UNIVERSITY OF NAIROBI

DEPARTMENT OF SOCIOLOGY AND SOCIAL WORK

CIVILIAN OVERSIGHT SYSTEM AND THE REGULATION OF POLICE WORK IN KENYA: THE CASE OF INDEPENDENT POLICING OVERSIGHT AUTHORITY

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DECLARATION

This research project is my original work and has not been submitted for examination in any other University.

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Reg: C50/82562/2015   Signature   Date

This research project has been submitted for examination with my approval as University Supervisor.

Dr. James Kariuki   …………………………..   …………………………

                                        Signature   Date

DEDICATION

This project is dedicated to my late father Mark Awino and mother Peris Awino who brought me to this world and imparted in me values of hard work and perseverance all of which contributed to the fulfillment of this wonderful vision.

To my loving wife Robai Sawenja and our two angels, Tiffany and Bethany, I want to express my sincere gratitude for your sacrifice, emotional support and understanding that kept me going during this fulfilling journey.

May the Almighty God richly bless you.

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CIPEV   Commission of Inquiry into the Post-Election Violence

COK   Constitution of Kenya

CS   Cabinet Secretary

EACC   Ethics and Anti-Corruption Commission

ERC   Equality and Reconciliation Commission

EU   European Union

ICD   Independent Complaints Directorate

ICT   Information and Computer Technology

ICU   Intelligence Criminal Unit

IEBC   Independent Electoral and Boundaries Commission

IMLU   Independent Medico Legal Unit

IPID   Independent Police Investigative Directorate

IPOA   Independent Policing Oversight Authority

KNCHR   Kenya National Commission on Human Rights

KHRC   Kenya Human Rights Commission

KPS   Kenya Police Service

ODPP   Office of Director for Public Prosecution

PEV   Post-Election Violence

PSC   Police Service Commission

SPSS   Statistical Package Social Science

ABSTRACT

The purpose of this study was to analyse the role played by Independent Policing Oversight Authority based on the IPOA Act that created it. The objectives of the study were: To assess the role of Independent Policing Oversight Authority in holding the police accountable; to find out the strategies that Independent Policing Oversight Authority uses in order to achieve effective civilian oversight; to identify challenges faced by Independent Policing Oversight Authority in the course of executing its mandate in Kenya. The study used structural functionalism theory and social control theory. The study had a target population of 160 employees of IPOA. Krejcie and Morgan formula was used to calculate the sample size which was 113. The study utilised both quantitative and qualitative data collection methods. Questionnaires were administered to IPOA staff as main respondents. Senior officers from media fraternity, civil society, IPOA, and National Police Service were recruited as key informants. The study demonstrated that IPOA had undertaken various activities which are in line with its mandates such as investigation of police misconduct, review, and monitor and oversight police operation, Inspection of police premises, review internal policing disciplinary process and reporting. The study also found out that IPOA had employed numerous modern techniques for handling complaints and has already received more than 10,000 complaints, investigated 752 cases and submitted 164 recommendations. Also, 103 files had been submitted to the office of the Director of Public Prosecutions and about 64 cases are in various stages of hearing in the court for the 2013-2017 period. The study also established that the Authority had employed different strategies to facilitate the achievement of an effective policing oversight. The strategies included: Resource mobilization strategy; organisation development strategy; programme strategy; performance management strategy; ICT strategy; communication strategy and stakeholder strategy. The study established numerous challenges faced by the Authority but the most notable ones were: non-cooperation between IPOA, Intelligence Criminal Unit and National Police Service; high employee turnover; misunderstood mandates by the stakeholders; Poor budgetary allocation; and limitations in the existing legal framework, and lack of IPOA presence in all the Kenyan Counties. The findings of all the results imply that IPOA is putting much efforts in executing its mandates however, its objectives have not been realised fully. The study recommends: The national government to fully fund IPOA based on its budgetary proposal in order for the Authority to discharge its mandate fully. IPOA should use all legal means to compel the National Police Service to support its investigations.

CHAPTER ONE

INTRODUCTION

1.0 Background of the study

It is the constitutional responsibility of every democratic state to ensure that people's rights and freedoms are guaranteed and protected (American Declaration of Independence, 1776). These rights form an essential framework for social, economic and cultural development and encompass the right to decent life, liberty, and pursuit of happiness. One of the major organizing principles adopted by many governments in ensuring and guaranteeing these rights is through effective policing. Thus the way activities of the nations are structured to bring harmony among members living in a given society is concomitant to providing the necessary security for all citizens (Locke, 1690). In large part, this needs to be the preoccupation of the police as a state agency.

In the past decades, many countries have tried to implement different approaches to enhance and restore public confidence in the police. Some of these approaches have succeeded while others have failed. Civilian oversight structures have been adopted as a bottom-up approach to ensuring efficient service delivery by the police. This method involves people from outside the police taking a key role in calling the police to account for their actions, policies, and organisation. Ideally, many civilian oversight mechanisms have been particularly concerned with complaints against the police. According to Walker (2010) civilian oversight provides a reliable means of achieving a thorough and fair investigation, through civilian oversight, more complaints are sustained and as a result, police misconduct is deterred. Police policies and priorities are more effective and responsive to the community when civilians are involved than when the police make decisions without civilian input (Goldstein, 1979).

In the United States, early attempts at civilian oversight bodies emerged in various forms as early as the 1940s, but it was only in the 1970s and onwards that these successfully started to hold after it was realised that the police were blamed for use of excessive force, unjustified shootings, racial discrimination and a general lack of accountability (Lewis, 1999).

Canada has promoted the idea that the public needs to have a more active responsibility in monitoring the work of the police especially when their conduct is perceived to be violating community standards. This process of involving citizens in police work, directly or indirectly, is encompassed in civilian oversight.

Civilian oversight is a way of involving citizens to hold police accountable to the general public for their actions, policies, and organisational response to the society at large. It also describes a structure and a system for citizens to oversee and review complaints made against the police and to remedy problems regarding police misconduct and the use of excessive force (Miller and Merrick, 2015).

In South Africa, civilian oversight was necessitated by the need to provide an independent and impartial investigation of criminal offenses allegedly committed by members of the police services. South African oversight has evolved over time from the Independent Complaints Directorate (ICD) to the Independent Police Investigative Directorate (IPID), a replica of the Independent Policing Oversight Authority in Kenya (IPOA). IPID has been able to execute its mandate by relying on the cooperation of other key stakeholders including the police. IPID mandate recognises that it does not take away the constitutional responsibility of the police to investigate any crime or misconduct by their own member (Civilian Oversight of Policing, 2014).

In East Africa particularly in Kenya, the turning point to evaluate impunity was the post-election violence of 2007/08. Earlier on The United Nations Committee Against Torture (UNCAT) observed that dealing with human rights violations by the police was hindered by inept and corrupt individuals in the police service. The police also topped the list of most corrupt institutions in Kenya in a report by Transparency International, Kenya (2011). The 2008 Post Election Violence (PEV) was triggered by the announcement of the presidential elections results on December, 30, 2007 which was widely contested. When the results of the elections were made public, violence erupted which claimed lives of 1,133 people, 3,561 injuries, 117, 216 destroyed properties and 350,000 internally displaced persons. As a result, a panel of eminent African Personalities led by the former United Nations Secretary-General – Kofi Annan was named by the African Union to mediate. The panel initiated the Kenya National Dialogue and Reconciliation process (KNDR). The negotiation reached a breakthrough on 28th Feb, 2008 with

the signing the Kenya National Accord and Reconciliation Act, 2008 (Commission of Inquiry into the Post-Election Violence, 2008).

The government of Kenya announced the appointment of a National Task Force on Police Reform (Ransley Task Force) on May, 8 2009. The Ransley report recommended the establishment of Independent Policing Oversight Authority (IPOA) to monitor the professionalism and overall performance of the police and its auxiliaries and to assist in enhancing the efficiency of the police towards service delivery.

On May, 23rd 2008, the parties in the conflict officially agreed on six-long term issues to be addressed. The parties as well constituted the Commission of Inquiry into the Post-Election violence referred to as 'Waki Commission.' The Waki Commission reaffirmed that the police failed institutionally to foresee, prepare for and contain the 2007/8 post-election violence. Often individual police officers were also found guilty of acts of violence and gross violations of human rights of citizens which included deaths, beatings, and unlawful detainment. The Waki Commission and Ransley Commission recommended the establishment of an autonomous authority that would investigate police action and offer civilian oversight. On May, twenty eighth 2009, the UN Special Rapporteur on extra-judicial, summary or arbitrary executions, Philip Alston, concluded that police in Kenya frequently execute individuals and that an air of impunity prevailed. Most troubling was the presence of police deaths squads operating on the orders of senior police officials thus strengthening the Waki report. There were also a number of reports that exposed the police as an institution experiencing a lot of challenges and need to be reformed. Thus the Independent Policing Oversight Authority (IPOA) was established through the Independent Policing Oversight Authority Act No. 35 of 2011.

The mandate and overall scope of IPOA was to; investigate any complaints related to disciplinary or other offences committed by any member of the Service; monitor and check out policing operations affecting general public; monitor, review and audit investigations and actions taken by the Internal Affairs Unit of the Service in response to complaints against the Service; conduct inspections of Police premises, such as detention facilities under the control of the Service; assess the patterns of Police misconduct and the functioning of the internal disciplinary process; present any information it deems appropriate to an inquest before a tribunal. This was supported by a legal instrument under Article 244 of the Constitution that the police

shall strive for professionalism and discipline and shall promote and exercise transparency and accountability. Police accountability is paramount and it's the reason IPOA was created not only to benefit the police themselves but also give the general public self-assurance that their complaints would be dealt with and that justice and fairness would always prevail (UNODC, 2012). However, the perception in some police quarters was that IPOA would create interference with their laid down disciplinary approaches.

Human rights groups argue that even with the presence of IPOA, police in Kenya remains a force that perpetrates injustice arising from a closed disciplinary system and hasn't changed into a modern police service accountable to the general public as was envisaged by the 'Ransley' task force. The Service still faces allegations of inhumane treatment of suspects, torture, assault, use of excess force and extra-judicial killings. Complaints against police on their brutality and particularly human rights violations is still on the rise (HRW, 2017).

There may be times when the use of force by the police is necessary but this should be minimal and proportionate and for a limited purpose only (Amnesty International, 2013). Police oversight should not hinder police work but is supposed to facilitate police work by ensuring the police become effective instruments of security, safety, justice and respect for human rights. According to Walker (2005), oversight mechanisms over 'police forces or service' is not out to constrain, but to empower the police to deliver professional service and live up to the expectations of the citizens. Oversight measures are important vehicles in the restoration of legitimacy and the building of public confidence in the police services.

Further, the ever-growing technological changes occasioned by globalization have in some instances brought with them some transformations and challenges that have threatened and weakened policing worldwide. These transformations have been both positive where lives are made better and also negative where human lives have been threatened through criminal activities. Due to globalization some of the crimes committed are international in nature, for instance, terrorism and cyber-crimes while others are committed within the local jurisdiction of individual states (Bruce, 2013). Police have been accused of extrajudicial executions, enforced disappearances and deaths, an example is when lawyer Willie Kimani, his client Josphat

Mwenda and their driver Joseph Muiruri were abducted and subsequently executed in June 2016(Amnesty International, 2016).

In its "State of the World's Human Rights 2016/2017 report," Amnesty International ranks Kenya top in Africa in cases of police shootings and extrajudicial killings of civilians. The report shows that majority of extra-judicial killings are preceded by enforced disappearance, which notably increases whenever police are engaged in shooting of suspected organised criminal groups. Kenyan government hasn't conclusively investigated cases involving anti-terrorism unit officers for alleged abuses including targeted elimination of high profile clerics such as Sheikh Aboud Rogo in August 2012; Sheikh Ibrahim Omar who replaced Rogo at Masjid Musa mosque and who was shot down near the same place in October 2013 and Sheikh Abubakar Shariff, alias Makaburi who was killed on April 1st 2014 (HRW, 2014).

In Kenya, there are three major components of the National Police Service. They include the Kenya Police, Administration Police and the Directorate of Criminal Investigations. Under the Kenya Constitution, (Cap. 14), the police service is a constituted body of persons empowered by the state to enforce the law; protect life and property, and restrict civil disorder. Under this segment, the police is expected to strive to the highest standards of professionalism and comply with the constitutional responsibility of upholding human rights and fundamental freedoms, in addition to Kenya's obligations under international human rights law and standards. The functions of the Police Service are enshrined in the Kenya Police Service Act and include; maintenance of law and order, protection of life and property, prevention and detection of crime, apprehension of wrong doers, collection of criminal intelligence, preservation of peace and enforcement of all rules and regulations with which they are charged. While discharging these roles, the police are expected to perform their duties effectively and efficiently to serve society in a manner that inspires confidence, trust and cooperation by citizens (KPS, 2003).

