehensively provide in this report.

Since we assumed office in 2018, the Board worked tirelessly to oversee and regulate the actions of the National Police Service (NPS) in a bid to safeguard public interest in policing. The Board prioritized development of the Strategic Plan 2019-2024 to give a roadmap for its 5-years operations and informed annual work plans and budget. The Strategic Plan was largely informed by the findings of an end line survey on Policing Standards and Gaps in Kenya.

During this period, IPOA received and processed **20,112** complaints from the public and members of the NPS. The Authority successfully resolved **12,732¹** of these complaints, providing a platform for citizens to get their concerns and grievances addressed fairly and promptly. Our dedicated team conducted **4,865** investigations, which led to the

recommendation of **773** files to the Office of the Director of Public Prosecutions (ODPP) for action. As a result of IPOA's professional and impartial investigations, **30** officers were found culpable and convicted for various offenses, bringing the total number of Authority convictions since inception to **33**. This demonstrated the Authority's steadfast commitment to deter police misconduct and enhance professionalism in the Service in line with Article 244 of the Constitution.

The Authority monitored **514** policing operations and conducted **3,854** inspections in various NPS facilities and premises across the country to enhance compliance with human rights standards. Further, the Authority actively collaborated with various state and non-state actors, as well as international strategic partners to further our mission of safeguarding public interest in policing. We also developed and disseminated policy briefs to strategic stakeholders and also tracked the level of implementation of the Authority's recommendations made at police station level.

The Authority also made significant progress in strengthening business systems and user experience using the ICT backbone to enhance IPOA's operational efficiency. The Authority established the Nairobi Regional Office, bringing the total to 10

¹ Complaints closed at Complaints Department and Investigations Directorate, Closed after Preliminary investigations, Closed after legal review

operational offices. In addition, a Call Center was established. These efforts allowed the expansion of the Authority's reach and impact across the country.

We acknowledge that the journey had its challenges which included inadequate annual budget allocations, non-cooperation by some witnesses and NPS officers, parallel investigations by IPOA, the Internal Affairs Unit (IAU), and the Directorate of Criminal Investigations (DCI), inadequate staffing levels, low level of mandate awareness among the public, delay in prosecution of cases, and work-related risks.

As we conclude our term, a few tasks remain outstanding. These include further decentralization of IPOA services, backlog of cases under investigation, review of pending internal policies and manuals, and review of the IPOA Act to address mandate overlaps.

In closing, I want to express the Board's heartfelt gratitude to the staff for their dedication and commitment during this period. Further, I thank the Authority's partners and stakeholders for their unwavering support throughout this journey. Together, we have made significant strides in promoting police accountability and safeguarding the rights and interests of the public. As the new Board takes the reins, we are confident that they will continue the important work of IPOA and build

upon the existing foundation. We wish them success in their endeavours, and we remain committed to the cause of justice and accountability in policing.



**Anne Makori, (Mrs.), EBS.
Chairperson**

Director/ Chief Executive Officer's Statement



Mr. Elema Halake, SS.
Director/ Chief Executive Officer

Director/ Chief Executive Officer's Statement

I am pleased to endorse this statement on behalf of the Independent Policing Oversight Authority (IPOA) secretariat to cover the period between 2018 and 2024. During this time, the Board and staff worked diligently to fulfill the Authority's mandate of ensuring transparency, accountability, and justice in policing activities.

Importantly, we have celebrated successes and faced challenges. Over the last six years, the Authority has remained steadfast in its mission to ensure transparency, accountability, and justice within the NPS. We have embraced our role as the guardian of public interest in policing and have taken significant strides towards achieving our goals.

One of the Authority's core functions is to receive and investigate complaints lodged by members of the public and NPS. During this period, the Authority received a significant **20,112** complaints. IPOA's commitment to fairness and justice was evident in the successful resolution of **12,732** of these complaints and conclusion of **4,865** investigations. Notably, the investigations led to the conviction of **30** members of the Service for serious offenses, reinforcing IPOA's determination to deter misconduct and instill accountability within the NPS.

Our diligent monitoring of **514** policing activities and **3,854** inspections in NPS facilities contributed towards enhancing compliance with human rights standards besides ensuring that the rights and dignity of detainees were upheld. These efforts profoundly impacted on the quality of policing and the treatment of those who fell in police custody.

IPOA also actively collaborated with various state and non-state actors, as well as Development Partners. This collaboration was instrumental in advancing our mission and enhancing our effectiveness. We developed policy briefs, engaged stakeholders, and tracked our recommendations made at the station level, all of which were crucial in shaping policies and practices that promoted accountability and transparency in policing.

While we celebrate the achievements for the period, we also acknowledge the challenges we encountered. These included inadequate budget allocation, non-cooperation from some witnesses and police officers, parallel investigations by multiple agencies, staffing constraints, delays in the prosecution of cases and work-related risks. These challenges tested our resilience, but did not deter our trajectory towards achievement of our mission.

This Board end term performance report was developed to account for the six-year journey made to enhance

professionalism and accountability in the Police Service.

The Authority conveys its sincere appreciation to Tetra-Tech International-REINVENT Programme who facilitated workshops to have the report developed.

I acknowledge the invaluable contribution of the entire Board for steering the institution for the six-year period and giving an account of the performance.

I also recognize and extend gratitude to the IPOA management team for their dedication for the six-year period and their contribution to have this report developed.

Last but not least, I make special mention of the critical role and resolute dedication of the members of the technical committee that compiled this report led by Dennis Oketch, Job Mugiira, Lucy Wanjahi, Jackline Were, Michael Aswani and Mercy Mutegi who brought this report to fruition.

In conclusion, I want to express my profound appreciation to the outgoing Board, our partners, and stakeholders for their committed support and dedication throughout this journey. I also thank the staff whose dedication has contributed to the outlined achievements. In synergy with our internal and external stakeholders, we have made significant contribution towards police accountability besides securing the rights and

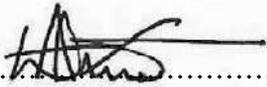
interests of the public. As the Authority prepares to pass the leadership torch to a new team, I am confident that this firm foundation will enable IPOA to thrive and be more impactful in the years to come.



Mr. Elema Halake, SS.
Director/ Chief Executive Officer

Report approval and endorsement

Chairperson's Name: ANNE MAKORI EBS

Signature: 

Date: this 12th Day of August, 2024

Vice Chairperson's Name: Dr. J. Jodanpui

Signature: 

MEMBERS OF THE BOARD

Name: DOREEN MUTHAURA, MBS

Signature: 

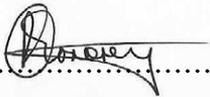
Name: FATUMA MOHAMMUD MOHAMMED MBS.

Signature: 

Name: J. M. Wawuzo

Signature: 

Name: Dr. Proxedes Tororey, MBS

Signature: 

Name: DR. WALTER DWEN OGONY

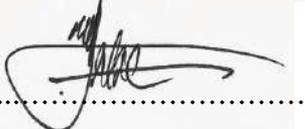
Signature: 

EX-OFFICIO MEMBER OF THE BOARD

Name: Roselena Odede

Signature: 

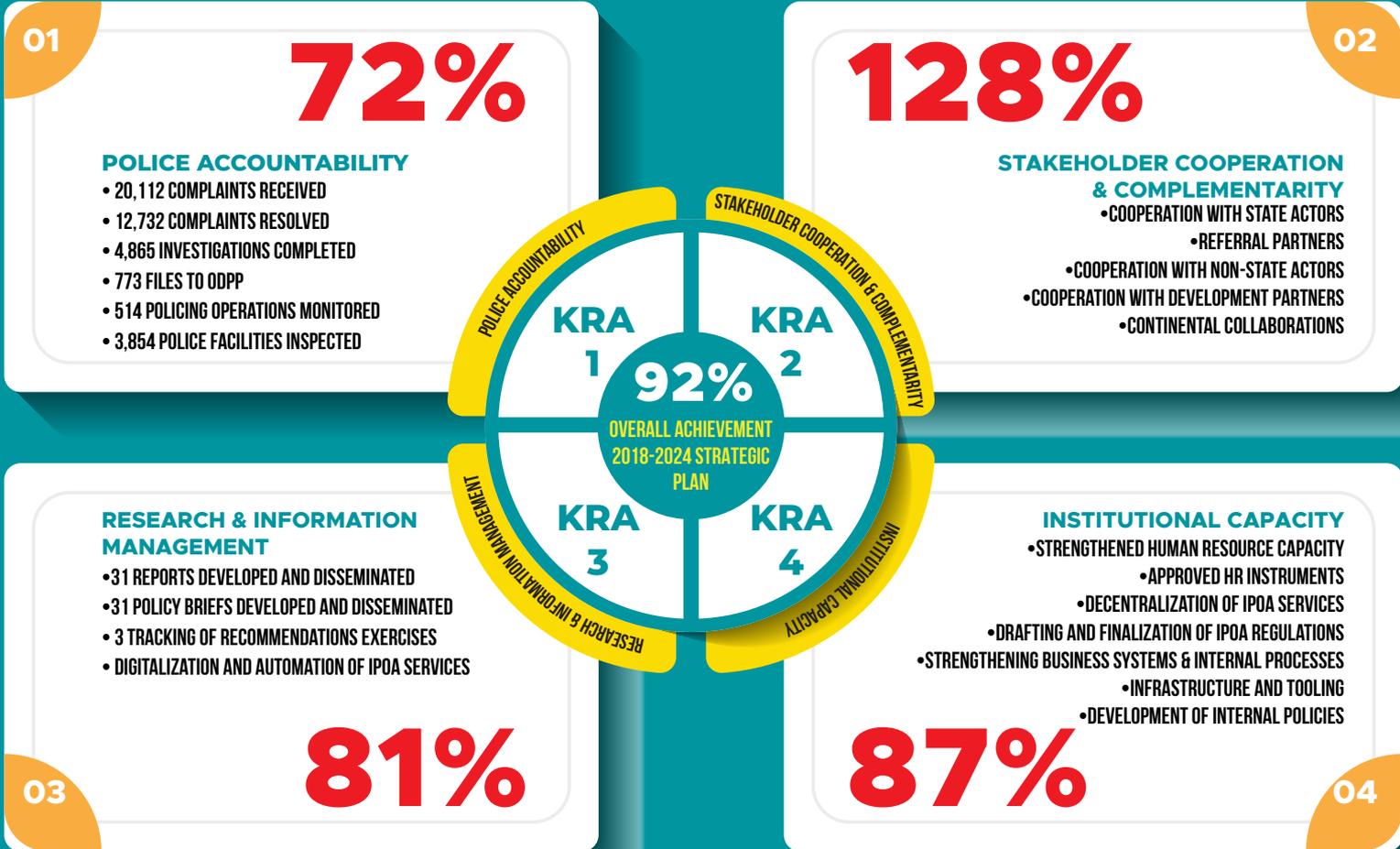
Director/CEO: R. HARAKKÉ, SS

Signature: 



The Board's 6-Year Civilian Oversight Leadership

2018-2024 KEY MILESTONES AND ACHIEVEMENTS



01

72%

POLICE ACCOUNTABILITY

- 20,112 COMPLAINTS RECEIVED
- 12,732 COMPLAINTS RESOLVED
- 4,865 INVESTIGATIONS COMPLETED
- 773 FILES TO ODP
- 514 POLICING OPERATIONS MONITORED
- 3,854 POLICE FACILITIES INSPECTED

02

128%

STAKEHOLDER COOPERATION & COMPLEMENTARITY

- COOPERATION WITH STATE ACTORS
 - REFERRAL PARTNERS
- COOPERATION WITH NON-STATE ACTORS
- COOPERATION WITH DEVELOPMENT PARTNERS
 - CONTINENTAL COLLABORATIONS

03

81%

RESEARCH & INFORMATION MANAGEMENT

- 31 REPORTS DEVELOPED AND DISSEMINATED
- 31 POLICY BRIEFS DEVELOPED AND DISSEMINATED
- 3 TRACKING OF RECOMMENDATIONS EXERCISES
- DIGITALIZATION AND AUTOMATION OF IPOA SERVICES

04

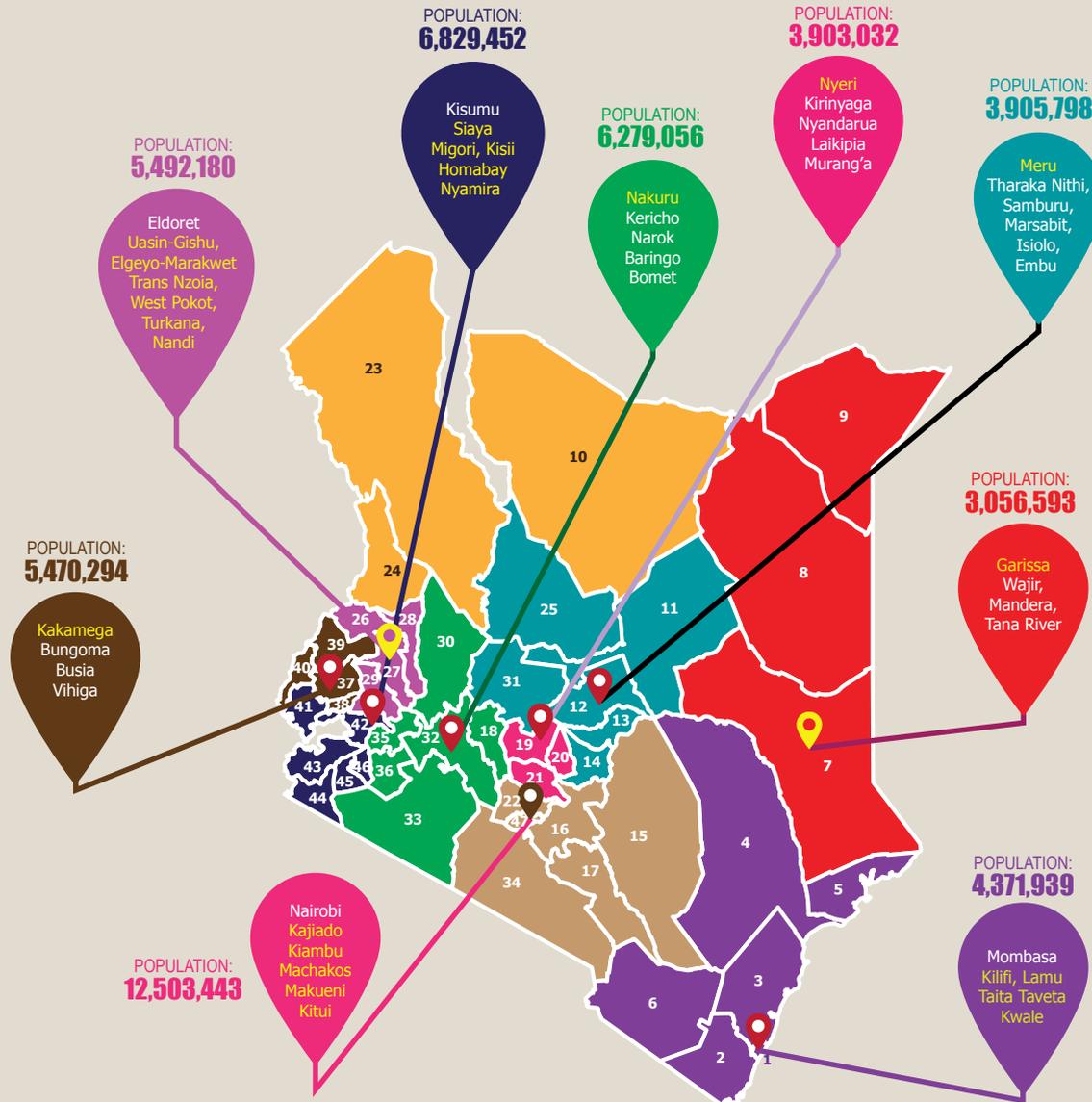
87%

INSTITUTIONAL CAPACITY

- STRENGTHENED HUMAN RESOURCE CAPACITY
 - APPROVED HR INSTRUMENTS
- DECENTRALIZATION OF IPOA SERVICES
- DRAFTING AND FINALIZATION OF IPOA REGULATIONS
- STRENGTHENING BUSINESS SYSTEMS & INTERNAL PROCESSES
 - INFRASTRUCTURE AND TOOLING
 - DEVELOPMENT OF INTERNAL POLICIES



IPOA Physical Office Coverage



The milestones and achievements were realized from the Authority's areas of jurisdiction with varied population. In as much as the Authority's coverage already caters for all the 47 counties, it is critical to enhance accessibility of its services through expansion of its reach to effectively serve the public. The map below shows the regional presence against the population served (KNBS, 2023).

KEY

- | | |
|-------------------|---------------------|
| 1. Mombasa | 25. Samburu |
| 2. Kwale | 26. Trans Nzoia |
| 3. Kilifi | 27. Uasin Gishu |
| 4. Tana River | 28. Elgeyo Marakwet |
| 5. Lamu | 29. Nandi |
| 6. Taita Taveta | 30. Baringo |
| 7. Garissa | 31. Laikipia |
| 8. Wajir | 32. Nakuru |
| 9. Mandera | 33. Narok |
| 10. Marsabit | 34. Kajiado |
| 11. Isiolo | 35. Kericho |
| 12. Meru | 36. Bomet |
| 13. Tharaka Nithi | 37. Kakamega |
| 14. Embu | 38. Vihiga |
| 15. Kitui | 39. Bungoma |
| 16. Machakos | 40. Busia |
| 17. Makueni | 41. Siaya |
| 18. Nyandarua | 42. Kisumu |
| 19. Nyeri | 43. Homa Bay |
| 20. Kirinyaga | 44. Migori |
| 21. Murang'a | 45. Kisii |
| 22. Kiambu | 46. Nyamira |
| 23. Turkana | 47. Nairobi |
| 24. West Pokot | |

Executive Summary

The Independent Policing Oversight Authority (IPOA) Board presents its End-Term Performance Report for the period spanning from 2018 to 2024, reflecting its relentless commitment to enhancing transparency, accountability, and justice within the National Police Service (NPS). During this six-year journey, IPOA encountered challenges, celebrated significant milestones, and documented outstanding business for the attention of the next leadership.

Key Achievements and Milestones

- 1. Complaint Resolution:** IPOA received and processed **20,112** complaints from the public, demonstrating its commitment to providing a platform for citizens to voice their concerns. **12,732** complaints were successfully resolved by the Authority while the remaining were at various stages of investigations.
- 2. Investigations and Accountability:** IPOA conducted **4,865** investigations, leading to the recommendation of **773** files to the Office of the Director of Public Prosecutions (ODPP) for action. Notably, **30** officers were convicted for various offenses, underscoring IPOA's dedication to holding law enforcement officers accountable. In the same period, the court recommended acquittal of suspect officers in **64** case files, **52** cases were withdrawn while **48** cases were recommended for closure at the Court level.
- 3. Monitoring and Inspections:** IPOA monitored **514** policing activities and conducted **3,854** inspections in NPS facilities to enhance human rights compliance. These efforts contributed to improved conditions in detention facilities and police premises.
- 4. Collaboration and Policy Development:** IPOA actively collaborated with state and non-state actors, as well as international partners, to advance its mission. The Authority developed policy briefs, engaged stakeholders, and tracked station-level recommendations to shape policies and practices that promote transparency and accountability in policing.
- 5. Efficiency through Technology:** IPOA's ICT Department played a pivotal role in strengthening business systems, internal processes, and user support, enhancing operational efficiency and responsiveness.

Challenges Faced:

IPOA encountered several challenges during this period including, inadequate budget allocations, non-cooperation by some witnesses and NPS officers, parallel investigations, staffing constraints, staff turnover, limited public awareness of its mandate, delays in the criminal justice system, and work-related risks. These challenges tested IPOA's resilience but did not deter its commitment to its mission.

Outstanding Business:

As the Board concludes its term, several crucial tasks remain outstanding including, developing the Strategic Plan 2024-2030, further decentralizing services, full implementation of staff salary structures, advancing online repository and digitization efforts, pursuing legislative amendments to the IPOA Act, implementation of the gazetted IPOA Regulations, reviewing pending internal policies and manuals, and addressing non-cooperation.

CORPORATE GOVERNANCE

The Authority's corporate governance is composed of a well-structured Board with powers necessary for the proper performance of its functions and to exercise the powers of the Authority in line with Section 8 (1), (2) of the IPOA Act 2011, Board Charter 2021 and other relevant laws.

The 2nd IPOA Board was appointed into office vide Gazette. No. 9559 and Gazette No. 9560 dated 1st September 2018 for the Chairperson and Members of the Board respectively. This is in line with Section 11 of the IPOA Act, No. 35 of 2011. As envisaged under Article 232 of the Constitution on values and principles of Public Service and Section 9 of the IPOA Act, the membership of the Board reflects diversity in skills set, gender, and regional balancing.

Board Composition and Structure

Section 8 of IPOA Act stipulates that the Authority Shall be governed by a Board known as the Independent Policing Oversight Board. Further, Section 9 provides for the composition to include a Chairperson, seven other persons and the Chairperson of KNCHR as an ex-officio member. Illustrated, this comprises;

1. Chairperson and Vice Chairperson

- a) **Anne Makori, (Mrs.) EBS. (Chairperson):** The Chairperson provided overall strategic leadership and policy direction to the Authority for achievement of its constitutional and statutory mandate as espoused under Article 244, 239(5) and (6), 249 (2) of the Constitution of Kenya, 2010, Sections 5, 6, 7, and 8 of IPOA Act, 2011, Sections 10 (1) (ga), 35 (g), 50(3), 87(10), First Schedule to the NPS Act, 2011, Section 10(1) (o) of the NPSC Act, 2011, IPOA Policies and Manuals as well as other laws governing policing and observance of human rights and fundamental freedoms. As the Chairperson of the Board, Mrs. Anne Makori played a pivotal role in providing leadership and direction. She also served as a Council Member of the National Council on the Administration of Justice (NCAJ), which underscored IPOA's collaboration with other justice-related bodies. The Chairperson was an Advisory Board Member of the African Policing Civilian Oversight Forum (APCOF). The Chairperson served on the Ad hoc Committee on ICT Phase II Project Implementation.
- b) **Dr. Jonathan Lodompui, PhD., MBS. (Vice Chairperson):** The Vice Chairperson provided support to the Chairperson in offering overall strategic leadership and policy direction for the Authority. Dr. Lodompui was actively involved in various committees, including spearheading the development of the Strategic Plan 2019-2024. He also served on the Technical Committee, Finance Committee, and Ad hoc Committee on ICT Phase II Project Implementation, a Member of the Commission of Inquiry into the Shakahola Tragedy, 2022 General Elections preparedness and the development of the Board end term performance report indicating his contributions to IPOA's strategic planning for effective operation of the institution.

2. Members of the Board

Members of the Board provided support to the Chairperson by offering overall strategic leadership and policy direction to achieve its constitutional and statutory mandate. The Members of the Board included;

- a) **Dr. Walter Ogony, MBS.:** Dr. Ogony served as the Chairperson of the Technical Committee and was a member of the Ad hoc Committee on the 2022 General Elections preparedness and the Ad hoc Committee on ICT Phase II Project Implementation. His leadership role in the Technical Committee highlighted his involvement in shaping technical aspects of IPOA's operations.
- b) **Hon. John M. Waiganjo:** Hon. Waiganjo served as the Chairperson of the Finance and Administration Committee,

emphasizing his role in financial oversight of the institution. He was also a member of various other committees, including HR, Communication and Outreach, and Ad hoc committees, indicating his broad involvement in IPOA's governance. He was a trustee of the IPOA Staff Retirement Benefit Scheme (SRBS).

- c) **Dr. (Hon) Praxedes Tororey, MBS.:** Dr. Tororey served in diverse roles within the IPOA Board, serving as the inaugural chairperson of the Technical Committee, member of Risk and Audit committee, Communication and Outreach committee, member of the Election Preparedness, Strategic Plan development, a Trustee of the IPOA Staff Retirement Benefit Scheme (SRBS) and Human Resource Committee. Her involvement in multiple committees demonstrated her commitment to corporate governance and leadership across IPOA's operations.
- d) **Fatuma M. Mohamed, MBS.:** As Chairperson of the Communication and Outreach Committee, Fatuma Mohamed was responsible for enhancing IPOA's public relations and outreach efforts. She also chaired various Ad hoc committees, including those related to the conference on Women in Policing, the 2022 electoral preparedness and the Ad hoc committee on ICT Phase II Project Implementation demonstrating her leadership in important initiatives at the Authority.
- e) **Doreen N. Muthaura, MBS.:** Doreen Muthaura chaired the Human Resource committee and an Ad hoc committee on IPOA regulations. Her involvement in the Maraga Taskforce on Police reforms and other committees indicated her important role in HR management, legislative and policy development at the Authority. She also served as a Trustee of the IPOA Staff Retirement Benefit Scheme (SRBS), a member of the multi-agency committee on the review of legislative, policy and institutional framework for protection of persons from extrajudicial killings and enforced disappearance in Kenya.
- f) **Dr. Jimmy Mwithi, PhD. (2018 - 2022):** While he served on the Board, Dr. Mwithi was a member of the Technical Committee, Risk and Audit Committee, Communication and Outreach committee and contributed to the development of the Strategic Plan, reflecting his dedication to technical and strategic aspects of IPOA's governance.
- g) **Ex-Officio Member:** The Chairperson of the Kenya National Commission on Human Rights served as an ex-officio Member of the IPOA Board between 2018 and 2024: -
 - 1. Ms. Kagwiria Mbogori- (2014-2019)
 - 2. Ms. Roseline Adhiambo Odhiambo-Odede, HSC – (2022 to date).
- h) **Director/Chief Executive Officer (CEO):** The Board was served by two Director/CEOs during the period. Mr. Maina

Njoroge served between 2018 and 2021. Mr. Elema Halake, SS, took over as the Director/CEO and Secretary to the Board from 2022. The CEO, as the head of the secretariat was responsible for the day to day operations and implementation of the Board resolutions.

Full Board Meetings

To drive the corporate agenda of the Authority, the Board held 80 meetings between 2018 and 2024. All institutional achievements were as a result of the implementation of the resolutions reached during the meetings.

Board Committees

The Authority had five (5) standing Board committees which were aligned to the Authority’s mandate. The committees facilitated efficient and effective decision-making in the discharge of duties and powers of the Authority. The committees were as follows:

Finance and Administration Committee

The Committee reviews annual budgets and procurement plans, quarterly and annual financial reports. The Committee also provides oversight on ICT and administration functions within the Authority. The committee held 20 meetings and the members included;

No.	Name	Designation
1	Hon. John Waiganjo	Chairperson
2	Fatuma Mohamed, MBS.	Member
3	Dr. Jonathan Lodompui, MBS. (PhD)	Member
4	Doreen Muthaura, MBS.	Member

Technical Services Committee

The Committee provides oversight over the Authority’s technical functions i.e. complaints management, legal services, security, investigations, inspections, research, and monitoring functions. The committee held 45 meetings and the members included; -

No.	Name	Designation
1	Dr. Walter Ogony, MBS.	Chairperson (14th July, 2020-2024)
2	Dr. (Hon) Praxedes Tororey, MBS.	Chairperson (2018-14th June, 2020)
3	Dr. Jonathan Lodompui, (PhD)., MBS.	Member
4	Doreen Muthaura, MBS.	Member
5	Dr. Jimmy Mwithi, (PhD).	Member (2018 - 2022)

Human Resource Committee

The Committee is responsible for human resources management and development including organizational structure, development and review of human resource policies, staff recruitment, training and development. The committee held 20 meetings and the membership included;

No.	Name	Designation
1	Doreen Muthaura, MBS.	Chairperson
2	Fatuma Mohamed, MBS.	Member (2022 - 2024)
3	Dr. (Hon) Praxedes Tororey, MBS.	Member
4	Hon. John Waiganjo	Member
5	Dr. Jimmy Mwithi, (PhD).	Member (2018 - 2022)

Communication and Outreach Committee

The Committee is charged with the Authority's communication and outreach function and programs. The committee held 38 meetings and the membership included; -

No.	Name	Designation
1	Fatuma Mohamed, MBS.	Chairperson
2	Hon. John Waiganjo	Member
3	Dr. Praxedes Tororey	Member
4	Doreen Muthaura, MBS.	Member

Risk and Audit Committee

The committee plays a critical role in ensuring the integrity of the financial reporting and audit process and oversees the maintenance of sound internal control and risk management systems. The committee met 29 times and the membership included;

No.	Name	Designation
1	Dr. Irene Cheron, (PhD).	Chairperson
2	Dr. Josephine Mandere, (PhD).	Member
3	Dr. Jimmy Mwithi	Member 2018-2022
4	Dr. (Hon) Praxedes Tororey, MBS.	Member 2022-2024
5	Willis O. Okwacho (2019-2022)	Representatives, PS National Treasury
	Daniel Nyaga (2022-2023)	
	Lucy Waithera Mugwe (March 2024 -)	

Operations and Compliance with Legal and Regulatory Frameworks

In enhancing the Authority Corporate Governance, the Board spearheaded development of the; Board Charter, Board Code of Conduct, Staff Code of Conduct, Confidentiality Agreement, Development of a Risk Framework, Appointment of Risk Champions and Corporate Governance Framework. The Board further complied with the audit reports recommendations, performance reporting, public finance management, public procurement and disposal act, audit statutory legislations and code of conduct. In addition, steps were taken towards institutionalizing data protection through formation of a Data Protection Management Committee. This improved decision making by defining clear responsibilities and roles: improved access to information, eradicated conflict of interests and enabled clear communication between the Authority, the Service and other Stakeholders as well as timely performance and financial reporting. The Authority also ensured compliance with reporting requirements.

The Inaugural Board

The predecessor Board was appointed on 22nd May 2012 and left office on 21st May 2018 upon completion of their term. The Board was chaired by Mr. Macharia Njeru. Ms. Jedidah Ntoyai was the Vice Chairperson, while members included Ms. Njeri Onyango, Ms. Fatuma Saman, Ms. Rose Bala, Mr. Vincent Kiptoo, Mr. Tom Kagwe, Ms. Grace Madoka and Ms. Kagwiria Mbogori.



Chairperson Anne Makori during the Policare launch in October 2021.

Chapter One: Introduction

1.1 Introduction

The Independent Policing Oversight Authority (IPOA) is pleased to present its comprehensive Board End-Term Performance Report, covering the dynamic and transformative period spanning from 2018 to 2024. The Chairperson and Members of the Board were appointed vide Kenya Gazette Notices 9559 and 9560 respectively dated 1st September, 2018 for a 6-year term up to 31st August 2024. This is the second Board since the Authority's establishment with the inaugural Board having been appointed on 22nd May 2012 and left office on 21st May 2018 upon completion of their term.

This report serves as a testament to IPOA's unwavering commitment to its mandate of ensuring transparency, accountability, and justice within the NPS pursuant to Article 244 of the Constitution.

In this six-year journey, IPOA celebrated significant achievements, confronted challenges head-on, and laid the foundation for future growth and impact. The following sections of this report will provide a thorough analysis of the key highlights, milestones, challenges, and outstanding business that have characterized this period.

Under the stewardship of its Board, IPOA navigated the complex landscape of police oversight, continuously improving its governance, operations, and impact. This report delves into the accomplishments of the Board, as well as the challenges faced and opportunities harnessed during this transformative period. The report also details outstanding activities for consideration by the next Board and makes recommendations for improvement of police oversight in Kenya.

1.2 Methodology

The information used in development of this report was drawn from the Authority's strategic plan, Mid-term strategic plan review report, annual and bi-annual performance reports and technical reports. More information was gathered through one-on-one interviews and focus group discussions with the Board and secretariat. Data was collated, analysed and incorporated into the report. Internal validation of the draft report was done by the Board and secretariat and feedback incorporated into the final report. The report was launched and disseminated to the relevant stakeholders.

1.3 Civilian Oversight Perspective in Kenya

The institutionalization of civilian oversight in Kenya followed a series of historical police excesses. These events attracted concerns that resulted in Government and international community initiating various reform agenda that eventually led to formation of a civilian oversight mechanism in Kenya.

1.3.1 Commission of Inquiry into the Post-Election Violence

The establishment of the Commission of Inquiry into the Post-Election Violence (Philip Waki Report, 2008) recommended measures to improve performance and accountability of state security agencies. Among these measures was the establishment of an Independent Police Conduct Authority.

1.3.2 The UN Special Rapporteur

The Mission of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (Philip Alston, 16th to 25th February 2009) was to ascertain the types and causes of unlawful killings; to investigate whether those responsible for such killings were held to account; and to propose constructive measures to reduce the incidences of killings and impunity. The conclusions of the report of the Special Rapporteur on the Mission to Kenya further strengthened the Waki Commission Report.

1.3.3 The National Taskforce on Police Reform

In May 2009, the Government set up the National Taskforce on Police Reform (Ransley Taskforce) to examine the existing policy, institutional, legislative, administrative and operational structures, systems and strategies in the police and recommend comprehensive reforms to enhance police efficiency, effectiveness and institutionalize professionalism and accountability. The taskforce recommended among others establishment of the Independent Policing Oversight Authority, composed of civilians to focus on police conduct.

1.3.4 Police Reforms Implementation Committee (PRIC), 2010-2012

The Committee was appointed to coordinate, supervise and provide technical guidance and facilitation for the implementation of police reforms. Article 243 of The Constitution of Kenya entrenched police accountability by establishing the National Police

Service while Article 244 articulates that ‘The National Police Service shall strive for professionalism and discipline and shall promote and practice transparency and accountability.’

1.3.5 Formation of IPOA

The Authority was created as a response to historical police excesses and the conduct of the Police following the 2007/08 post-election violence. It was established within the context of Agenda IV – Commissions and Independent Offices, which preceded the Constitution of Kenya, 2010. As part of the Agenda IV items, which were largely about reforming institutions of the judiciary, police, civil service and such others, IPOA was instituted.

The Constitution of Kenya 2010 under Article 239 (5) stipulates that all security organs are sub-ordinate to civilian authority. Further, Article 244 of the Constitution, stipulates that the NPS shall endeavor for professionalism and discipline, promote and practice transparency and accountability. Further, the Constitution requires the Service to comply with constitutional standards of human rights and fundamental freedoms and dignity. This is the fulcrum on which IPOA is hinged.

In order to bring into effect these fundamental provisions of the Constitution, it became critical for a civilian oversight mechanism to be put in place to monitor how the Service executes its mandate.

The signing of the Agreement on the Principles of Partnership of the Coalition Government on 28th February 2008, led to the Kenya National Dialogue and Reconciliation (KNDR) which saw a raft of measures put in place to end the political crisis. Among these were constitutional, legal and institutional reforms. The Police Force then was among the institutions that needed reforms, and with these, the following several key steps were taken.

1.3.6 IPOA Obligations under International laws and Treaties

Article 2(6) of the Constitution of Kenya provides that; “Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.” Consequently, IPOA seeks to implement the following conventions and treaties, its mandate being drawn primarily from Article 244 of the Constitution;

1. International Covenant on Civil and Political Rights (ICCPR) - The ICCPR embodies;
 - a) The inherent right to life which should not be arbitrarily deprived,
 - b) No one should be subjected to torture, cruel, or degrading treatment or punishment
 - c) Right to liberty and security of person-no arbitrary arrest or detention
 - d) Persons deprived of liberty be treated with dignity- detainee welfare
 - e) Right to fair trial
 - f) Right of peaceful assembly.
2. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
3. Convention on Elimination of All Forms of Discrimination Against Women (CEDAW);
4. Rome Statute of the International Criminal Court - Treaty;
5. Convention of the Rights of the Child (CRC).

IPOA holding a bilateral meeting with the British High Commission in November 2018.





The IPOA Board and former Chief Justice David Maraga after the Board's swearing in ceremony in September 2018.

Chapter 2: Establishment of IPOA, Mandate and Functions

2.1 Establishment of IPOA and Board Appointment

The Authority was established through Cap 86 of the laws of Kenya to provide for civilian oversight over the work of the police. The inaugural Board was appointed by the H.E. the President of the Republic of Kenya on 22nd May 2012 vide Kenya Gazette Notice No. 6938 and No. 6939 respectively for a period of six years. The second Board was appointed on 1st September 2018 vide gazette notice no. 9559 and 9560 respectively. The Board served on a full-time basis as per their appointment letters dated 20th November, 2018.

2.2 Independence of the Authority

Section 4 of IPOA Act guarantees the Authority independence in execution of its mandate, as follows:

- (1) In the performance of its functions the Authority shall subject to Section 34, not be subject to any person, office or authority.
- (2) The Authority shall observe the principle of impartiality and rules of natural justice in the exercise of its powers and the performance of its functions.
- (3) Every Government officer or institution shall accord the Authority such assistance and protection as may be necessary to ensure its independence, impartiality, dignity and effectiveness.
- (4) No person or body may interfere with the decision making, functioning or operations of the Authority.
- (5) Parliament shall ensure that the Authority is adequately funded for it to effectively and efficiently perform all its functions.

2.3 Objectives of the Authority

The objectives of the Authority as provided in Section 5 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.

2.4 Principal Functions

The principal functions of the Authority as provided in Section 6 of the Act 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 Service
- 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.

2.5 Vision, Mission, Motto and Core Values

2.5.1 Vision

A transformative civilian oversight Authority that promotes public trust and confidence in the National Police Service.

2.5.2 Mission Statement

To conduct independent and impartial investigations, inspections, audits and monitoring of the National Police Service to enhance professionalism and discipline of the Service.

2.5.3 Motto

Guarding Public Interest in Policing.

2.5.4 Core Values

- Independence,
- Integrity and Accountability,
- Impartiality,
- Professionalism and
- Accessibility

2.6 Powers of the Authority

Section 7 of IPOA Act empowers the Authority to—

- (a) Investigate the Service on its own motion or on receipt of complaints from members of the public, and for that purpose, to gather any information it considers necessary by such lawful means as it may deem appropriate, including by—
 - i. Requisition of reports, records, documents or any information from any source, including from the Police, irrespective of whether that source is located within or outside Kenya and irrespective of whether any other person or body, other than a court of law, has already instituted or completed a similar investigation or similar proceedings;
 - ii. Entering upon any establishment or premises, including Police premises, on the strength of a warrant, and subject to

- any relevant law, where the premises are a private home or dwelling;
- iii. Seizing and removing any object or thing from any premises, including Police premises, which may be related to the matter under investigation, and in respect of which a receipt shall be given to the owner or person apparently in control of the object or thing;
 - iv. Interviewing and taking statements under oath or affirmation from any person, group or members of organizations or institutions and, at its discretion, to conduct such interviews in private;
 - v. Summoning any person to meet with its staff, or to attend any of its sessions or hearings, and to compel the attendance of any person who fails to respond to its summons;
 - vi. Administering oaths or affirmations before taking evidence or statements where necessary;
 - vii. Summoning any serving or retired Police officer to appear before it and to produce any document, thing or information that may be considered relevant to the function of the Authority;
 - viii. Ensuring that where necessary, the identities of complainants or witnesses are not disclosed to their detriment;
 - ix. Recommending to the Director of Public Prosecutions the prosecution of any person for any offence;
 - x. Investigating any death or serious injury occurring or suspected of having occurred as a result of police action.
- (b) Take over on-going internal investigations into misconduct or failure to comply with any law if such investigations are inordinately delayed or manifestly unreasonable;
 - (c) Where appropriate, to provide relevant information to enable a victim of unlawful police conduct, to institute and conduct civil proceedings for compensation in respect of injuries, damages and loss of income;
 - (d) Require the Director of Public Prosecutions to provide it with his response to any recommendation made by the Authority to prosecute any person or body;
 - (e) Require the Service to within a specified, reasonable time, provide it with information on issues relating to policy, its implementation and its effectiveness, and its response to any recommendation made to it by the Authority;
 - (f) Subject to the approval of a complainant, and only if it is not a serious complaint, reconcile or mediate on any matter within its mandate; and
 - (g) Exercise any other power provided for in this Act or any other law which is necessary for the effective performance of its functions.

- (2) The Authority may in the exercise of its powers under this Act, request and receive such assistance from the or any other governmental or international body or person as may in its opinion be necessary in the exercise of its powers
- (3) The Authority may in exceptional circumstances regarding matters of national importance submits a report simultaneously to the National Assembly and the Cabinet Secretary if such a matter requires urgent consideration for the well-being of the people of Kenya.

2.7 Policy Direction-Mandate of the Board

Section 8 of the IPOA act provides that the Authority shall be governed by a Board with the power to—

- a) Control, supervise and administer the assets of the Authority in such manner as best promotes the objectives for which the Authority is established;
- b) Determine provisions to be made for capital and recurrent expenditure of the Authority;
- c) Receive any grants, gifts, donations or endowments and make legitimate disbursements there from;
- d) Enter into association with such other bodies or organizations within or outside Kenya as it may consider desirable or appropriate and in furtherance of the objectives for which the Authority is established;
- e) Open a banking account for the Authority; and
- f) Exercise any other power provided for in this Act or any other applicable legislation.

2.8. Performance Reporting

Sections 30 and 38 of Cap 86 of the laws of Kenya mandates the Authority to submit to the Cabinet Secretary (CS), at least once in every six months, a report of the performance of the functions of the Authority, making such recommendations as it may consider necessary. The CS is further mandated to publicize the report to the National Assembly, Inspector-General, the Commission and the County Assemblies. The Authority during the period complied with this provision of the law and this performance report is also subject to the quoted provisions.

2.9 Summary

The enumerated provisions in this chapter guided strategic direction in designing interventions to fulfill the Authority's mandate as elaborated in subsequent chapters.

IPOA Board in a meeting with the leadership of the National Police Service at IPOA HQs in October 2018.





External stakeholder validation of the 2019-2024 Strategic Plan on 28th May 2019

Chapter 3: Authority Strategic Direction Between 2018 and 2024

3.1 Introduction

The Board launched the Strategic Plan 2019 – 2024 in November, 2019. The plan was developed in cognizance of the Authority’s mandate as stipulated in the IPOA Act, the Kenya Vision 2030 (with special reference to MTP III), the Constitution of Kenya, the Big Four Agenda, Africa Agenda 2063, Sustainable Development Goals and other prevailing legal and policy documents which informed the basis of subsequent Authority’s annual work plan and budgets. The plan was also guided by the findings of an End Line Survey on policing gaps and standards, inaugural Board end term report 2012-2018 among others.

The plan set out the Authority’s key performance targets for the five years and provided a framework to guide the development and implementation of annual work plans and budget to ensure efficient and optimal use of resources.

3.2 Strategic Areas of Focus

The IPOA Strategic Plan for the period 2019-2024 served as a guiding framework that outlined the organization’s goals and objectives, aligning them with its core mandate and functions. This strategic plan was built upon four Key Result Areas (KRAs), each of which represented a fundamental pillar in the Authority’s pursuit of its mission and vision:

KRA 1: Police Accountability

This KRA centered on the core mission of IPOA, which is to enhance and ensure police accountability. It encompassed efforts to investigate complaints against police officers, oversee their actions, and ensure that justice is served in cases of misconduct. Key initiatives under this KRA aimed to hold Members of the NPS accountable for their actions, maintain the highest standards of conduct, and protect the rights of citizens.

The Authority, under this KRA, aimed at prevention of police misconduct, effective complaints management, compliance to legal framework, review and audit the functions of IAU, compliance to human rights standards and fundamental freedoms, strengthening inspection of police premises and detention facilities and finally, monitoring of police operations as detailed in chapter 4 of this report.

KRA 2: Stakeholder Cooperation and Complementarity

Effective oversight and accountability require collaboration with various stakeholders, both within and outside the members of the NPS. This KRA focused on building partnerships and cooperation with entities such as; other justice institutions, government agencies, civil society organizations, and the public. It underscored the importance of working collectively to achieve common goals, enhance transparency, and complement each other's efforts in policing and accountability. The achievements under this KRA are detailed in chapter 5.

KRA 3: Research and Information Management

Sound decision-making and effective oversight are rooted in reliable data and information. This KRA emphasized the importance of research and information management in supporting IPOA's activities. It encompassed efforts to gather, analyze, and disseminate data and research findings related to policing, complaints, and oversight. The goal was to strengthen research, enhance sharing of research outputs, enhance uptake of research findings and recommendations besides institutionalizing information management as detailed in chapter 6.

KRA 4: Institutional Capacity

To fulfill its mission, IPOA must have the organizational capacity and capabilities to carry out its functions effectively. This KRA focused on strengthening the internal capacity of IPOA, encompassing initiatives related to staffing, training, infrastructure, and technology. It aimed to ensure that IPOA is a well-equipped and efficient organization capable of fulfilling its oversight mandate as detailed in chapter 7.

The IPOA Strategic Plan 2019 – 2024 embodied the organization's commitment to promoting transparency, accountability, and justice within the NPS. Through these four Key Result Areas, the IPOA Board sought to not only address the challenges and opportunities in policing but also to contribute to a more accountable and professional Service. The successful implementation of the strategic plan was a cornerstone of the Board's legacy in fostering positive change within the policing sector.

3.3 Proposed Strategic Direction

The Authority's second Strategic Plan 2019–2024 ended in June, 2024, the Board approved the 2024/2025 Annual Work Plan for continuity and cognizance of the fact that a budget had been allocated. The Annual Work Plan was the basis for performance management during the transition period.

IPOA Chair, Anne Makori leading in strategisation during the development of the Strategic Plan 2019-2024 in June 2019.



KRA 1

72%

THE BOARD'S 6-YEAR CIVILIAN OVERSIGHT LEADERSHIP

2018-2024 KEY
MILESTONES AND ACHIEVEMENTS

POLICE ACCOUNTABILITY

-
- 20,112 complaints received
 - 12,732 complaints resolved
 - 4,865 investigations completed
 - 773 files to ODPP
 - 514 policing operations monitored
 - 3,854 police facilities inspected

Chapter 4: Impact On Police Accountability

4.1 Introduction

Police accountability was the first strategic focus of the Authority during the period. This was categorized into building public confidence and trust in policing and enhancing compliance with human rights standards and fundamental freedoms.

Building public confidence and trust in the police is fundamental to effective law enforcement and public safety. When the public trusts the police, they are more likely to cooperate, report crimes, and support intelligence led policing. Ensuring that members of the NPS adhere to human rights standards and respect fundamental freedoms was another strategic focus under this KRA whose objective was to uphold the rule of law and protect the rights of citizens.

IPOA's emphasis on Police Accountability as a key result area during the period signified its dedication to fostering a culture of professionalism, transparency, and accountability within the NPS. To achieve these KRAs, sustained efforts were directed to effective complaints management, conducting timely investigations, monitoring of police operations and conducting inspections of police premises and detention facilities under NPS.

4.2 Complaints Management

The IPOA Act requires independent handling of complaints against the members of the NPS. The Authority executed this function through receipt and processing of complaints across the regional offices. The complaints were received through various modes including walk-ins, letters, police notifications, e-mail, outreach programmes, toll free-driven Call Center, through digital platforms comprising the Authority's website and social media platforms and referrals from other agencies.

4.2.1 Complaints Received

The Authority between FY 2018/19-2023/24 received a total of **20,112** complaints bring the total since inception to **30,493²**

² As at 30th June 2024

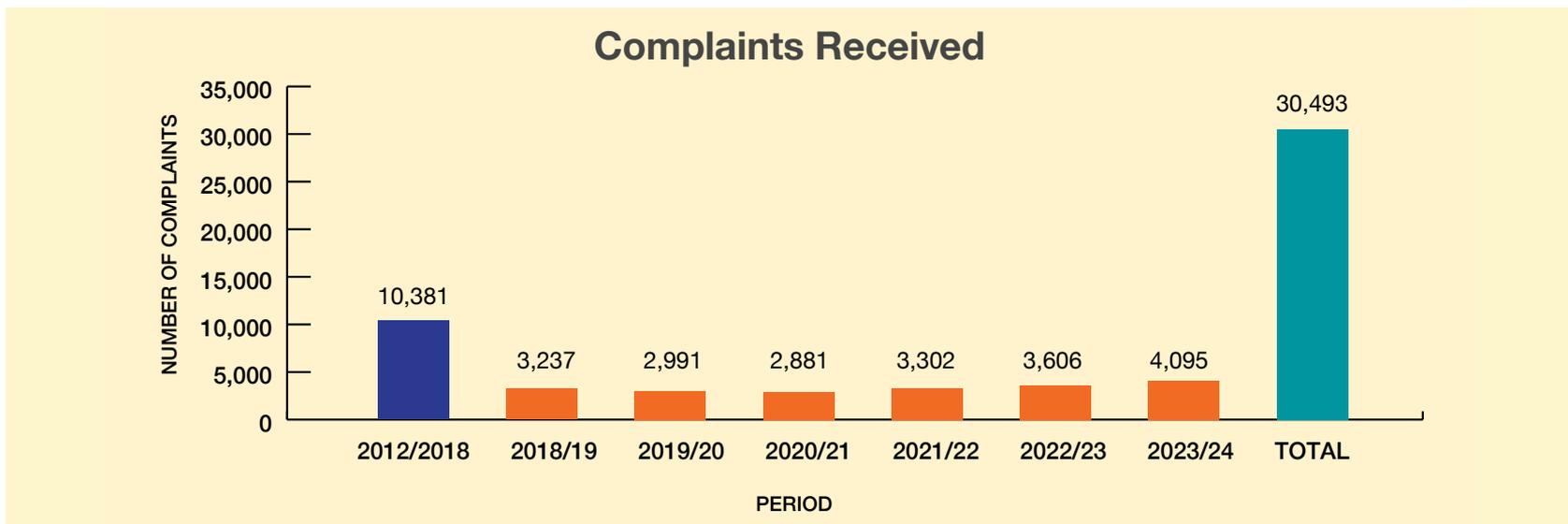


Figure 1: Total number of complaints received between 2018 and 2024

4.2.2 Complaints Resolution

Between FY2018/19-FY2023/24, out **20,112** complaints, the Authority resolved a total of **12,732** through preliminary inquiries and closure due to withdrawal of complaints, matter pending before court of Law or Judicial tribunal as provided under Section 26 of the IPOA Act, insufficient information and resolution after preliminary inquiry interventions.

4.2.3 Complaints referred to State and Non-State Actors

The Authority under Section 6(f) of IPOA Act cooperates with other institutions on issues of police oversight and therefore explored referral of complaints as an avenue for complaints processing. Out of the complaints received, **2,494** cases were referred to state and non-state actors including IAU, NPS, EACC, DCI, NPSC and CAJ among others since some were non-mandate matters and the referral partners were better placed to handle.

4.2.4 Source of Complaints

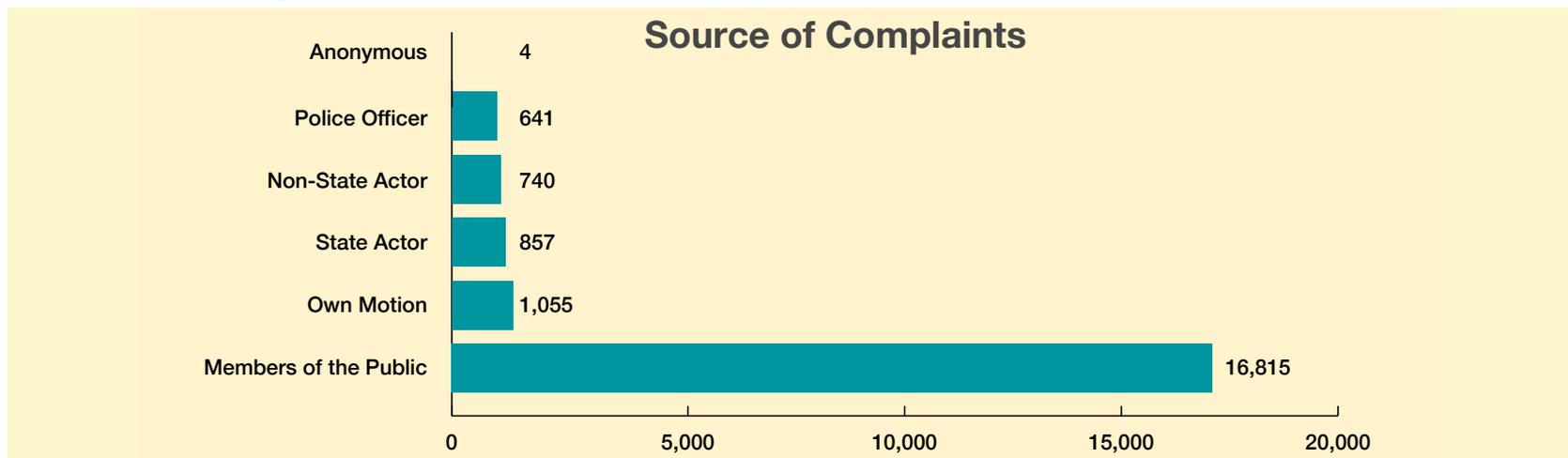


Figure 2: Source of complaints received between 2018 and 2024

4.2.5 Regional Distribution of the Complaints

Nairobi region recorded the highest number of complaints (**9,286**). Other regions that recorded many complaints include Mombasa at **2,779**, Kisumu at **2,455** and Eldoret at **1,255**. The number of reported cases from counties is attributed to various factors. For instance, proximity to IPOA offices and the duration of existence of such office has contributed to Nairobi recording high numbers of reported police misconducts. Population size and the extent of economic activities was cited as a contributing factor for the numbers in Kisumu, Mombasa and Uasin Gishu Counties which are the major economic hubs in the country.

As a social factor, bigger population sizes and busy economic centers attract higher crime prevalence rates which influence police activity and hence increased cases of police misconduct. Cases of increased police action in Mombasa due to allegations of violent extremism and radicalization of youths influenced the reports from Mombasa. Knowledge of IPOA as a watchdog Authority is a factor of consideration as levels of awareness of IPOA mandate and functions vary across regions. Literacy levels and economic activities in various counties influence experiences with the police and/or levels of reporting too.

Number of Complaints Received per Region

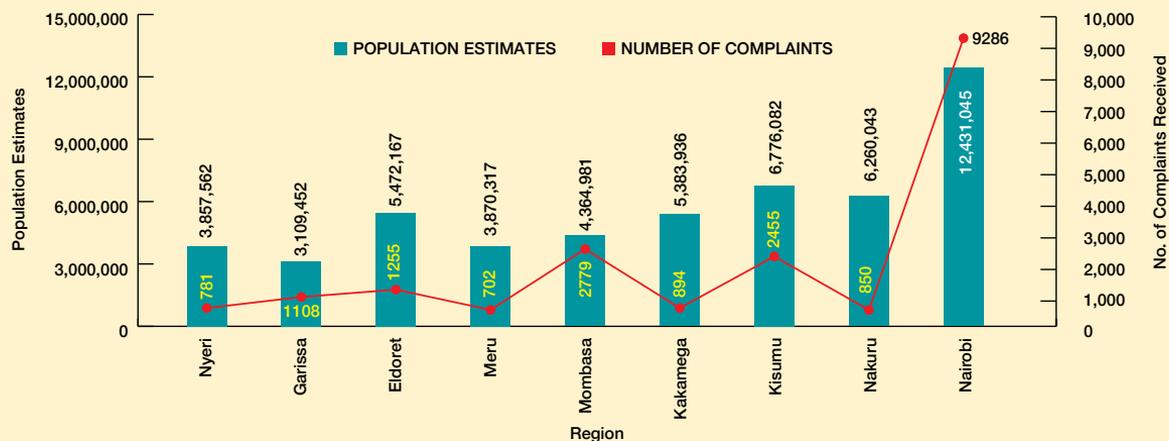


Figure 3: Total complaints received per region between 2018 and 2024

PopulationEstimatesSource:<https://www.citypopulation.de/en/kenya/admin/>

Regions	Population Estimates	Number of Complaints
Nyeri Region	3,857,562	781
Garissa Region	3,109,452	1108
Eldoret Region	5,472,167	1255
Meru Region	3,870,317	702
Mombasa Region	4,364,981	2779
Kakamega region	5,383,936	894
Kisumu Region	6,776,082	2455
Nakuru region	6,260,043	850
Nairobi Region	12,431,045	9286

Population Estimates Source: <https://www.citypopulation.de/en/kenya/admin/>

The Authority’s complaints resolution mechanisms addressed the public’s concerns and incidences of misconduct by the Police. This intervention by IPOA improved accountability by the Police who swiftly acted to address the complaints in the process guaranteeing seamless service delivery to the citizenry. The Authority’s dedication to addressing public concerns in policing boosted public confidence with civilian oversight mechanism in Kenya.

4.3 Investigations of Complaints

The Authority investigated complaints of disciplinary and criminal nature committed by members of the NPS upon complaints receipt. The Authority also made recommendations for prosecution, compensation, internal disciplinary action or any other appropriate relief to relevant authorities.

During the 6-year period, the Authority received **4,882** Complaints to investigations after the processing of complaints. Including the **4,290** investigation files brought forward from the FY2012/2018 period, there were **10,022** investigations files during the second Board’s term. During this period, the Authority completed **4,865** investigations. In addition to the **790** investigations completed in the 2012-2018 the Authority has cumulatively completed **5,655** investigations.

Table 1: Investigations conducted by IPOA between 2018 and 2024

MANDATE	2012-18 (brought forward)	18/19	19/20	20/21	21/22	22/23	23/24	Subtotal (2018-2024)	Total
Total No of Complaints received for investigation	4290 ³	489	763	625	781	995	1229	4882	10022
Investigations Completed	790	728	777	727	862	876	895	4865	5655
Ongoing Complaints carried forward									4367

³ These are the cases brought forward from the FY2012/18 period

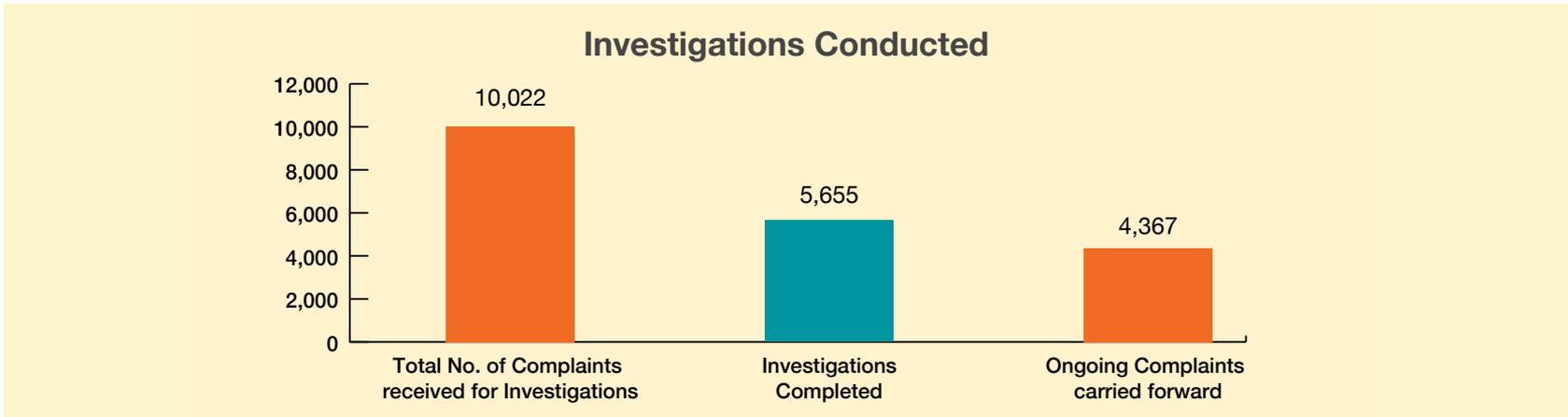


Figure 4: Investigations conducted by IPOA between 2018 and 2024

Additionally, **30** officers were found culpable and convicted for various offences bringing the total number to **33** since the Authority’s inception. In the same period, the court recommended acquittal of suspect officers in **64** case files, **52** cases were withdrawn while **48** cases were recommended for closure at the Court level.

Table 2: Cases before Court between 2018 and 2024

Item	Total
IPOA Monitoring	28
Acquittals	64
Withdrawals	52
Convictions	33
Closed Cases	48
IPOA Led Cases	108
Total	225

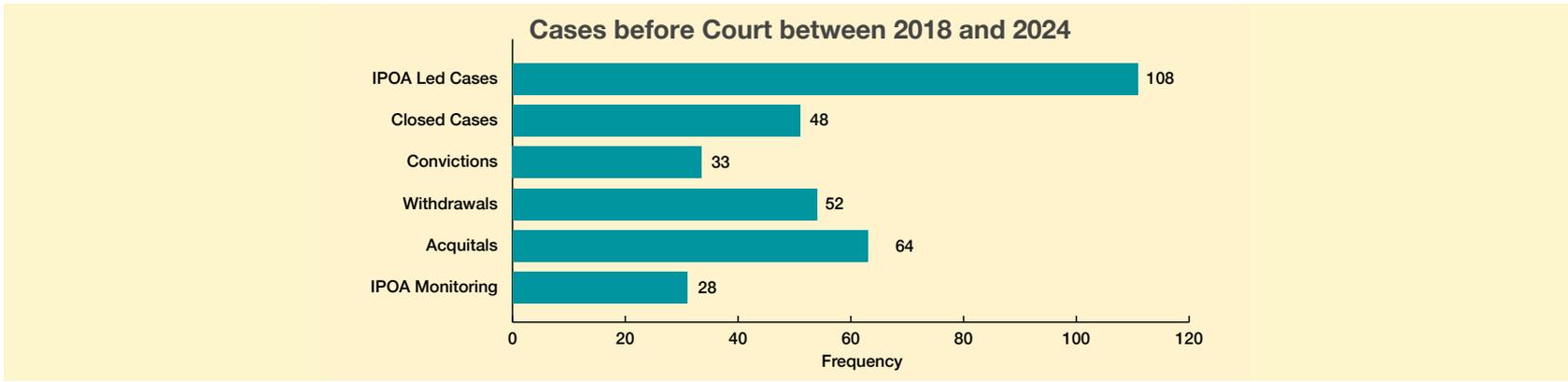


Figure 5: Cases before Court between 2018 and 2024

The Authority’s investigative function deterred police misconduct instilling accountability mindset in NPS, fostered compliance with the law and access to justice for victims and accused persons.

4.4 Legal Services

During the period, the Authority handled criminal cases through review of 345 investigation files and supported prosecution of 43 cases through watching briefs in cases of murder, serious injuries and sexual offences. Equally, the Authority supported prosecution of 59 civil cases where IPOA was sued as a respondent in constitutional petitions or enjoined as an interested party.

4.5 Psychosocial Services

Through its Counselling Unit, the Authority offered psychosocial services to 340 clients and staff between 2018 and 2024. These services provided emotional and psychological support to witnesses and victims who experienced trauma as a result of police action or inaction. Provision these services contributed to the prevention of post-traumatic stress disorder and other negative psychological impact on complainants. In addition, this support contributed to stabilizing the victims’ psychological state to avoid relapse into trauma as a consequence of legal proceedings. Table 3 presents numbers of clients supported during the period.

Table 3: Psychosocial Services

Category	Services	Male	Female	Total
Clients	Provide psychosocial support and counselling, for complainants	213	261	474
	Referral of clients for special support	24	32	56
	Total	237	293	530
	Percent (%)	45%	55%	100%

The Authority also explored cooperation and collaboration in provision of psychosocial support services. In this regard, the Authority is a member of the victims and witnesses psychosocial support network comprising of; IAU, NPSC, KNCHR, Faraja Trust Foundation, Kenya Prisons, Nairobi City County, WPA, Shield for Justice Foundation, Victim Protection Board, ODP, IMLU and Green String Network.