The colonial nature of Kenyan police system is state-centric, top-down approach, reactive and incident-driven rather than problem oriented policing (POP), where police are required to identify underlying problems that could be targeted to alleviate crimes and disorder at the roots (Goldstein, 1979). There is a general laxity to implement policies and strategies to deter the commission of crimes. In other studies, it is also argued that Police tactics are also flawed and traditional (Siegel, 2007). Instead of police directing their resources at the highest risk clients,

police are seen to be skewed in favor of the rich (Andrew and Bonta, 2010). There is apparently selective policing that favors certain categories- the rich and politicians compared to the poor individuals. There is also discrimination between high-class residential areas compared to low-class residential areas and slums. It can then be argued that there are serious policies, strategies, tactical and organisational gaps that need to be addressed. Accountability in policing is thus seen ineffective exacerbated by rising public concerns that there is a need to protect citizens as well as having a strong independent authority to check police action.

Previous studies conducted outlined internationally recognised strategies and standards of effective policing to include amongst others; Problem Oriented Policing (POP) in deterring crimes (Goldstein, 1979). This model is proactive and identifies underlying problems that could be targeted to alleviate crime and disorder at their roots. Another internationally recognised strategy is the "hot spot" policing that requires police to commit sufficient resources to crime mapping and crime analysis so that timely data on hot spots are available (Andrew and Bonta, 2010). This strategy uses the "risk-needs-responsivity (RNR)"model which focuses policing activities to highest risk clients. According to Rotberg (2003) and Wesburd et al., (2010), the International standard model of policing recommended a number of other approaches that include; strong and deterrent laws to deal with crimes, modernised technology to enable police face modern day challenges of crime and improved coordination between law enforcement agencies and involving citizens in police work amongst other approaches. Civilian oversight is, therefore, an integral part of policing. This study, therefore, sought to find out the functions of IPOA as an agency in regulating police work in Kenya.

1.2. Problem Statement

Parliament enacted IPOA Act in November, 2011 to expedite the implementation of police reforms and ensure that police actions and practices are non-partisan and uphold the highest standards of professionalism and discipline among police officers in line with Article 244 of the Constitution of Kenya, 2010. The main mandate of IPOA was to uphold police official practices such as; corruption prevention, promotion of transparency and accountability**,** respect for human rights, fundamental freedom and dignity and highest standards of integrity (IPOA, 2013).

Despite the establishment of IPOA and other organisations, human rights abuse related to police actions and practices continue to be reported in almost all parts of Kenya. For instance reports by the Kenya National Commission for Human Rights (KNCHR), Human Rights Watch (HRW), Independent Medico Legal Unit (IMLU) and European Union (EU), indicate that dozens of people were killed during 2017 post-election violence mainly through disproportionate police responses. The Kenya National Commission for Human Rights (KNCHR) recorded 37 people killed between 9th and 15th August 2017 including two children. Sexual violence was also documented, reportedly mainly by security officers (EU Report, 2018). The police were also criticized for indiscriminate use of force in their response to protestors and hooligans resulting to deaths and a high number of injured persons during the October 2017 repeat presidential poll. According to the National Task Force on Police Reforms, (2009) police service is under-resourced and cannot meet the expectations of society in which it operates. Furthermore, it does not meet the international standard model of policing where professionalism, police to citizen ratio and random motorised patrols are supposed to flood public places in order to create a perception of police omnipresence to deter crime (Wechter, 2004).

There have been serious gaps on the side of police functions in Kenya, for example as early as the 1990s, cases of violence and ethnic clashes were reported in some parts of Kenya. The police were largely blamed for being partisan and failing to execute their duties. A survey conducted by Price-waterhouse Coopers (PwC) ranked Kenya Police as the most corrupt institution in the country and close to 60% of those who had been in contact with the police in 2010 reported paying of bribes (DN Thurs, Dec 1st, 2011). Police brutality and violation of human rights seem to still be occurring at a consistent rate, for example, the tear gassing of Lang'ata Road Primary School children (DN Tue, Jan 20th, 2015).

However, most of these cases have always coincided with general elections. Kenya National Commission for Human Rights report documented a total of 30 killings occurred between 25th and 27th October 2017 including 3 under 18-year-olds and 75 suffered broken ribs and soft tissue injuries. The European Union report on 2017 general elections revealed that Police misconduct was experienced in form of deliberate provocation by police in opposition strongholds, use of violence, extrajudicial killings, violation and abuse of human rights -rape, burning of houses and torture (IMLU, EU Report, 2018). The existence of IPOA hasn't deterred

these cases from happening. Evidently, there have been little achievements in police service in the face of the availability of numerous initiatives such as community policing and oversight organisations (NGOs and IPOA).

This study, therefore, sought to find out how the civilian oversight authority, IPOA has ensured that the policing function in Kenya is conducted in accordance with the law and respect for human rights.

1.3 Research Questions

The research questions for this study were:

i. What is the role of Independent Policing Oversight Authority in holding the Police accountable in Kenya?

ii. Which are the strategies that the Independent Policing Oversight Authority uses in order to achieve effective civilian oversight in Kenya?

iii. What are the challenges faced by the Independent Policing Oversight Authority in the course of executing its mandate in Kenya?

1.4 Objectives of the Study

1.4.1 Main Objective

The main objective of the study was to assess the functions of civilian oversight systems in regulating police work in Kenya with emphasis on Independent Policing Oversight Authority.

1.4.2 Specific Objectives

The Specific Objectives of this study were:

i. To assess the role of Independent Policing Oversight Authority in holding the police accountable.

ii. To find out the strategies that the Independent Policing Oversight Authority uses in order to achieve effective civilian oversight.

iii. To identify challenges faced by the Independent Policing Oversight Authority in the course of executing its mandate in Kenya.

1.5 Justification of the Study

Largely in Kenya, the security system has been one-directional (top-down approach). In recent years there have been several attempts to adopt new reforms to improve service delivery to the citizens. Such initiatives have included; police reforms, community policing and the creation of independent authorities. Moreover, thematic studies have also been conducted in the same areas. However, the services of the police have continuously been questioned and generally blamed for lacking professionalism. This calls for a need to conduct a study on the nature of oversight authorities in order to improve security services provided by the police in Kenya. The findings of this study may help to fill knowledge gaps relating to effective policing as well as act as a platform to interrogate and review the structure, methods, laws, and processes governing police service in Kenya with a view of suggesting or recommending effective national integrative strategies to reduce crime.

1.6 Scope and Limitations of the Study

The study focussed on IPOA as an agency charged with oversight responsibility of National Police Service functions according to the Constitution of Kenya. While the focus was on IPOA, the study looked into the structure, policy and operational issues of the agency in terms of executing its functions. Police work entails sensitive information some of which are classified. Accessibility is also limited to a few individuals. Issues of confidentiality of cases and operational procedures among IPOA staff also emerged. The researcher, however overcome these by obtaining permission from relevant authorities, specifically IPOA top management. Data collection tools were designed to focus on matters that were purely for academic purpose.
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1.7 Definition of Key terms

Independent Policing Oversight Authority (IPOA): A state authority created under an Act of parliament No. 35 of 2011 with the mandate of holding the police accountable to the public in the performance of their functions**.**

Civilian Oversight: Refers to a method of involving citizens to hold police accountable to the public for their actions, operational issues and organizational response to the community.

Police Accountability: Refers to holding both law enforcement agencies as well as individual police officers accountable for effective delivery of services of crime control, maintenance of law and order while protecting human rights of all.

Managing Capabilities of IPOA: IPOA's strategy to build the capacity of its staff by equipping them with the necessary knowledge, skills, and attitude to enable them to perform their functions effectively.

Promoting Professionalism: Refers to IPOA's mandate of ensuring that police officers observe good judgement and polite behaviour while executing their mandate.

Independent Oversight of Handling of Complaints: IPOA's mandate to monitor, review and investigate complaints against the police.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

This chapter presents a review of related studies on civilian oversight. The studies have been presented in a manner that the global regional, as well as local aspects, are looked at. It begins by looking at the common goals of civilian oversight of police, problem-oriented approach to civilian oversight, review of IPOA organisation in terms of its role in holding the police accountable, police professionalism and organisation, the context of citizen-police interaction and management of IPOA. The chapter concludes with a brief presentation of a theory and a conceptual framework in order to anchor the study.

2.2 Common Goals of Civilian Oversight of Police

An important issue for any government considering implementing or revising an oversight agency is to determine the goals for that agency. In most cases, these organisations have commonly shared goals across all models of oversight. They include improving public trust; ensuring accessible complaint processes; promoting thorough, fair investigations; increasing transparency and deterring police misconduct. Even though those five goals are common to almost all oversight agencies there are differences between oversight models that emerge in relation to specific types of organisational goals. Auditor/monitor agencies tend to rate goals associated with policy review, auditing, statistical pattern analysis and issuing recommendations as critical or important for their agency. Investigation-focused agencies such as IPOA are more likely than other types of agencies to indicate that improving accessibility of the complaint process, ensuring thorough investigations, complainant satisfaction and ensuring that complainants received justice are critical or important for their functions. Review-focused agencies such as Kenya Human Right Commission tend to identify the importance of goals associated with the complaint investigation process and human rights abuses by the police and other citizens.

Much of the writing on civilian oversight indicates that it tends to emerge out of local crises involving police and community complaints about disparate policing and excessive use of force (Walker, 2001). The data supplied to support that view. For example in a study of civilian

oversight agencies in the United States, it was indicated that the most common trigger involved force-related incidents (49 percent). Just 30 percent of the agencies indicated that racially biased policing played a role in the development of oversight. Notably, only 11 percent of the agencies indicated that they implemented their oversight agency as a proactive or preventive policy effort and not as the result of a specific critical incident. Thus IPOA being a civilian oversight organisation in Kenya is likely to face policy and implementation challenges.

2.3 Problem-Oriented Approaches to Civilian Oversight

Problem-oriented policing has been an important approach to law enforcement for more than 30 years in some countries. In this approach, patterns of crime and disorder are analysed carefully to develop new programs that can reduce the incidence of the identified crime (Porter, 2016). Even though this strategy has been popular with law enforcement, it has not been widely adopted for use in civilian oversight of law enforcement. Adapting this approach for use in civilian oversight has the potential to shift the focus of civilian oversight away from a reactive focus on investigating officers who may have engaged in misconduct toward a proactive, preventive focus that seeks to disclose patterns in problems and identify solutions. Through such organisations as IPOA, there will be a reduction or eventually prevention of misconduct by the police from occurring in the future (Walker, 2001; Harris 2012; Porter, 2016).

Kenya through its constitutional amendment has created an alternative method to dispute resolution. There is the office of Administrative of Justice headed by Ombudsman. It both serves the police and ordinary citizens particularly on matters of human rights violation. The use of mediation by civilian oversight to resolve police complaints has become an increasingly popular strategy over the last ten years. Although there are traces of reports from other countries that cases of police misconduct have reduced in some areas, the strategy has not fully realised its mandate in Kenya (PARC, 2008). There is a growing body of research that supports the argument that mediation and civilian oversight policing can have positive benefits for complainants and officers, especially in relation to complaints alleging less serious misconduct (Walker et al. 2002; Schaible et al. 2013). The role of the civilian oversight should serve the interest of all parties, police, and civilians.

2.4 Legal Framework and IPOA Concept

Article 244 of the Constitution of Kenya obliges the National Police Service to tutor its staff to the maximum set of competency and integrity and uphold civil liberties and basic freedoms and self-respect; endeavour for the uppermost principles of professionalism and obedience among its members; observe the legitimate ideals of people's rights and basic freedoms; inhibit corruption and support and practice accountability and transparency and foster and promote relations with the public (Republic of Kenya, 2010).

In order to ensure that the police execute their functions while observing the provisions of the Constitution particularly Chapter 4 and 6, there arose a need to create an authority to provide oversight role on all police functions. Therefore IPOA was formed with an overall goal of transforming the National Police into a more specialised, responsible, competent and operational security organ that all Kenyans could appreciate. It is the duty of the government of the day to offer the inalienable human rights-protection of human life and property. IPOA, therefore, emerged as an agency for both civilians as well as uniformed officers to hold each other accountable. Specifically the core functions of the agency include: inquiring into policing processes touching on citizens, inspection of police premises, review patterns of police conduct, assessing inquiries and activities of the Internal Affairs Unit in relation to grievances against the officers, investigating complaints against the police, and recommending to the appropriate authorities, and in collaboration with other organisations on matters of law enforcement oversight (Republic of Kenya, 2011). Article 244 of the Constitution highlights the main goals of IPOA; ensure autonomous oversight of the management of grievances by the Service and make Police answerable to the public in the execution of their duties.

Around the world, civilian oversight is essential however, studies indicate that police misconduct is still sustained even after the establishment of a civilian agency (Walker, 2005). This is also supported by other studies which noted that whether an oversight system is created or not, the rate of officer misconduct stays almost the same. The studies concluded that without a clear measure for appraising civilian structures, many of the condemnations and praises are baseless and dependent on individual perceptions and outlook. It is therefore important to appreciate the vital role of the civilian oversight structures such as IPOA in strengthening police accountability.

2.5 Police professionalism and Performance

Professionalism is a set of specialised skills obtained from broad periods of training, internal principles and moral codes that obligate its members to be accountable to the institutions or communities they serve and to one another (Graines, 2007). Ideally, the quality of policing has been raised by pressure to create and inject professional standards in almost every sector of the society. This was initiated by the UN, International Organisation for Standardization (ISO) agency to promote the development of standards and related activities to facilitate and improve international quality of goods and services to members of the public who also happen to be the end consumers of the services and products. Thus a professional police agency is more likely to be successful in executing its mandate (Schmalleger, 2007).

In all areas, the practice of professionalism is paramount. This is because it entails; integrity, honesty, accountability, efficiency, and effectiveness as well as respect for organisational growth. In these modern times, the emergence and spread of technology have complicated global security. Institutions have become complacent to rule of law hence compromising the continuity of the community they are meant to serve. Thus there is break down in policing as exemplified by the very many cases of human rights abuses (Schneider, 2009). Independent Policing Oversight Authority (IPOA) promotes professionalism by reviewing the pattern of police misconduct in order to come up with appropriate policies that would bring an overall change, review of internal disciplinary processes to ensure they are effective and efficient. It extends to look into the police welfare by conducting inspections of Police premises and detention facilities, and also review patterns of Police misconduct with a view of making policy and institutional changes.

2.6 The Context of Citizen-Police Interactions in Kenya

The relationship between the police and the citizens needs to be understood within its specific context. This provides a historical background to policing in general and hence need to describe the administrative, socio-economic and political context, including the background issues regarding crime; policing organisation and historical development and the on-going police reforms. In spite of achievements over the years, challenges that several strategies face in the process of building a partnership between citizen and the police in Kenya are of importance in a functional system if IPOA has to be effective.

Kenya became independent in December 1963, after a protracted violent struggle for self-rule from the British Government. After independence, the country gradually adopted a presidential system of governance, with the President enjoying wide political powers. However, many other structures of the colonial administration remained unchanged such as the police and administrative structures. Until 1982, Kenya had been a de jure multiparty state, but at this point, it officially became a one party system after the repeal of the constitution, that effectively consolidated power in the presidency (Nasong'o 2007). This proved a turning point for the country in terms of its governance and independence of key institutions as the government increasingly became autocratic. The 10 years that followed recorded the worst form of human rights abuse and remains a dark part of Kenya's history with the police playing an important role in silencing dissenting voices. The repeal of Section 2A of the Constitution ushered in a new dawn. The most vibrant clamour for multiparty experienced yet the worst actions from the police on the opposition. Other competing political parties came into existence. Later on, the ratification of a new constitution in August 2010 saw a new structure of governance in form of 47 Counties. Previously, the country had been administered through 8 provinces headed by a provincial commissioner, an appointee of the President (GOK 2010).

According to the results of the 2009 Population and Housing Census, the country has a population of 38,610,097 people with women accounting for 50.3% of the total population. About 7 out of every 10 Kenyans live in the rural areas. Kenya's population is relatively young with approximately 54% of the population within the 15-64 age bracket and more than 40% of this population at the age between 15-24 years, which has important implications for crime trends, given Kenya's weak economy (KNBS, 2010). The population comprises 43 different ethnic communities spread over the 47 counties, though there is significant homogeneity in terms of ethnic distribution almost within all the counties. In some areas this has often been a source of tension, occasionally leading to ethnic clashes as dominant ethnic communities seek to maintain political and economic control of these regions.

Kenya is marked by wide inequalities in terms of income and access to social services. While studies show that there are marked regional inequalities in many of the social economic indicators, the most visible form of inequality is the gap between the rich and the poor. It is estimated that the top 10% of the households control 42% of total income while the bottom 10%

control less than 1% (SID, 2004; KNBS 2009; 2010). According to the same report, Kenya, based on 1999 statistics was ranked among the top ten most unequal countries in the world and the fifth in Africa. These are indicators of conflicts in a society since some sections feel isolated.

The regional disparities have tended to take an ethnic dimension leading to violence between communities, and some analysts attribute the 2007 post-election violence partly due to the effect of economic inequality (IRIN News 2008). While the 2007 post-election violence captured the attention of the world, politically instigated crime on the basis of ethnicity in Kenya is not new. Since the advent of multi-party politics in 1990, three of the four parliamentary and presidential elections held during this period have been accompanied by ethnic violence. Over time this has further increased ethnic divisions and heightened tensions between communities, especially in the more cosmopolitan constituencies. These human rights abuses by the police have continuously attracted both local and international interventions to check police response to violence in Kenya.

2.7 The Organisation of the Police and Key Issues in Policing

The Kenya Police Force (KPF) was formally headed by a Commissioner of Police who was an appointee of the President. The force has undergone reforms backed by constitutional amendments which have seen it transform to a service. The service comprises of regular and administration police. The service is today headed by Inspector General who works closely with Police Service Commission. The Kenya Police Force alone comprises of other departments or units, which include the paramilitary General Service Unit (GSU), Criminal Investigation Department (CID), Anti-Stock Theft Unit (ASTU), the Kenya Police College (KPC) and the Traffic Police Department among others. KPF is the oldest of the two police arms. In terms of administration, the force is divided into provinces and formations with the provinces further sub-divided into divisions, stations and police posts, with the police stations and posts being the level at which many citizens interact with the police on a day to day basis (GOK, 2009).

The second force is known as the Administration Police (AP) supports the Provincial administration and other Government departments in executing their public administration mandate around the country. The commandant of the Administration Police is the Minister for internal security, under the direct command of the Executive- President (GOK, 2009). This partly

explains its image as a pro-regime police unit. The two wings have since been combined and now operate under one command of the Inspector General of Police. The two have continued to discharge their mandates but with complications on policy implementations. In some instances, there have been conflicts. This complicates the role of civilian oversight agencies such as IPOA which stand to oppose authoritarian actions.

The roles of the KPF and AP are stipulated in the Police Act, Cap 84 and Cap 85 of the laws of Kenya, which sets out their functions, organisation, and discipline. The mandate includes the power of appointment at both the presidential level and at the Commissioner's level in the old constitution (changed in August 2010). The new Constitution has since put in place checks and balances for the appointment of IG. For example, the power to appoint the IG of police has been vested in the Commission subject to approval by parliament. It is based on competitive selection criteria guided by transparency (Hills 2007).

This absolute control of the police by an imperial presidency has had quite far-reaching consequences for the performance of the police in Kenya. According to Auerbach (2004), the police have been seen to be a regime police, dedicated ultimately to the preservation of the government in power and the protection of vested interests. Under the new Constitution, the Inspector General and Police Service Commission have powers to appoint officers, transfer, deploy, promote or influence their promotion, dismiss them, and the general control, direction, management, and command of the police force. Additionally, the IG has the sole prerogative of issuing the administrative orders that become the force standing orders for the running of the police force.

The administration of the police in Kenya is characterised by a highly centralised command structure with the headquarters in Nairobi controlling all aspects of police operations. This, it was noted, contributed to low motivation and lack of creativity at the lower levels of police operations. Like many other countries in Africa, the police in Kenya are also generally poorly equipped and ill-prepared for their work. They lack basic equipment such as vehicles, modern crime-fighting and investigation equipment (GOK, 2009). In a context characterised by increasing sophistication of crime, this has meant that police have always been inadequately prepared to deal with criminals who have access to more information as well as adequate skills.

A major issue of concern to the public has been lack of an accountability mechanism for the police. Though the Police have a comprehensive internal mechanism for dealing with complaints from the public against the police, they have little impact because of lack of awareness on the part of the public and lack of a vibrant external oversight agency that would enforce and report to the public. Accordingly, as Auerbach (2004) reiterates that police do not have to refer any complaints of misconduct for an external investigation but are required to handle the reporting and investigation of their own misconduct. This has resulted in complaints against the police being addressed partially or ignored altogether. In some instances, aspects of inefficiency have also dominated the police as an agency of security prompting swift action by an independent body such as IPOA.

Entry into a profession is an important step in order to ensure effectiveness. For example, in terms of recruitment, the main requirement for entry into the police until recently has been the completion of seven or eight years primary education and physical fitness, though with improving literacy this has gradually changed to the secondary level qualification that takes twelve years, especially for the lower cadres of staff. The low entry requirements have led to a perception that the work of the police is for academically weak and those who can't find jobs elsewhere and not a respectable profession. In addition, due to the poor conditions and terms of employment, the police have been unable to retain quality professionals. Further, the process of recruitment and promotion has been riddled with issues of corruption, nepotism, and tribalism (Kenya Police Strategic plan 2003-07).

2.8 Ineffective policing and crime trends in Kenya

The period after the mid-80s saw an increase in criminal violence, which has been attributed to the tensions and changes in the social, political and economic spheres. Poverty-induced frustration, unemployment, and increased school drop-out led many young people to engage in criminal activities (Gecaga, 2007). The inability of the police to deal with crime and cases of collusion with criminals reduced the confidence of people in this institution. Innocent citizens have found themselves helpless in the hands of criminals. This has attracted the rise of private initiatives which has led to the proliferation of vigilante or urban militia groups as people sought to guarantee themselves of security from criminals (Hills, 2007). While assessing the true nature of crimes committed by the civilians and the police, may be difficult, there have been

perceptions that human rights abuse by the police in Kenya has been spiraling out of control (GOK, 2009). This has caused considerable anxiety among the public. However, recent official statistics suggest declining trends in most crimes with 2004 recording more cases in the major categories with the exception of drug-related cases that have picked in 2005; the fear of police abuse on innocent citizens has been increasing.

Official statistics are treated with caution partly because many people in Kenya do not bother to report incidences of crime by the police because of their perception of the police (Ruteere and Pommerolle, 2003). This suggests a significant disparity between the actual number of crimes and those appearing in the police statistics. While the statistics don't suggest an alarming situation given that crime per capita still remains at less than 1%; however, the nature of crime has become more sophisticated, complex and brutal due to the increased availability of technology and corruption among Kenyans.

According to the Kenya Police Service annual report, 2010 (pp.49-50, 73-76), there were 2648 fatal accidents in Kenya, which resulted in 3055 deaths. According to the report, there were 70,779 crimes in total. Out of these, another 1539 Kenyans lost their lives (through murders and manslaughter). In total 4594 deaths resulted from criminal activities. This study assumes that there are more deaths that arise from the criminal activity than those which result from other causes. There are also cases of police killings In addition 1,051 stocks were stolen/ killed. Further, there were 2843 robberies, 6455 breakings, 11986 thefts, 3327 criminal damages and 4817 offenses against morality amongst other offenses.

2.9 Police corruption, ineffective policing and deaths in Kenya

According to a recent survey (Transparency International, 2011) the Kenya police service is perceived by citizens as the most corrupt institution in the country and close to 60 % of those who had been in contact with the police in 2010 reporting paying bribes. Afro barometer 2008 data also indicate that 77% of the households believe that almost all police officers are involved in corruption. Business executives interviewed within the framework of the Global Competitiveness Report 2011-2012 also perceive Kenyan police services as unreliable to enforce the law. These findings are consistent with the Eastern African Bribery Index 2011 where the respondents report a 60% probability of being asked for a bribe when interacting with police

forces. In particular, bribe extortion by traffic police is reportedly common with arbitrary demands of bribes at roadblocks or transit checkpoints (Business Anti-Corruption Portal, 2011). Indeed, corruption by traffic police officers has been blamed for the many road crashes in the country today (GOK, 2008).