4.6 Monitoring of Police Operations

Section 6 (c) of the IPOA Act, mandates the Authority to monitor and investigate policing operations affecting members of the public. The monitoring aims at ensuring that Police operations are carried out professionally and within the confines of law. During the period between 2018/19-2022/23, the Authority monitored **514** policing activities bringing the cumulative total since inception to **661**.

The police operations monitored were as follows; **291** public order management, **93** security operations, **75** traffic management, **68** CIC led, **48** beats and patrol, **59** elections monitoring and **20** monitoring activities on operations of Critical Infrastructure Protection Unit (CIPU).

Table 4: Police operations monitored by IPOA between 2018 and 2024

Police Operations Monitored	2012-18	18/19	19/20	20/21	21/22	22/23	23/24	Total
Public Order Management	59	29	24	28	17	68	66	291
Security operations	10	13	41	8	8	12	1	93
Traffic Management	19	27	4	11	7	5	2	75
Police Recruitment	4	0	0	2	1	0	0	7
Cases Intake Committee referrals/ Own motion	13	19	1	10	25	29	0	68
Beats & Patrol	12	8	3	4	9	4	8	48
Elections	30	6	3	4	3	13	0	59
CIPU Thematic	0	0	0	0	0	20	0	20
Subtotal	147	102	76	67	70	122	77	661



Figure 6: Police operations monitored by IPOA between 2018 and 2024

4.7 Inspections of Police Premises

Section 6 (e) of IPOA Act, mandates the Authority to conduct inspections of Police premises, including detention facilities under the control of the Service. During the tenure of the Board, the Authority conducted **3,854** inspections in various NPS facilities and premises across the country. The inspections included **1,842** new inspections, **1,391** follow-ups⁴, and **621** thematic inspections⁵.

Table 5: Inspections of Police premises by IPOA between 2018 and 2024

	12/13-17/18	18/19	19/20	20/21	21/22	22/23	23/24	(2018-2024)	Total
New Inspections	597	447	206	87	306	305	491	1842	2439
Follow-up inspections	325	340	91	39	177	399	345	1391	1716
Thematic	28	17	196	146	132	48	82	621	649
Sub Total	950	804	493	272	615	752	918	3,854	4804

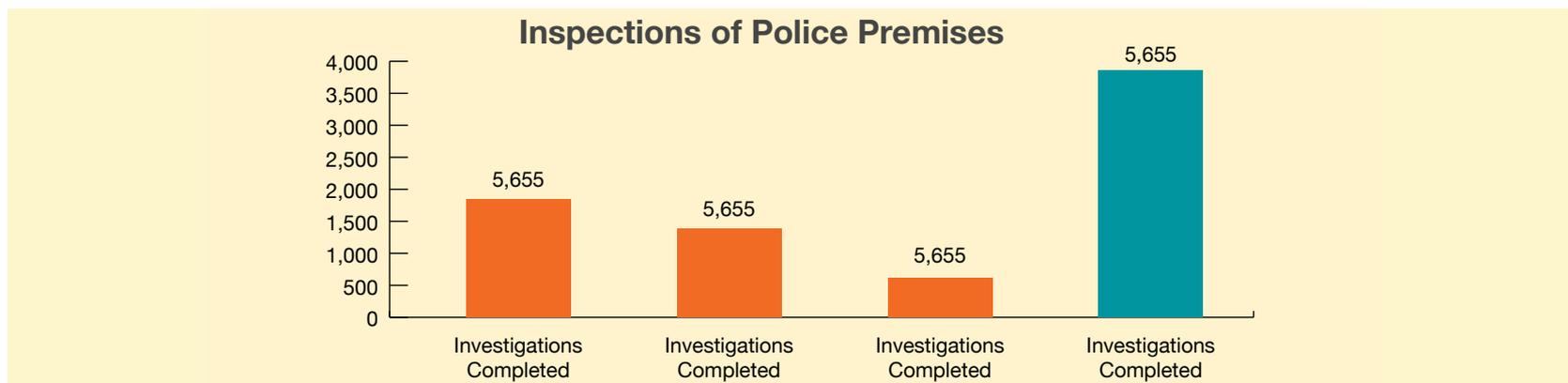


Figure 7: Inspections of Police premises by IPOA between 2018 and 2024

⁴ Follow up inspections seek to establish the level of implementation of IPOA recommendations at stations level.

⁵ Thematic inspections investigate emerging complaints of public interests such as arbitrary arrests and extortion.

The uptake of IPOA's recommendations by the NPS arising from inspections of the police premises and facilities, and monitoring police operations contributed to improvement of housing conditions, detainees' welfare, community policing, office space and utilities.

Members of the IPOA Board making submissions before the Maraga Taskforce on Police Reforms in March 2023.



KRA 2

128%

THE BOARD'S
6-YEAR CIVILIAN
OVERSIGHT LEADERSHIP

2018-2024 KEY
MILESTONES AND ACHIEVEMENTS

**STAKEHOLDER COOPERATION
& COMPLEMENTARITY**

-
- Cooperation with State Actors
 - Cooperation with Non-State Actors
 - Cooperation with Referral Partners
 - Cooperation with Development Partners
 - Continental Collaborations
 - Sensitisation & Awareness Creation



IPOA officials receiving a vehicle donation from the US Government in September 2022.

Chapter 5: Stakeholder Cooperation and Complementarity

5.1 Introduction

Section 6(f) of the IPOA Act requires the Authority to cooperate with other institutions on issues of police oversight including other state organs in relation to services offered by them. Strategically, the Board partnered and collaborated with various state and non-state actors and international strategic partners in the course of guarding public interest in policing.

The mainstreaming of stakeholder collaboration and cooperation within the fabric of IPOA's operations realised a profound impact on the Authority's technical work and professionalism in the NPS. Incorporating the diverse perspectives, skills, and experiential value of collaboration initiatives, the Authority was able to realise innovative and creative solutions for work execution.

By pooling and offering new and contemporary information, stakeholder collaboration also informed policy-level decision-making for the Board besides facilitating problem solving for the secretariat. Through collaboration, IPOA and the stakeholders mobilized resources, expertise, and knowledge to address policing challenges more efficiently and comprehensively.

This collaboration strategy enhanced visibility and awareness creation. The improved awareness resulted in observance of human rights by the police, faster complaints resolution as a result of honoured summons by police officers, improved level of trust and confidence in the NPS and increased victim satisfaction in IPOA's work. Importantly, this resulted in enhanced strides towards realisation of police reforms.

Internally, the collaborative efforts realised a positive institutional culture, improved teamwork, mutual respect, adaptability to change and boosted the shared commitment to IPOA's success by the secretariat. Further, capacity building resulting from collaboration and cooperation with various partners also enhanced the Authority's expertise and skillset with a positive impact on technical functions.

5.2 Cooperation with State Actors

During the period, the Authority worked closely with various state actors individually and within collaborative frameworks as outlined below;

5.2.1 National Council on the Administration of Justice (NCAJ)

The National Council on the Administration of Justice (NCAJ) was established under the Judicial Service Act (No. 1 of 2011) as an umbrella body converging the justice sector actors to ensure a consultative approach to the administration of justice in Kenya. During the period, the Authority was co-opted as a member of the NCAJ Governing Council. The Chairperson Mrs. Anne Makori represented the Authority in the council. IPOA sat in various technical committees as follows.

a) NCAJ Committee on the Review of Laws and Policies on SGBV

The Authority was among the 19 members of this committee which is charged with the review of the diverse policies and laws affecting sexual and gender-based violence. The Authority was represented in the committee by Commissioner Fatuma Mohamed.

b) NCAJ defunct Bail and Bond Implementation Committee

The Authority was among the membership of the Bail and Bond Committee which developed the Bail and Bond Bill (2020) which seeks to guide what can be deemed as the compelling reasons that could lead to the denial of bail or bond to accused persons. The Authority was represented in the committee by the former Director Investigations Jeremiah Arodi.

c) NCAJ Working Committee on ICT

The Authority was represented on this 22-member committee whose mandate was to spearhead collaboration and harnessing of technology for the efficient administration of justice in Kenya. The Authority was represented in the committee by Senior Assistant Director, Kennedy Ndire.

d) **NCAJ Committee on Anti-Corruption**

The Authority was represented on this 12-member committee charged with the development of guidelines for expeditious trial of corruption and economic crimes in Kenya. The Authority was represented in the committee by Senior Assistant Director Complaints, Dr. Ruth Kaguta.

e) **NCAJ Committee on Traffic Reforms**

IPOA was represented on the NCAJ committee on traffic reforms whose mandate was to foster inter agency collaboration, coordination and cooperation to streamline processes related to traffic cases administration and explore and recommend technology driven solution to digitize and expedite the traffic case administration process. IPOA was represented by the Deputy Director Inspections, Monitoring and Preventive Services, Maurice Mugambi.

f) **NCAJ Committee on Criminal Justice Sector Reforms**

The Authority sat on an NCAJ Committee on Criminal Justice Sector Reforms that aimed to identify and formulate policy, legal and institutional recommendations necessary for better functioning of the criminal justice system in Kenya. The committee further sought to establish and design mechanisms to ensure that Kenya's criminal justice system operates in a manner consistent and compliant with the provisions of the Constitution among other instruments. The Authority was represented in the committee by Principal-Legal Services Officer, Ashley Wangari.

5.2.2 Kenya Leadership and Integrity Forum (KLIF)

The Kenya Leadership and Integrity Forum (KLIF) convened by EACC is a stakeholder's forum consisting of 15 sectors who partner to fight corruption and unethical practices in Kenya. KLIF brings together stakeholders from the public and private sectors, civil society and religious organizations to map out an integrated approach to preventing and combating corruption. Among the sector stakeholders, the Authority is a member of the Watchdog Agencies. To contribute towards this conversation, the IPOA Board participated in the annual countrywide sensitization activities organized by KLIF. The Authority was represented by Deputy Director Investigations, Emmanuel Lagat, and Senior Assistant Director - Corporate Communication, Dennis Oketch.

5.2.3 Office of Director of Public Prosecution

IPOA sustained a sound collaborative relationship with the ODPP in Nairobi and across its regional offices. The collaborative approach led to expeditious case registration and prosecution of IPOA investigation files hence entrenching accountability within the NPS and also improving service delivery to the citizenry.

This collaboration culminated into IPOA being a member of the tripartite taskforce that included; the DCI, IAU and ODPP and was tasked to come up with standard operating procedures to guide in the investigations and prosecutions of serious human rights violations committed by members of the National Police Service. The tripartite taskforce was convened by ODPP supported by OHCHR. The taskforce developed a rapid reference guide on the prosecution of sexual and gender-based violence in Kenya, specimen charge sheet under the Prevention of Torture Act and Prosecution Rapid Reference Guide and the Rights to Freedom of Peaceful Assembly. The taskforce also undertook sensitization and awareness campaigns on its mandate and the developed reference guides.

5.2.4 Police Reforms Under the Policy Framework on Re-organisation of the NPS

IPOA is a member of the Ministry of Interior and National Administration-led Police Reforms Implementation Committee whose objective is to; review progress with various police reforms initiatives and highlight opportunities, challenges, and obstacles in the areas of police reforms. Other stakeholders include; REINVENT (sponsor), NPS, NPSC, IAU, DCI, NGAO, HR Departments of NPS & DCI, media representatives, the Treasury and Council of Governors. The Authority was represented by CEO, Elema Halake and Deputy Director Inspection, Monitoring and Preventive Services, Maurice Mugambi.

5.2.5 National Coroner's Service Committees

National Coroners Act provides for establishment of National Coroners Service, its powers functions and establishment of a framework for investigations and determination of the cause of reportable deaths in the country. The Authority was represented in the AG's Committee on establishment and operationalization of the National Coroners Service by former Director Complaints and Legal Services David Nderitu.

The Attorney General further, appointed an Inter-Agency Implementation Committee to steer the process. The Committee was made up of the State Law Office; Independent Policing Oversight Authority (IPOA); Public Service Commission (PSC); State Corporations Advisory Committee (SCAC); Ministry of Health; National Police Service Commission, National Police Service, State Department for Public Service; and the National Treasury. The Authority was represented in this committee by former Senior Assistant Director Human Resource & Administration Dr. Solomon Lemunen.

5.2.6 The National Treasury

The Authority defends its medium term budget under the Governance Justice Law and Order sector. The Authority has been receiving the GOK Ex-Chequer allocations to facilitate the institution in realizing its mandate and submits quarterly financial and non-financial reports to the National Treasury. IPOA budget grew due to this cooperation.

5.2.7 The Parliament

The Authority periodically submitted all the statutory reports to the National Assembly pursuant to Section 38 of the IPOA Act. Further, the Authority continually cooperated with the relevant Parliamentary Committees including; Administration and Internal Security Committee which oversees execution of IPOA's mandate and advocates for Authority's budgetary allocation.

The Authority liaised with the Justice and Legal Affairs committee and Committee on Delegated Legislation on drafting and finalization of the IPOA regulations.

The Authority further cooperated with the Senate Standing Committee on Justice, Legal Affairs and Human Rights in addressing various matters on police oversight. This committee was instrumental in development of the Security Services Laws (Amendment) Bill, 2023 issued vide Kenya Gazette Supplement No. 78 (Senate Bills No. 23) dated 25th May 2023. The bill sought to amend various security laws to clarify on the respective investigative powers of the NPS and IPOA, and to expand the civilian oversight mandate of IPOA. The Authority also engaged with the committee on implementation of the report on extrajudicial killing and enforced disappearances in Kenya among other areas.

5.2.8 Partnership with Judiciary and Court Users' Committees

During the six-year period, IPOA collaborated with the Judiciary to facilitate administration of justice to victims of police misconduct and wrongly accused police officers. To boost its visibility and public participation, IPOA attended the Court Users' Committees across the regions. The Court Users' Committees are converged for all court users for experiential sharing to ease judicial processes. During these committees' proceedings, IPOA enhanced information sharing on its mandate and enabled feedback mechanisms, provided avenues for receipt of complaints on police misconduct e.g. missing files attributed to police investigators, engaged police Commanders on strategies to curb recurring police misconduct, timely production of accused persons in court, proposed need to fast-track cases in court, participated in joint visitation of detention facilities to check on records management and compliance with the 24-hour rule and also enabled IPOA to receive timely updates on court policies and guidelines.

IPOA also actively proposed policy reforms to improve police oversight and accountability within the justice system. These efforts collectively worked towards a more transparent, accountable, and participatory policing system in Kenya, enhancing access to justice by victims of police misconduct.

5.2.9 Council of Governors

The IPOA Board consistently engaged the county governors during its field activities with a view of influencing operationalization of the community policing programme and County Policing Authorities. The Board also made presentation on policing oversight during several devolution conferences convened by the Council of Governors. IPOA also consistently disseminated reports on its performance to the County Assemblies to articulate policing interest at the county level through the County Assemblies Forum.

5.2.10 LSK Partnerships

The Board prioritized bilateral relationships with the LSK. These engagements included focused discussions on implementation of the Justice Ogola Rules on safety of suspects in police custody, and participation in legal awareness clinics. Under the stewardship of the Board, the Authority participated and emerged 1st runners up in the public sector legal department of the year category in the Nairobi Legal Awards. The two institutions signed a Memorandum of Understanding to foster partnership.

5.2.12 Media Engagement

In its stakeholder mapping, the Board Authority identified local and international media as critical disseminators of civilian policing oversight conversations. Consequently, the Board attended media interviews, facilitated press briefings and statements to update the public on its operations whenever need arose. During the 6-year period the Board held two training sessions with top editors in print, television and online media in Kenya. The Board also facilitated four specialized training for crime and court reporters in Nairobi, Naivasha, Eldoret and Mombasa. The training aimed at shaping the way IPOA stories are reported in the media and sensitizing the police and the public on policing.

5.2.13 Institutions of Higher Learning

To shape perceptions and trigger responsible citizenry, the Authority prioritized institutions of higher learning as platforms for awareness creation. The Authority also facilitated academic efforts by availing interview opportunities and information sharing to students undertaking research on civilian oversight over the work of the police.

5.2.14 Referral Partners

In its efforts to ensure timely resolution of complaints, the Authority is a member of the referral partnership network convened by KNCHR. The partnership aims at bringing together state and non-state actors who handle complaints to ensure effective and efficient resolution of complaints. The members included; CAJ, EACC, WPA, FIDA, IMLU, NPSC, IAU, Kituo cha Sheria, ICJ, LSK, TI-K, MUHURI, HAKI Africa and other organisations.

5.2.15 African Policing Civilian Oversight Forum (APCOF)

IPOA was a beneficiary and a critical stakeholder as the only other well established police oversight mechanism in Africa after IPID of South Africa. The Chairperson of the Board Mrs. Anne Makori was nominated a member of APCOF Advisory Board for the period between 2021 and 2025. During the period, APCOF organized Board experiential learning in South Africa, conducted training for staff and collaborated with the Authority on information sharing.

5.2.16 POLICARE

The Authority participated in the preparations for the launch and roll out of the NPS Policare (Police Cares) initiative. The initiative sought to address the rise of sexual and gender-based violence (SGBV) cases and to eradicate the duplicity and complexity of reporting such cases in police stations through computerisation of complaints processing. Commissioners Fatuma Mohamed and Dr. Praxedes Tororey held several brainstorming sessions with stakeholders including the NPS and the GIZ that eventually culminated in the launch of the first Policare center in Nairobi officiated by the then, First Lady, Her Excellency Margaret Kenyatta and attended by IPOA Chairperson Anne Makori.

5.2.17 National Taskforces and Committees

a) **The National Taskforce on Improvement of the Terms and Conditions of Service and other Reforms for members of NPS, KPS and NYS (Maraga's Taskforce)**

The taskforce, was established vide Gazette Notice number 15792 dated 21st December 2022. It comprised of various stakeholders including the Independent Policing Oversight Authority. The taskforce was aimed at reviewing among other welfare, working conditions, tooling and equipment and legislative, administrative, institutional framework of NPS, KPS and NYS. The Authority presented a raft of recommendations by a way of memorandum to the taskforce as well as submitted 26 technical reports on various thematic issues affecting the NPS. The Authority was represented by Commissioner Doreen Muthaura, Senior Assistant Director - Inspections, Job Mugiira and Senior Corporate Communication Officer Emma Mugaa.

b) **Commission of Inquiry into the Shakahola Tragedy**

The Independent Policing Oversight Authority through the representation of the Vice Chairperson, Dr. Jonathan Lodompui and Deputy Director Investigations - Emmanuel Lagat were among the stakeholders that constituted the Commission of Inquiry into the Shakahola tragedy that was established vide gazette notice number 5660 dated 4th May 2023. The terms of reference of the commission of inquiry are to inquire into the death, torture, inhumane and degrading treatment of the members of the Good News International Church in Kilifi. The commission was also to make inquiries into the factors that lead to the rise of religious extremist institutions and other formations that foster negative religion-based activities.

c) National Steering Committee and Inter-Ministerial Technical Team on the Implementation of the Report of the National Taskforce on Improvement of the Terms and Conditions of Service and other Reforms for members of NPS, KPS and NYS (Maraga’s Taskforce)

The Authority was represented in the National Steering Committee by the Chairperson Mrs. Anne Makori. The role of this steering committee was to coordinate, supervise and provide technical guidance and facilitation for implementation of the reforms.

At the inter-ministerial committee, IPOA was represented by Commissioner Doreen Muthaura, Deputy Director Inspections, Monitoring and Preventive Services, Maurice Mugambi and Deputy Director Legal Services, Catherine Gichuki. This technical team’s mandate was to unpack the recommendations contained in the Maraga Taskforce report and develop an implementation framework to ensure the envisioned reforms in the security sector were realized. IPOA was included because of its oversight role and implementation responsibility of selected recommendations contained in the Maraga Taskforce Report.

d) Multi-agency Committee on the Review of Legislative, Policy and Institutional Framework for Protection of Persons from Extra Judicial Killings and Enforced Disappearance in Kenya

The Committee was established to ensure enhanced coordination between the various agencies responsible for addressing extrajudicial killings and enforced disappearance. The Authority was represented by Commissioner Doreen Muthaura and Assistant Director - Legal Services Bernadette Mutie. The Committee was sensitized on the relevant convention and the ratification process. The Authority is a critical stakeholder that plays an investigative role in cases of extra judicial killings and enforced disappearance involving police officers, therefore, ratification of the relevant legal framework will strengthen this investigative role.

5.2.18 Office of the Data Protection Commissioner

The Authority in its effort to comply with Data Protection Act No. 24 of 2019, facilitated 28 Staff drawn from all the directorate at the Head office to undertake a training at the Office of the Data Protection Commissioner. The main objective of the training was

to train and sensitize the Authority's staff on Data Protection. The training covered strategic and procedural steps undertaken to safeguard the privacy, availability, and integrity of personal data. These protective measures are critical to the Authority, as it plays both roles of a Data Controller (DC) and Data Processor (DP).

5.2.19 National Productivity and Competitiveness Centre (NPCC)

The Authority made steps to mainstream institutional productivity in compliance with resolutions made during the wage bill conference and the resultant presidential directive that all government agencies prioritize efficiency in their mandate areas. Accordingly, the Authority organized for a sensitization of the secretariat which took place in June, 2024 facilitated by NPCC. In the financial year 2024/2025, the Authority prioritizes appointment of the productivity mainstreaming committee, development of productivity metrics, computation of the productivity index and development of a productivity improvement strategy.

5.2.20 Moi Teaching and Referral Hospital (MTRH) Eldoret

The Board commenced discussions with MTRH on possible areas of collaboration in May, 2024. These include; psychosocial support services for victims of police action/inaction, effective processing of P3 forms, training, outreach and public education, legal aid among others.

5.3 Cooperation with Non-State Actors

The Authority partnered with diverse non-state actors through identification and protection of witnesses, referral of victim complaints to the Authority, technical training and capacity building, awareness creation and advocacy for police reforms. Some of the non-state actors partnered with include; the International Committee of the Red Cross, local and international media, civil society organisations such as; Transparency International-Kenya, Kenya Human Rights Commission, HAKI-Africa, Amnesty International, Independent Medico Legal Unit, International Justice Mission, Mathare Social Justice Centre among others (detailed list in the annexures).

5.4 Cooperation with Development Partners

In the 6-year period, the Authority partnered with various development partners including US Embassy, UN Women, IJM, EU,

Tetra Tech, ICRC, GIZ and OHCHR. Through these partnerships the Authority benefited with; training opportunities, funding for trainings, tooling and equipment, ICT infrastructure, technical consultancies, surveys, IEC materials and experiential learning opportunities.

Through the spirit of cooperation with Development Partners, the Chairperson, Mrs. Anne Makori and Commissioner Doreen Muthaura, MBS, represented the Authority in a workshop convened by the mandate of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and co-organized with the Queen Mary University of London, the University of Essex, and the Geneva Academy of International Humanitarian Law and Human Rights, and is supported by the United Nations Office of Drugs and Crime (UNODC), and the United Nations Office of the High Commissioner for Human Rights (UN OHCHR).

The objective of the workshop was to identify international practices in law enforcement, use of technology in the context of police facilitation of peaceful assemblies. The workshop was attended by law enforcement practitioners and others with expertise and experience of policing, the use of technology in policing, and/or the facilitation of peaceful assemblies.

The Authority was also represented in another workshop where the UN member states converged for a global consultation centered around developing specific technical and practical tools to assist law enforcement in promoting and protecting human rights in the context of peaceful protests. The workshop took place in Geneva, Switzerland organized by the UN Special Rapporteur on Freedom of Peaceful Assembly and of Association, Clément Voule, in cooperation with OHCHR and UNODC.

5.5 Continental Collaborations

IPOA provided a platform for benchmarking by other African countries on matter police oversight. The Authority also received delegates from Lesotho Police Inspectorate, Malawi Independent Complaints Commission, Sierra Leone Anti-Corruption Commission, Network of African National Human Rights Institutions, APCOF, Uganda Parliamentarians and National Human Rights Commission of Mozambique for experiential learning.

5.6 Memoranda of Understanding

Section 6 (f) of the IPOA Act requires the Authority to cooperate with other institution on issues of police oversight. During the 6-year period, the Authority signed the following memoranda of understanding with like-minded stakeholders signifying the Authority's commitment to partnership in realization of its mandate.

1. IPOA & ODPP -16th November, 2020
2. IPOA & IJM - 24th January, 2022
3. IPOA & LSK - Signed on 19th March, 2024
4. Letter of intent for Cooperation between IPOA and ICC of Malawi - 10th May, 2023.

5.7 Visibility and Awareness Creation

The Independent Policing Oversight Authority undertook awareness creation campaigns across the country to sensitize its stakeholders and the public on police accountability, its mandate and to deter unlawfulness and police misconduct. The anchor purpose of the outreach activities was for perception change among police officers and the general public to realize professionalism in the policing sector. To undertake these activities, the Authority directly funded some of the outreach activities but in some other instances partnered with various stakeholders.

The Authority enhanced visibility and awareness of its mandate and key functions among the public and key stakeholders through a set of planned activities including holding media briefings, advisories and appearances, maintaining a website, blogsite, social media handles, exhibitions and disseminated IEC materials.

The Authority conducted outreach across the country targeting members of the public and police officers which led to increased levels of awareness on its mandate. IPOA for instance participated in the ASK trade fairs in Nairobi, Nyeri, Eldoret, Kakamega and Meru; and was awarded trophies for the best non-agricultural statutory Board stand during the Eldoret and Kakamega shows. The Authority participated in the LSK legal aid week across the years.

The media also play a critical role in creating awareness and overall visibility of the Authority and its work achievements. To realise accurate reporting of the Authority’s news and stories, the Authority trained journalists who specialise in reporting on court and security matters in Nairobi, Nakuru, Mombasa and Eldoret.

Table 6: Number of stakeholders engaged during the period

Year	Number of stakeholders engaged
2018/19	58
2019/20	55
2020/21	27 ⁶
2021/22	66
2022/23	91
2023/24	85

5.8 Dialogue Forums

The Authority held Dialogue forums with members of the National Police Service. The objective of the dialogue sessions was to foster open communication, enhance feedback and collaboration between the two institutions in the interest of promoting effective and accountable policing in Kenya. The Authority held sessions in Nairobi, Kisumu, Kakamega, Eldoret, Nakuru, Nyeri, Meru, Garissa and Mombasa. This is in addition to similar sessions in various police training colleges across the country.

IPOA also participated in an anti-corruption dialogue in collaboration with NPS and TI-Kenya which aimed at seeking information on the level of understanding by members of NPS on corruption and how to deal with it. During these forums, IPOA sensitized officers on its mandate and interventions on corruption related complaints against the NPS. Supported by the UN Women, the Authority held a conference which aimed to promote Women in Policing in Kenya to Address the 21st Century policing challenges. The conference emphasized on the importance of gender diversity and equality in law enforcement agencies as they navigate the complex challenges of modern policing.

⁶ This was due to the Corona Virus State-imposed pandemic containment measures.

The dialogue sessions enhanced cooperation and collaboration between the Authority and members of NPS. These sessions resulted in easing of Authority processes such as; timely notification on death and serious injuries occasioned during policing operations, honouring summons to advance investigations, sharing of information, improving working relationship between IPOA and NPS, addressing identified gaps such as gender in policing. The sessions also created a platform to sensitize members of the NPS on compliance with law in policing and to open dialogue channels on policing matters.

Members of the IPOA Board and Senior NPS officers after a dialogue session on Police Reforms in May 2023.



KRA 3

81%

THE BOARD'S 6-YEAR CIVILIAN OVERSIGHT LEADERSHIP

2018-2024 KEY
MILESTONES AND ACHIEVEMENTS

RESEARCH & INFORMATION MANAGEMENT

-
- 31 reports developed and disseminated
 - 31 Policy briefs developed and disseminated
 - 3 Tracking of Recommendations exercises
 - Digitalization & Automation of IPOA Services

Chapter 6: Research and Information Management

6.1 Introduction

IPOA's focus on Research and Information Management as Key Result Area between 2018 and 2024 underscored the organization's commitment to evidence-based policy, strategy, and decision-making in its oversight role of the NPS. This research foundation provided the empirical basis for in-depth understanding of trends and patterns of police conduct. Conducting research and generating knowledge was essential for IPOA to make informed policy decisions and recommendations.

6.2 End-line Survey on Policing Standards and Gaps

During the period, the Authority conducted various surveys including the End-line survey in 2019 aimed at gathering comparable evidence on the perception of Kenyans about the quality of policing services and the factors affecting effective policing in Kenya. The end line survey was a follow-up to a Baseline Survey conducted in 2013. This study formed the basis for setting the targets for the SP 2019-2024. The survey showed an increase in public confidence and trust with the Authority from an index of 34.3% in 2013 to 43.3% in 2019.

6.3 Research Reports

The Authority consolidated thematic reports and recommendations from the inspections and monitoring activities and shared with the Service and other state and non-state actors. These include;

6.3.1 Tracking Implementation of IPOA Recommendations to The National Police Service - At The Police Station Level (2022)

The objective of the exercise was to measure the implementation level of various recommendations made by the Authority to the National Police Service; Establish factors affecting implementation of recommendations made by the Authority to the National Police Service, establish a baseline score on various thematic issues in the NPS along which the Authority makes recommendations and inform policy recommendations both in the Authority and in the NPS. On average, the overall baseline score for implementation of recommendations made by IPOA as at August 2024 stood at 56% which is a positive indication

of the impact the Authority is making in enhancing professionalism of the service through its function of Inspections of Police Premises.

6.3.2 Murders and Suicides in the Police Service (2021)

This analysis report identifies the possible causes of cases of murders and suicides by members of the NPS and further presents strategies and approaches for curbing such cases of murders and suicides among members of the Service. According to National Police Service Statistics (2021), between the year 2016 and 2020, the NPS recorded 65 cases of murder and 57 cases of suicide within the service. This indicates an average of 13 murders and 11 suicide cases per year. The report proposes a raft of measures aimed at curbing occurrences of similar cases.

6.3.2 Trends and Patterns of Reported Police Misconduct 2012 – 2019 (2021)

The objective of the report is to assess the trends and patterns of the nature of reported police misconducts as evidenced by the complaints reported to IPOA and present the status in a simplified manner as well as make practicable recommendations to relevant stakeholders for necessary interventions. The trends on reported police misconduct established in this report indicate increasing numbers of police misconduct which points to a Policing System that does not embrace Article 244 of the Constitution of Kenya. There were increasing trends in all except 1 of the 9 categories used to classify police misconduct in this report.

6.3.4 Status Report on Implementation of the NPS Housing Policy (2019)

The assessment focused on documenting the successes and the challenges of the implementation of the National Police Housing Policy of 2018. The assessment concludes that there are some commendable strides in providing housing for police officers. This was evidenced by the fact that police officers from the rank of Constable to Senior Sergeant received their house allowances in the month of December 2018. However, there were some challenges including hitches during vacating from police houses, insecurity to the officers, inadequate awareness on the policy and other reforms, difficulties in mobilizing personnel for emergency response and inadequacy of the house allowances. The report contains actionable recommendations that would enable the relevant bodies enhance monitoring of the implementation status to ensure seamless execution of the policy.

6.4 Other Thematic Inspection and Monitoring Reports

Besides research driven reports, the Authority also conducted thematic studies through inspections and monitoring based on trends and patterns on issues affecting policing. The reports generated from these thematic inspections and monitoring include;

6.4.1 Thematic Inspection of Critical Infrastructure Protection Unit (CIPU) Report (2023)

The general objective of the CIPU inspections was to ensure compliance with the Constitution, Independent Policing Oversight Act, National Police Service Act, other policing laws, international standards, Service Standing Orders and various policing policies. Based on the findings from the inspections conducted by the Authority in May and June 2023, IPOA concludes that CIPU is doing a commendable job of protecting Kenya's critical infrastructure. The Authority, however, notes that the working and living conditions of officers assigned to CIPU require improvement for optimal service delivery. The Authority recommended improvements in provision of adequate personnel, sufficient offices and housing, guidelines to inform on allowances and payment from hiring institutions, adequate training, transport and communication equipment among others.

6.4.2 Monitoring Report on Police Conduct Before, During and After the 2022 General Election (2022)

The report highlights the findings of Police preparedness before, during and post 2022 general elections held on 8th August. The report notes that the Police conducted themselves professionally during the 3-phased monitoring exercise. The Authority recorded only 8 incidents of alleged police misconduct compared to 102 incidents that were recorded in the 2017 general elections.

6.4.3 Preliminary Inquiry Report into Police Misconduct within Mutha Ward of Kitui County and its environs (2022)

The report aimed at establishing the alleged use of police vehicles to ferry food and supplies to camel herders among other misdemeanours and to ascertain whether the alleged conflicts and offences related to the conflict. The report further sought to establish whether the complaints had been documented and processed by the Police. The report found no substantiated evidence to support the allegation that police vehicles were used to ferry food and supplies to camel herders. However, there was lack of proper communication mechanisms between the NPS and the local community resulting in mistrust. The trust deficit led to the stoning of a police vehicle.

6.4.4 Monitoring and Fact-Finding Report following a Bandit Attack in Turkana East Sub County (2022)

This report aimed at establishing the circumstances under which 8 police officers and 3 civilians lost their lives in the hands of bandits by obtaining relevant information relating to the banditry attack, and establish whether police norms and standards were followed when deploying the police officers. The report established that vulnerability and exposure to frequent raids related to banditry activities led to acquisition of sophisticated weapons by bandits which has complicated maintenance of law and order. Further, it was noted that withdrawal of National Police Reservists who had vast knowledge of the terrain in Turkana East coupled with poor planning and lack of combat experience by the officers significantly contributed to the unsuccessful execution of the operation leading to the deaths of 8 police officers and 3 civilians.

6.4.5 Thematic Inspection Report on Community Policing (2022)

The Inspections were mainly to assess the level of compliance by the National Police Service to constitutional standards as well as various statutes towards implementation of Community Policing initiatives in Kenya. The report findings were that the NPS had not implemented Community Policing as guided by the Constitution, NPS Act and Service Standing Orders. Recommendations were made on how the NPS can best comply with the provisions of Sections 96 to 100 of the NPS Act on Community Policing.

6.4.6 Police Cadet Recruitment Monitoring Report (2021)

The objectives of the monitoring exercise were; to promote accountability, merit and professionalism in the Police recruitment process through strategic analysis on adherence of the set regulations, procedures and standards, to ensure public participation in the process towards building public trust and confidence in the Police. The restriction of Authority's Officers to access the interview rooms pointed to lack of transparency and accountability in the recruitment process and negates the cooperation principle envisaged under Section 6(f) of the Authority's Act.

6.4.7 Thematic Inspection Report on NPS Compliance with COVID-19 Regulations and Other Legal Frameworks in The Country

The report aimed at assessing compliance with COVID-19 Regulations in the National Police Service facilities in the Country. The response to the pandemic in Police facilities was particularly challenging and required a whole-government and whole-

society approach. Police premises and detention facilities were perceived to be a breeding ground for the virus with overcrowded cells, lack of fumigation, lack of sanitizers and PPE for Police officers. Further, it was evident that Police officers who provide a crucial role in the society continued to conduct their work within wanting circumstances likely to exacerbate the spread of the COVID-19 pandemic.

6.4.8 Thematic Inspection Report on Police Infrastructure and Detainee Welfare (2021)

This report assessed the condition of infrastructure in Police premises and the adequacy of resources allocated for feeding detainees in Police premises in the wake of COVID-19 pandemic. The report offers one key recommendation for the government to come up with a National Government – Police Infrastructure Development Fund.

6.4.9 Specialized Police Units Inspection Report (2020)

The report highlights findings from inspections of the conditions of the Specialized Police Units and establish the level of their resource allocation as well as find out how Police records were maintained and managed in the Specialized Police Units. The report highlighted the plight of officers in the Specialized Police Units. While the Units are doing good work, providing policing services, some in severe conditions, they need reinforcement in some areas as a myriad of challenges were witnessed. Some of these ranged from inadequate resource allocation, housing, non-payment of allowances, lack of recreational facilities, among other issues. Additionally, the Specialized Police Units had properly maintained records in line with Chapter 59 of the Service Standing Orders.

6.4.10 AIE Utilization at the Police Station Level (2020)

The objective of the assessment was to find out how AIE was being utilized at station level in terms of process and procedures, find out the status and challenges being faced during the implementation as well as to find out the impact of AIE at the station level. The report established that, Authority to Incur Expenditure (AIE) at the police station level has improved policing work at the key point of service delivery and the great impact is still being realized. In the areas of acquisition of key stationeries, cleanliness of cells, toilets, food and ration among others. The report further made recommendations aimed at increasing effectiveness in management of the AIE.

6.4.11 Traffic Management and Control Monitoring Report (2019)

This report presented findings of monitored Police operations around traffic management and control in 13 Counties. The findings pointed out to minimal use of new technology in traffic management, existence of a strained relationship between Traffic Police Officers and motorists, a factor that was attributed to perceived high levels of corruption, extortion, harassment and intimidation by Police Officers. Majority of the road users were also less informed on the relevant laws and regulations that apply in traffic management. This gap made them exposed to exploitation by unscrupulous Police Officers. Lack of relevant trainings and skills among Police Officers on Traffic Management was cited as an impediment to efficient service delivery with enhanced and continuous capacity building of the Officers recommended.

6.4.12 National Police Service Training Colleges and Campuses Inspections Report (2019)

The report aimed to assess the conditions, status of infrastructure, and quality of training and establish the level of resource allocation in Police Training Colleges and make necessary recommendations to mitigate the causes and effects of any identified challenges. Findings show that the trainings provided by the institutions were comprehensive, problem-solving oriented and connected to policing practices. Majority of the institutions provided a good training environment for the trainees with high standards of professionalism and hygiene. However, Specialized Police Units suffered acute shortage of resources hampering effective execution of the Units' operations.

6.5 Policy Briefs

The development and sharing of policy briefs by IPOA during the period are indicative of its proactive approach to address various issues related to police oversight and professionalism. These policy briefs served as valuable tools for IPOA to communicate findings, recommendations, and areas of concern to relevant state actors and stakeholders. Below are some of the policy briefs developed and shared during the period;

1. Policy Brief on Status of Specialized Police Units of the National Police Service
2. Policy Brief on Trends and Patterns of Reported Police Misconducts
3. Policy Brief on Police records and Registers Management
4. Strengthening of the National Police Service Training Institutions

5. Authority to Incur Expenditure (AIE) Utilization at the Police Station Level
6. Policy briefs on Police Housing in NPS.

6.6 Tracking of Recommendations

The Authority conducted tracking of recommendations exercises in 2022 (phase 1) and 2023 (phase 2) to provide valuable insights into the level of implementation of its recommendations by the National Police Service at the station level in various counties.

The tracking conducted in phase one covered 76 stations in 9 counties while the second phase covered 102 stations in 23 counties. The recommendations were categorized into 14 thematic areas. These included; safety and security of police premises, children perspectives, gender perspectives, office space and utilities, disability friendliness, housing, detainee welfare, psychosocial support, community policing utilization, elections, staff capacity, trainings and promotions, police uniforms, records and registers, and vehicle and fuel allocation. The average level of uptake of the Authority’s recommendations was at 56.3%. Table 7 shows the average implementations score for various thematic areas in 2022 and 2023.

Table 7: Average implementation Score Per Thematic Area

Thematic Areas	Indicators	Implementation Score (%)
Housing	<ul style="list-style-type: none"> • House allowance • Integration with community • Vacating dilapidated houses 	74.7
Safety and Security	<ul style="list-style-type: none"> • Presence of sentry • Grills at the report office • Availability of Perimeter fence 	55.8
Registers and Records	<ul style="list-style-type: none"> • Digital OB • Availability of Requisition forms for police registers/stationery • Adequate Stationery/Registers at the Station level • Police registers correctly filled 	41.3

AIE Utilization	<ul style="list-style-type: none"> • Availability Copy of guidelines on management of AIE • Accounting officers assigned to the station • Station Commander trained on Financial Management • AIE is disbursed in good time • AIE has improved operations at the Station 	63.9
Gender Perspectives	<ul style="list-style-type: none"> • Presence of male and female officers • Presence of officers are trained on gender issues • Availability of gender desk/Office • Officers assigned to gender desk daily • Availability of separate cells for male and female detainees • Availability of lactating rooms • Provision of sanitary towels and toiletries 	54.7
Detainees Welfare	<ul style="list-style-type: none"> • Availability of emergency medical services • 3-meals per day for detainees • 24-hour rule compliance • Detainees Rights displayed • Availability of clean drinking water 	70.5
Children Perspective	<ul style="list-style-type: none"> • Availability of a Child Protection Unit/office • Presence of trained officers on children issues • Availability of Juvenile Cells • Collaboration with other actors in handling children issues 	49.1
Police Uniforms	<ul style="list-style-type: none"> • Sufficient police uniforms • Provision of new police uniforms 	45.7
Office Space and Utilities and Community/ NGCDF Partnership	<ul style="list-style-type: none"> • Sufficient office space • Availability of steady water supply • Availability of a steady source of electrical power • Availability of a clear signage and labelling of premises • New buildings constructed/under construction through NGCDF/ community partnership 	71.1

Tools and Equipment	<ul style="list-style-type: none"> • Adequate vehicle and fuel allocation • Adequate provision of protective gear • Availability of serviceable communication gadgets 	48.3
Staff Capacity, APS & KPS Integration and Trainings and Promotions	<ul style="list-style-type: none"> • Enhanced staff capacity • Promotions and trainings on merit and clear state regulations • Proper Coordination for two services for better policing 	63.4
Disabilities Friendliness	<ul style="list-style-type: none"> • Disability friendliness • Braille, Ramp & Lift • Sign language translator 	35.8
Psychosocial Support	<ul style="list-style-type: none"> • Availability of psychosocial services to the officers • Psychosocial support to officers within your jurisdiction 	51.9
Community Policing	<ul style="list-style-type: none"> • Well constituted community policing committees • Meetings (proof of minutes) 	71.5
Average Score		56.3

(Source: IPOA Survey Data, 2022 & 2023)

IPOA noted positive progress in uptake of recommendations in several key areas, including uptake of recommendations aimed at improvements in; housing conditions, detainees’ welfare, community policing, and aspects of infrastructure and facilities. These improvements reflect efforts to enhance the well-being of police officers and the quality of services provided to the community. Despite progress, persistent challenges remain in uptake of recommendations in areas such as gender and children perspectives, the sufficiency of police uniforms, tools and equipment provision, and disabilities friendliness among others.

6.7 Digitalization and Automation of IPOA Services

As the digital transformation landscape continued to evolve, IPOA recognized the need to adapt and optimize its Enterprise Content Management (ECM) system. A comprehensive review identified gaps in meeting evolving organizational requirements, prompting IPOA to request additional support. This led to the commencement of Phase II support on December 6, 2021, a critical step in advancing digitization efforts.

Phase II support was a multifaceted endeavour that addressed various critical aspects, including significant enhancements to the ECM system to better align with IPOA's evolving functional needs. The ECM system serves as a centralized hub, enabling instant access to details and updates for authorized personnel, regardless of location.

Furthermore, the upgraded systems revolutionized various aspects of IPOA's operations, including complaint processing, investigations, case tracking, operational efficiency, and reports generation. These improvements significantly contributed to informed strategic decision-making within the Authority. The implementation of an ERP system streamlined operational processes, increasing efficiency. Additionally, the successful roll-out of toll-free telephone services and the establishment of a dedicated contact center expanded public access to IPOA's services at no cost. The infrastructure upgrades not only enhanced system availability but also strengthened security, fortifying the foundation of IPOA's operations.

These advancements streamlined operations and reinforced IPOA's commitment to its mandate and the GOK's digitalization strategy, ultimately serving the public more effectively and transparently. This transformational effort demonstrates the importance of adapting to the evolving digital landscape to better serve the needs of the community and uphold accountability in policing.

6.7.1 Call Center, Toll-Free Line, SMS Module Integration & VOIP

The Call Center was established on July 7th, 2020, with a view to streamline service delivery, offer seamless complaint lodging and making of inquiries by Citizens and member of the National Police Service through the toll-free number 1559. It acts as a vital liaison between citizens and the Authority.

The Call Center played a pivotal role in facilitating remote reporting of police misconduct during critical periods like during 2022 electioneering, COVID-19 pandemic other police operations. The Call Center continues to facilitate uninterrupted service delivery to the member of public, highlighting IPOA's commitment to engage citizens and promote police accountability.

The Authority's commitment to accessibility and responsiveness is exemplified through the integration of its toll-free line with the Enterprise Content Management (ECM) system and SMS module. Real-time feedback on complaint progress is delivered via SMS notifications, providing instant confirmation and ongoing updates. This transparency fosters trust and reduces anxiety,

keeping individuals informed and engaged throughout the process. A robust VOIP telephony infrastructure, was introduced to augment communication channels between Headquarters and regional offices. It serves as the cornerstone of the Authority telecommunication network and seamlessly facilitates voice teleconferencing, while concurrently driving down operational expenditure.

6.7.2 Enterprise Resource Planning (ERP)

Towards digital transformation, the Authority in December 2021 implemented a robust Enterprise Resource Planning (ERP) system to streamline support processes such as supply chain management, human resource management, and finance. Automating workflows and ensuring data consistency across departments, the ERP facilitates operational efficiencies improving service delivery and transparency.

6.7.3 Data Security

The Authority enhanced data security through establishment of additional data recovery center in Nakuru and enhancement of the Nairobi Data Recovery Center, aligning with government digitalization goals. These infrastructure upgrades ensure sustainability and scalability, safeguarding critical data for the long term.

6.7.4 ICT and Digitalization for Sustainability

ICT and digitalization scalability are pillars for sustainable institutional growth. Establishment of Enterprise Content Management (ECM), Call Center, toll-free line & SMS module integration, Enterprise Resource Planning (ERP) and data recovery centers are positive steps that the Board committed towards sustainability of the Authority.

KRA 4

87%

THE BOARD'S 6-YEAR CIVILIAN OVERSIGHT LEADERSHIP

2018-2024 KEY
MILESTONES AND ACHIEVEMENTS

INSTITUTIONAL CAPACITY

-
- Strengthened Human Resource Capacity
 - Approved HR Instruments
 - Decentralization of IPOA Services
 - Drafting and Finalization of IPOA Regulations
 - Strengthening Business Systems
 - Strengthening Internal Processes
 - Infrastructure and Tooling
 - Development of Internal Policies



Newly appointed IPOA Board pose with a course facilitator during a Corporate Governance training in October 2018.



IPOA Board during an experiential learning visit on police oversight in the Republic of South Africa in July 2019.

IPOA Chair, Anne Makori, EBS, addresses technical staff who were undergoing a Victim Support training in January 2021.



Commissioner Doreen Muthaura, MBS, presents the Draft Regulations to the Departmental Committee on Administration and Internal Affairs in April 2023.



Chapter 7: Institutional Capacity

7.1 Introduction

These institutional capacity-building efforts aligned with IPOA's commitment to professionalism, transparency, and accountability in overseeing the National Police Service. By investing in corporate governance, human resources, financial sustainability, and internal processes, IPOA aimed to be better equipped to fulfill its mandate of ensuring police accountability, upholding the principles of police professionalism, and promoting trust between the Service and the public in Kenya.

7.2 Strengthening Human Resource Capacity

7.2.1 Training

The Authority trained and facilitated continuous development opportunities for Board and Staff including Strategic Leadership Development Programme (SLDP), Senior Management Course (SMC) Supervisory Skills Development Course (SSDC) and essentials counselling skills training. Other officers undertook continuous professional development courses organized by professional membership. The trainings were facilitated by KSG, IHRM, ICPAK, LSK, IIA, KIM, amongst others. In addition, staff members were facilitated by various development partners to undergo training such as; expert evidence, gaps in evidence analysis and conspiracy crimes, ToT for investigators, support and training of end users and ICT staff, psychosocial support services and corporate governance trainings.

Table 8: Number of trainings conducted during the period

FY	Number of Trainings
18/19	228
19/20	96
20/21	164
21/22	126
22/23	93
23/24	166

7.2.2 Staff Capacity

Across the years, the Authority saw a steady growth in terms of staff numbers from 218 in FY2018/19 to **292** in FY 2023/24 which represented a **34%** staff growth rate. This growth is attributed to the commitment of the Board to improve service delivery. Despite, this growth, staff capacity is still way below the approved establishment of 1,377.

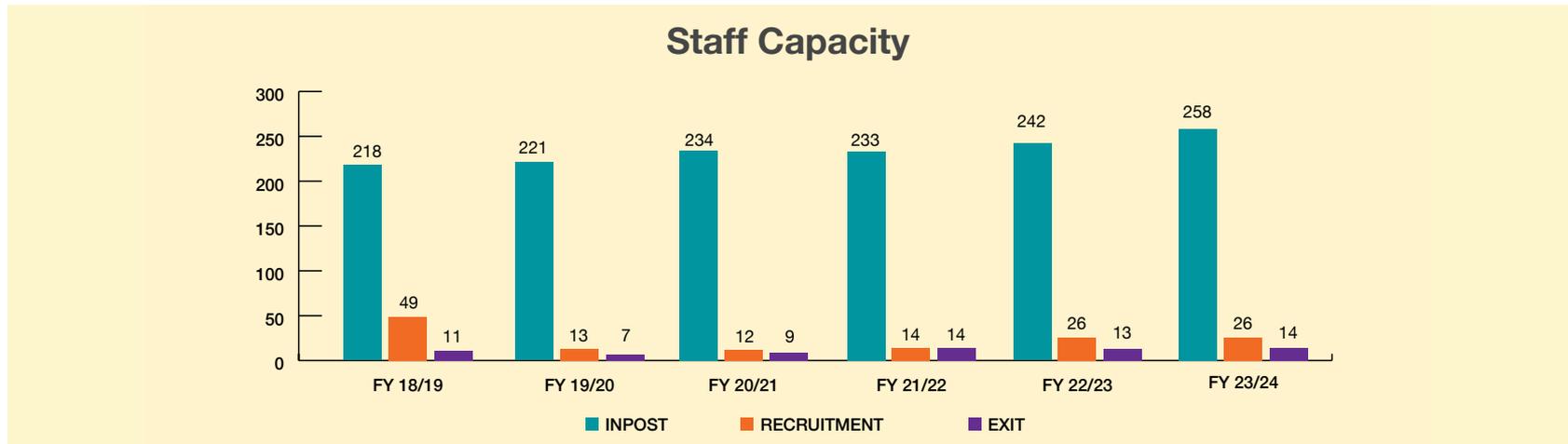


Figure 8: In-post, recruitment and exit of staff between 2018 and 2024

7.2.3 HR Instruments

The Board overhauled the old organisational structure, developed a new structure aligned to the government best practice and implemented a new grading following job evaluation exercise and enhanced job description, staff establishment, HR policy and procedure manual and career progression guidelines which were approved by Public Service Commission on 6th February, 2023. The revised HR instruments approved;

- i. Enhanced staff establishment from 326 to 1,377

- ii. Expansion of grading structure from 9 to 13 grades
- iii. Provision of the position of deputy CEO, increase of directorates from 4 to 7; and increase of departments from 14 to 22 to enhance operational efficiency; and,
- iv. Decentralization from 10 regions to 23 counties necessitating recruitment of more staff as per the staff establishment.

In view of the new structure, the Authority converted all existing staff to their new grading and titles effective 12th October, 2023.

Since the establishment of the Authority, there had been no review of the HR instruments. Following the restructuring and upon approval of the a new organisation structure staff establishment and career progression guidelines, the Authority embarked on review of the salary structure. Through engagement with SRC the Authority has an approved new grading which has increased from 9 to 13 and structure which has elevated staff remuneration.

7.2.5 Staff Welfare

The Authority through provision of IPOA SRBS, was able to provide medical cover, staff car loan and mortgage as an avenue of improving staff welfare. The IPOA SRBS was established under irrevocable trust and commenced on 16th March, 2018. The IPOA Board nominated three members, Head of Human Capital and four members elected by staff served as Trustees to IPOA SRBS from February 2019. Under the leadership of the Board in the 6-year period, the scheme membership grew from 122 to 196 and scheme's value grew from Kshs 25,552,475 to Kshs 311,791,665 as at December, 2023.

IPOA also entered into a contract for provision of mortgages and car loan scheme administration services with Co-operative Bank of Kenya in June, 2020. The scheme fund has grown from a seed capital of Kshs 24,000,000 in FY2019/2020 to Kshs 74,000,000. The uptake of mortgage stood at an average of 56% as at 30th June 2024. The Authority continued to provide insurance medical cover to staff. During the period, negotiations were undertaken to enhance certain aspects of the cover such as COVID-19. This boosted the wellbeing of employees and their dependants.

Within the period, psychosocial support was offered to staff through provision of individual counselling, psychological first aid, psycho-educational program and referral where need arose as illustrated in Table 9;

Table 9 Psychosocial Support to Staff

Staff	Psychosocial support and counselling services for staff members through provision of individual counselling, psychological first aid and psycho-educational program	1039	962	2001
	Referral of staff for special support	13	17	20
	Total	1052	979	2021
	Percent (%)	52%	48%	100%

7.2.6 Promotion of Professionalism and Accountability

During the period, and in promoting high standards of conduct and accountability among staff, the Authority reviewed and implemented the human resource policy, procedure manual and code of conduct. In addition, the Authority administered an oath of secrecy to newly recruited staff and had a functional Human Resource Management Advisory Committee. Enforcement of the policy and other measures ensured the Authority’s compliance with best labour practices, the Leadership and Integrity Act and other frameworks thus protecting itself from unwarranted litigations.

7.3 Decentralization of IPOA Services

IPOA’s decentralization efforts between 2018 and 2024 represent a significant step towards enhancing its presence and effectiveness throughout the country. The Board spearheaded enhancement of the Authority’s decentralization of services through; partitioning of five regional offices in Mombasa, Kisumu, Nakuru, Eldoret and Meru. Further, capacity of all Regional Coordinators was enhanced through training on Senior Management Course and Strategic Leadership Development Programme to boost their managerial, leadership and administrative skills.

In addition, the regional offices were equipped through provision of 24 motor vehicles to enhance mobility and wider reach in expansive areas, furniture and office equipment to enhance conducive work environment and recruitment and deployment of additional staff for effective service delivery.

The Board also established Nairobi regional office covering Kiambu, Nairobi, Makueni, Machakos, Kitui and Kajiado counties. The regional office enabled IPOA to focus on issues specific to the counties.

7.4 Promoting Corporate Governance

Corporate governance is crucial in maintaining transparency, accountability, and ethical conduct within IPOA. It sets the framework for decision-making, risk management, and compliance with statutory obligations and internal regulation. The Board and Management undertook two trainings on corporate governance. The training covered principles and values of corporate governance, public financial management, public procurement, optimizing of human resources, and audit and risk management. These trainings prepared the Board to achieve the Authority's objectives and functions, control risk and ensure compliance to statutory requirements.

Further, the Board developed and implemented various instruments of corporate governance including; Board charter, Service Charter, Code of Conduct, Corruption Policy and established a corruption prevention committee. These instruments guided the operations of the Board.

7.5 Development and Review of Internal Policies

The development of the policies and manuals during the period (2018 -2024) were done internally and reflected the organization's commitment to enhancing its operations, transparency, accountability and governance. The policies were developed and or reviewed through utilizing the internal capacity and expertise. The following polices and manuals were developed or reviewed during the period.

1. Human Resource Policy and Procedure manual, 2023
2. Research and Procedure manual, 2023
3. Research Policy, 2023
4. Communication Policy, 2020
5. Security Policy, 2023
6. Complaints Policy, 2023
7. Witness Expenses Policy, 2023
8. Finance Policy and Procedures Manual, 2023

9. Resource Mobilization Policy, 2023
10. Risk Management Policy, 2023.

7.6 IPOA Regulations

During the reporting period, the Authority drafted and finalized its regulations known as the Independent Policing Oversight Authority (General) Regulations, 2024. The regulations were developed utilizing the internal capacity and expertise under the stewardship of the Board and a special Board Ad hoc committee. The Ad hoc Committee was chaired by Commissioner Doreen Muthaura and comprised of Commissioners J.M. Waiganjo, Dr. Praxedes Tororey, Ms. Fatuma Mohamed, Senior Assistant Director Legal Services, Festus Kinoti, Assistant Director Legal Service Bernadette Mutie and Principal Legal Officer, Christine Owino.

Pursuant to Article 10 of the Constitution, the Board subjected the regulations to public and stakeholders' participation which necessitated validation fora involving all the key stakeholders including the National Police Service, State Law Office and Ministry of Interior and National Administration, Parliamentary Committee on Administration and National Security and Parliamentary Committee on Delegated Legislation amongst others. The Independent Policing Oversight Authority (General) Regulations 2024 were gazetted by the Attorney General's Office and were laid before the National Assembly's Parliamentary Committee on Delegated Legislation on 12th June, 2024 for noting.

7.7 Infrastructure and Tooling

During the period, the Authority enhanced its infrastructure and tooling through the Exchequer funds and support from development partners.

Through the Ex-Chequer funds, the Authority established one new regional office in Nairobi, partitioned five regional offices, purchased 14 motor vehicles and one motor cycle, purchased ICT and office equipment to provide staff with a conducive working environment. Pursuant to Section 8 (2) of IPOA Act the Board shall have the power to (c) receive grants, gifts, donations or endowments, and (d) to enter into association with such other bodies or organizations within or outside Kenya as it may consider desirable or appropriate and in furtherance of the objectives for which the Authority is established. It is in line with

these provisions, the Authority received support from the US Government through its State Bureau of International Narcotics and Law Enforcement Affairs (INL), GIZ, IJM to enhance infrastructure and tooling. Some of the support areas received during the period included:

Table 10: Infrastructure and Tooling

No.	Activity
1	8 No. Toyota Hilux Double Cabins-For IPOA regional Offices
2	COVID-19 PPEs
3	ICT Equipment Support (Laptops, Desktops, IP Phones, Wireless Aps and Controllers, Cisco Security ISE Licenses and MFP Printer.)
4	ICT Equipment Support - laptops, desktops, forensic equipment, binoculars, cameras, mobile printers, MFP printers, scanners, handheld scanners, tablets, portable hard disks, write blocks, projectors, network switches, & UPS APCs and licenses - 2020
5	Enhancement of ECM System, development & implementation of an ERP solution, setup of disaster recovery site and upgrade of Nairobi Data Center, system review and technical support - 2021
6	Donation of forensic equipment, tools and training: Cellebrite, Talino Work station, metal detector, cameras, video cam, 8 crime scene kits, investigation bags, assorted evidence collection kits and PPEs plus the trainers
7	Establishment of the IPOA Call Center
8	Equipment for Counselling Unit -Cathartic therapy couch, children’s toys, art therapy items, television to aid meditation and a refrigerator for client’s refreshments

7.8 Institutional Financial Sustainability

The Authority operated within the GoK approved budget that increased from Kshs. 863 million in FY2018/19 to Kshs 1052 million in FY2023/24 which represented a growth rate of 22 percent. Across the period, the Authority realized over 92% - 98% absorption rate demonstrating prudent use of public resources to achieve institutional objectives.

Over the period, IPOA obtained clean audit reports from the office of the Auditor General which was a great achievement. Further, the Authority received commendation letters from the National Treasury and several Financial Reporting (FiRe) awards in the independent offices and constitutional commissions reporting under the International Public Sector Accounting Standards

(IPSASs) category as illustrated in the Table below;

Table 11 Financial sustainability performance

Year	Award Category	Position
2018	Independent Offices and Constitutional Commissions, Under IPSAS Cash Category	1 st Runners Up
2019	Independent Offices and Constitutional Commissions, Under IPSAS Cash Category	1 st Runners Up
2020	Independent Offices and Constitutional Commissions, Under IPSAS Cash Category	2 nd Runners Up
2021	Independent Offices and Constitutional Commissions, Under IPSAS Cash Category	4 th Position
2022	Independent Offices and Constitutional Commissions, Under IPSAS Cash Category	Winner

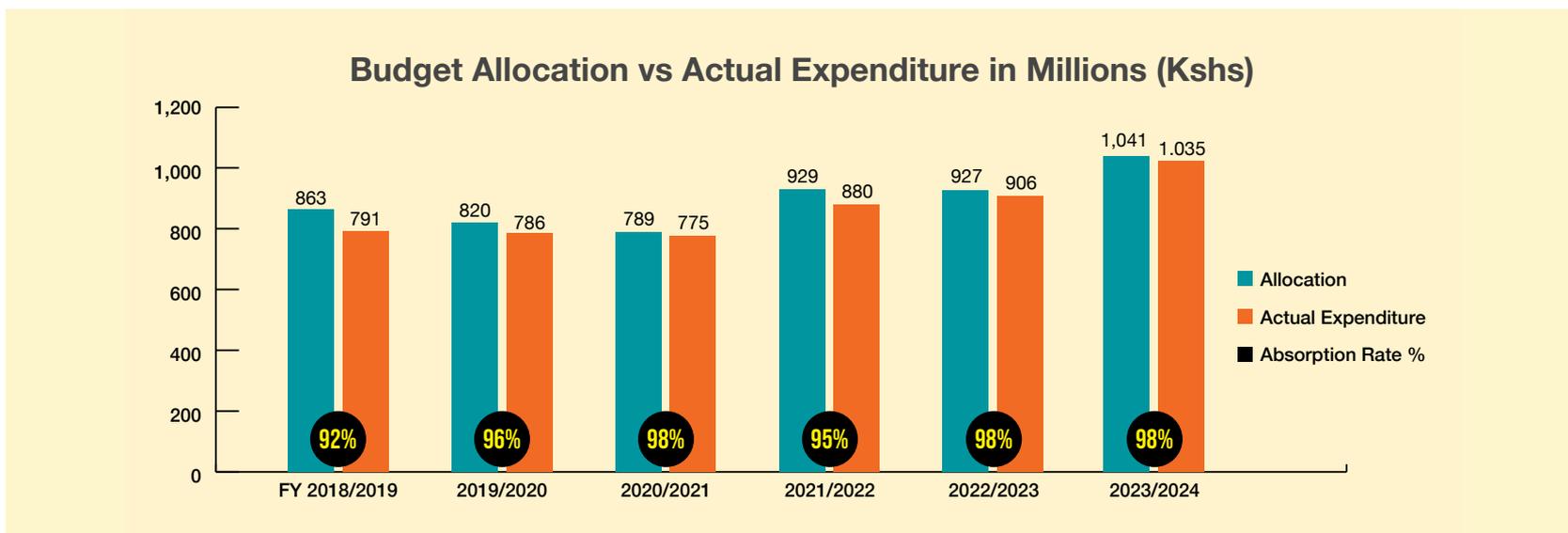


Figure 9: Budget allocation vs actual expenditure between 2018 and 2024

7.9 Strengthening Business Systems and Internal Processes

Continuous monitoring of the risks through the Enterprise Risk Management Framework informed the Authority's key risk areas aimed at prompt identification, analysis and mitigation. Internal audits were conducted and recommendations given to the respective directorates and departmental heads for improvement of Authority's operations. To safeguard the Authority's data and information, the Nairobi data recovery center was upgraded besides establishment of a backup data recovery center hosted within the Nakuru regional office.