A survey conducted by the defunct Kenya Anti-Corruption Commission (KACC) in 2005 and published in June 2006, mentioned police stations as the places where most corruption occurs, followed by other government offices. In addition, recent botched police recruitment exercise that was canceled by the courts as a result of corruption (DNA October 31, 2014) is an indicator that there is more than meets the eye. The implication here is that unqualified people would end up in the rank and file of a profession that is already on its knees; unable to contain crime to manageable levels and would add to increasing levels of inefficiency. A female police constable from Central Police Station, Nairobi once confided to me that;

> "*The insatiable demands for money by police officers at lower ranks is usually determined by demands from their bosses, also under duress from officers "above" them and passed on even higher up the eating chain.*"

This cycle generates a force that envelopes everybody; the officers, their families, commuters, owners of *matatus*, drivers and touts. The end result is a near collapse of society, though invisible to the perpetrators of this crime (corruption).

2.10 IPOA and Performance of Police Officers

Successful agencies are guided by strong leadership. Effective leadership is vital to safeguard the faith of the public, organisations, and politicians in the efforts of civilian oversight organisations. According to Walker (2001), there was a failed Civilian Complaint Review Board in Washington DC, because it was characterised by a continued backlog of complaints which were partly attributed to administrative failures. Agency officials are required to work within the framework of judicial and government structures. They need immense management and organisational methods and practices. Such practices include objective setting, programme development and execution, budget development and financial management, employee relations, team building, and employee supervision. Employees are expected to be highly resilient and be able to diversify their skills depending on the nature of workplace.

The perception by police agencies that oversight measures signify external intrusion, that oversight staff lack knowledge on and understanding of police work and that oversight procedures are biased has made them oppose oversight agencies such as IPOA (Wechter, 2004). It is further argued that the belief by the police anybody who is not an officer lacks know-how and qualifications to understand the demands of policing on an officer has led to the fact that citizen investigators lack the experience of law implementation, they may have trouble in justly determining whether officers have engaged in misbehaviour.

In most cases, the general public is ignorant about the code of conduct governing police officer's behaviour. This is because the civilians do not understand the techniques used to train officers and the circumstances under which an incident can influence an officer's behaviour. Oversight managers should be appointed on merit based on strict procedure. They should also be appointed on contract terms. This will cultivate and promote professionalism between the police and the agency. The IPOA Act sec 13 gives appointment of the board members a period of six years.

According to United Nations Office on Drugs and Crime (UNODC) 2011, the oversight managers and their staff should be ready to undertake their responsibility because a civilian oversight agency derives its moral obligation and authority partly from the knowledge and honesty of its members. They must have or gain a deep understanding of policing so that they can avoid having impractical expectations or exercising too much sympathy for the police which can result in a lack of objectivity on complaints on the police.

The competencies required of any oversight authority and investigators include refined analytical written and communication skills, proficiency in case law on search and seizure, cultural awareness, research on perception and recollection and knowledge of investigative techniques, and procedures. In terms of experience, the requirement is three years in conducting criminal and civil investigations that involve: conducting interviews with friendly and adverse witnesses, gathering, analysing and evaluating evidence and writing skills in documenting information (NACOLE, 2012). In most cases, oversight bodies may not operate well without the government support. The government facilitates the work of those responsible for scrutinizing its law enforcement officers. It is therefore upon the individual oversight agencies to create a balance between maintaining their independence and ensuring the support of the police leadership and political authorities because they are both vital for their credibility and eventual success (Hansen,

2008). The current board of management of IPOA is eight members with vast experience in various areas such as human rights, policing practices, police reforms, administrative justice, and legal procedures. It has a Chief Executive Officer appointed by the board and four directors in charge of four departments.

2.11 Theoretical Framework

2.11.1 Structural Functionalism

The study was guided by structural functionalism theory. This theory is instrumental in explaining how dysfunction of policing in society affects the whole police system leading to an increase in human rights abuse and crimes. All these results into collapse of the society in form of disorder.

The proponents of the theory founded by Emile Durkheim and Talcott Parsons holds that society is made up of parts, which work together for the benefit of the whole. The theory is concerned with the relationship between one part of a system and others. Accordingly, though each part of the society performs a specific function, each contributes to the functioning of the larger whole (society). Talcott Parson talked of role differentiation within a society. His emphasis was on individual parts acting together to achieve a specific goal, thus, the coexistence, which implies harmony and structural efficiency. Accordingly, the police have specific duties but which must depend on other social structures in society. These structures support one another through an elaborate system of checks and balances. The police investigate cases, arrest criminals and charge them, prepare evidence and take them to court. The work of the courts is arbitration and taking the guilty to prisons for corrections and deterrence. According to this theory what the society is experiencing now in terms of human rights abuse by the police can be attributed to the ineffectiveness of policing and lack of a strong and responsive civilian oversight authority.

According to Merton, (1961), not all parts of a modern, complex society work for the functional unity of society. Some institutions and structures may even be generally dysfunctional or be functional for some while being dysfunctional for others. This is because not all structures are functional for society as a whole. Some practices are only functional for a powerful individual, dominant class or group (Holmwood, 2005). Here Merton introduces the concepts of power and coercion into functionalism and identifies the sites of tension which may lead to struggle or

conflict. Thus, as Merton explicitly argues, the dysfunctional nature of policing may be beneficial to some, though at the expense of social order in society. Merton states that by recognizing and examining the dysfunctional aspects of society we can explain the development and persistence of alternatives, for instance, deployment of the military to do policing in Kenya despite being untrained to do so. The ineffectiveness of some organizations and individual operators is complex in a system. Thus different structures can be functional but actors may not be willing to conform. This theoretical gap was filled by examining social control theory.

2.11.2 Social Control theory

This theory was first expounded by Travis Hirschi in his text *Causes of delinquency* 1969. The theory borrows from the works of Thomas Hobbes and John Locke which form the basis of Hirschi's argument. He contended that breaking of the law is inversely related to the strength of an individual's relationship to society. The theory advocates for a collective action because people are highly socially integrated or have a strong bond to society. It, therefore, follows that socialisation through primary groups such as schools, families, and friends shape peoples subsequent experiences.

Institutions increase or decrease the likelihood of people being involved in unbecoming behaviour. This is because human nature is fundamentally selfish. Thus people will often commit a crime or involve in deviant behaviour because it results in quick and easy gratification of desires. Crime is simply the result of the individual's rational calculation which must be checked by institutions such as IPOA. Social control theory advocates for informal punishment rather than formal ones meted out by different institutions. Norms and morals in society must be observed so that people are fully involved, committed and believe in the society in which they are a part.

Citizens are part of society; they must, therefore, be regarded as active participants who have a big stake in reforming the rules, norms, and morals of all individuals. Social integration is therefore important in society because it holds and bonds members of a community. Behaviour is a function of one's connection to society, in other words, those inside society are controlled by it

while those outside are free to follow their own impulses. Organisations such as IPOA and Police, therefore, exist to regulate breach of rules by all individuals.

2.11.3 Conceptual Framework

In this study of the functions of civilian oversight system as a vital component of policing, there are different factors that can be used to explain why the policing system in Kenya is dysfunctional. This has attracted different approaches some of which are citizen-driven. Civilian oversight authority such IPOA stand to midwife between the police and the citizens. The study, therefore, holds that factors such as corruption, inadequate personnel, lack of proper training, communication (gadgets and transport), lack of finances, lack of trust on police and a few other factors are fundamental in understanding policing.

Figure 2. 1: Conceptual Framework

Independent Variables   **Dependent Variable**

Effective Civilian Oversight Roles

- Review forms of police misconduct
- Review complaints

Intervening Variable

Actors

- Government
- NGOs & CSOs
- External actors

(IMLU, KHRC, TI, ICJ etc.)

Challenges

- Trust on police
- Trainings and promotions
- Transfers and recruitments
- Finances
- Personnel
- Role conflict
- Record keeping

Police Accountability

- Reduction in deaths (civilians & police)
- Decrease in human rights abuses
- Decline in breach of rule of law
- Reduction in rampant complaints
- Decreased conflicts

Strategies

- Citizen participation
- Community policing
- Suggestion boxes
- Nyumba kumi initiatives
- Report desks
- Open forums

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CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This chapter highlights the research methodology that was adopted to undertake the study. This includes; study site, research design, unit of analysis and observation, target population, sample and sampling techniques, data collection instruments, data analysis and techniques, ethical considerations.

3.1 Study Site

According to the 2009 Population Census, Nairobi City County (policing province) has a population of 3,138,369 people. Currently, the population of Nairobi City County is approximately 4.410,000 people. The city is occupied by all communities in Kenya and therefore cosmopolitan in nature. Nairobi city has 14 Police Districts termed in police jargon as Divisions. These are Buruburu, Central, Dagoreti, Gigiri, Kajiado, Kilimani, Kasarani, Kayole, Langata, Makadara, Ngong, Starehe, Nairobi law courts, and Embakasi. Besides, Nairobi policing Province is a capital city of Kenya, with many Non-Governmental Organisation (NGO) headquarters, Multinational National Corporations, United Nation headquarters, Environmental Programme, and all Government Ministry Headquarters as well as various companies. In addition, Nairobi has the largest slum in East Africa, hence represents the affluent and the less affluent both of which are perceived to be harbouring potential threats to security. In addition, the site is chosen because it has established security committees comprising of the local residents and civil society organisations which are a crucial component of civilian oversight and work very closely with IPOA headquarters in Nairobi. The choice is justified because IPOA headquarters is best placed to coordinate and monitor police activities while at the same time liaise with members of the public who happen to be aware and knowledgeable about human rights.

3.2 Research Design

The study utilized descriptive research design. This is because descriptive research deals with in-depth explanation and understanding of how social phenomena interact in natural settings and

delineates the boundaries of a case under study (Bryman, 2008). It also entails narration of facts and characteristics concerning an entity of interest so that accurate information is obtained. They provide the foundation upon which correlational aspects can be analysed (Kothari, 2004; Mugenda, 2003)

3.3 Unit of Analysis

According to Singleton et al. (1988), the unit of analysis is that which the researcher wishes to study, understand or explain. The unit of analysis for this study was the effectiveness of the Independent Policing Oversight Authority in regulating police work in Kenya.

3.4 Unit of Observation

The unit of observation is the element or aggregation of elements from which information is collected (Singleton et al., 1988). The unit of observation in this study was IPOA staff as they are well placed to understand the subject matter.

3.5 Target Population

According to Borg and Gall (1989), target population or universe of the study is described as all members of the real or hypothetical set of people, events or objects from which a researcher expects to gather relevant data for the study. They are the specific cases or respondents that the researcher is interested in to answer the research questions raised in the study. The study targeted 160 employees of IPOA distributed between head office and regional offices from the four directorates established within the agency In addition, key informants were selected purposively.

3.6 Sample Size and Sampling Procedure

Sampling means selecting a given number of subjects from a defined population as a representative of that population. The research adopted both probability and non-probability sampling techniques. Orodho and Kombo (2002) define sampling as the procedure a researcher uses to gather people, places or things to study. The sampling procedure adopted was stratified, proportionate and simple random. As part of its organisational structure, IPOA has established four directorates to enable the institution to execute its mandate. Stratified random sampling was used to select the study sample where the four directorates formed the strata. This was necessary because the technique gave employees in all the directorates a chance of being selected in the sample to participate in the study.

The probability of selecting each respondent was proportionate to their population; directorates with large population had proportionally greater chance of being included in the sample. The simple random sample was used to pick staff within the directorates to fill out the questionnaires. The sampling frame describes the list of all population units from which the sample will be selected (Cooper and Schindler, 2003).

Given the target population is finite; the study adopted Krejcie and Morgan for calculating sample size as shown below.

$$S = \frac{X^2 NP (1-P)}{d^2 (N-1) + X^2 P (1-P)}$$

Where,

s = required sample size.
X^2 = the table value of chi-square for 1 degree of freedom at the desired confidence level (0.05 = 3.841).
N = the population size.
P = the population proportion (assumed to be 0.50 since this would provide the maximum sample size.
d = the degree of accuracy expressed as proportion (0.05).

Table 3. 1 Sample Population

Directorate	Population Size	Sample Size
Inspections, Research, and Monitoring	34	24
Complaints and Legal	38	27
Investigations	58	41
Business Services	30	21
Total	160	113

The total sample for this study was therefore 113 respondents. Key Informants were heads of the four directorates who were purposively sampled to participate in this study. This is because, by virtue of their positions, they have important information that was of interest to this study. In addition, the researcher interviewed two senior police officers and two senior officers from ODPP to give more insight to the study.

3.7 Methods of Data Collection and Tools

The study utilised both quantitative and qualitative data collection methods. The researcher used semi-structured questionnaires (surveys) to collect quantitative data from key respondents as they are best suited to collect data that require a wide range of issues some of which may be considered sensitive. The researcher personally administered the questionnaires to the respondents. The advantage of using self-administered questionnaire is that it saves time, economical, has a high response rate and it is easier to administer (Kothari, 2003). With questionnaires, the researcher was able to collect large amounts of information from the respondents in a short period of time and in a relatively cost effective way.

In-depth interview guide was used to collect qualitative data from Key informants. Each respondent was interviewed separately and given adequate time to give their views on the role of IPOA in holding police accountable to the public, the strategies used by IPOA and challenges facing IPOA in the course of executing its mandate. The use of both instruments served to check each other.

Documentary review method was used to collect secondary data from articles, journals, books, newspapers, internet and magazines.

3.8 Validity and Reliability of the Instruments

Validity indicates the degree to which a research instrument measures what it purports to measure (Mugenda and Mugenda, 2003). Thus it ensures that there is a scientific usefulness of the findings obtained from a study. Research tools were well thought out in consultation with the University supervisor. The accuracy of question items was highly checked to convey the same meaning to all respondents.

Reliability of research instruments is important to any study. It means the ability of a research instrument to yield constant results over time especially after replicated studies have been undertaken. The instruments were administered twice at different intervals in order to examine the degree of internal consistency of the responses.

3.9 Data Analysis and Presentation

Data analysis is the process of bringing order, structure, and meaning to the mass of information collected. It involves examining what has been collected and making deductions and inferences

(Kombo and Tromp, 2006). This study employed descriptive statistics to analyse the data that was obtained.

Descriptive statistics involve the collection, organisation, and analysis of all data relating to some population or sample under study. According to Breakwell (2006), descriptive analysis enables the presentation of data in form of frequency tables, graphs, and pie charts. Qualitative data were analysed thematically in order to identify patterns, categories, and recurrent themes.

Quantitative data are expressed in form of numbers. Statistical Package for Social Sciences (SPSS) was used to analyse the data in order to answer the research questions. On the other hand, Microsoft Excel was used to visualise data.

3.10 Ethical Considerations

The researcher observed all the necessary ethical standards in order to uphold the integrity of the study. Pseudo names were used in order to conceal the identity of respondents to avoid victimization. At the same time, prior permission and documentation from University of Nairobi, National Commission for Science and Technology (NACOSTI), Regional Cordinator of Education in Nairobi and Chief Executive Officer of IPOA were obtained.

CHAPTER FOUR

DATA ANALYSIS, PRESENTATION AND INTERPRETATION

4.1 Introduction

The chapter presents data analysis and interpretation of the findings. The specific objective of the study was to assess the role of IPOA, find out strategies that IPOA uses to achieve civilian oversight and to identify challenges faced by the Authority in the course of executing its mandates. This chapter starts with the respondent's demographic information followed by analysis and results interpretation for IPOA roles, intervention strategies, and challenges. Results were presented in figures and tables with frequencies and percentages.

4.2 Response Rate

The study sample size was 113. The main respondents were drawn from four IPOA directorates, and the key respondents comprised top IPOA officials Senior Officers from National Police Service, and Senior Officials from ODPP, civil society. Once located, eligible respondents were requested to complete the questionnaires. Out of the 113 distributed questionnaires, 106 were correctly filled and returned, representing a 93.8% response rate which is acceptable by any standards.

4.3 Respondents' Demographic Information

The study found that most of the respondents were male 64(50.4%) and 42(39.6%) female. In terms of religion, 72(67.9%) were Christians. Only 23(21.7%) were Muslims and other 11(10.4%) of the respondents were Traditionalist as shown in Table 4.1 below.

Table 4. 1: Respondents Religion

Religion	Frequency (n)	Percent (%)
Christian	72	67.9
Muslim	23	21.7
Tradition	11	10.4
Total	106	100

Respondents were asked to indicate their age bracket, as shown in Figure 4.1 below.

Respondents Age Bracket

	Less than 30 years	31-40 Years	41-50 Years	50+ Years
☐ %	10.3	46.2	32.2	11.3
☐ Frequency	11	49	34	12
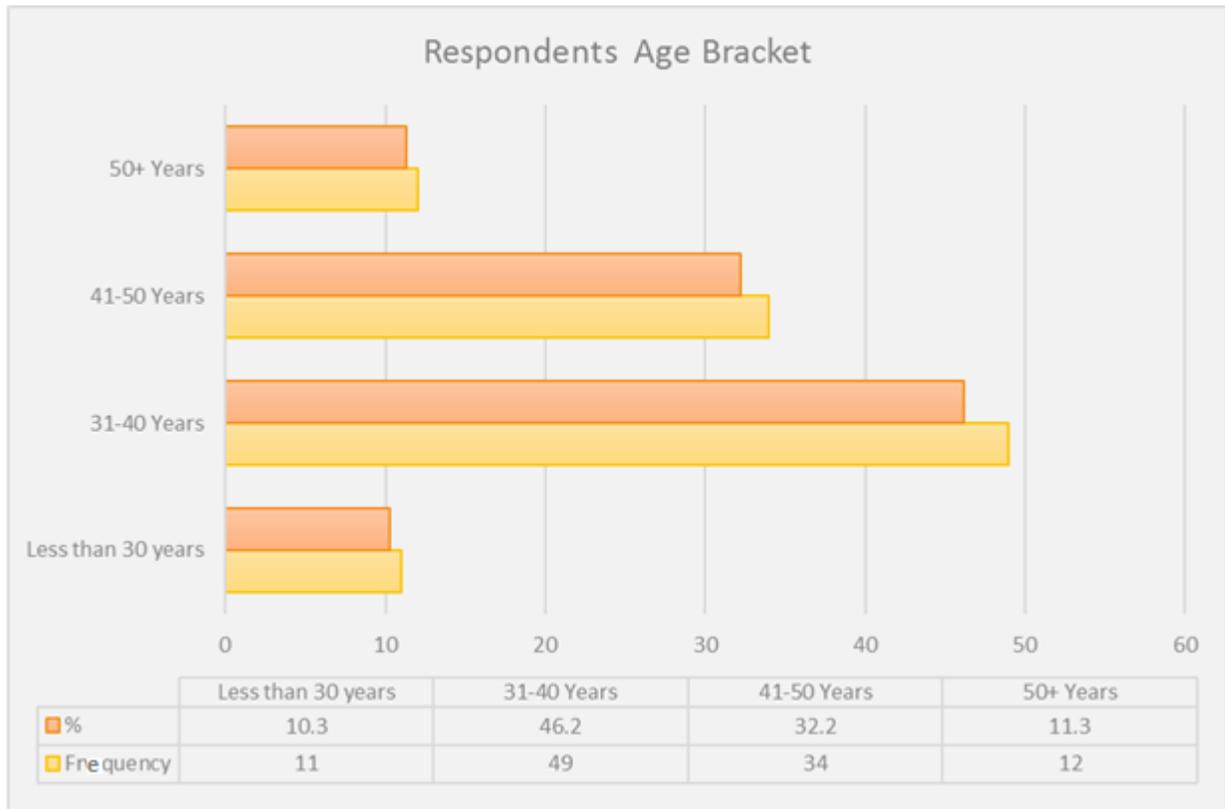
Figure 4. 1 Respondent Age Bracket

Figure 4.1 shows that a majority of the respondents 49(46.2%) aged between 31-40 years, followed by those who aged between 41-50 years 34(32.2%). 12(11.3%) were above 50 years and 11(10.3%) were less than 30 years. Therefore, it is evident that most IPOA staff are aged between 31-40 years. In terms of marital status, most of those interviewed were married 66(62%) however, a substantial proportion of respondents were single 17(16%). Also, a significant number of study participants 15(14%) had separated. Only 5(5%) were divorced while 3(3%) were either widowed or widowers.

The researcher asked the respondents to indicate their highest level of education. The results of the analysis are shown in Figure 4.2 below.
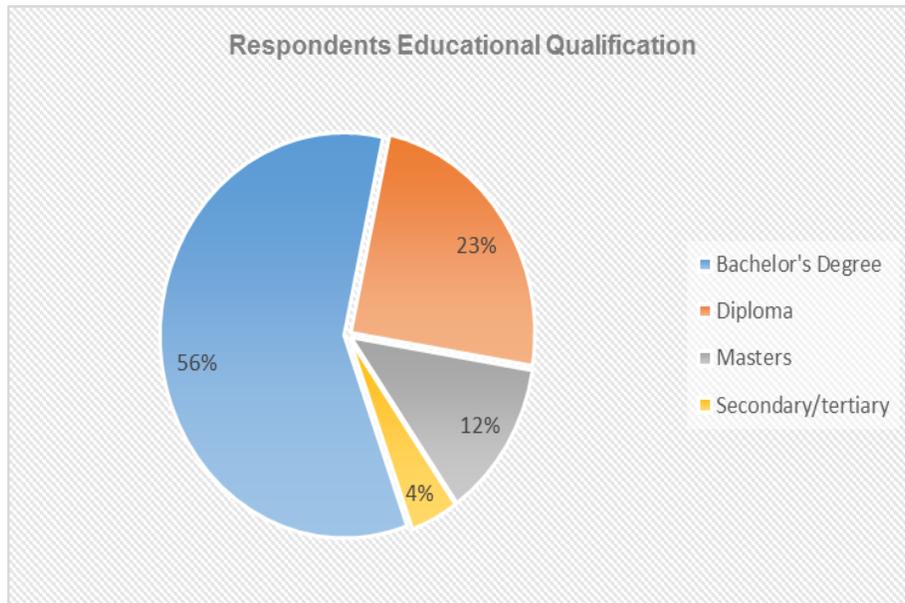
Figure 4. 2: Respondents Education

Figure 4.2 indicates that 59(56%) of the respondents were Bachelor's Degree holder. 24(23%) were Diploma holders, while 13(12%) were Masters' Degree holders. Only 4(4%) of the respondents' proportion had Post-secondary education. The findings suggest that most staff members at IPOA had Bachelor's Degree as their highest educational achievement. Therefore, it can be concluded that majority of the respondents were functionally literate and had a modest grasp of information regarding IPOA mandates, challenges and strategies.

In terms of employment duration at IPOA, the results found that 69(65.5%) of the respondents had worked for IPOA for only 1-3 years, followed by 28(26%) of the respondents who had worked for the organisation for more than 5 years. Only 9(8.4%) of the entire respondent's proportion had worked for the organisation for less than a year. The findings suggest that the Authority might be experiencing employee turnover since it was established through an Act of Parliament in 2011. Respondents were asked to indicate their employment Job grade as shown in Table 4.2 below

Table 4. 2 Respondents Job grade

Job Grade	Frequency (n)	Percent (%)
Grade 4-6	53	52
Grade 7-9	39	38
Grade 10-11	10	10
Total	102	100

Further, the study revealed that most of the study respondents were serving under Job Grade 4-6 constituting 53(52%) of the participants, also a significant proportion of those interviewed 39(38%) served as 7-9 Job Grade officials. Only 10(10%) of the respondent's proportion were Job Grade 10-11. Therefore, the results imply that most respondents held ordinary positions such as Inspections, Complaints Monitoring, and Investigation Officers as well as clerical officers, support staff, and organisation secretaries. They were easily accessed to provide their views.