Further, the Authority enhanced security and safety of its assets, clients, and information in line with Section 19 (5) of IPOA Act. The Authority mitigated risks through, integration of technology into security systems by modernizing access control and surveillance systems. In addition, the Authority, oversaw field security management, sensitized staff, conducted reconnaissance, provided advisories and liaised with relevant security agencies. Through these efforts, there were no major incidents or losses incurred to affect the Authority's staff, clients, assets and information.

7.10 Diversity Mainstreaming

The Authority mainstreamed diversity including gender, ethnicity, age, disability and regional balance. The Authority had 8 members of staff with disabilities and was compliant with the two-third gender rule with 62.5% Male and 37.5% female employees. The Authority mainstreamed diversity through provision of medical cover to allow persons with disabilities access medical care, assistive devices and services. Further, the Authority developed and implemented policies and established committees on gender, disability, alcohol, drug and substance abuse and work place policy on HIV & AIDs. In addition, staff recruitment and promotions offered equal opportunity to diverse groups.



IPOA Chairperson Anne Makori, EBS, during an inspection exercise at Namanga Police Station in April 2023.



Commissioner Dr. Praxedes Tororey, MBS, during a tree planting session in St. Georges Girls School in Uasin Gishu County in July 2023.

IPOA Board hands over a report to Interior Cabinet Secretary Professor Kithure Kindiki in November 2022.





Former Interior Cabinet Secretary Fred Matiang'i officiating the launch of the IPOA strategic plan in November 2019.



Chair Anne Makori, EBS, engaging NPS Assistant Inspectors General of Police in a dialogue session on police oversight in May 2019.

Commissioner Dr. (Hon) Praxedes Tororey, MBS, leads in receiving a participation award during the ASK Show in September 2019.



Chair Anne Makori, EBS, and CEO Elema Halake, SS, lead the secretariat in receiving the FiRE Awards recognition in March 2024.



Chapter 8: Key Achievements and Awards

8.1 Introduction

The Authority recorded remarkable achievements during the 6-year period, this section highlights some of key achievements and awards. The Board spearheaded the Authority's concerted efforts to realize these achievements amidst challenges posed by COVID-19 Pandemic, electioneering period activities, budget rationalization and government transition.

8.2 Strategic Plan 2019-2024 End Term Review

The internal evaluation of the IPOA's Strategic Plan 2019-2024 shows a successful implementation with an overall performance score of 92%.

Police Accountability (72%). The Authority made relatively good progress in strategies set to realize police accountability. They include; complaints receipt and processing, investigations of complaints, monitoring of police operations and inspections of police premises.

Stakeholder Cooperation and Complementarity score at 128% indicates a significant achievement in this KRA. This is as a result of IPOA building strong relationships with stakeholders, visibility and awareness creation and holding dialogue forums. The performance under this KRA was attributed to donor funding to develop IEC materials and facilitating stakeholder engagement.

Research and Information management (81%). This underscored IPOA commitment to evidence-based policy, strategy, and decision-making in its oversight role of the NPS. IPOA gathered valuable data to inform its strategies in an effort to be a data-driven police oversight institution.

Institutional Capacity (87%): This achievement is attributed to the Authority's commitment in strengthening human resource capacity, decentralization of IPOA services, promoting corporate governance, development and review of internal policies, finalization of IPOA regulations, infrastructure and tooling among other strategies set out in the SP. The summary of the end term evaluation of KRAs is illustrated in Figure 10.

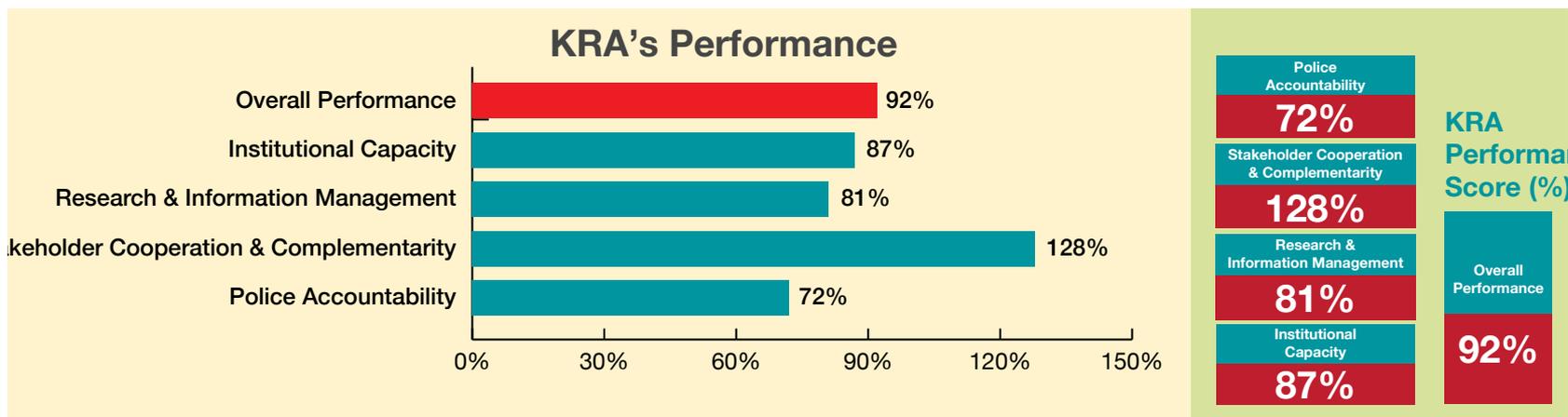


Figure 10 End Term Evaluation of KRAs in the SP 2019-2024

The table below highlights some of key achievements and awards of the Board during the 6-year period.

Table 12 Key Achievement Matrix include an introductory paragraph

No	Awards/ Achievements	Impact
1	Enhanced accountability, professionalism and improved welfare in the NPS	The Board contributed to enhanced professionalism and accountability through various recommendations made to the NPS touching on thematic areas such as; command responsibility, effective public order management, compliance with Article 49 on the rights of arrested, persons and improved police welfare which stood at 56% as per IPOA's 2024 tracking report ⁷ . The Board achieved greater milestones during the period by realizing 92% achievement of the Strategic Plan 2019-2024. A total 12,732 ⁸ complaints out 20,112 received were successfully resolved, contributing to fair and timely justice. After Authority investigations, the Board recommended 773 files to the ODPP for action realizing 22 convictions. IPOA also monitored 514 policing operations and inspected 3,854 Police premises and detention facilities.

⁷ Report on the status of implementation of IPOA recommendations to the National Police Service

⁸ Comprises of preliminary inquiries and complaints resolved

2	IPOA Regulations	The Board spearheaded the drafting and finalization of the IPOA regulations. Enactment of these regulations provides a solid framework for conducting the Authority’s technical work which will lead to greater transparency and accountability in the National Police Service.
3	HR Instruments	Concerted effort by the Board saw the approved staff establishment increase from 326 to 1,377, job grading increase from nine (9) to 13 grades and decentralization of services from the current ten regions to 23 counties. HR instrument were reviewed to comply with the constitution and other existing legal framework. The HR instruments once implemented will staff productivity, increase IPOA’s reach and ultimately boost reporting and effectiveness in investigations of police misconduct.
4	Staff recruitment and development	The Authority saw a steady growth in staff numbers from 218 in FY2018/19 to 258 in FY 2023/24 which represented a 18.3% staff growth rate percent staff growth rate. This growth was attributed to the commitment of the Board to improve service delivery.
5	ICT and Digitalization for Sustainability	The Board recognized that leveraging ICT and digitalization scalability are pillars for sustainable growth and also BETA priorities. Towards sustainability of the Authority processes, the Board prioritized establishment of enterprise content management system phase II, Call Center, toll-free line and SMS module integration, enterprise resource planning system and two data recovery centers.
6	Development of policies	The Board spearheaded the development of internal policies to provide a framework for execution of the Authority’s work. These policies ensure compliance with legal and regulatory requirements besides advancing civilian policing oversight.
7	Operationalization of the decentralization strategy	The Board pursued decentralization of IPOA services to the grassroots to boost its presence and effectiveness throughout the country. This effort realized the creation of Nairobi Regional Office that covers Kiambu, Nairobi, Makueni, Machakos, Kitui and Kajiado counties; equipping regional offices; partitioning and infrastructure development, acquisition of additional motor vehicles for regions and increased stakeholder engagement activities by Regional Coordinators.
8	Appointments to National Taskforces and Committees	In the period, members of Board were appointed in National Taskforces and Committees including National Taskforce on Improvement of the Terms and Conditions of Service and other Reforms for members of NPS, KPS and NYS; Commission of Inquiry into the Shakahola Tragedy; National and Inter-Ministerial Technical Team on the Implementation of the Report of the National Taskforce on Improvement of the Terms and Conditions of Service and other Reforms for members of NPS, KPS and NYS. This was a recognition of their significant contribution in the security sector. NCAJ governing Council and appointment to various committees

9	Mobilization of support from development partners	The Board was steadfast in resource mobilization from development partners to support non-core activities including tracking of IPOA's recommendations at police station level, equipping of offices, acquisition of infrastructure, training and workshops. Resource mobilization supplemented the Exchequer's allocation.
10	Increased Exchequer allocation	The Authority benefited from a gradual budget increment from Kshs. 863 million in FY2018/19 to Kshs 1052 million in FY2023/24. Across the years, the Authority realized over 92% absorption rate with FY2022/23 recording a 98% absorption rate.
11	Board Resolutions	All institutional achievements are as a result of the resolutions reached during the Board and committee meetings
12	Enhanced Cooperation	Improved compliance with the Authority's summons by the members of NPS, issuance of notification of death and serious injuries in compliance with Section 25 of IPOA Act.
13	Enhanced use of Social media and Blogs	The Authority enhanced communication and transparency through social media and initiated a weekly dedicated one-hour-long interactive engagement with stakeholders on X (Twitter) and Facebook. The Facebook and X platforms witnessed remarkable growth, with 37.8K and 316.2K followers respectively, consequently resulting in increased audience reach and engagement.
AWARDS		
14	Financial Reporting (FiRe) Awards	The Authority received five FiRe awards in the independent offices and constitutional commissions reporting under the IPSASs cash category. These awards signify the Board's stewardship toward prudent, transparent and accountable use of public resources giving a testimony of efficient financial management practices.
15	LSK Excellence Awards	The award acknowledged Authority's competence, efficiency, and adherence to legal standards, potentially encouraging continued excellence. Of the eight members of the Board, four comprised lawyers. This compositions' expertise culminated of the sound stewardship.
16	ASK Show Awards	The awards were an indication of increased visibility and recognition. Winning the awards at the ASK shows brought significant public attention and recognition to the Authority, potentially raising IPOA's profile and attracting new collaborations and partnerships.
17	Head of State Decorations	Six members of the Board received Head of State decorations as recognition of their commitment towards excellent stewardship in providing civilian police oversight.

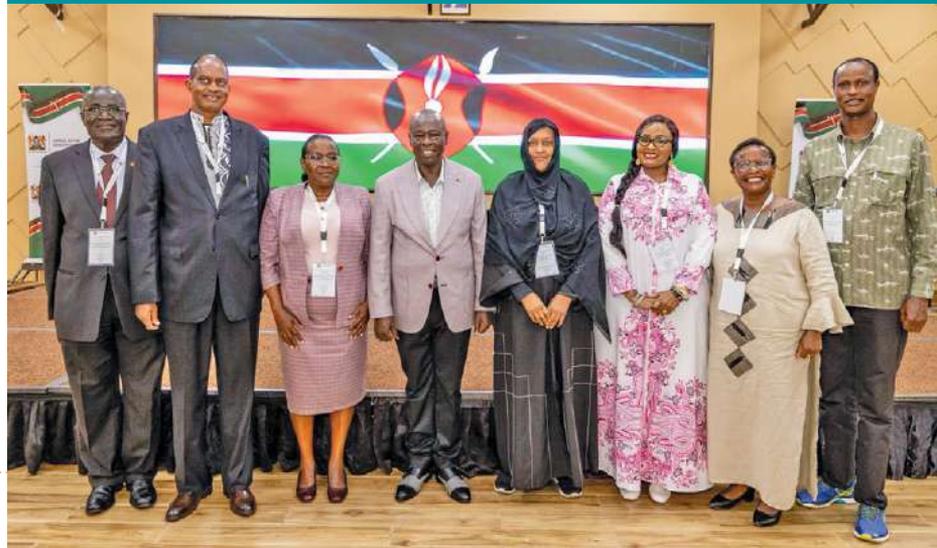


The Board and Senior Management posing on the sidelines of the Constitutional Commissions and Independent Offices Conference in Meru in October 2018.

Board meeting former Inspector General of Police Joseph Boinnet at IPOA offices in October 2018.



Board posing with HE Rigathi Gachagua, Deputy President of the Republic of Kenya during a CCIOs conference in April 2024.



Chapter 9 Lessons Learnt, Challenges and Proposed Solutions

9.1 Lessons Learnt

In the period, 2018 to 2024, several valuable lessons have been learned. These lessons will serve as valuable insights for IPOA's future strategies and actions, ensuring that the organization continues to evolve and effectively fulfill its mandate of ensuring police accountability and upholding professionalism in law enforcement in Kenya;

9.1.1 External and Internal Validation of Reports

The importance of external and internal validation of IPOA reports was recognized. Stakeholder engagement and participation in formulation of policies, reports and other documents enhanced the quality of and the documents and increased the likelihood of recommendations being implemented, ultimately improving police accountability.

9.1.2 Funding and Resource Mobilization

The gradual annual increment in budget allocation resulted in achievement of IPOA's strategic goals. Resource mobilization is crucial for IPOA's sustainability. Adequate funding and resource allocation are essential to carry out effective civilian police oversight. Therefore, the Authority's sustained resource mobilization initiatives are key to achievement of its mandate.

9.1.3 Continuous Capacity Building

Continuous capacity building of staff is vital for improving service delivery. A well-trained and skilled workforce is better equipped to carry out complaints handling and fulfill IPOA's mandate effectively.

9.1.4 Stakeholder Collaboration

Collaboration with stakeholders was instrumental in enhancing police oversight. Working with other organizations and agencies fostered a more comprehensive and impactful approach to accountability. Concerted efforts by the Authority improved cooperation

and collaboration which increased access to police documents, access to police premises and detention facilities, dialogue forums, reduced friction and enhanced compliance with IPOA summons.

9.1.5 Enhanced Accessibility and Visibility

Enhanced accessibility and visibility were key to contributing to realization of IPOA's mandate. Making IPOA's services and activities more accessible to the public and increasing its visibility in communities helped build trust and encourages public engagement.

9.1.6 Compliance with Laws and Policies

Compliance with the law, policies, and government directives was crucial for effective service delivery. Adherence to legal and policy frameworks ensured that IPOA's actions were consistent and transparent.

9.1.7 Effective Feedback Mechanism

Establishing an effective feedback mechanism improved cooperation with other stakeholders. Timely and clear feedback fostered collaboration and ensured that concerns and recommendations were addressed.

9.1.8 Decentralization of Services

Decentralization of services to regional offices enhanced service delivery. Taking IPOA's services closer to communities improved access to oversight mechanisms and ensured a more localized response to police misconduct.

9.2 Challenges Documented

IPOA faced several significant challenges during period from 2018 to 2024. These challenges illustrated in Table 13 impacted its ability to effectively carry out its mandate of ensuring police accountability and transparency in National Police Service.

Table 13: Challenges faced by IPOA between 2018-2024, Implications and Proposed Solutions

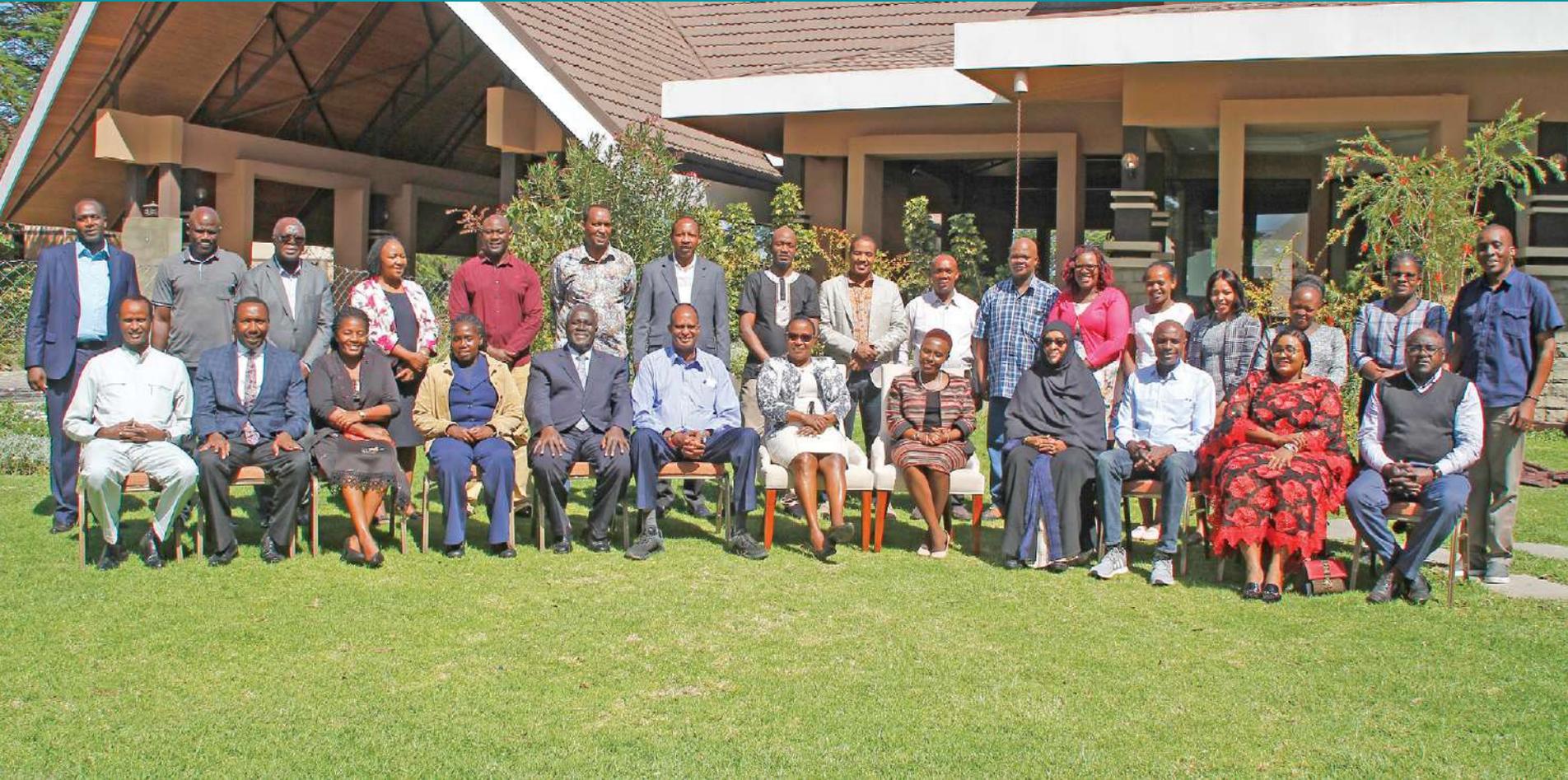
No	Challenges	Implication	Proposed Solution
1	Inadequate Annual Budget Allocation	<ul style="list-style-type: none"> Limits the Authority from undertaking technical functions Inability to attend court sessions Staff shortages due to inadequate budget allocation 	<ul style="list-style-type: none"> Sustained collaboration with relevant government bodies is needed to secure increased budgetary allocations. Explore other sources of funding
2	Non-Cooperation by Some Witnesses	<ul style="list-style-type: none"> Hinders effective investigation hence emboldening some officers to continue with misconduct 	<ul style="list-style-type: none"> IPOA need to continue building public trust and confidence Implement robust witness protection measures
3	Non-Cooperation by Some Members of NPS	<ul style="list-style-type: none"> Hinders effective investigation hence emboldening some officers to continue with misconduct 	<ul style="list-style-type: none"> Continue to build trust and rapport with NPS officers through dialogue and engagement Continuous training of NPS officers on external oversight mechanism in Kenya
4	Parallel Investigations by IPOA, IAU, and DCI	<ul style="list-style-type: none"> Ineffective utilization of public resources Harassment on suspects and witness Inefficiency and Duplication of Effort 	<ul style="list-style-type: none"> Harmonization and demarcation of the respective institution legal instrument to streamline mandate to reduce overlap
5	Inadequate Staffing Level	<ul style="list-style-type: none"> Heavy workloads for existing personnel IPOA struggle to handle the volume of complaints and investigations, potentially leading to delays in addressing complaints 	<ul style="list-style-type: none"> Recruitment of more staff as per the institution establishment Recruitment of staff to an optimal level
7	Low level of mandate awareness among the public and police officers	<ul style="list-style-type: none"> Under-reporting of police misconduct 	<ul style="list-style-type: none"> Enhance outreach programmes using various available channels Be proactive and effective in handling of matters of public interests Continued media engagement
8	Delays in hearing and determination of cases due to their public interest nature	<ul style="list-style-type: none"> Prolonged determination and resolution of cases Reduces public confidence in police oversight mechanism 	<ul style="list-style-type: none"> Close collaboration with Judiciary and ODPP to establish mechanism of fast-tracking cases on police misconduct

9

Work-Related Risk

- Jeopardizes the safety and well-being of IPOA staff, making it challenging to conduct investigations and oversight activities
- Equip staff with skills and knowledge to protect themselves in potentially dangerous situations
- Equipping staff with appropriate protective gear

IPOA Board and Management during a corporate governance training in May 2021.



Chapter 10 Outstanding Business

10.1 Introduction

This chapter outlines the prominent areas of outstanding business, focusing on the strategic imperatives, ongoing initiatives, and critical tasks that require sustained attention and dedication. It also touches upon the importance of collaboration, resource allocation, and stakeholder engagement in addressing these outstanding tasks. Through this discussion, IPOA aims to underscore the commitment to building upon its past achievements, addressing challenges, and embracing opportunities for a seamless transition and a future that upholds the highest standards of policing accountability and transparency.

Addressing these outstanding business items is crucial for IPOA's continued effectiveness in realizing its mandate of ensuring police accountability. Each aspect contributes to enhancing the organization's capacity, reach, and legal authority, ultimately advancing the principles of professionalism and accountability within the National Police Service as outlined in Article 244 of the Kenyan Constitution. By pursuing these objectives, IPOA strengthens its role as a guardian of public interest in policing, striving for a fair, transparent, and accountable law enforcement system in Kenya.

10.2 Decentralization of IPOA services

During the period, the Authority targeted to establish 8 more regional offices, establish service desks at Huduma Centres and set up satellite offices. However, only one (1) was established due to constraints in budgetary allocation.

10.3 Backlog of Cases

The cases under backlog and active investigations stood at 4,333 as at June 2024.

10.4 Enactment and Implementation of Gazetted IPOA Regulations

IPOA Regulations were gazetted vide Legal Notice No. 96. Enactment and implementation of the gazetted regulations should be fast-tracked to provide the legal framework for IPOA's operations, clarify its powers and procedures and ensure that its actions are legally sound. This is essential for maintaining transparency and accountability in IPOA's activities.

10.5 Legislative Amendments to IPOA Act

Amendment of the IPOA Act to cure inconsistencies in Sections 2, 6 and 25 to expand IPOA's mandate to cover other security agencies and to cure mandate overlap between IPOA, IAU and DCI. These changes would enhance IPOA's ability to hold a wider range of security personnel accountable for their actions in execution of the mandate in line with article 239 (5) of the CoK. The Authority made proposals to the Security Services Laws (Amendment) Bill, 2023, that seeks to amend various security laws to clarify on the respective investigative powers of the NPS and the IPOA; to expand the civilian oversight function of the Authority to KPS, KWS, KFS who equally exercise policing powers of arrest, detention and use of force.

10.6 Review of Pending Internal Policies and Manuals

The following internal policies and manuals are outstanding;

- a) Investigation manual, policy and SOPs
- b) Sensitization manual
- c) Disability mainstreaming Policy
- d) Staff welfare policy
- e) Gender Equality Policy
- f) Alcohol and drug abuse policy
- g) Workplace policy on HIV & Aids policy
- h) Employee recognition, rewards and retention policy
- i) Co-operation framework policy
- j) Corruption prevention policy
- k) Transport Policy.

10.7 Recommendations

To enhance realization of Article 244 of the Constitution of Kenya on professionalism of the National Police Service, the Board proposes the following recommendations to various actors as outlined below;

Inspector General of Police

- a) The NPS to strive for professionalism and accountability in line with Article 244 of the Constitution of Kenya.
- b) The NPS to embrace the concept of civilian oversight mechanism by ensuring cooperation with IPOA as required by the law.
- c) The NPS to ensure adequate tooling and modernization of the equipment and infrastructure for effective handling of emerging crime trends.

Parliament

- a) National Assembly to increase the Authority's budgetary allocations for effective realization of policing oversight.
- b) Parliament to amend the IPOA and NPS acts, and related laws to harmonize the mandates of IPOA, IAU and DCI in regard to investigation of police misconduct.
- c) Security Services Amendment Bill 2023 (to consider expansion of mandate)

Public

- a) Members of the public to embrace civility while engaging the police in order to uphold the rule of law.
- b) The public to appreciate the role of IPOA in policing oversight and report all incidences of police misconduct to the Authority.

Civil Society

- a) The Civil Society to maintain cooperation with IPOA in police reforms through awareness creation and information sharing initiatives.
- b) To support the Authority in its policing reform interventions.

APPENDIX ONE

MEMBERS OF THE BOARD



GUARDING PUBLIC INTEREST IN POLICING



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BLOG IPOA.NEWS

Anne Makori (Mrs.) EBS.,
Chairperson



Anne Makori (Mrs.) EBS., Chairperson

Mrs. Anne Makori holds a Law Degree (LLB Hons) from the University of Nairobi, a Postgraduate Diploma from the Kenya School of Law, a Postgraduate Higher Diploma in Human Resource Management (CHRM) and a Masters in Leadership majoring in Business and Entrepreneurship from Pan African Christian University.

She is a Certified Public Secretary CPS(K), a Certified Human Resource Professional CHRP(K), Certified Professional Trainer (CPT) from the College of Human Resource Management (CHRM) and a Certified Professional Mediator from the Mediation Training Institute (USA). Anne has vast experience spanning over 20 years with exposure at both Board and management levels. She has worked for the Government of Kenya, the media industry, the banking sector and legal practice specializing in civil litigation, conveyancing and corporate law. Mrs. Makori has also undertaken human resource consultancies at both local and international levels.

Mrs. Makori is an experienced leader in strategy development and implementation, company secretarial, organizational review, performance management, culture and change management as well as business development having previously given oversight and leadership at different levels in her career growth including serving as a General Manager in charge of business development, legal and human resources.

As a multi-skilled professional, Mrs. Makori is an active member of the Law Society of Kenya (LSK), Institute of Certified Secretaries (ICS-Kenya) and the Institute of Human

Resource Management (IHRM). She is also actively involved in community service in the areas of education, literacy and language development for small and marginalized community groups as well supporting Churches.

As the Chairperson of the Independent Policing Oversight Authority, Mrs. Makori was charged with the overall responsibility of steering the Authority to deliver on its mandate. By virtue of the position, she was also a co-opted Council member of the National Council on the Administration of Justice (NCAJ) and an Advisory Board Member of the African Policing Civilian Oversight Forum (APCOF).

She began her career as a public servant at the State Law Office from where she was seconded to the Ministry of Labour's Industrial Relations Office where she handled issues arising from tripartite relationships within the Kenyan labour market with trade unions under Central Organization of Trade Unions (COTU), Employer institutions under Federation of Kenya Employers (FKE) and Government, which experience grounded her soundly in labour laws, handling of issues arising out of collective bargaining agreements, conciliations and mediations from which she generated reports for the Employee and Labour Relations Court, then known as the Labour Court.

Mrs. Makori later worked for the African Retail Traders (ART), a wholly owned subsidiary of the Industrial and Commercial Development Corporation (ICDC) where she set up the legal function and also supported the Human Resources (HR) department. Afterwards, she joined the Standard Group as the Group Head of Legal and HR. There, she mentored her colleagues, championed the revision of the HR systems and structures, spearheaded the development of the career

progression guidelines that supported the transformation from the East African Standard to ‘The Standard’ and saw the KTN Brand become the number one television station then.

Mrs. Makori then joined the Banking and Financing sector where she participated in the development of the Microfinance Act. The MFI Act sought to bring unregulated Micro Finance players and businesses into regulation for financial inclusivity and growth. Under Faulu Microfinance Bank where she served as the Head of HR & Administration, The Company Secretary & Head of Legal and lastly as the General Manager Legal, HR and Business Development, she championed technologically driven products to introduce small-scale customers into mainstream banking, developed training materials to educate the bottom of pyramid Kenyans on investment and access to investment borrowing to grow their businesses thereby including the micro small and medium enterprises into mainstream competitive business. She also championed Faulu’s transformation journey from a credit only institution to a full-fledged microfinance bank, the first (1st) Microfinance Bank to be licensed by the Central bank of Kenya and supported its growth to over 30 branches countrywide.

Mrs. Makori also undertook several consultancies locally and regionally in human resource strategy and organisational review at Blue Ocean Strategy, where she was a partner. She also engaged in full time legal practice in civil litigation, commercial and corporate law, banking and conveyancing plus probate and administration before venturing for a short stint into elective politics.

All through, Mrs. Makori has also been involved in community service actively sitting on the boards of two regional Christian

organisations; the Bible Translation & Literacy East Africa and Christian Mission Aid. Here she has contributed to bible translation, language development, and literacy programmes, healthcare, training of pastors and church leaders, running of a girl rescue center in Kajiado besides other initiatives within small and marginalised community groups.



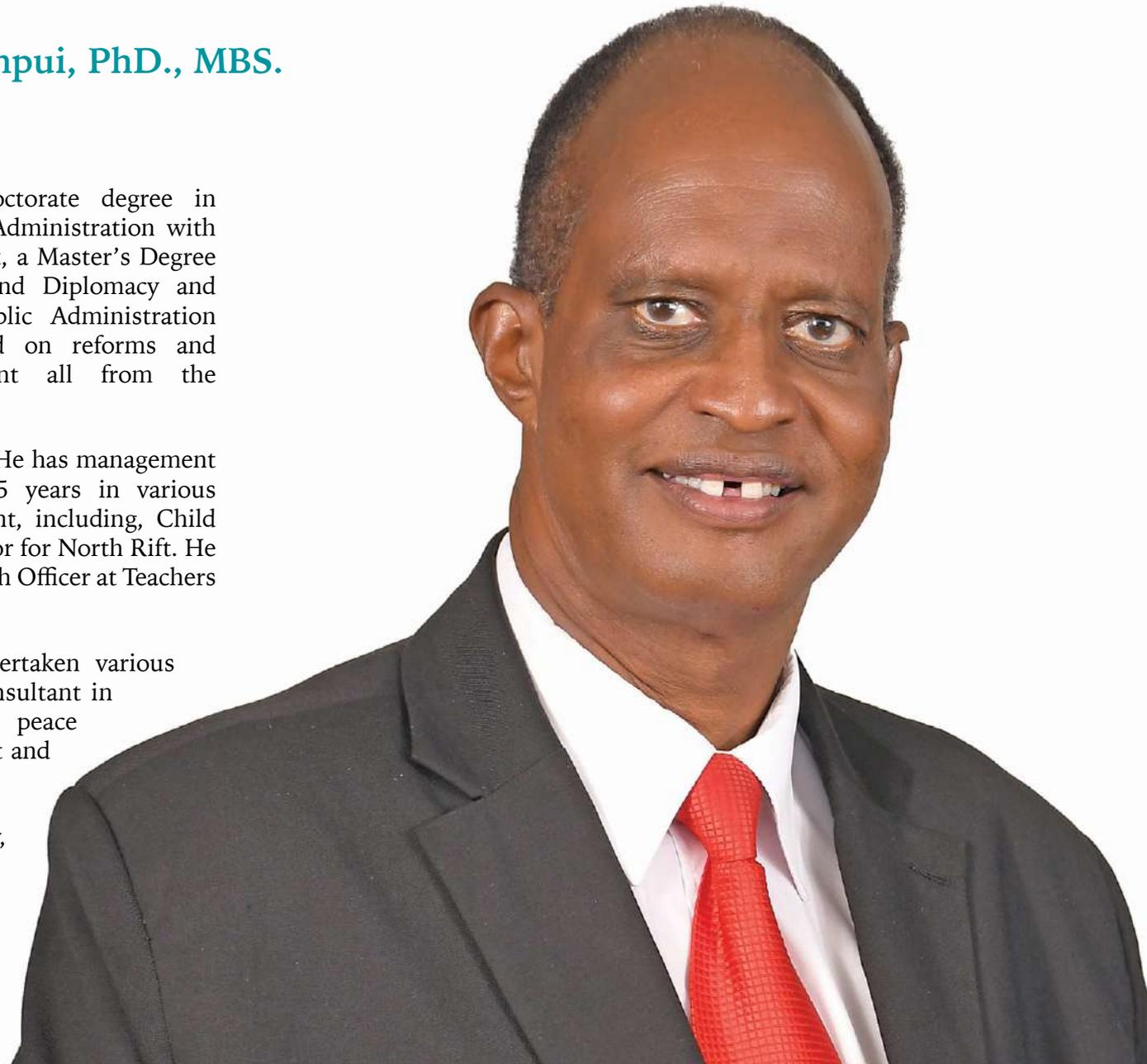
Dr. Jonathan Lodompui, PhD., MBS. Vice Chairperson

Dr. Lodompui holds a Doctorate degree in Political Science and Public Administration with a bias in conflict Management, a Master's Degree in International Relations and Diplomacy and a Bachelor's Degree in Public Administration and Political Science biased on reforms and transformational development all from the University of Nairobi.

He also holds two Diplomas. He has management experience spanning over 25 years in various organizations and Government, including, Child Fund as a Regional Coordinator for North Rift. He also worked as a Chief Research Officer at Teachers Service Commission.

Dr. Lodompui has also undertaken various assignments as a national consultant in transformative development, peace building, conflict management and security matters.

He has presented locally, internationally and contributed in academic journals including; Conflict Analysis and Mapping in



Kenya, Impoverishment of the Pastoralists Groups in Kenya, Fathers are Parents Too, the Collapse of the EAC in 1977, the National interest of Tanzania, Samburu origins, Migrations and settlement and Internal and external conflict triggers.

He is the Vice Chairperson at IPOA and the immediate former Director for the Enablers and Macros Directorate at the Kenya Vision 2030 Delivery Secretariat, He implemented MTP I, and developed MTP II, III and IV. The Directorate is charged with coordination of the implementation of infrastructure projects, including Roads, Electricity Generation, Ports development and management.

Prior, he worked with the Military as an Air Force Officer. He has also taught at various universities including the University of Nairobi, Technical University of Kenya, Africa Nazarene University and the United States International University.

Dr. Lodompui was also appointed by H.E. President Dr. William Ruto as a Commissioner in the Shakahola Commission of Inquiry.



Ms. Fatuma M. Mohamed, MBS.,
Commissioner



Ms. Fatuma M. Mohamed, MBS., Commissioner

Ms. Fatuma Mohamed is a seasoned gender and governance expert with over 26 years experience in promoting gender equity and women empowerment across the governance structures in Kenya. She is also a mediator with expertise in fostering peaceful coexistence, conflict management and national cohesion.

With Masters and Bachelor's degrees in Gender and Development Studies from the University of Nairobi, her expertise lies in analysing the intersections of gender, power, and governance systems, through policy formulation and stakeholder engagement.

She has pursued courses in human resource, conflict management and corporate governance to perfect her focus on enhancing women's participation and leadership in decision-making, advocating for gender-responsive policies, and addressing systemic barriers to gender equality.

Throughout her career, Ms. Mohamed has collaborated with international organizations, government agencies, and NGOs to develop and implement policies and programs to mainstream gender consideration into governance frameworks.

As a Commissioner at the Independent Policing Oversight Authority, Ms Mohamed chaired the Communication and Outreach Board Committee where she influenced the strategic positioning of the Authority. She also drove IPOA's technical

operations in the Northern Region as the commissioner in charge of the region. She also served as an representative in the Committee to Review the Sexual Offences Act under the NCAJ.

Ms. Mohamed exemplified professionalism as the Chairperson of the Ad hoc Committee on Elections Preparedness, and as a member of the Ad-Hoc Committee on Formulation of the IPOA Regulations and Finance and Administration , Human Resources and Enterprise Content Management system Committees of the Board. She also actively participated in the UN Women's donor engagement initiatives and was part of IPOA's team that together with the NPS, brainstormed the POLICARE initiative; an integrated response to sexual and gender based violence at police station level in Kenya.

Before joining IPOA, she served as a Commissioner at the National Cohesion and Integration Commission (NCIC) where apart from chairing the Research, Policy, and Planning Committee, she also participated in the implementation of several conflict resolution mechanisms, launch of the 'Uwiano' Platform for Peace, management of a UN Women-funded project focused on training women and youth in peace-building and conflict management, and spearheaded mediation efforts in multiple conflict situations; achieving positive resolutions and fostering peace and reconciliation in affected communities.

Ms. Mohamed also provided valuable advice to the Government on various aspects related to cohesion and integration and developed a range of strategic initiatives to address issues related to ethnicity, discrimination, and inequality, serving as an initial step toward creating a more harmonious and integrated Kenyan society.

With a passion for social justice and commitment to advancing gender equality, Ms. Mohamed continues to drive positive change in governance structures, striving for more inclusive and equitable societies.

Ms. Mohamed was also a part-time lecturer at the Egerton University's Institute of Women Gender and Development Studies and sits on the Boards of the North Eastern Conservancy Association and Garissa Teachers Training College.

She is the founder of the Women Centre for Peace and Development, an NGO that empowers marginalized women in peace, security and education through economic and political participation in the northern Counties of Kenya.

Ms. Mohamed is also adept in research and academia having published on gender mainstreaming strategies, women's political representation, and the impact of gender stereotypes on governance outcomes.

Through her specific responsibilities, she proved her capability, industry, and strategic prowess culminating in significant milestones in police accountability through: -

1. Enhancing IPOA's brand identity and visibility.
2. Audience monitoring for informed policy making and timely technical actions.
3. Sustained sensitization and outreach campaigns for perception change.
4. Review and implementation of communication policies.
5. Printing and distribution of reports.
6. Stakeholder engagement through public dialogue forums.

7. Enhanced internal and external communication through inclusive platforms and media.
8. Crisis Communication.
9. Provision of advisories for Board decision making.
10. Corporate event management.





Ms. Doreen Muthaura, MBS., Commissioner

Ms. Muthaura is an advocate of the High Court of Kenya, an expert in Legislative Drafting, Law Reform, Policy Formulation and evidence based Regulatory Impact Assessment (RIA).

She holds a Master's Degree in Law (LLM – Distinction) from the University of London, Law Degree (LLB Hons.) from Moi University, a postgraduate Diploma in Legal Studies from the Kenya School of Law, a Postgraduate Diploma in Legislative Drafting from the Royal Institute of Public Administration (RIPA – International) London, a Postgraduate in Evidence Based Policy Formulation and Translating Policy into Legislation from RIPA International London, Certificate in Effective Governance, Leadership and Integrity from the Griffith University, Queensland Australia.

She has served in various capacities in the public and private sectors. She was the Vice Chairperson and Commissioner at the Kenya Law Reform Commission from 2013 to 2018 where she chaired the Committee on Law Reform, Policy Formulation and Legislative Services, spearheaded and drafted the first Legislative Process Guide in Kenya, participated in the drafting of over 60 model laws for County Governments customization and adoption, developed several Government policies and other legal instruments.

As a law lecturer, she has trained County attorneys and other senior Government officers. She also worked for the Commission for the Implementation of the Constitution (CIC) from 2011

where she participated extensively in drafting laws required by the Fourth Schedule to the Constitution.

Ms. Muthaura was instrumental in drafting the National Police Service Act, National Police Service Commission Act, Independent Policing Oversight Authority Act, Kenya Defence Forces Act, Power of Mercy Act, National Security Council Act, National Intelligence Service Act, amongst others.

She is also a Parliamentary Counsel having worked for the Office of the Attorney-General, State Law Office, Legislative Drafting Department. At the AG Chambers, she drafted several legal instruments, Bills and subsidiary legislation and offered high profile legal and legislative advice to the Government of Kenya.

She participated in various taskforces and committees including the Taskforce on the Review of the Mandatory Nature of the Death Penalty in Kenya and has also undertaken law reform and legislative drafting consultancies locally and internationally. She is a member of the Law Society of Kenya, the East African Law Society, the Commonwealth Association of Lawyers, the Commonwealth Association of Legislative Counsel (CALC), the Chevening Scholars Alumni, the Federation of Women Lawyers Kenya Chapter FIDA-Kenya and an Australian Award Fellow.

She is also actively involved in community service in human rights, education as well supporting women, churches and other charity organizations.

Ms. Muthaura has demonstrated high levels of competence,

diligence, professionalism, integrity and advanced work ethics & values that led to remarkable achievements in service delivery within the Authority and particularly in the following areas: -

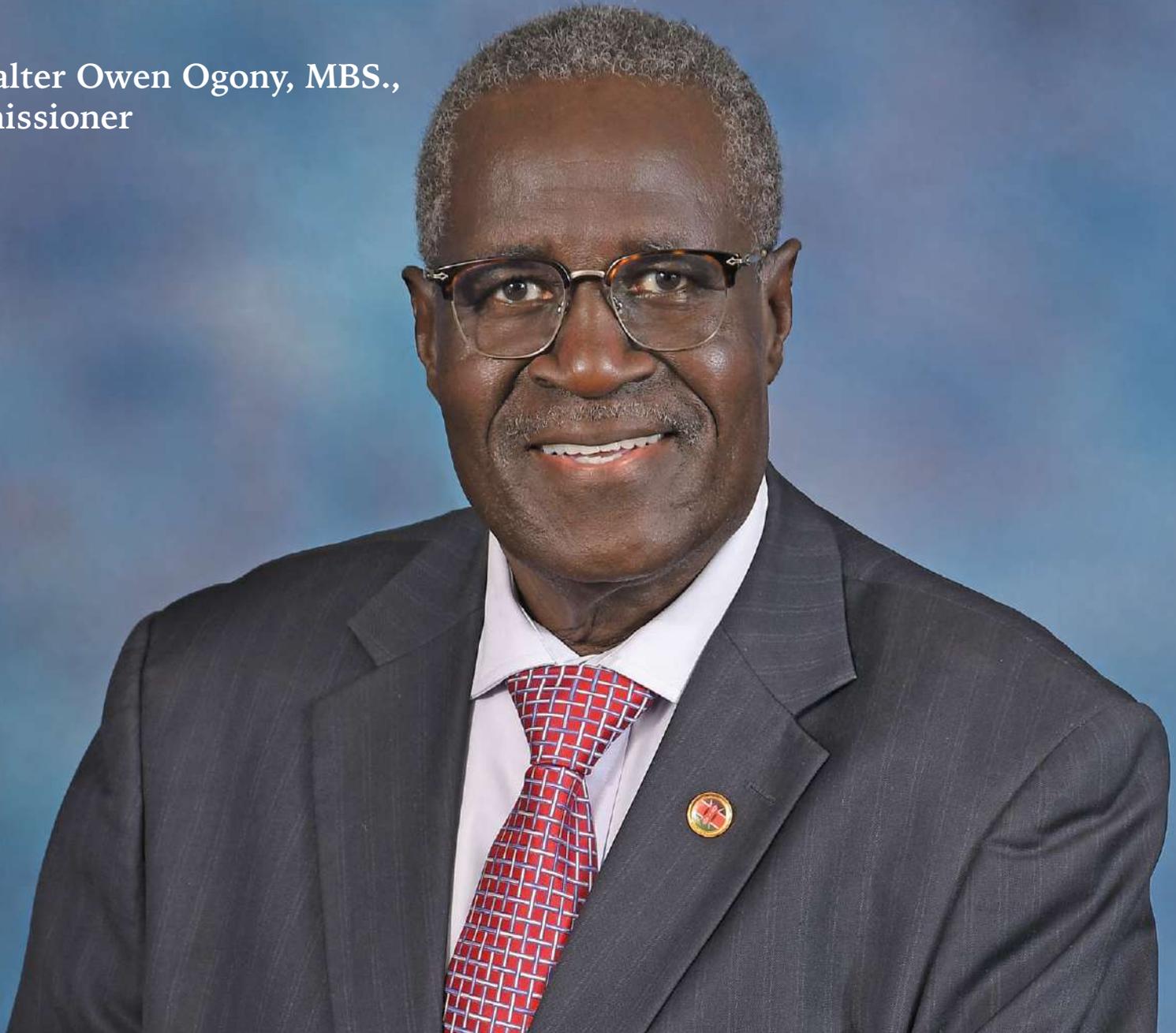
1. She has provided exceptional leadership, strategic directions and interventions in her capacity as Chairperson of Human Resource Committee, as a Member of the Investigations and Technical Committee, Member of the Finance and Administration Committee, Member of the Communications and Outreach Committee, among others key governance structures of the Board.
2. She is the Chairperson of the Ad-Hoc Committee on Formulation of Regulations and other Legal Instruments of the Authority; And has drafted and spearheaded the formulation of IPOA Regulations in compliance with Section 39 of the IPOA Act.
3. She has steered review of the Authority's Human Resources (HR) Policy and Procedures manual, among other crucial HR policies.
4. She has spearheaded the review of Authority's approved staff establishment from 326 to 1,377, which is a major achievement for the Authority.
5. She has steered the Salaries and Remuneration Commission (SRC) Job Evaluation process and review of staff salary structure resulting to enhanced salaries for all IPOA staff.
6. She was instrumental in the formulation and implementation of the Authority's Strategic Plan 2019-2024.
7. She initiated and spearheaded IPOA's legal audit; including ensuring that all legal officers are trained on Legal Audit; led the formulation of legal tools necessary

to guide investigations, inspections and monitoring, amongst other tenets of constitutional and statutory compliance.

8. She ably represented the Authority in key National Police Service Reform initiatives.
9. She was appointed to the Presidential Taskforce on Improvement of the Terms and Conditions of Service and other Reforms for Members of the National Police Service, Kenya Prisons Service and National Youth Service (The Maraga Taskforce). A role she played exceptionally well leading to uptake of various IPOA recommendations to the Taskforce Final Report; now under implementation.
10. She is a Member of the Multi-Agencies Committee on Review of Legislative, Policy and Institutional Framework for the Protection from Enforced Disappearances and Extrajudicial Killings in Kenya.
11. She drafted the strategy, including all requisite legal instruments necessary to establish an inquiry on extrajudicial killings and enforced disappearances. The same was presented to His Excellency the President and the Cabinet Secretary responsible for Interior for consideration and direction.
12. She ably represented the Authority in local, Regional and International fora including her recent participation in Experts Global Consultation on Law Enforcement Facilitation of Peaceful Assemblies and Workshop on the Use of Technology in Law Enforcement and Facilitation of Peaceful Assemblies: Geneva Switzerland: UN Human Rights Special Rapporteur and Office of the High Commissioner for Human Rights (UN-OHCHR)
13. She is an exceptional leader, team player, extremely focused, meticulous and result oriented.



Dr. Walter Owen Ogony, MBS.,
Commissioner



Dr. Walter Owen Ogony, MBS., Commissioner

Dr. Ogony, a distinguished medical practitioner, is a former Chief Medical Specialist at the Kenyatta National Hospital and Deputy Director of the Surgical Division. He has served in Public Service for 40 years, including 30 at Kenyatta National Hospital. He is vastly experienced in medical practice and achieved numerous accolades and milestones within the profession including chairing as well as being a member in several taskforces and committees at the Kenyatta National Hospital.

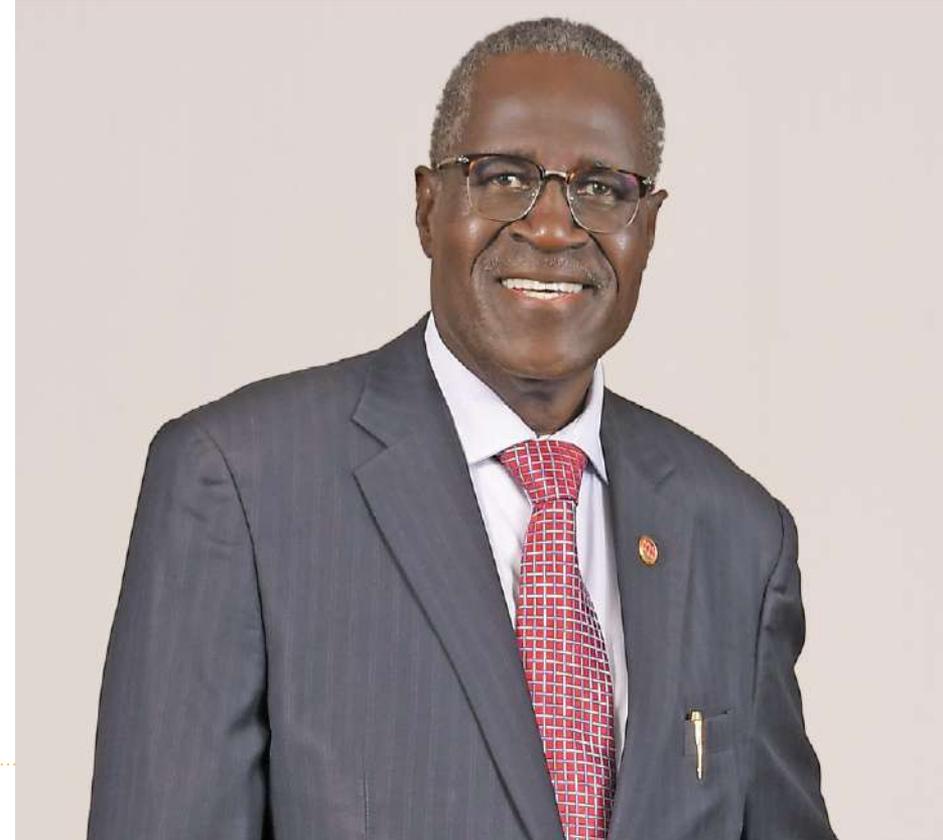
He holds a Bachelor and Master's Degrees in Medicine from the University of Nairobi, Postgraduate Diploma from University of London, and Fellowship of the Eastern, Central and Southern Africa College of Ophthalmologists. He is a registered and licensed member of the Medical Practitioners and Dentists Council and also a member of the Kenya Medical Association and Ophthalmological Society of Kenya.

He has attended several courses including, Senior Management Course at the Kenya School of Government, Corporate Governance, BIDE Performance Contracting, Industrial Relations at FKE and Trustee Development Programme Kenya. He is a past Chair and member of the Board of Governors of Sidindi Secondary School and a past member of the Nairobi Health Management Board.

For his exemplary service to the nation, he has been awarded twice by the President of Kenya. The first in 2012 the Order of

the Grand Warrior (OGW) and the second in 2023 the Moran of the Burning Spear (MBS).

Commissioner Dr Ogony serves on the Independent Policing Oversight Authority Board (IPOA), an independent state body charged with civilian police oversight in Kenya. He served on various Committees of the Board including the Technical Committee where he was privileged to serve as a Chairperson. Dr Ogony's presence in the Technical Committee enabled the Board to understand issues better where death, injuries and sexual offences occurred.



Dr. (Hon) Praxedes Tororey, MBS., Commissioner

While serving on the Independent Policing Oversight Authority Board, Dr. Praxedes C. Tororey served on various committees of the Board including the Technical Committee where she was privileged to serve as a Chairperson; Member, Audit and Risk Committee; Member, Human Resource Committee; Member, Communication and Outreach Committee besides a number of Ad-Hoc Committees. She also served as a Trustee of the IPOA Staff Retirement Benefits Scheme. She is particularly passionate about Community Policing which promotes partnerships between the police and the communities they serve to address issues of security and social disorder.

She holds a Masters' Degree in Women's Law from the University of Zimbabwe. She is also pursuing another Masters in Diplomacy and Foreign Policy in Moi University, Kenya. She has a Bachelor of Laws (LLB) from the University of Nairobi, holds a Diploma in Laws from Kenya School of Law; Diploma in International Environmental Law-making and Diplomacy from the University of Joensuu; and a Diploma in Women's Law from the University of Zimbabwe.

Commissioner Tororey is also a Certified Mediator (MTI), Associate member of Arbitration and has Certificates in Management and Strategic Reform of Electoral Processes, Legal Audits, Legislation Drafting, Mediation, Arbitration, Conflict Management and Dispute Resolution, besides Strategic Leadership Development Programme and Corporate Governance. Ms. Tororey has over thirty years of Public Service



having worked at the Independent Electoral and Boundaries Commission as Director Legal and Public Affairs; Kenya Forest Service as the Corporation Secretary and Head of Legal; Kenyan Judiciary as a Magistrate in Narok, Nanyuki, Karatina and Machakos Law Courts.

Dr. Tororey has undertaken various leadership roles and serves on the Kenya Girl Guides National Council; is a Member of the International Commission of Jurists (Kenya Chapter) where she served as a Member and Secretary of the 'Jurist of the Year Awards' (JOYA); Law Society of Kenya and is a Chief Assessor and Ambassador for the Nairobi Legal Awards; Member FIDA-Kenya and FIDA Elections Board; Kenya Women Judges Association; Member and Past-Vice Treasurer, Kenya Magistrates and Judges Association; Inaugural Official, East African Magistrates and Judges Association; Past Chairperson, Consolata Friends Association (Flora Catholic Chapel Branch); Founder Member and Vice-Chairperson, One More Day for Children in Doldol, Laikipia County; Past Chair and Life Member Nanyuki Children's Home; Life Member of the Red Cross Society of Kenya; Member Board of Governors Chepkemel Secondary School, and past Member, Committee on Budget and Empowerment Forum, Nandi County.

Dr. Tororey has participated as a member in various National Taskforces and Committees including, the National Taskforce on Review of Legal, Policy and Institutional Framework for fighting Corruption in Kenya, 2015; Secretary; Taskforce Member, National Steering Committee on Devolved Government; Chairperson Court Users Committee, Nanyuki and Karatina. In August 2021, Commissioner Tororey was conferred a Doctor of Humane Letters (Honoris Causa) from the Dominion Mission

Theological University of Ghana following her sustained contribution to social justice and welfare activities supporting the Church, the elderly, children and marginalized members of society. In 2024, she was awarded the Searchedemic Life Global Award for her sustained social justice and human rights advocacy.

Commissioner Tororey is also a member of the Professional Criminologists Association of Kenya (PCAK) where she engages in mentorship of the members only professional group members. She has spoken in three webinars on topical issues affecting the security sector and also officiated as Chief Guest at a PCAK graduation ceremony for aspiring criminologists. Ms. Tororey was the Chief Guest during the 4th Legal Aid Week at the Nazarene University and presented a paper on "Empowering Marginalized Communities, Upholding Economic and Climate Justice through Legal Aid," in April, 2023.

Dr. Tororey has participated as a discussant and moderated at National and International panel sessions. On 13th April, 2022, she moderated a panel discussion on "Justice and Legal Sector at the Constitutional Commissions and Independent Offices Celebration of 10years". The Panel was comprised of the Hon. Chief Justice and President of the Supreme Court Lady Justice Martha Koome, Chairperson CAJ, Hon. Florence Kajuju, Hon. Attorney General's representative, CEO Kenya Law Reform Commission, Joash Dache and National Council on Administration of Justice ED, Dr. Maraga. At the 23rd Commonwealth Law Conference in Goa, India, Ms. Tororey was honoured to Chair a panel discussion on the "Freedom of Movement in Post COVID World ". The session which took place on 7th March, 2023 comprised of eminent personalities

amongst them: The Rt. Hon. Lady Leena Dorrian of Scotland, Donald Deya, the CEO, Pan African Lawyers Union and renowned Senior Advocate Vijay Hansaria of India.

Other conferences attended were the Witness Protection Regional Conference on Human Rights and Witness Protection held on 11th November, 2021 and the 75th Anniversary of the Universal Declaration of Human Rights on 11th December, 2023 which was graced by the Hon. Attorney General of Kenya.

Dr. (Hon) Tororey is passionate about mentorship and has undertaken nurturing of talent of students and young people under various platforms. This she has done by championing initiatives to provide mentorship, guidance, and support to individuals embarking on their educational and professional career. These have included lawyers on pupillage and student criminologists. This allowed her to empower the next generation of leaders to reach their full potential and make meaningful contributions to the Justice system. As a mentor, Ms. Tororey sought to instill in others the values of integrity, diligence, and leadership that have guided her on her own path to success. Thus while in her pursuit of excellence in her professional career Ms. Tororey found passion in giving a helping hand to vulnerable children, marginalized communities and empowering individuals to build a brighter future for themselves and their families.





Hon. John Waiganjo Commissioner

Hon. John Waiganjo is an Advocate of the High Court with a Law Degree from the University of Nairobi and a Postgraduate Diploma in Law from the Kenya School of Law. He was admitted to the Bar in 1996. He represented the Ol Joro Orok Constituency in Parliament between 2013 to 2017 where he was credited for making more than 360 presentations. In Parliament, he was a member of the Departmental Committee on Justice and Legal Affairs where his name is synonymous with the Penal Code (Amendment) Bill and the Criminal Procedure Code (Amendment) Bill which sought to abolish the death penalty. Championing for proper procedures to be followed during drafting and enactment of laws by various State agencies, Hon. Waiganjo supported the Parliamentary Committee on Delegated Legislation's rejection of PSV regulations developed by the National Transport and Safety Authority which had not been tabled in Parliament arguing that it was only Parliament that could make laws.

Hon. Waiganjo is also a Co-Convener of the Kenya Parliamentary Human Rights caucus and a member Law Society of Kenya. He is senior partner at J.M. Waiganjo and Company advocates, an avid sports fan and a black belt in Shoto Kan martial art. Hon. Waiganjo is the Chairperson of the Finance and Administration Board Committee.

Roseline Doreen Adhiambo Odhiambo–Odede, HSC. Ex-Officio Member

Roseline Odede, is an Ex-Officio Member of the Board and also the Chairperson of the Kenya National Commission on Human Rights, whose mandate is to protect and promote Human Rights in Kenya. It includes offering advisories to the Government and reporting obligations to several international bodies and organizations. She is an advocate of the High Court of Kenya, Certified Mediator, Arbitrator and a Social and Environmental Impact Auditor and Assessor. She previously served as the Vice Chairperson of the Judges Magistrates and Vetting Board and is a nationally recognized expert in gender, governance, policy, and human rights.

She holds a Master of Laws Degree awarded by the University of Witwatersrand Johannesburg, South Africa; and has been a litigator in private practice for over 30 years, during which period she offered pro-bono services in the area of Human Rights, a role for which she has been awarded the Head of State Commendation. Roseline was also specially recognized by the East Africa Law Society, a regional organization, for distinguished legal practice and service. Roseline has held several leadership positions in several professional societies, including the Commonwealth Lawyers Association, East Africa Law Society, Law Society of Kenya and FIDA Kenya.



Elema Halake, SS.,
Director/ Chief Executive Officer



Elema Halake, SS., Director/ Chief Executive Officer

Mr. Elema Halake, the Board Secretary holds a Master of Arts and a Bachelor of Arts in Development Studies, a Diploma in Wildlife Management, an Advanced Diploma in Social Work and a postgraduate Diploma Certificate in criminal justice from Virginia University, USA.

His Public Service career spans over 28 years including at Kenya Wildlife Service (KWS), where he was a Senior Assistant Director and also sat on the Board of the Kenya School of Leadership and Adventure at Mt. Kenya. At KWS, he was part of the leadership that fronted the 1990's anti-poaching strategy that stabilized wildlife conservation, enhanced security, and management.

Earlier, as IPOA's Director of Investigations, Mr. Halake initiated a series of administrative and operational reforms, expanded the investigation capacity, enhanced performance and contributed towards decentralised regional operations.

At Anti-Counterfeit Authority (ACA), he spearheaded legal and regulatory reforms including the enactment of the Anti-Counterfeit Act 2018, developed and deployed the AIMS project (Anti-Counterfeit Information Management system) and launched a national baseline survey on the magnitude of counterfeiting and illicit trade in Kenya.

Mr. Halake continues to be an invaluable focal point for the Institute of Security Studies (ISS) South-Africa, Interpol, Lusaka Agreement Taskforce, Cross border security collaboration

framework with sister agencies, National Multi-agency against illicit trade and other sister local law enforcement agencies.

In various capacities he has represented Kenya as part of delegations to various National, Regional and International conferences and fora including CITES, Trade negotiations Agreements (FTA's), Lusaka Agreement, East Africa's Cross Border Environmental forums besides the National Collaborations and Cooperation with key State and non-state actors and development partners.

Mr. Halake has continued to provide leadership at the secretariat level and to fulfill his responsibilities as the Secretary to the Board. This resulted in numerous notable accomplishments, including the successful coordination of technical and administrative operations, implementation and compliance with various government circulars and directives, spearheading of the development and review of key policies, guidelines, and legal and regulatory frameworks, the assurance of compliance with budget-making processes, the prudent use of exchequer funds leading to consistent award of FiRE Awards, the review of HR instruments, implementation of the new grading and salary structure, and the strategic positioning of the Authority in engagements with a variety of stakeholders both locally and globally. He has been instrumental in resource mobilization.

These efforts exposed him to global exposure in training and conferences in Africa, Europe, the USA, Brazil, parts of Asia and Israel among others. His integrity and high-performance track record saw him recognized and decorated with the Silver Star (SS) of Kenya by his Excellency, the President of the Republic of Kenya in 2006, with a citation for courage and commitment to duty.