Furthermore, the research sought to identify the respondent's organizational departments as depicted in Figure 4.3 (Clustered bar chart) below.
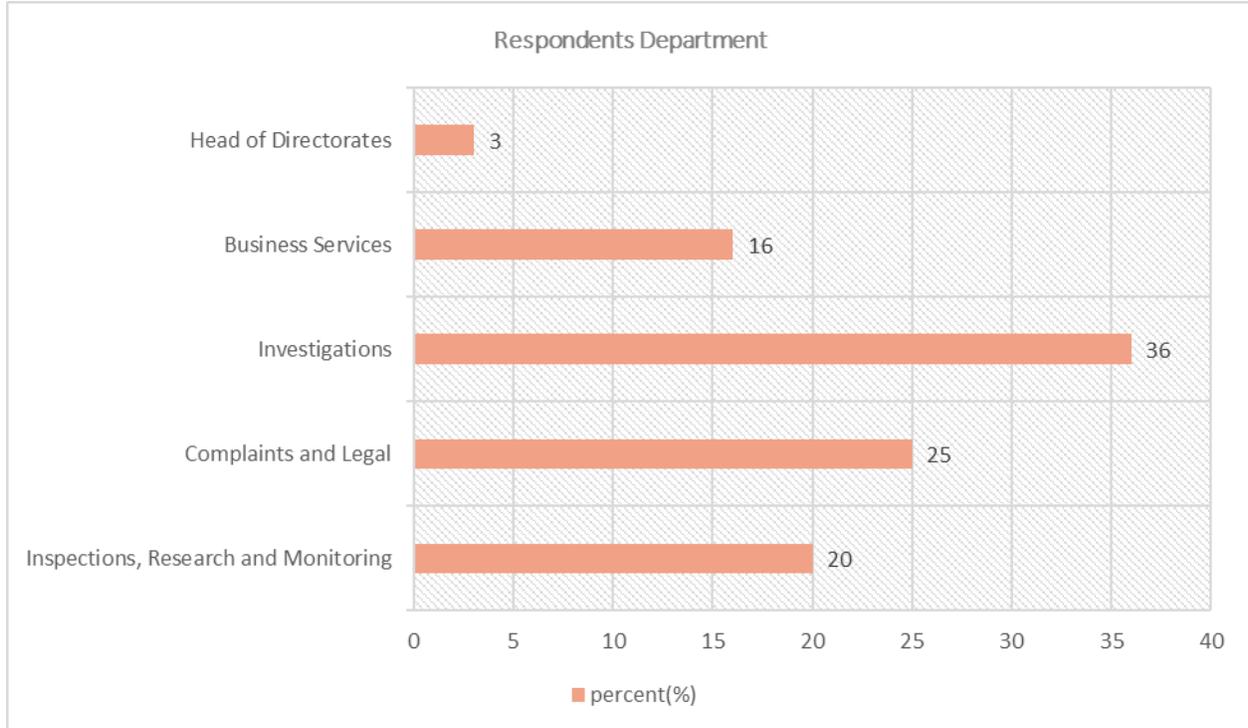
Figure 4. 3: Respondents Department

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Figure 4.3 indicates that a majority of respondents were from the Investigations department 38(36%) followed by Complaints and Legal department 26(25%). Also, a substantial proportion of the respondents 21(20%) were drawn from Inspections, Research, and Monitoring department. Those from Business Services constituted 17(16%) of the entire study respondents. Only 4(3%) came from the Head of Directorates.

4.3 Role of Independent Policing Oversight Authority

The study sought to assess the role of IPOA in holding the police accountable. In this regard, key IPOA roles were identified. According to IPOA Act, (2011) the mandates are; To investigate police misconduct; To conduct inspection of police premises; To monitor and investigate policing operations and deployment; To monitor, review and audit investigations and actions by Internal Affairs Unit of the police; To review the functioning of the internal disciplinary process; and Reporting. Therefore, respondents were asked to provide their opinions for the study to evaluate the effectiveness of these roles toward holding the police accountable.

4.3.1 Police Misconduct Investigation

Respondents were asked whether police misconduct is a key issue among police. From the results, most of the respondents 91(85.8%) concurred with the allegation. Only, 10(9.4%) were of a different opinion saying they are not aware that there is police misconduct. Among those interviewed 5(4.7%) were not sure about the presence of police misconduct as shown in Table 4.3 below.

Table 4. 3: Police Misconduct

Is police misconduct a key issue?	Frequency (n)	Percent (%)
Yes	91	85.8
No	10	9.4
Not Sure	5	4.7
Total	106	100

In order to find out if respondents are aware that there are documented principles for investigating police misconduct. A majority 73(65.2%) of total respondents acknowledged the

presence of the documented principles for police misconduct investigation. A larger proportion 30(27%) of the respondents were not aware. Only 9(8%) of the respondents claimed there were no documented principles as presented in Table 4.4.

Table 4. 4: Police Misconduct Investigation Principles Documented

Are police misconduct investigation principles Documented?	Frequency (n)	Percent (%)
Yes	73	65
No	9	8
Not Sure	30	27
Total	112	100

Findings in Table 4.4, imply that most of the respondents are unaware of investigation principles for police misconduct set by the Authority. Also, the data suggests that only investigation members are the ones aware of the principles.

The IPOA Strategic Plan, (2014) listed seven investigation principles which include; Ensuring that appropriate terms of reference are clearly defined and an investigation plan is established; Ensure the investigation is conducted in a professional and ethical manner and risk management strategies are adopted; Constantly review investigations to ensure they remain focused; Ensure appropriate confidentiality and security is maintained with respect to the investigation and information; Reach evidence-based conclusions as soon as possible; Report on the investigation findings, conclusions, and recommendations. Lastly, remain independent and objective at all times throughout the investigative process. This principle should be used by the staff during investigating any police misconduct.

4.3.1.1 Effectiveness of IPOA Investigations on Police Misconduct

In terms of the effectiveness of the investigation performed to interrogate police misconduct, respondents were asked to estimate the effectiveness of IPOA investigations on police misconduct. The study established that a majority of respondents 61(70%) said IPOA's investigation initiatives are to a great extent effective. 19(21%) opined that the investigations are

to a somewhat/moderate extent operational. Only 8(9%) thinks that the investigations are less effective as shown in Table 4.5.

Table 4. 5: Effectiveness of Police Misconduct Investigations

To what extent are police misconduct investigation effective?	Frequency (n)	Percent (%)
Effective to a greater extent	61	70
Somewhat effective	19	21
Less effective	8	9
Total	88	100

Therefore, the results in Table 4.5 suggest that IPOA is making drastic efforts to investigate and address police misconduct issues.

Cherono, (2017) reported that IPOA had investigated a significant number of police misconduct such as police brutality, blatant abuse of human rights, and corruption. The report observed that some police officers were found guilty of murder and the organisation recommended as well as forwarding the probe files into the police killings to the Director of Public Prosecution. Through a key respondent's interview, a senior official from ODPP stated that they do receive investigation reports and probe files from IPOA including that for the killing of Baby Pendo in Kisumu and the fatal shooting of Mr. Kanja and injury of Mr. Edward Mathenge probably by two police constables at Mihang'o police patrol base on April 27, 2015.

In terms of IPOA investigation effectiveness, a female senior investigation officer at IPOA claimed the following;

> "*We have conducted numerous investigation in particular police misconduct, for example, officers from Kabiyet Police Station in Nandi County who had killed the suspect, despite knowing he was innocent. IPOA later took over the investigations and found Inspector Siatah to be accountable for the murder*"

In terms of timeframe, the study sought to find out whether there is the timeframe for each investigation carried out by IPOA on police misconduct. The findings established that most of the respondents 70(66.1%) acknowledged that IPOA has investigation timeframe. Although, a

considerable proportion 29(27.3%) of those interviewed stated that there is no investigation timeframe. 7(6.6%) were not sure as indicated in table 4.6 below.

Table 4. 6: Investigation Timeframe

Are there timeframe for conducting investigations on police misconduct?	Frequency (n)	Percent (%)
Yes	70	66.1
No	29	27.3
Not sure	7	6.6
Total	106	100

The findings in Table 4.6 imply that most of the respondents are aware that for each case, there must be a timeframe. IPOA, (2013) accounts that one of the tenets of an effective police investigation management system is the speed at which any investigations are expedited and the ability of the system to facilitate quick police investigation for maintaining trust and confidence in the rule of law. According to Key respondent familiar with investigations, simply cases take a maximum of 20 days, but the complex ones may take up to three months or more.

Respondents were asked to provide their views on the six constructed hypothetical statements on IPOA investigation on police misconduct. They were either to agree or disagree. Table 4.7 below presents the findings.

Table 4. 7 Respondents Opinion on Police Misconduct

Statement	Agree		Disagree		Not Sure	
	(n)	(%)	(n)	(%)	(n)	(%)
There are many complaints of police misconduct	92	87	12	11	2	11
There are many complaints of police misconduct against the fellow police	33	31	67	63	6	63
There are many complaints of police misconduct against motorists	56	53	43	41	7	41
Police cooperate with IPOA during the investigation	12	11	90	85	4	85
The Public cooperate with IPOA during the investigation	96	91	7	6	3	6
The EACC cooperate with IPOA during the investigation	90	95	9	8	2	8

Table 4.7 indicates that the majority of respondents 92(87%) agreed that there are many complaints of police misconduct. Only 12(11%) disagree with the statement. These findings imply that police brutal, which has increased the rate of human rights violations, especially on suspects. On the other hand, most respondents 67(63%) disagreed that there are many cases of police misconduct against fellow police officers. Only 33(31%) agreed with the statement.

The results imply that police officers rarely offend their fellows since they execute many deals together as colleagues.

For police misconduct against civilian, a senior research officer at KHRC recounted that.

> "*Our organisations through it field monitors recorded numerous complains, for the past few months to election. It is just responsible for everyone to uphold the Constitution and to take responsibility; the magnitude of police brutality meted out on some demonstrators   was totally appalling and unacceptable, ".*

On the other hand, for police conduct against fellow officers, a key respondent's interview with Senior Police Commandant National Police Service said that;

> "*Most police cases against fellow colleagues usually emanate from*
> *personal issues such as shifts, love scandal, For instance, last year,*
> *a sergeant shot his junior colleagues after the two picked a quarrel*
> *over a night duty in Nyandarua County and there are many*
> *cases like that all over the country*".

Respondents were asked if there are many complaints of police misconduct against motorists. 56(53%) agreed with the statements. A considerable proportion of those interviewed 43(41%) disagreed. This suggestively implies that most motorists do not report their complaints to the Authority because there could be other mechanisms they use to sort other there issues.

4.3.1.2 Cooperation with IPOA during Investigations

The study sought to find out the effectiveness of stakeholders cooperation during the investigations The results indicated in Table 4.3 found that EACC fully cooperates with IPOA, 90(95%) of those interviewed agreed. Only 9(8%) disagreed. Also, the analysis found out that civilian/public cooperates with IPOA during cases. The statement was supported by 96(91%) of those interviewed. Only 7(6%) disagreed. However, the findings revealed that there is a weak cooperation between police and IPOA during the investigation. Only a small proportion 12(11%) agreed with the fact that police support IPOA inquiries. A significant proportion of respondents 90(85%) disagreed that police supports IPOA investigation.

Ombati, (2018) recounts that top police officers are blocking probe on police misconduct. A senior officer at IPOA claimed that they have so far concluded more than 752 investigations and submitted 164 recommendations. Also, 103 files have been submitted to the office of the Director of Public Prosecutions and about 64 cases are in various stages of hearing in the court. Though, it is taking too long than expected and also, the NPS is not supporting the entire investigation process. Senior Legal Officer at Katiba Institute (Civil Society) alleged.

> "*Blocking IPOA investigations do not only derail the process of justice*
> *but also has a critical consequences in law. Undermining other agencies that*
> *were formed by our Constitution is unlawful and the effectiveness of Acts such*
> *as the law of Evidence Act; the penal Code; the Criminal procedure Code*
> *and NPS Act is questionable. Since they are being undermined*".

4.3.2 To Monitor, Review and Audit of Investigations/Complaints and Actions by police

IPOA is mandated under both the Constitution and IPOA Act to ensure independent oversight of the handling of complaints. In this regard, the study sought to examine different measures put in place by the authority to handle monitor, review and audit investigation/complaints and actions by the police. Therefore, respondents were requested to provide their opinions.

4.3.2.1 Complaints Handling

This study found complaints handling mechanisms that IPOA uses. In this regard, the research aspects such as complaint procedures, their effectiveness, how are they captured and stored. Thus, Respondents were asked if there is a procedure (s) used to launch complaints, 69(72%) of the respondents said that their procedures were there while 8(8.3%) indicated that there are no procedures. Although, a substantial proportion 19(19.7%) were not sure about the presence of the complaint procedures. The results suggest IPOA shares the complaint lodging procedures to its entire staff. A senior officer from IPOA hinted that one of the procedure is that; for any complaint to be addressed it be registered into the complaints management system, for audits, retrieval, and complaint tracking purposes.

To determine the effectiveness of the IPOA complaint procedures in terms of improving the entire aspect of complaint handling. Respondents provided the following opinions; 52(75%) opined that the procedures are to a greater extent effective and 17(25%) observed that complaint procedure are effective.

Chief complaint officer at IPOA said.

> "*The complaint lodging procedures have enhanced professionalism in*
> *the way complaints are received. This has enabled us to conduct a credible*
> *investigations, we shall continue emphasizing them to the complainants and*
> *also to our complaints officer*"

4.3.2.2 Means of reporting Complaints

Respondents were asked if they are aware of any approach (s) used by Independent Policing Oversight Authority to capture complaints. 87(94.6%) of the respondents indicated that they are

aware of the available means of capturing complaints. Only 5(5.4%) of those interviewed indicated that they are not aware of any means. Therefore, the results imply that most of the staff at IPOA are aware of approaches used by the complainants to report cases.

Further, for those who indicated that they are aware of complaints capturing means. The study revealed that orally/phone is the most utilised approach also supported by 70(80%) of those interviewed. Online Complaint Form, which was supported by 8(9.2%) of the respondents. Also, email as a means of complaint capturing was supported by 9(10.8) of the respondents. Figure 4.4 below displays the results.
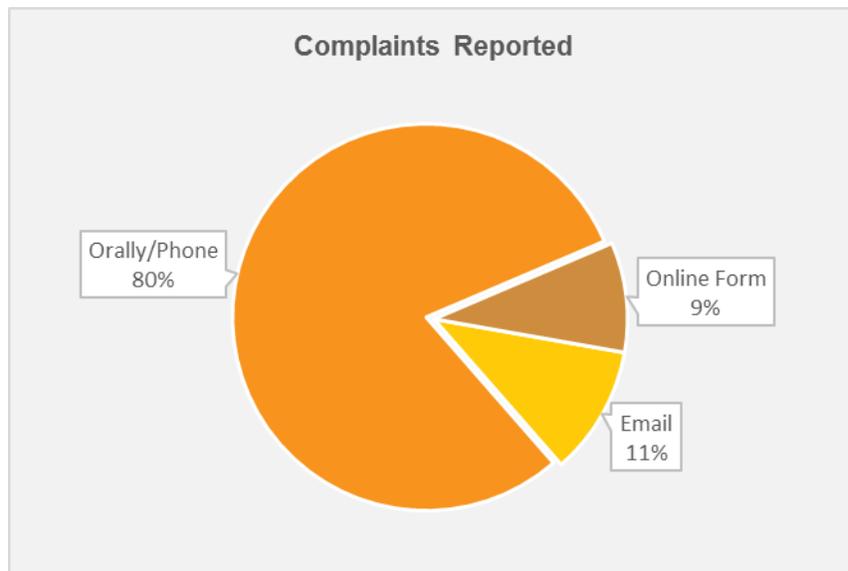
Figure 4. 4: Means of Lodging Complaints

From the findings, it is evident that the majority of complainants prefer to lodge their complaints orally through means such as phone-calls since it is convenient as compared to filling an online form.

### 4.3.2.3 Complaint Management Process

In an anticipation to establish the technique used by IPOA to manage complaints, respondents were asked as to whether they are aware of any complaint management system used. 90(93.8%) acknowledged that IPOA has a complaint management system in place while 6(6.2%) of the respondents indicated that they are not aware whether the Authority has the system. Of those

who indicated that the Authority has the system, 82(91%) indicated it is a computerised database management system while 8(9%) indicated that it a manual data/file management system.

Furthermore, the study established that IPOA uses written feedback approach when responding to inquiries by complainants this was supported by 86(95.6%) of the respondents. Also, 4(4.4%) of those interviewed indicated that IPOA use oral means to respond to complainants queries as shown In Figure 4.5.

Figure 4. 5: IPOA Feedback Mechanism
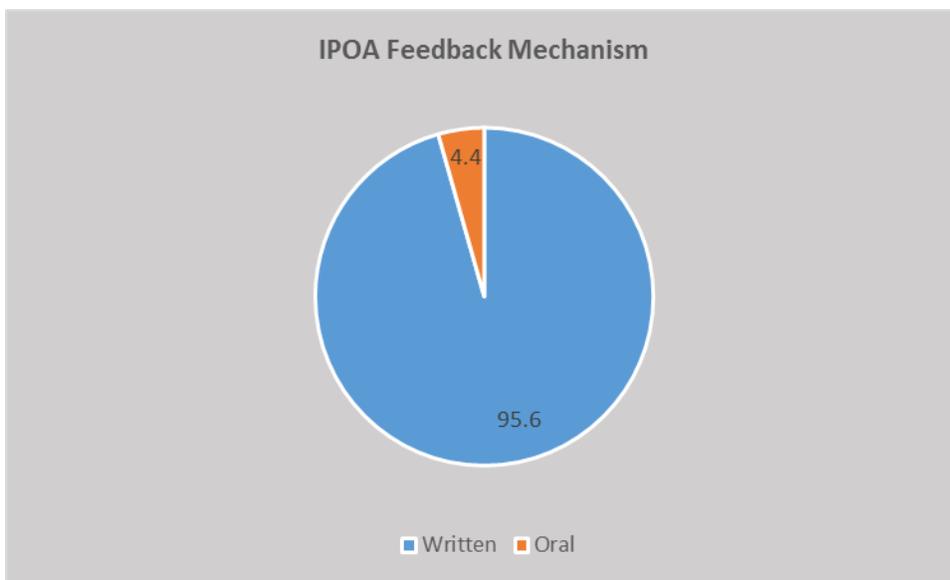
A senior communication officer at IPOA indicated that a written means of feedback is mostly used since it enhances accountability and can be used for auditing purposes as compared to oral means.

The study findings on monitoring, reviewing and auditing of investigations/complaints by police resonate with Section 24(1) of IPOA Act which provides that a person wishing to lodge a complaint against police may do so orally or in writing or in such an appropriate format. Besides, the Authority carries out the roles through the receipt, processing and investigation audit of complaints lodged by public or police officers. The mandate is executed by the Complaints Management Unit which monitors, reviews, responds to inquiries by complainants and provides feedback. Also, all the complainants' information is managed through a complaints management database.

4.3.3 Reviewing of the internal policing disciplinary process

IPOA is mandated to review the function of the internal policing disciplinary process. Therefore, different aspects must be reinforced to achieve the objective of the mandate. In this regard, the study sought to determine if some of these aspects are implemented by the Authority. Hence, respondents were asked to provide their agreement or disagreement. Figure 4.6 below.
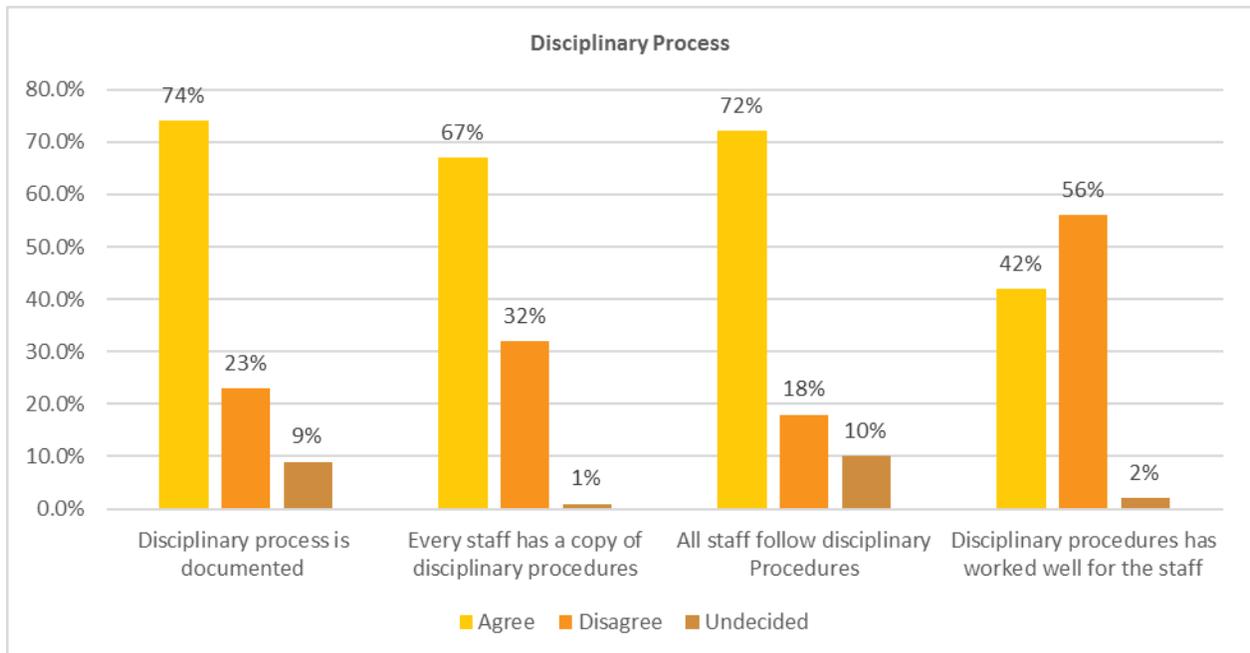
Figure 4. 6: Disciplinary Process

Figure 4.6 indicates that 70(74%) of the respondents agreed that the Authority has documented the disciplinary process. Only 22(23%) of the respondent disagreed. Also, most of the respondents agreed that IPOA serves a copy of disciplinary procedures to the staff. Although, a significant proportion of the respondents disagreed with the statement. From the study findings, it is clear that a majority of those interviewed 70 (74%) overwhelmingly agreed that all the staff follows disciplinary procedures set by the Authority. Only 17(18%) disagreed and 9(10%) were not sure. Lastly, as to whether IPOA disciplinary procedures have worked for the staff, only 40(42%) of the study participants agreed. However, most of the respondents 53(56%) disagreed with the statement.

It is evident that the findings suggest that the disciplinary measures are documented, functioning and have been supplied to most of the staff. However, the results established that some of the

measures are not working well for staff thus, hampering the improvement in police internal accountability mechanisms. According to a study done by Haki na Usalama, (2017) some of the disciplinary measures or not working well (ineffective) with the staff because of a corrupted police-force system, under-resourced, inadequate support or lack of goodwill by the stakeholders to implement the disciplinary measures. A senior IPOA official said that he was frustrated with the way the police officers disregard the functioning of the internal disciplinary procedure. Many police officers disregard it including some top official in the National Police Service. The internal disciplinary department is also understaffed. Therefore, not able to handle the many cases on time.

4.3.4 Reporting

Reporting is one of the mandates given to IPOA by the Constitution, In this regard, the study sought responses to find out the operations associated with this mandate. When asked if IPOA makes a report after every six months a large proportion 87(93.6%) acknowledged that the Authority prepares reports. Only 6(6.4%) indicated that they are not sure. The findings suggest that most employees in APOA are aware of the reporting timeframes by their employer. Ndonga, (2017) reports that the Authority was able to prepare more than two reports which included police brutality Report and Anti-IEBC-Report. Besides, the APOA Act of 2011 also requires the Authority to prepare a performance report every six months and an annual report to inform the public of its activities and provide recommendations for improvements of the functioning of the National Police Service.

In terms of reading the report, most of the respondents 42(51%) stressed that they did not read the report. Also, a considerable proportion 40(49%) agreed that they read the report. For those that did not read the report 37(88%) cited that they left the report to be read by the interested groups and 5(12%) of the respondents indicated that they lacked time to read the report. However, the findings revealed that among the respondents who read the report a significant proportion 59(60%) were not aware of the components incorporated in the report. Only 39(40%) were aware of the components in the report. From these findings, it is evident that majority of Authority staff do not bother to read the report and those who read are still unaware of the report's major components. Therefore, there is a need for the Authority to share the report with

its staff members and also emphasis them to read and understand the components of the report in order to make them aware of the Authority's endeavours.

4.3.4.1 Submission of the Report

Respondents gave their opinion as to where the reports are submitted. Table 4.4 shows the data.

Table 4. 8 Report Submission (Multiple Response)

Where is a report submitted?	Frequency (n)	Percent (%)
Director of Public Prosecution	49	48.0
CS in-Charge of Interior & Coordination of National Gov't	16	15.0
Parliament	20	19.0
President	15	14.0
Public	38	20.0

Table 4.8 indicates that most of the respondents thought that the report is usually submitted to the Director of Public Prosecution 49(48%) followed by those who think that the report is submitted to the public 38(20%). Those who think that the report is submitted to Cabinet Secretary in-charge of Interior and Coordination of National Government constituted 15(14%) of those interviewed. Another 20(19%) of the interviewed indicated that the report is submitted to Parliament and the President respectively.

The findings revealed that most of the respondents have knowledge of the appropriate places that the report is to be submitted. IPOA Act stipulates that certain report are to be submitted to the Director of public prosecution for prosecution or further interrogation, especially those that investigate police misconduct and serious offenses. On the other hand, other reports can be submitted to any public offices such as the President, National Police Service, ministries and parliament upon inquiry.