APPENDIX TWO

OPERATIONAL STATISTICS



GUARDING PUBLIC INTEREST IN POLICING



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MANDATE	2012 - 2024												
	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	TOTAL
COMPLAINTS MANAGEMENT													
Complaints received	594	860	1792	2529	2267	2339	3237	2991	2881	3302	3606	4095	30493
Complaints cases forwarded to IAU	125	40	25	105	355	119	57	10	30	24	9	8	907
Complaints recommended for investigations	0	304	1608	1927	819	482	489	763	625	781	995	1229	10022
Complaint recommended for Inspections and Monitoring	0	39	37	42	90	171	289	326	358	370	268	281	2271
Complaints referred to NPS	43	59	27	63	232	415	415	271	303	109	204	300	2441
Complaints forwarded to NPSC	49	39	13	39	105	90	73	68	50	35	25	31	617
Complaints referred to KNCHR	8	3	3	8	9	10	0	0	0	0	0	0	41
Complaints forwarded to DCI	16	20	16	49	116	12	151	108	82	35	29	67	701
Complaints referred to other agencies (EACC, CAJ, NLC, NTSA, RBA) etc.	73	80	26	70	287	113	92	80	33	30	31	27	942
Preliminary inquiry conducted (ongoing visits to respective stations, interviewing clients and fact finding) to determine the nature, solve mild complaints, and refer the rest for action depending on the subject matter.						546	795	933	840	1450	1702	1588	7854
Complaints closed (Due to withdrawal of complainants, matter before court, not actionable, insufficient information, resolved).	280	276	37	226	254	381	876	432	560	468	343	564	4697
INVESTIGATIONS													
Total No of Cases received for investigation	0	304	1608	1927	819	482	489	763	625	781	995	1229	10022
Investigations Completed	0	27	115	157	294	197	728	777	727	862	876	895	5655
Cases currently under investigations	0	76	230	140	649	321	2003	3871	3891	3685	4132	4367	4367
Closed after Preliminary investigations							451	299	242	224	625	340	1896
Closed after legal review							4	9	19	6	12	2	52

MANDATE	2012 - 2024												TOTAL
	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	
Cases under further investigations (cover points)							112	171	90	21	151	21	21
Ongoing Legal review							114	196	116	43	96	40	46
Cases referred to ODPP	0	2	13	37	26	27	55	114	141	135	208	120	836
Cases referred to EACC							1	1	0	0	0	0	2
Cases referred to NPSC							1	3	0	1	0	0	5
Cases before Courts							67	77	98	170	170	136	136
Convictions made	0	0	0	2	0	1	3	2	2	8	5	10	33
POLICE OPERATIONS MONITORED													
Public Order Management	0	2	6	8	10	33	29	24	28	17	68	66	291
Security operations	0	2	0	1	4	3	13	41	8	8	12	1	93
Traffic Management	0	0	0	1	13	5	27	4	11	7	5	2	75
Police Recruitment	0	0	2	1	1	0	0	0	2	1	0	0	7
Cases Intake Committee (CIC)referrals / Own motion	0	0	0	1	8	4	19	1	10	25	0	0	68
Beats & Patrol	0	0	0	0	12	0	8	3	4	9	4	8	48
Elections	1	0	0	0	16	13	6	3	4	3	13	0	59
CIPU Thematic	0	0	0	0	0	0	0	0	0	0	20	0	20
Subtotal	1	4	8	12	64	58	102	76	67	70	122	77	661
INSPECTIONS OF POLICE PREMISES													
New Inspections	25	40	181	153	95	103	447	206	87	306	305	491	2439
Follow-up inspections		0	15	59	114	137	340	91	39	177	399	345	1716
Thematic				25		3	17	196	146	132	48	82	649
Subtotal	25	40	196	237	209	243	804	493	272	615	752	918	4804

APPENDIX THREE

END-TERM ACHIEVEMENT AGAINST TARGETS



GUARDING PUBLIC INTEREST IN POLICING



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No	Key Result Areas	Strategic Objectives	Strategies	Activities	Output Indicators	Target for 5 years	Mid Term Achievement	End Term Achievement	Proportion (%)
1.	Police Accountability	1.1 To build public confidence and trust in policing	1.1.1 Prevention of police misconduct	Develop a framework for mapping and monitoring incidences of police misconduct	Approved framework	1	1	1	100
				Implement the mapping and monitoring framework	Level of implementation	100%	0	70%	70
			1.1.2 Effective complaints management	Receive and process complaints	No. of complaints received	16000	7361	20112	126%
					Proportion of complaints processed	100%	100%	100%	100
				Communicate feedback on all complaints to clients	Proportion of feedback provided	100%	100%	100%	100%
				Facilitate Alternative Dispute Resolution (ADR)	Proportion of complaints resolved through ADR	100%	0%	0	0
			1.1.3 Enhance Compliance to legal frameworks	Finalize and gazette the Authority's Regulations	Gazetted Regulations	1	0.4	100%	100%
					Level of implementation	30%	0%	0	0
				Conduct legal audits and implement recommendations	No. of legal audit reports	20	0	1	5%
					Level of implementation	100%	0%	10	0
				Review and analyse Investigations reports	Proportion of reports analysed	100%	99.60%	100%	100%
				Review laws and Regulations	No. of statutes and regulations reviewed	5	6	6	120.00

			1.1.6 Enhance monitoring, review and audit the functions of IAU	Monitor functions of IAU.	No. of functional areas monitored	5	0	1	20
				Review reports from IAU	No. of reports reviewed	100%	0	100%	100%
				Audit complaints referred to IAU by the Authority and those lodged by the public	No. of audits conducted	5	0	0	0
	1.2 To enhance compliance to human rights standards and fundamental freedoms	1.2.1 Investigations of police misconduct	Conduct investigations	Number of investigations completed	100% (7456)	1919	4865	65%	
			Equip the control forensic laboratory to workable level	A functional control forensic lab	1	1	1	100	
		1.2.2 Strengthen inspection of police premises and detention facilities	Conduct inspection of police premises		4800	1054	3854	80%	
		1.2.4 Enhance monitoring of police operations	Conduct monitoring of policing operations	No. of police operations monitored	300	165	514	171%	
							Overall Score	72%	
2.	Stakeholder Cooperation and complementarity	2.1 To Strengthen cooperation with and complement state and non-state actors	2.1.1 Enhance cooperation	Develop and implement cooperation policy framework	Approved policy framework	1	0	1	100
					Level of implementation	100%	0	100	100
				Establish joint committees and taskforces	No. of committees set up	10	10	10	100

			2.1.2. Enhance complementarity	Share information	No. of shared reports	10	21	24	240
				Undertake joint activities	No. of joint activities undertaken	15	10	15	100
								Overall Score	128%
3.	Research and Information management	3.1 To generate Knowledge for evidenced based policy, strategy and decision making	3.1.1 Strengthen research	Conduct studies	Number of Research Reports	20	8	26	130
			3.1.2 Enhance sharing of research outputs	Hold stakeholders validation forums	No of forums	10	0	1	10
				Disseminate research reports	No. of research reports	20	8	26	130
		3.2 To facilitate utilization of knowledge for evidence based policy, strategy and decision making	3.2.1 Enhance uptake of research findings and recommendations	Develop a feedback template	No. of templates	1	1	1	100
				Track recommendations	No. of recommendations tracked	200	153	200	100
				Develop strategy papers and policy briefs	No. of strategy papers and policy briefs developed	20	5	15	75
			3.2.2 Institutionalize information management	Approve and implement records management policy	Approved policy	1	1	1	100
					Level of implementation	100%	50%	100	100

				Establish and maintain registries in regional offices	No. of functional registries established	8	4	8	100
				Establish and equip a Resource Centre	Functional Resource Centre	1	0	0	0
				Automate reporting system	Functional Automated system	1	0	0.5	50
								Overall Score	81%
4.	Institutional capacity	4.1 To promote corporate governance	4.1.1 Enhance Board and management capacity	Train Board and Management on Corporate governance	No. trained	66	0	156	236
				Review and implement instruments of corporate governance	Approved Board Charter	1	1	1	100
					Board Evaluations	5	0	0	0
					Service charter	1	0	1	100
					Code of conduct and ethics	1	0	1	100
					Level of implementation	100%	0%	100	100
				Establish Corruption Prevention Committee	Functional committee	1	1	1	100
					Corruption prevention policy	1	1	0	50
				Undertake experiential learning	No. of study visits	6	1	6	100
			4.1.2 Enhance visibility and corporate image	Review and implement communication policy	Reviewed policy	1	1	1	100
					Level of implementation	100%	80%	100	100
				Increase access to IPOA services	No. of offices established	8	0	1	12.5

			Publish IPOA performance reports	No. of reports published	15	6	15	100
			Education and awareness creation	Sensitization manual	1	0	0	0
				No. of dialogue sessions held	150		150	100
			Organize open forums to articulate IPOA mandate	No. of access forums held	160	162	162	100
			Develop and disseminate IEC materials	No. of outreach Activities	150	91	150	100
				Types of IEC materials developed	5	5	5	100
				No. of IEC materials disseminated	250000	125000	250000	100
			Conduct customer satisfaction survey and implement recommendations	No. of reports	3	1	3	100
				Level of implementation	100%	80%	100	100
		4.1.3 Improve the level of service delivery to the public	Review and implement the regional framework for coordination and management	Approved coordination and management framework	1	1	1	100
				Level of implementation	100%	60%	100	100
		4.1.4 Enhance risk management and audit	Review and implement the Enterprise Risk Management Framework	Updated ERM Register	1	1	1	100
				Level of implementation	100%	100%	100%	100

				Undertake Audits	No. of audit reports	50	26		
					Level of implementation	100%	100%	100	100
				Review and implement the security policy	Reviewed policy	1	0.4	1	
					Level of implementation	100%	40%	100	
		4.2 To strengthen Human Resource Capacity	4.2.1 Align Human Resource practice to policy, legal framework and best practice	Review and implement HRM manual	Revised HR manual	1	0.8	1	100
					Level of implementation	100%	80%	100	100
				Review and implement organisational structure ,staff establishment and career progression guidelines	Organisational structure, staff establishment and career progression guidelines reviewed and implemented	100%	80	100	100
				Mainstream cross-cutting issues	No. of policies developed	3	0	3	100
					No. of policies reviewed	6	0	6	100
					Level of implementation	100%	0	100	100
			4.2.3 Strengthen organizational learning and development	Train and develop staff	Percentage of staff trained	100%	40%	812 (100%)	100

			4.2.4 Enhance employee performance management system	Review and implement the performance management system (PMS)	Reviewed PMS	1	0.2	1	100
					Level of implementation	100%	50%	100	100
				Review and implement rewards and recognition policy	Reviewed Policy	1	0	0	0
					Level of implementation	100%	0%	0	0
			4.2.5 Improve and support employee welfare	Implement employee wellness and welfare schemes	No. of schemes implemented	2	3	3	100
					Level of implementation	100%	100%	100	100
			4.2.6 Enhance work environment	Conduct and implement employee satisfaction surveys' recommendations	Survey Reports	3	1	1	33.3
					Level of implementation	100%	33%	33%	33
		4.3 To ensure institutional financial sustainability	4.3.1 Enhance resource mobilisation	Review and Implement a resources mobilization policy	Review the Resource Mobilization Policy	1	1	1	100
					Level of implementation	100%	68	100	100
			4.3.2 Enhance resource management	Review and implement Financial Policies and Procedures Manual	No. of Reviewed policies and procedure manual	2	0.5	2	100
					Level of implementation	100%	0%	100	100
				Comply with PFM Act, Regulations, Circulars and directives	Level of compliance	100%	100%	100	100
		4.4 To strengthen business systems and internal processes	4.4.1 Leverage and standardize ICT in all the operations	Develop and implement ICT Governance framework	Approved Governance Framework	1	0.4	0.6	60

				Level of implementation	100%	0%	0	0	
			Review and implement ICT policies and procedures	Approved ICT Policy	1	0.4	1	100	
				Level of implementation	100%	0%	100	100	
			Enhance use of ECM	Level of utilization	100%	80%	80%	80	
			Develop and implement Data Recovery Centre (DRC)	Functional DRC	1	0.4	1	100	
							Overall Score	87%	
			Aggregate Performance Score of the SP						92%

APPENDIX FOUR

CASE DIGEST



GUARDING PUBLIC INTEREST IN POLICING



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“In a lawsuit the first to speak seems right, until someone comes forward and cross-examines” - *Proverbs 18:17 (NIV)*

ABBREVIATIONS

INTRODUCTION

i) Purpose of the case digest

DECIDED CASES

- ii) Jurisdiction/ Mandate of IPOA
- iii) Redacting of witness statements
- iv) Persons who can be considered victims under the Victim Protection Act
- v) Enjoining of IPOA in proceedings
- vi) Murder/Manslaughter Convictions
- vii) Sexual offences Convictions
- viii) Applications challenging criminal proceedings
- ix) COVID-19 curfew enforcement petition
- x) Inquests

ADDENDUM

INTRODUCTION

A case digest is a summary of court cases aimed at providing a readily accessible record of a particular jurisdiction or subject area. A case digest is particularly helpful in enabling the reader or user to isolate legal issues or topics that were considered by the court in every case and the reasoning and final decision of the court, without necessarily having to read entire judgments/rulings. A case digest is therefore aimed at providing an easy and efficient means of identifying appropriate case law for a wide range of legal issues.

PURPOSE OF THE CASE DIGEST

The case digest herein will serve the following purposes;

1. Provide a one stop shop for decided cases on a number of subject areas concerning the Authority.
2. Enable users at the legal services department to have a regularly updated record of emerging case law concerning the Authority.
3. Assist the users in the legal department in identifying appropriate case law for arguments to be presented in court by way of written

submissions in matters particularly touching on the mandate and daily operations of the Authority.

DECIDED CASES

1. JURISDICTION/MANDATE OF IPOA

i) Republic vs. Independent Policing Oversight Authority Ex parte Kenya Ports Authority & 2 others [2016] eKLR

BRIEF FACTS

The ex-parte applicant (Kenya Ports Authority) sought orders to compel IPOA to investigate theft of containers at the Kenya ports Authority inland container depot allegedly carried out by police officers.

The Authority challenged the application in a replying affidavit arguing that the application had been filed prematurely and that the complaint had been forwarded to the IAU and consequently, the Authority was waiting for a response from IAU.

DECISION

The core function of the Authority is to investigate complaints against members of the Police Service. Though the Authority has power to delegate that function under Section 7(2) of the Act, such delegation is for purposes of investigation. The Authority remains primarily responsible for the product of such investigation.

REASONING

Failure of the Authority to exercise its investigative mandate is in breach of the provisions of not only Sections 6 and 7 of the IPOA Act, but also Sections 24 which requires the Authority to inform a complainant of the outcome of investigations into any complaint.

ii) Chibungu Sanga vs. Republic [2017] eKLR

BRIEF FACTS

The applicant in the matter asked the court to determine which witness statements will be used in determining the case between those recorded by the Criminal Investigation Department (CID) and those recorded by the Independent Policing Oversight Authority.

DECISION

IPOA has powers to investigate a case and make recommendations to the ODPP; its investigative role is recognized by the ODPP and its findings and recommendations can be relied upon by the ODPP in discharging its constitutional mandate under Article 157 of the Constitution.

REASONING

The ODPP is at liberty and has the sole discretion to decide on which set of investigation reports and witness statements it shall use to prosecute its case.

OTHER OBSERVATION

The court also observed that once IPOA handed in its report and the recommendations effected, it ceased to have any mandate or any further business in the matter and that it does not have any oversight or supervisory powers over prosecution.

iii) Coalition on Violence Against Women (COVAW) & 11 others vs. Attorney General & 5 others [2016] eKLR

BRIEF FACTS

The Authority was sued in a matter where the petitioners sought orders to compel the Authority to Investigate SGBV cases that occurred during the disputed 2007 General election and furnish a report before court.

The Authority challenged the petitioner's claims, arguing that it did not exist and was not operational at the time that the petitioners' complaints were raised, and that none of the petitioners had lodged a complaint of Police misconduct with IPOA prior to commencing the suit. The Authority further argued that Section 26 of the IPOA Act precluded the Authority from investigating a matter that is subject to proceedings before a court of law or tribunal.

DECISION

The court concluded that in the absence of any complaints made to IPOA by the victims, and given the short period the Authority had to investigate the SGBV cases before the court proceedings, IPOA could not be faulted for failing to undertake investigations into claims of violation of human rights by police officers during the 2007-2008 PEV.

REASONING

The court found that IPOA had only about 7 months to complete investigations into claims against the Police before the petition was initiated in February 2013, and therefore had delayed in investigating the SGBV cases highlighted by the petitioners.

OTHER OBSERVATION

On the Petitioner's claim that they were denied access to information by the AG, IG, ODPP and IPOA about the investigation and prosecution of the perpetrators of SGBV during PEV.

The court relied on the case of Kenya Society for the Mentally Handicapped vs. Attorney General & 5 others [2011] eKLR where it was held that;

“...coercive orders of the court should only be used to enforce Article 35 where a request has been made to the state or its agency and such request denied. Where the request is denied, the court will interrogate the reasons and evaluate whether the reasons accord with the Constitution.”

The court determined that the right to access the information had not been denied, since the petitioners did not adduce.

2. REDACTING OF WITNESS STATEMENTS

i) Republic vs. APC Leakey Maina [2019] eKLR

BRIEF FACTS

IPOA sought orders via an application to court that witness statements be redacted before being supplied to the defence counsel and that the witnesses do use pseudonyms during testimony.

The application was premised on the grounds that protecting the identity of the witnesses was necessary, especially because the accused person was a police officer and was thus likely to manipulate and or interfere with evidence. Also, most of the witnesses were vulnerable as some are former colleagues of the accused and chances of them being compromised and/or intimidated were high.

DECISION

The court concurred that the witnesses in the case were in danger and allowed the application by IPOA.

The court relied on the case of Republic vs. Doyo Galgalo & 3 others [2019] eKLR where it was held;

“...therefore protection of witnesses entails inter alia safety of the witness. From the prescriptions of and words used in the Constitution and the law, if the concealing of the identity of a witness is necessary, in a free and democratic society, to protect witnesses or vulnerable persons, it is justifiable measure, and therefore, not a violation of right to fair trial.”

OTHER OBSERVATION

The court in arriving at the decision to allow redacting of the witness statements also relied on the decision of Lenaola J (as he then was) In the Matter of Application for orders for Witness Protection [2014] where it was held;

“The redacting of Witness Statements to exclude the witnesses’ personal details such as; the name, address and other personal particulars does not in my view amount to a contravention of the provisions of Article 50(2)(j). The accused persons will have the substance of the evidence to be adduced at the trial which is the tenet of protection accorded by this provision. As to the use of pseudonyms during the trial, I am also satisfied that it does not in any way, violate the provisions of Article 50 of the Constitution.”

3. PERSONS WHO CAN BE CONSIDERED VICTIMS UNDER THE VICTIM PROTECTION ACT

i) Republic vs. Fredrick Ole Leliman & 4 others [2016] eKLR (Willy Kimani case)

BRIEF FACTS

The accused persons sought to be granted bail pending their trial for charges of 4 counts of murder. IPOA had conducted investigations into the murder incidents. In determining the factors influencing the decision of whether or not to grant bail, the court considered the rights of the victims of the offence or crime.

DECISION

The court identified victims in the matter to include the family members of the deceased persons, the Law Society of Kenya, IJM, Witness Protection, taxi owners, the *boda boda* fraternity and a special category of overseers, IPOA.

REASONING

The Victim Protection Act gives a broad definition of who victims are. They include the families of the ones against whom the offence was committed. It also includes those directly or indirectly affected by the offence.

OTHER OBSERVATION

The court found IPOA to fit the definition of victims, within the meaning ascribed by the Victim Protection Act.

4. ENJOINING OF IPOA IN PROCEEDINGS

i) Rose Owira & 23 others vs. Attorney-General & another; Kenya National Commission on Human Rights & 4 others (Interested Parties) [2020] eKLR

BRIEF FACTS

The petitioners, who were the relatives of deceased victims of extra judicial killings allegedly at the hands of police, sought various reliefs against the respondents. The Authority was enjoined as an interested party.

The court was tasked with determining whether IPOA had been properly enjoined as an interested party, given that the petitioners had not raised any claim against IPOA for failing to conduct Investigations and informing the kin of the deceased victims in their Petition and Affidavits, and instead only raised those claims in their written submissions.

DECISION

The petitioners were found to be at fault for enjoining IPOA as an Interested party.

REASONING

The court relied on the case of *Fibre Link Limited vs. Star Television Production Limited [2015] eKLR* where it was held that submissions are not an avenue to submit evidence but must only be used to clarify issues.

ii) *Apollo Mboya v Attorney General & 3 others [2019] eKLR*

BRIEF FACTS

The Authority was enjoined as the 2nd interested party in the petition. The proceedings were founded on the widespread cases of enforced disappearance and extrajudicial killings in Kenya, and the need for investigations by a Judicial Commission of enquiry with a view of bringing to account those responsible for the crimes.

The Authority opposed the petition and filed grounds of opposition arguing that the petition did not meet the required threshold for grant of reliefs sought and that the petitioner did not demonstrate the existence of any public duty reposed upon the respondents, which could form a basis upon which the court could compel compliance.

DECISION

The court determined that the petitioner had not exhausted all other avenues open to resolve the matter before coming to court and dismissed the petition. The court in arriving at the decision found that the petitioner had not shown that he had petitioned the President to set up such a commission, nor approached the AG for redress and the same declined to then warrant issuance of orders of mandamus.

REASONING

The petitioner did not meet the threshold of the exhaustion doctrine to warrant the court's intervention.

OTHER OBSERVATION

The court while noting the petitioner's heavy reliance on newspaper cuttings as evidence of extra-judicial killings, dismissed the same as inadmissible as evidence and cited the case of *Andrew Omtata Okoiti & 5 Others vs Attorney General & 2 others (2010) eKLR* where the High Court held that;

“...this case however, can hardly go far because the petitioners have solely relied on newspaper cuttings in discharging their evidentiary burden which approach is rather flawed. The probative value of such cuttings is not in line with the requirements of the Evidence Act and most importantly, their probative value points to the direction of hearsay, which then Impugns their admissibility.”

5. MURDER/MANSLAUGHTER CONVICTIONS

i) *Republic v Veronicah Gitahi & another [2016] eKLR*

BRIEF FACTS

The two accused police officers were charged with murder of a minor contrary to Section 203 as read with Section 204 of the penal code following investigations and recommendations by the Authority.

The two police officers were part of a team that had been assembled to conduct an operation to nab a well-known criminal who the officers believed was seeking refuge in the house where the deceased met her death. The court visited *locus in quo* to examine the crime scene and establish the particulars of the murder.

DECISION

The court agreed with the defence's assertion that there had been a spate of murders by known gangsters in the area some of whom were being protected by local leaders and that they had information that the gangsters, most of them who had gone into hiding had returned. This necessitated the carrying out of a stealth operation at night so as to flush them out. The court therefore ruled out the argument by the prosecution that the officers had the intention to cause death at the scene of the murder on the fateful night.

The court however noted that no proper surveillance was conducted by the police immediately upon arriving at the homestead. This was especially important because they would have established whether or not there were minors in the house and if so, would have refrained from using firearms in line with rule 3 of part B of the 6th Schedule to the NPS Act. The two accused were found guilty of manslaughter.

On appeal, the appellants contended in their grounds of appeal that at the material time the appellants who were police officers were on official duty to try and apprehend dangerous criminal suspects and therefore the use of firearms was an act of self-defence.

The appellants argued further that the test in self-defence is subjective rather than objective and that in this case the appellants believed that they were under attack and that use of force was necessary to defend themselves.

The State opposed the appeal, contending that it had adduced sufficient evidence to convict the appellants of the offence of murder. The State further submitted that between the appellants, 5 bullets were fired, which in the circumstances of the case amounted not only to wanton recklessness, but also excessive force and also amounted to malice aforethought.

The Court of appeal held that the use of lethal force by the police in the circumstances of this case was not proportional to the threat that they allegedly faced and that the killing of the deceased was unlawful. Therefore, justifying conviction for the offence of manslaughter was entered by the High Court. The appeal was therefore dismissed.

OTHER OBSERVATION

The High court also held that the two accused persons were recklessly negligent in the act of shooting in darkness without establishing who the victims were. The court of appeal in the matter also faced the legal question of whether in the circumstances of the case, the State had a right of appeal.

Counsel for the state submitted that **Section 348A** of the Criminal Procedure Code as amended by the **Security Laws (Amendment) Act, 2014** allowed the DPP to appeal to the court of appeal from an acquittal by the High court in the exercise of its original jurisdiction or from an order of the High Court refusing to admit a complaint or formal charge or an order dismissing a charge.

To this end, counsel for the state further argued that the learned judge had acquitted the appellants of murder, and in so doing had made an “order” against which the DPP was entitled to an appeal. The court of appeal was also persuaded to find that the spirit of the amendment to the Criminal Procedure code was to shift focus from the offender to the victim.

The court in determining the legal question on whether the state has the right to appeal relied on the case of **Republic vs. Danson Mgunya, Cr. App. No. 21 of 2016** where it was held;

“... the law (before 2014) did not recognize such a right (by the state). By dint of Section 379 (5) of the Criminal Procedure Code, all that the Director of Public Prosecutions was permitted to do was, within one month from the date of the acquittal or such other period as extended by this court, to sign and file a certificate with the Registrar of the High Court certifying that the decision of the High Court involved a point of law of exceptional public importance and that it was desirable in the public interest that the point be determined by the Court of Appeal. On its part, the Court of Appeal was empowered to review the case and to deliver a declaratory judgment. Section 379(6) of the Code provided expressly that such a declaratory judgment could not operate as a reversal of the acquittal... a fundamental change was introduced by the Security Laws (Amendment) Act, 2014 as regards the right of appeal to this Court from an acquittal by the High Court in the exercise of its original jurisdiction... the effect of the new amendment is to enable the Director of Public Prosecutions to appeal to the High Court against an acquittal in a trial by a subordinate court and to this Court against an acquittal in a trial by the High Court, on both matters of fact and law.”

REASONING

The court of appeal determined that the DPP did have the right of appeal pursuant to the changes to the Criminal Procedure code introduced by the Security Laws (Amendment) Act. However, the court disagreed with the state’s argument that the appellants were acquitted by the High Court so as to entitle the DPP to appeal.

The court remarked, “to agree with the submissions by the State is to beg the question, how were the appellants acquitted and convicted at the same time in the same trial and if the appellants were acquitted, how come they have preferred an appeal, are they appealing against their acquittal? .“

ii) Republic v Titus Ngamau Musila Katitu [2018] eKLR

BRIEF FACTS

The accused police officer was charged with an offence of murder contrary to Section 203 as read with Section 204 of the Penal Code following investigations and recommendations by the Authority. The accused claimed to have shot the deceased after matatu occupants had raised an alarm that the deceased had robbed a matatu passenger of his cell phone.

The accused was at the time of the alleged commission of the offence a police officer attached to a unit of the Kasarani police station manning the Githurai bus stage. The matter had by then generated significant public interest. From newspaper reports, he was described by locals as an officer who took on his job with such passion and had eventually become such a venerated and popular crime buster, that his arrest and arraignment triggered protests by matatu operators and residents of Githurai 45 along Thika road, demanding that all charges be dropped citing his instrumental role in helping them combat rampant crime in the area.

DECISION

The court, in finding that the prosecution had proved the case against the accused beyond reasonable doubt echoed an excerpt of the judgment of the Court of appeal in *IP Veronica Gitahi & another vs. Republic [2017] eKLR* on the circumstances that an officer may lawfully result to the use of force;

“In addition even where the use of force is justified, the officer does not have a carte blanche in the use of force. The [NPS] Act demands that the force used must be proportional to the objective to be achieved, the seriousness of the offence and the level of resistance and still only to the extent necessary. When it comes to use of firearms, the Act makes that a last resort option.”

REASONING

The court established that from the circumstances, the deceased was shot three times in the head and while lying down. This clearly shows that the accused had the intention to kill and had succeeded in his unlawful endeavour; the fact that he was a diligent crime fighter in the area, for which he became venerated notwithstanding.

iii) *Republic vs. Benjamin Kahindi Changawa & another [2018] eKLR*

BRIEF FACTS

The two accused police officers were charged with three (3) counts of murder contrary to Section 203 as read with Section 204 of the Penal code following investigations and recommendations by the Authority.

The two officers were involved in a shooting incident at a night club in Kangemi, where three persons succumbed to gunshot wounds. The accused officers claimed to have shot at the deceased persons in self-defense shortly after arriving at the club, in response to a distress call circulated through police communication channels of an ongoing robbery at the club.

DECISION

The question that the court embarked on addressing is whether the defense of self-defense was available to the accused persons. The court agreed with the defence that the test to be applied where the defense of self-defense is raised is the subjective test in *Ahmed Mohammed Omar & 5 others v Republic [2014] eKLR* where the sequence of events was similar to the matter and Section 17 of the Penal Code that affords an accused person the defense of self-defense where he acts in defense of a person or property. Witness accounts confirmed that the accused

persons were not in any danger given that after they ordered the deceased persons to surrender, two of them complied by lying on the ground and one lifted a pistol and handed it to the accused persons before shooting started. The accused persons were therefore found guilty as charged.

REASONING

To establish whether the deceased persons posed any real or perceived danger to the accused, the court relied on the facts given by way of testimonies of witnesses. The court noted that the deceased persons made no attempt to either attack their assailants or flee as the bodies were found lying on the ground parallel and close to each other, and that there was no evidence of the deceased persons shooting at the accused.

OTHER OBSERVATION

The court's held the following opinion on self-defense;

“...the gist of the defense of self-defense is that the person raising it must reasonably believe that his/her life or that of another person was in danger at the time he acted in self-defense even if that person acted under a mistake as to the facts. Such a person should be judged according to his mistaken belief of the facts regardless of whether, viewed objectively, his mistake was reasonable. The test of self-defense is that a person could use such force in the defense of himself or another as was reasonable in the circumstances as he honestly believed them to be.”

iv) Nahashon Mutua vs. Republic [2016] eKLR

BRIEF FACTS

The accused police officer, at the time of the incident, the OCS of Ruaraka police station, was charged with murder contrary to Section 203 as read with Section 204 of the Penal code following investigations and recommendations by the Authority. The deceased had met his death after sustaining serious injuries, inflicted on him while being assaulted at Ruaraka police station, where he had been detained as a suspect on the allegations that he had subjected his infant daughter to torture.

The officers at the police station, acting at the behest of the accused, then resulted to carrying out an elaborate cover up that led to another cell inmate at the same police station being charged with the murder. The family of the deceased later raised concerns about the conduct of the investigations with IPOA and subsequently, independent investigations were initiated by the Authority. The Investigations eventually pointed to the accused as the person who had carried out the murder.

DECISION

The court, in determining who was responsible for the death of the deceased, considered the sharply contrasting versions of events presented by the prosecution and defence. At the heart of the two accounts were statements made by 5 prosecution witnesses who were in the police

cells at the material time the deceased was assaulted. The witnesses had recorded statements with the police while in the cells and later with IPOA officers.

The court, in choosing to rely on the statements recorded by witnesses who had testified in court in the matter, and not statements from an initial murder case that had been fabricated by the police to frame another cell mate that the defence intended to rely on, gave reasons that the case had been terminated by the state by entering a *Nolle prosequi* before those statements were subjected to cross examination to determine their veracity. Therefore, those statements recorded by the police could not be used “... for the ends of justice to be met and in order not to prejudice the prosecution.”

REASONING

The court, after visiting the *locus in quo*, considering the evidence of the prosecution witnesses who had witnessed the accused assault the deceased and the dubious conduct of the accused after the deceased had been rushed to hospital of personally paying the deceased’s hospital bill and drive him home, found the accused guilty as charged.

On appeal, the appellant contended in the grounds of appeal that the court had relied on contradictory evidence on the attire of the appellant, that prosecution witnesses were protected denying the accused an opportunity to confront his accusers and the court to assess their demeanor and that IPOA had encroached into the mandate of the ODPP by dictating to the ODPP on who to charge.

The court, in dismissing the appeal determined that evidence as to the attire of the appellant was of no consequence, it was necessary to protect the prosecution witnesses by having their faces and identities concealed because the accused was a senior police officer being tried for a serious crime which if established, had grave consequences and that IPOA did no more than it was mandated to do under the IPOA Act in conducting investigations and forwarding its recommendations to the ODPP.

OTHER OBSERVATION

The High court cited the Ugandan Court of Appeal decision in *Chesakit vs Uganda CR App. No. 95 of 2004* where factors constituting malice aforethought were identified as follows;

“...in determining a charge of murder whether malice aforethought has been proved, the court must take into account factors such as; the part of the body injured, the type of weapon used if any, the type of injuries inflicted upon the deceased and the subsequent conduct of the accused person”

The court of appeal also determined the contention by the appellant that Section 26 of the IPOA Act had prevented the Authority from investigating the matter, because criminal proceedings had been initiated against the cell inmate framed for the murder by the time IPOA launched investigations, by finding that the proceedings were withdrawn when the state entered *Nolle prosequi* before IPOA commenced investigations.

v) Republic v Evans Malachi Wiyema Naivasha HCCR No. 36 of 2016

BRIEF FACTS

The accused police officer was charged with murder contrary to Section 203 as read with Section 204 of the Penal code following investigations and recommendations by the Authority. The accused fatally shot the deceased at Crescent island situated at Lake Naivasha after the deceased while fishing in the company of other fishermen at the lake, had been ambushed and fled for fear of arrest.

DECISION

The court found that the accused had acted recklessly and with mens rea in firing at the deceased, who was, shortly before being shot, waist deep in water and therefore posed no threat to the accused.

In addition, the accused's failure to report the shooting incident to his superiors and instead, choosing to participate in the prosecution of the rest of the arrested fishermen was circumspect and cast further doubt as to his innocence. The accused was convicted as charged.

OTHER OBSERVATION

The victim's counsel cited the case of R v Benjamin Wanyiri Maina [2014] eKLR where the court made a distinction between motive and mens rea and held that there is no requirement to prove motive in law.

6. SEXUAL OFFENCES CONVICTIONS

i) Republic vs. PC James Kinyua SO No. 89 of 2018

BRIEF FACTS

The accused was charged with rape contrary to Section 3(1) (a) (b) (3) of the Sexual Offences Act and an alternative charge of committing an indecent act with an adult contrary to Section 11A of the same Act following Investigations and recommendations by the Authority.

The offence occurred at Kotur police patrol base within Busia county where the victim had been held. The victim had been taken to the said station following an altercation with her mother at her home. While in the cells, the victim was gagged and raped while being threatened by the accused, after the accused had convinced the father of the victim to let her spend the night at the cells as punishment for leaving her home. The accused admitted to having sexual relations with the victim but maintained that the same was consensual.

DECISION

The court established that from the accused's own admission and expert analysis of evidence, to wit, DNA profiles generated from vaginal swabs and the stains of the victim's undergarments, the accused had gotten intimate with the victim.

To determine whether or not there was consent, the court compared the witness accounts of the accused and the prosecution witnesses, where the court found that the accused's version of events that the victim was his girlfriend and that the two had had sexual intercourse on other occasions prior to the material day was inconsistent with the medical evidence before the court, that showed the victim had not had any sexual intimacy with the accused prior to the material day.

Further, the threats of violence issued by the accused pointed towards the accused's intention to obtain consent through coercion. The court therefore concluded that the act of penetration was intentional and unlawful and done without consent and convicted the accused as charged.

RATIONALE

The court while finding the accused guilty opined that “... *the accused being in a position of advantage over the victim simply abused the trust the complainant's father had in him when he left his daughter at the police post.*”

The court in seeking to establish the veracity of the accused's testimony, assessed two acts of the accused following the incident;

1. The accused's conduct of handing the victim a note with his phone number after he had raped her discredited the accused's contention that the victim was his girlfriend; inferring that If the accused and the victim were indeed in a relationship and were in regular contact, the victim would already have his number.
2. The accused's conduct of asking for forgiveness from the victim's father after she had reported the incident to her father in the accused's presence also cast further doubt as to the credibility of the accused's entire testimony.

7. APPLICATIONS CHALLENGING CRIMINAL PROCEEDINGS

i) Fredrick Masaghwe Mukasa vs. Director of Public Prosecutions & 3 others [2016] eKLR

BRIEF FACTS

The ex-parte applicant (Fredrick Masaghwe) sought orders seeking to prohibit the commencement and sustaining of criminal proceedings against the applicant. The applicant, then OCS at Kitengela police station within Kajiado county had been involved in a shooting incident with irate protesters at the said police station that resulted in a civilian sustaining gunshot wounds.

Following investigations, IPOA recommended that a charge of assault causing bodily harm be preferred against the appellant. On receiving the investigation file from the 4th Respondent, the Director of Public Investigations (DPP) recommended a charge of unlawful wounding contrary to Section 237(a) of the Penal Code, and the complainant was charged in court.

The decision to charge the applicant aggrieved him and prompted him to move to the High Court by way of judicial review. The Authority

opposed the application stating in the grounds of opposition that the application was an abuse of the due court process since the applicant would nevertheless have an opportunity to demonstrate his innocence at the criminal proceedings.

DECISION

The court held that one of the cardinal principles in judicial review cases is that courts are concerned not with the merits of the decision under consideration but the process in making that decision. The court established that no material was adduced before the court of such a nature as to make a finding that the ODPP's decision to charge was tainted with procedural impropriety and dismissed the application.

On appeal, the court of appeal in dismissing the appellant's appeal, determined that the evidentiary material the appellant wanted the High Court and the Court of Appeal to consider in his favour is material that should be placed before the trial court in his defence, should the ODPP still decide to proceed with the charges against him.

OTHER OBSERVATION

The court of appeal in dismissing the appeal cited and relied on the case of *Joshua Okungu & Another v The Chief Magistrate's Court, Anti-Corruption Court at Nairobi & Another [2014] eKLR* where it was held,

“...that a petitioner has a good defence in the criminal process is a ground that ought not to be relied upon by a court in order to halt criminal process undertaken bona fides, since that defence is always open to the Petitioner in those proceedings...”

ii) *Ezekiel A. Omollo vs DPP & 2 others E002 of 2020*

BRIEF FACTS

The petitioner, at the time a training instructor based at Kiganjo police institute sought orders to quash criminal proceedings where the petitioner had been charged with the murder of a civilian who had been shot during protests by small scale traders in Malindi.

The Authority had conducted independent investigations into the incident and forwarded findings to the ODPP that formed the basis of the institution of criminal proceedings against the petitioner vide *Malindi HCCR case no. E006 of 2020 R v Ezekiel Omollo*. IPOA opposed the petition and through filed pleadings, argued that the facts relied on by the petitioner were matters of evidence that would be part of the petitioner's defence in the criminal proceedings, and as a result, the petitioner only sought to craftily curtail the statutory obligations of the Authority.

DECISION

The court summed up the arguments of the petitioner and respondents to the legal question of whether the petitioner's gravamen was in tandem with the circumstances in which the court would be entitled to bring to a halt the intended criminal proceedings against him.

The court noted the need to avoid usurping the constitutional and statutory mandate of the ODPP and IPOA, citing the case of George Joshua Okungu & Another v The Chief Magistrates Court, Nairobi & Another [2014] eKLR where it was held;

“...the law is that the Court ought not to usurp the Constitutional mandate of the Director of Public Prosecutions or the authority charged with the prosecution of criminal offences to investigate and undertake prosecution in the exercise of the discretion conferred upon that office. The mere fact that the intended or ongoing criminal proceedings are in all likelihood bound to fail, it has been held time and again, is not a ground for halting those proceedings...”

The court found that the respondents acted within their Constitutional and statutory mandate in investigating and charging the petitioner, and that the petitioner’s Constitutional rights had not been violated as alleged and dismissed the petition.

RATIONALE

The court, in determining whether IPOA had violated the Constitutional rights of the petitioner by Investigating the shooting incident and recommending criminal charges against him, cited the case of Philomena Mbeti Mwilu v Director of Public Prosecutions & 3 others [2019] eKLR where it was held;

“...In our view, it would be within the mandate of an investigative body to receive complaints and to investigate them. Such bodies or entities cannot be faulted for acting on the complaints as in so doing, they would be acting within their constitutional and statutory duty... by undertaking investigations an investigating entity does not violate any constitutional rights, and that violation of rights may only occur in the manner in which the investigative mandate is executed. In that event, the Petitioner would be under an obligation to demonstrate that his or her rights have been violated by the manner of investigation and attendant processes.”

OTHER OBSERVATION

The court determined that from an interpretation of Section 27 of the IPOA Act, the Authority owed no legal duty to inform a person under investigation of the progress and outcome of such investigations as conducted by the Authority.

8. COVID-19 CURFEW ENFORCEMENT PETITION

i) Law Society of Kenya v Hillary Mutyambai Inspector General National Police Service & 4 others [2020] eKLR (COVID 025)

BRIEF FACTS

Following the country reporting its first case of the highly communicable Covid-19 disease on 13th March 2020, the state put in place measures aimed at halting or at least undermining the relentless spreading of the disease. One of the measures taken was the imposition of a night curfew vide Legal Notice no. 36 - The public order (State Curfew) Order 2020 under the Public Order Act.

Shortly after the commencement of the curfew, media houses began reporting numerous cases of civilian harassment and unreasonable use of force by the police enforcing the curfew. The LSK moved to court to have the use of force by police declared unconstitutional and the Inspector General of police held personally liable for the same.

The Authority was enjoined as the 3rd Interested party. In the Authority's filed replying affidavit, the Authority stated that formal communication had been made to the IG's office to issue guidelines for disposal of offenders arrested during the COVID-19 pandemic, and that the Authority supported the Petitioner's prayers for publication of guidelines on the conduct of police officers during the curfew, the prohibition of the use of unreasonable force by police officers in the enforcement of the Curfew Order; and the prohibition of interference with media coverage of the curfew.

In the Authority's filed written submissions, the Authority argued that the lack of guidelines for the enforcement of the curfew left the public at the whims and caprice of individual police officers, and that the declaration of a curfew did not suspend constitutional rights protecting persons against unreasonable use of force by the State, or lessen the obligation by police officers to adhere to the legal strictures on the use of force and firearms by police officers.

DECISION

The court granted the petitioner's prayers/orders and declared the use of force by police unconstitutional and issued orders directing the exemption of LSK members and IPOA officers from the provisions of the Public Order (State Curfew) Order, 2020.

OTHER OBSERVATION

The court, in exercising its discretion to grant any additional orders deemed necessary, agreed with the Authority's views for the need to consistently provide oversight over security personnel in the country during the curfew period, and proceeded to exempt IPOA from curfew restrictions.

9. INQUESTS

i) *Inquest No. 14 of 2017 In the matter of Stephany Moraa Gisemba (Deceased)*

BRIEF FACTS

The inquest proceedings arose from an incident that occurred on the 12th of August 2017 shortly after announcement of the presidential elections, where a nine-year-old girl was callously killed while playing at the balcony of her apartment building, as a result of being shot by a police officer who was in the company of his colleagues standing about 80 meters away, and whose identity remained mystifyingly unknown.

The incident was investigated by the Authority and a conclusion was made by the Authority, that there were concerted attempts by the

police to frustrate efforts to unearth the specific officers responsible for the shooting, by impeding the access of police documentation by IPOA investigators. The matter was forwarded by the Authority to the ODPP with recommendations that a public inquest be conducted by a competent court to unravel the events and pinpoint the culpable officers.

Thirteen (13) witnesses, including IPOA's investigator testified as to the facts surrounding the shooting. Five (5) of those witnesses, all neighbors of the deceased's family, testified seeing a police officer who stood at a far distance take aim and shoot the deceased.

A post mortem was conducted that revealed the extensive damage caused by the bullet that tore through the deceased's chest cavity, and caused her death. The spent cartridge recovered at the scene of the shooting was subjected to ballistic examination. The firearm examiner informed the court that the cartridge could have been fired from a G3, FN rifle or another of a similar make. He also opined that since the cartridge case had no projectile it could not cause the entry and exit wounds evident on the deceased's body.

DECISION

From the evidence adduced before the court, the court concluded that;

1. *The exhibit presented for ballistics examination was not the one used to shoot the deceased and which was recovered at the crime scene.*
2. *Police engaged in a scheme to cover up the identity of the culpable police officer by failing to produce the results of investigations in court and not cooperating with IPOA officers in providing information sought.*
3. *The police officers testifying at the inquest engaged in acts summed up as the "blue code of silence" elaborated in Titus Ngamau Musila Katitu vs Republic (supra) as follows "...it is an unwritten rule according to which police officers never provide incriminating information about their colleagues... a feeling of esprit de corps..."*
4. *The deceased died as a result of the deliberate shooting by a police officer shielded from identification by his peers.*
5. *The findings were forwarded to the ODPP for necessary action.*

OTHER OBSERVATION

The circuitous scheme cited by the court to confound IPOA investigators most likely started when the spent cartridge was collected by the police at the scene, and kept for six (6) days before being handed over to IPOA investigators. It was most likely switched or otherwise interfered with during that period.

IPOA was however applauded for its efforts to unearth the facts surrounding the incident in the face of non-cooperation and chicanery orchestrated by the police.

ii) *Inquest No. 6 of 2017 - In the matter of Baby Samantha Pendo (Deceased)*

BRIEF FACTS

The inquest proceedings arose from an incident that occurred on the night of 11th of August 2017, in the midst of the presidential elections, at a single-roomed home nestled in area known as Kilo junction at Nyalenda within Kisumu county.

The occupants of the house comprising 2 adults and 2 infants were abruptly woken by a group of uniformed police officers in full riot gear wielding batons and firearms. The occupants were smoked out by a teargas canister lobbed into the house by the officers. The officers, upon forcefully gaining entry to the house, sadistically assaulted the besieged and helpless occupants. As a result, the infant Samantha Pendo succumbed to head injury after being in a coma for 3 days.

Thirty-one (31) witnesses, comprising civilians, expert witnesses and police drawn from various units testified as to the facts surrounding the incident. Evidence from the medical report adduced by the prosecution's expert witness concluded that the deceased baby met her death as a result of massive swelling and bleeding inside the brain. Further that the injuries were consistent with force from a blunt object.

DECISION

The court arrived at the conclusion that the deceased had met her untimely death as a result of injuries inflicted on her and not natural consequences, and placed the blame squarely on members of the NPS.

The court recommended the prosecution of specific police officers by the ODPP for the murder of the deceased and some forty-six (46) officers be treated as persons of interest and they be investigated afresh.

RATIONALE

The Court while relying on the doctrine of command responsibility found the commanders who issued operations orders within the area where the incident occurred culpable and accordingly liable for their subordinates' unlawful conduct.

The court posed the following questions to the police commanders whose conduct was found wanting;

1. *Who authorized the officers to go into people's homes and assault citizens?*
2. *Could an entire platoon of General Service Unit officers operate without the knowledge or approval of their superiors?*

iii) *Inquest No. 3 of 2015 - In the matter of Alexander John Ruman Monson (deceased)*

BRIEF FACTS

The inquest proceedings arose from an order directing the same. The deceased met his death while in custody at Diani police station within Kwale County. A total of 39 witnesses comprising police officers involved in arresting and booking the deceased, expert witnesses and relatives of the deceased testified as to the facts surrounding the incident.

DECISION

The court established that the death of the deceased was not natural, and that the blunt force trauma inflicted on the deceased could only have been caused when the deceased was in custody within the material time period.

It was therefore incumbent on the police officers who were present at the station during that time, to explain what had caused blunt force trauma on the deceased's head. The findings were forwarded to the ODPP with recommendations for the identified suspect police officers found culpable to be prosecuted.

OTHER OBSERVATIONS

The court identified deliberate efforts by some of the witnesses to mangle the facts surrounding the death of the deceased. To wit;

1. *The times when the officers present at Diani police station came and left.*
1. *Advancing the theory that the deceased had ingested a fatal combination of drugs, while blood and urine samples each produced contrary findings.*

10. JUDICIAL REVIEW APPLICATIONS

i) *Republic vs. Chief Executive Officer, Independent Policing Oversight Authority & 2 others Ex parte Harish Kanji Patel [2019] eKLR*

BRIEF FACTS

The *ex parte* Applicant claimed that on or about 12th March 2017, officers from Langata Police Station picked him from Buffalo Bar in Langata, under threat of arrest for a civil debt allegedly owed to a company and the said officers forced the *ex parte* Applicant to sign cheques and a 'commitment', and that it was only upon obliging that he was released. The *ex parte* applicant claimed further that they denied him access to legal representation and/or advice.

The *ex parte* applicant also contended that he subsequently requested the IPOA to investigate the circumstances of his case, ascertain the degree of improper use of police powers and/or abuse of office, and take remedial action, but that no response or action was taken.

The Authority argued that the *ex parte* applicant was accorded due process in accordance with the IPOA Act, and the Authority's internal

mechanisms; and further that, the Authority was of the considered view that the IAU of the National Police Service was better placed to deal with the matter. Moreover, the Authority had instructed the said Unit to investigate the matter and furnish the Authority with a report on its investigations and findings.

DECISION

The court in its determination concluded that the Authority's action of referring the *ex parte's* applicant's complaint to a third party, namely the IAU of the National Police Service had acted outside the scope of its statutory mandate.

The court held that there were no express powers given to the Authority to delegate its functions to the IAU of the National Police Service, and that on the contrary, one of the Authority's functions under Section 6 (d) of the IPOA Act was to “*monitor, review and audit investigations and actions taken by the Internal Affairs Unit of the 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.*” Therefore, an implied power to delegate its functions to the IAU was non-existent as the said unit was one of the subjects of the exercise of the Authority's functions and powers.

The court therefore found the Authority liable for abdicating its decision making power and issued orders of mandamus compelling the Authority to investigate the *ex parte's* applicant's complaint.

OTHER OBSERVATIONS

The court summed up the objectives and functions of the Authority as essentially quasi-judicial in nature, as they involve investigation and recommending the disciplining of the Police Service.

11. ACCESS TO INFORMATION HELD BY THE AUTHORITY

i) *Petition no. 104 of 2019 Legal Advice Centre t/a Kituo Cha Sheria & 33 others vs. Cabinet Secretary, Ministry of Education & 7 others [2021] KEHC 390 (KLR)*

BRIEF FACTS

On 2nd April 2015, the country was rocked by a tragic terrorist attack that took place at the Garissa University that claimed the lives of scores of innocent students. Following the event, the petitioners moved to court in March 2019 seeking orders for inter alia compensation from the state for failure to prevent the attack and that IPOA and the Commission on Administrative Justice (CAJ) be compelled to furnish reports in their possession on the attack.

A ruling was delivered in April 2020 where the court directed IPOA and CAJ to table before the court reports held touching on the terror attack. Both IPOA and CAJ filed applications in which they sought a review and vacation of the said order.

The petitioners, through the Katiba Institute counsel buttressed their grounds for the orders sought for the release of reports on the constitutional right to information; arguing that the reports were essential in enabling the petitioners obtain the remedies sought for violation of their rights.

The Authority in its response argued that while preparing its report, it had interviewed witnesses from various national security agencies on a strictly confidential basis, and the witnesses had provided information on ongoing security operations against Al-Shabaab terrorists. Therefore, the report was privileged and falling within the exemptions provided under of Section 6 of the Access to information Act. Further, it was argued that failure to access the report held by the Authority would not impede realization of the petitioners' rights as the petitioners had also cited and relied on facts from other sources.

DECISION

It was held that IPOA and CAJ had persuaded the court that release of their reports would greatly compromise national security in view of the ever present threat of terrorism in the country.

RATIONALE

The court relied on the decision of the United Kingdom's House of Lords in *Conway vs. Rimmer (1968) AC 910* where the court in dealing with claims of privileged information, noted that it is essential that there should be no disclosure of anything that might give any useful information to those who organize criminal activities.

OTHER OBSERVATION

The court found that where a determination is made that disclosure of confidential information should be made, various protocols may be followed. In doing so, the court could call for a redacted version of the information sought.

The court also pointed out that there is no law in place in the country on procedures for confirmation of sensitive and confidential information for purposes of disclosure and directed that the office of the AG and Clerk of the National Assembly do undertake law reform in order to address this legal vacuum.

ADDENDUM

- i) *Republic vs. Independent Policing Oversight Authority Ex parte Kenya Ports Authority & 2 others [2016] eKLR - Ms. Maina on record for IPOA*
- ii) *Chibungu Sanga vs. Republic [2017] eKLR - Ms. Maina on record for IPOA*
- iii) *Coalition on Violence Against Women (COVAW) & 11 others v Attorney General & 5 others [2016] eKLR - Ms. Mutie counsel on record for IPOA*
- iv) *Republic vs. APC Leakey Maina [2019] eKLR - Mr. Kinoti counsel on record for IPOA*

- v) *Republic vs. Fredrick Ole Leilman & 4 others [2016] eKLR (Willy Kimani case)*
- vi) *Rose Owira & 23 others vs. Attorney-General & another; Kenya National Commission on Human Rights & 4 others (Interested Parties) [2020] eKLR - Ms. Kamau counsel on record for IPOA*
- vii) *Apollo Mboya vs. Attorney General & 3 others [2019] eKLR - Mr. Kinoti counsel on record for IPOA*
- viii) *Republic vs. Veronica Gitahi & another [2016] eKLR - Ms. Mutie counsel on record for IPOA*
- ix) *Republic vs. Titus Ngamau Musila Katitu [2018] eKLR - Ms. Mutie counsel on record for IPOA*
- x) *Republic vs. Benjamin Kahindi Changawa & another [2018] eKLR*
- xi) *Nahashon Mutua vs. Republic [2016] eKLR - Mr. Kinoti counsel on record for IPOA*
- xii) *Republic vs. Evans Malachi Wiyema Naivasha HCCR No. 36 of 2016*
- xiii) *Republic vs. PC James Kinyua SO No. 89 of 2018 - Ms. Owino counsel on record for IPOA*
- xiv) *Fredrick Masaghwe Mukasa vs. Director of Public Prosecutions & 3 others [2016] eKLR - Mr. Nderitu counsel on record for IPOA*
- xv) *Ezekiel A. Omollo vs. DPP & 2 others E002 of 2020 - Mr. Kinoti counsel on record for IPOA*
- xvi) *Law Society of Kenya vs. Hillary Mutyambai Inspector General National Police Service & 4 others [2020] eKLR (Covid-19 Petition) - Mr. Nderitu counsel on record for IPOA*
- xvii) *Independent Policing Oversight Authority & another vs. Attorney General & 660 others [2014] eKLR - Mr. Olola & Mr. Kinoti counsel on record for IPOA*
- xviii) *Inquest No. 14 of 2017 In the matter of Stephany Moraa Gisemba (Deceased) - Ms. Wanjiru counsel on record for IPOA*
- xix) *Inquest No. 6 of 2017 In the matter of Baby Samantha Pendo (Deceased) - Ms. Mutie counsel on record for IPOA*
- xx) *Inquest No. 3 of 2015 In the matter of Alexander John Ruman Monson (deceased) - Mr. Kinoti counsel on record for IPOA*
- xxi) *Republic vs. Chief Executive Officer, Independent Policing Oversight Authority & 2 others Ex parte Harish Kanji Patel [2019] eKLR - Ms. Waithereo counsel on record for IPOA*
- xxii) *Petition no. 104 of 2019 Legal Advice Centre t/a Kituo Cha Sheria & 33 others vs. Cabinet Secretary, Ministry of Education & 7 others [2021] KEHC 390 (KLR) - Mr. Kinoti counsel on record for IPOA*

APPENDIX FIVE

LIST OF STAKEHOLDERS ENGAGED



GUARDING PUBLIC INTEREST IN POLICING



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State Actors	
1	The Executive Office of the President
2	Ministry of Interior and National Administration
3	Parliament of Kenya (National Assembly and Senate)
4	The National Treasury
5	Ministry of Public Service, Performance and Delivery Management
6	Ministry of Labour and Social Protection
7	Public Service Commission
8	National Employment Authority
9	National Police Service (KPS, APS, DCI and IAU)
10	National Police Service Commission
11	The Judiciary
12	Judicial Service Commission
13	Ethics and Anti-Corruption Commission
14	Kenya National Commission for Human Rights
15	National Council on the Administration of Justice
16	Commission on Administrative Justice
17	Office of the Director of Public Prosecutions
18	Kenya Prisons Service
19	Independent Electoral and Boundaries Commission
20	National Government Administration Offices
21	Office of the Registrar of Political Parties
22	Attorney General's Office
23	Witness Protection Agency
24	National Cohesion and Integration Commission

25	Probation and After Care Service (PACS)
26	Election Security Arrangement Project (ESAP)
27	National Youth Service
28	State Law Office
29	Communication Authority of Kenya
30	County Governments
31	Media Council of Kenya
32	Court Users Committees across the country
33	Kenya Wildlife Service
34	Kenya Forest Service
35	Government Advertising Agency
Regional and International Institutions	
36	African Policing Civilian Oversight Forum (APCOF)
37	California Highway Patrol
38	Cyber Security Africa
39	Danish Institute for Human Rights (DIHR)
40	Directorate of Public Prosecutions, Malawi
41	European Union Observer Mission
42	Independent Police Investigative Directorate (IPID)
43	International Republican Institute and National Democratic Institute
44	Lesotho Ministry of Police and Public Safety
45	Lesotho Police Inspectorate
46	Malawi Anti-Corruption Bureau
47	Malawi Human Rights Commission
48	Malawi Independent Complaints Commission

49	National Human Rights Commission of Mozambique	70	Centre for Enhancing Democracy & Good Governance
50	Office of the Ombudsman, Malawi	71	Centre for Human Rights and Policy Studies (CHRIPS)
51	Pakistani Embassy	72	Coast Justice Colloquium
52	Sierra Leone Anti-Corruption Commission	73	Crime Si Poa
53	South African Police Service (SAPS)	74	Ecumenical Center Kisumu
54	Ugandan Parliamentarians	75	Federation of Women Lawyers in Kenya
55	UN Special Rapporteur on Freedom of Assembly and of Association	76	Haki Africa
56	UNDP Deputy Resident Representative in Malawi	77	Human Rights Agenda (HURIA)
57	University of Pretoria	78	Ijara Women for Peace (IWP)
	Development Partners	79	International Commission of Jurists (ICJ KENYA)
58	British High Commission	80	International Justice Mission
59	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ)	81	Jamia Mosque and the Catholic Church
60	International Committee of the Red Cross (ICRC)	82	Kakamega Deaf Association
61	Office of the United Nations High Commissioner for Human Rights (OHCHR)	83	Keeping Alive Societies Hope (KASH)
62	Tetra Tech International Development	84	Kenya Community Support Center (KECOSCE)
63	US Government Officials	85	Kenya Human Rights Commission
64	UN Women	86	Kenya Private Sector Alliance
65	UNDP	87	Kisii 160 Girls Project
	Other Organisations including Civil Society Institutions	88	Kisumu Peace and Justice Center
66	Act Change Transform (ACT)	89	Law Society of Kenya
67	Alliance Francoise	90	Midrift Hurinet
68	Amnesty International-Kenya	91	Missing Voices
69	Center for Multiparty Democracy	92	Mission Africa
		93	National Council of Churches of Kenya (NCCCK)
		94	Network of African National Human Rights Institutions (NANHRI)

95	Organization Kesho Alliance
96	Sitarusha Mawe Tena (Kisumu)
97	Tegla Loroupe Peace Foundation
98	Public and Private Universities
Special Category	
99	Members of the public in forums held across the country
100	Detainees and arrested persons held in Police Cells and GK Prisons

Media	
101	All mainstream media houses in Kenya
102	International media
103	Media Associations: Editors Guild – Kenya, Crime Journalists Association of Kenya

Part of the IPOA Board receiving Ex-Officio Member of the Board Roseline Odhiambo-Odede, HSC. (second left) after her swearing into office at the Kenya National Commission on Human Rights as Chairperson in March 2022.



Chairperson Anne Makori, EBS. and Commissioner Doreen Muthaura, MBS. during a workshop in Geneva, Switzerland in December 2023.



APPENDIX SIX

BOARD WORKPLAN 01:07:2024 - 31:08:2024



GUARDING PUBLIC INTEREST IN POLICING



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	ACTIVITY	JULY	AUGUST
1	Special Board Meeting to review and finalize Board End Term Performance report		
2	Review and Approval of Annual Work Plan		
3	Special meeting to validate the Board End Term Performance		
4	Special Board Meeting to review of the Anti-Finance Bill Protects monitoring Report		
5	Launch of the Board End term performance report		
6	Presentation of the Board End term performance report to H.E. President of Kenya		
7	Full Board Meeting		

IPOA Board during a consultative meeting with the US Undersecretary for Civilian Security, Democracy, and Human Rights Uzra Zeya in August 2024.



APPENDIX SEVEN

PHOTOLOG



GUARDING PUBLIC INTEREST IN POLICING



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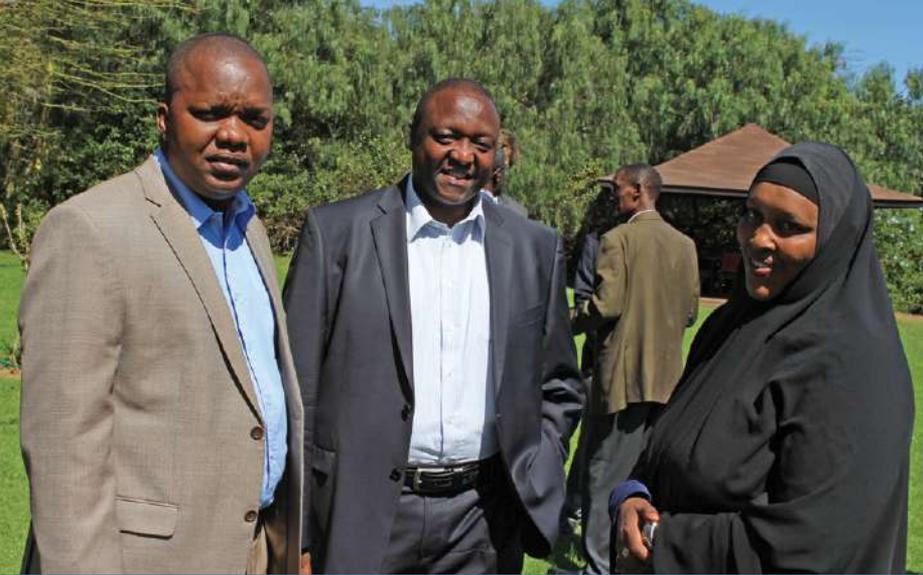
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Commissioners Dr. Jimmy Mwithi and Fatuma Mohamed, MBS., with Hon. Nimrod Mbai in November 2018.



Chairperson Anne Makori, EBS, looking on as former President Uhuru Kenyatta signed a visitors book during a CCIO conference in Meru in October 2018.

IPOA Board in a meeting with former Interior Cabinet Secretary Dr. Fred Matiang'i and Principal Secretary Eng. Karanja Kibicho in November 2018.



IPOA Board in a stakeholder engagement with the National Government Administration Officers in Uasin Gishu County in April 2019.





Commissioner Dr. Jonathan Lodompui, PhD., Dr. Praxedes Tororey, MBS. and Dr. Owen Ogony, MBS. during a session with HE. Wycliffe Oparanya in April 2019.



Commissioner Fatuma Mohamed, MBS., during a media training on the IPOA mandate in September 2019.

IPOA Chair, Anne Makori, EBS., participating in a panel discussion during a CCIO conference in Kericho in October 2019.



Dr. Jonathan Lodompui, PhD., MBS during Civil Society Organisations during a forum in Nairobi in February 2020. Looking on is Dr. Praxedes Tororey, MBS.





IPOA Chairperson Anne Makori, EBS., addressing former President Uhuru Kenyatta amongst her CCIO peers at State House, Nairobi in April 2022.



IPOA Chairperson flanked by Interior Principal Secretary Dr. Raymond Omolo during a Security Sector Meeting in Naivasha in September 2023.

IPOA Board during a UN-Women sponsored Women In Policing Conference held in Naivasha in August 2023.





Board and Management workshop at Lake Naivasha Resort that sought to review the Enterprise Content Management system as the Authority prepared to roll out phase two of the system in March 2022.

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KISUMU: Central Square Building, Opposite Barclays Bank. P.O. Box 3560 - 40100, Kisumu. T: 0799862244. E: kisumu@ipoa.go.ke
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NYERI: County Mall, Next to Veterinary Department, P.O. Box 30-10100, Nyeri. T: 020 200 4664. E: nyeri@ipoa.go.ke
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2018-2024



REPUBLIC OF KENYA

IPOA Independent Policing
Oversight Authority

End-Term Board Report