Respondents were asked to indicate whether the reports address issues at hand. Based on the results, 74(93.7%) of those interviewed said of course yes. Only 5(6.3%) of the respondents were of a different opinion whereby they retorted that the report at times does not address the issue at hand. The findings imply IPOA reports are prepared with information such as evidence, the conclusion as well as recommendations to the relevant body for the course of action such as prosecution or further probing.

4.3.5 Inspection of Police Premises: Residence, Offices, and Sanitation

Respondents were asked if they are aware that the Authority conducts an inspection on police premises. A majority of them 82(86%) were aware that police inspections are usually conducted, only 13(14%) were not aware of any inspections. Furthermore, for those respondents that are aware were asked if they have physically participated for the specified police premises inspection. Most of them 59(72%) indicated that they participated, only 23(28%) of those interviewed did not participate. Thus, the researcher asked them to specify the kind of facility or activity they inspected. Most of them indicated staff quarters 39(66%), followed by those who mentioned police cells 35(36%). Another 18(22%) of the respondents cited staff offices and records as presented in Table 4.9.

Table 4. 9: Inspection on Police Premises (Multiple Response)

Facility/Activity Inspected?	Frequency (n)	Percent (%)
Staff quarters	39	66
Police cells	35	36
Staff offices and Records	18	22

A senior officer from the National Police Service through an interview confirmed that IPOA usually conducts an inspection of police premises for both in urban and rural areas. However, he noted that their inspection activities are not effective in terms of improving the standards and welfare of police officers.

IPOA has outlined standards for conducting police premises inspection. Therefore, respondents were asked if they know them. Among those interviewed, 87(95%) knew that IPOA has an outlined police premises inspection standard. Only 5(6%) of those interviewed indicated that

they are not sure if the standards are outlined. Respondents were asked to list the standards they knew and a majority of them 50(57%) cited hygienic conditions suitable for human habitation. Followed by those who claimed that men and women must be kept separately in the premises 25(29%). Another 12(14%) mentioned that Police detainees kept separately from convicted prisoners.

These results suggest that most respondents are aware of the police premises inspection standards. According to the Authority, the following are the inspection guidelines: Hygienic conditions conducive for human habitation; adequate light, toilet, and washing facilities and outdoor area; Men and women kept separately; Juveniles and children kept separately from adults, and Police detainees kept separately from convicted prisoners. Therefore, the study findings on police inspection resonate with IPOA, (2018) police premise inspection guidelines.

4.3.5.1 Police Working Conditions and Operations

Respondents were asked to indicate the extent at which the police working conditions have improved a majority of them indicated that the conditions have to some extent improved 42(47%), followed by those who cited that there has been an improvement but to a very little extent 39(40%). Only 6(7%) observed that the conditions have improved to a great *extent*. The researcher further examined the aspects that have been impacted by the impact of the improvements. The results are portrayed in figure 4.7 below.
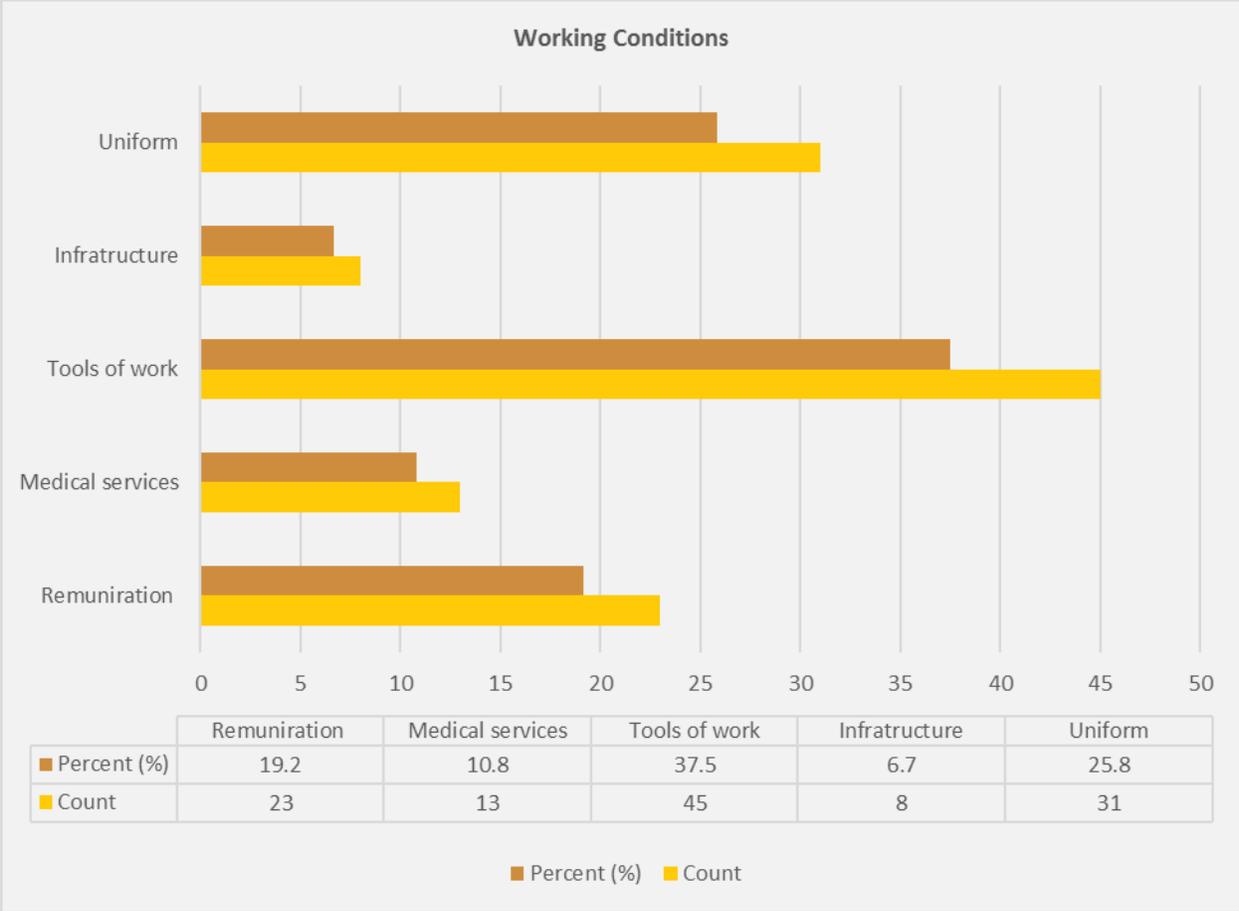
Figure 4. 7: Working Condition

Figure 4.7 shows that most respondents mentioned that tools of work as the most improved aspects of police working condition 45(37.5%), followed by uniform supported by 31(25.8%) of the respondents. Another 23(19.2%) of those interviewed observed that remuneration has increased. Only 13(10.8%) mentioned medical services while a small proportion of those interviewed indicated that infrastructure has improved. It is clear from the data that police infrastructure and medical services are yet to be improved and are well below the standards.

This result resonates with an IPOA Performance Report, (2016) which established that there is a chronic police housing scarcity and officers are forced to share single rooms while others are accommodated in canteens and halls partitioned by cardboards and bed sheets. The existing police housing arrangement in most stations do not support family life "and is often a demoralizing issue among officers. For example, 93.6% out of 140 police premises that were inspected between July-December 2014 lacked adequate accommodation and where available,

the houses were in an extreme deplorable condition. A senior Monitoring and Evaluation Officer IPOA official said,

> "*A situation in point was Jogoo Road Police station where a single housing unit is shared by up to three officers, who have families. Therefore, it is evident from the findings that police working conditions are still wanting.*

4.4 Assessments of IPOA Strategies

The study sought to find out the strategies used by IPOA to undertake its mandates of holding the police accountable for their actions. In this regard, respondents were interviewed to provide their views on different aspects of IPOA strategies as presented in their current Strategic Plan.

4.4.1 Respondents Awareness of the intervention strategies

Respondents were asked whether they had personally read the current Strategic Plan (2014-2018). Most of them 54(56%) indicated that they have not read the document. 42(44%) said that they had read the Strategic Plan displayed in Figure 4.8.
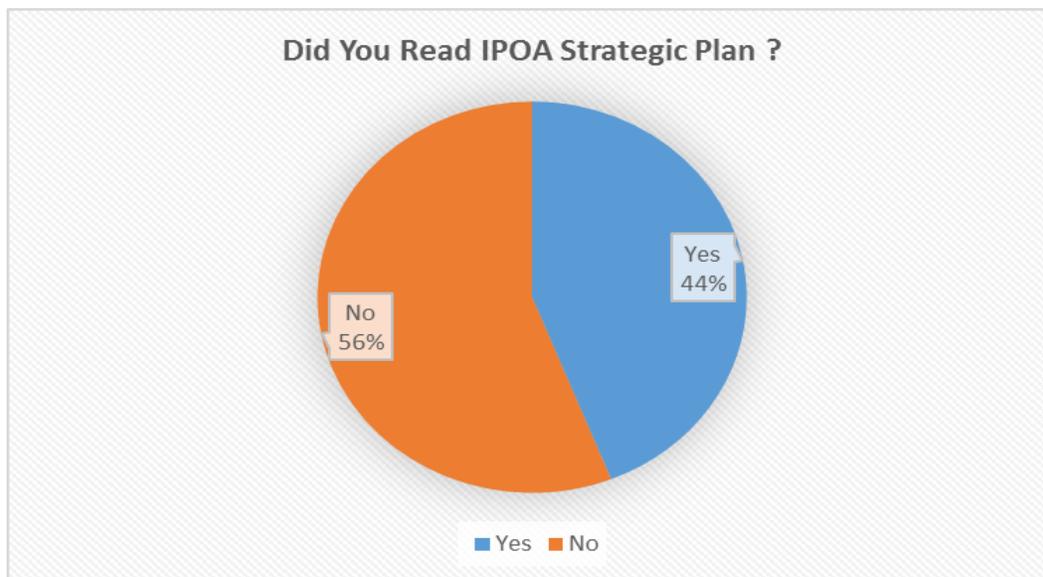
Figure 4. 8: Did Respondent Read IPOA Current Strategic Plan

Figure 4.8 imply that most of the staff at IPOA are not conversant with the current strategies being implemented. However, for those that indicated they have read the plan, the researcher

asked them to point out which strategies are incorporated in the current Strategic Plan (2014-2018). Table 4.10 depicts the mentioned strategies.

Table 4. 10: IPOA Strategies (Multiple Response)

IPOA Strategies	Frequency (n)	Percent (%)
Programme Strategy	5	5.0
Organisation Development Strategy	19	20.0
Performance Management Strategy	6	6.0
ICT strategies	5	5.0
Resource Mobilization Strategy	34	23.0
Stakeholder Engagement strategy	45	35.0
Communication strategy	8	8.0

Table 4.10 indicates that a majority of respondents 45(35%) listed Stakeholder engagement strategy followed by a significant proportion 34(23%) of those interviewed who cited resource mobilization strategy. Also, a relatively good proportion 19(20%) of those interviewed listed organisation development strategy. 8(8%) of the respondents list communication strategy. Performance management strategy was mentioned by 6(6%) of those interviewed. Lastly, Programme and ICT strategies were respectively cited by 5(5%) of the respondents.

Based on these findings, it emerges that IPOA uses stakeholder's engagement, performance management, resource mobilization, communication, information technology, special programmes, and organisational development strategies to streamline and expedite its efforts of achieving the objectives of its mandates. Also, the results imply that a considerable proportion of IPOA staff do not understand what the IPOA program strategy, performance management strategy, and ICT strategy entail. Then it suggests that they might not be effective in implementing these mandates.

Nonetheless, the findings of this study resonate with IPOA Strategic Plan Report, (2014). The report highlighted major strategies that the Authority is implementing for the year 2014 to 2018.

For programme strategy, the Authority indicated that it will be achieved through development and documentation of IPOA standards in the field of monitoring, inspection, and investigation. Investing in continuous learning and research, decentralization of its programs and services, developing and enforcing recommendations as well as a systematic partnership. For organisation development and performance strategy, IPOA indicates that it will achieve this through developing and implementing a human resource management policy and procedure that will search for talent, attract and retain qualified staff and focus on performance and developments through appropriate training. Foster respect for diversity in the workplace as well as establishing and implementing a staff policy that will effectively execute their mandates.

The Authority outlines that ICT strategy will be achieved by aligning all the IT resources to reflect business processes. The ICT systems will be developed to expedite and manage information for effective monitoring, investigation, inspection, and reporting. Staff will also be trained to use appropriately the system and comply with the IT security policy to safeguard information. For resource mobilization strategy, the Authority will achieve this by using both the financial and human resources to execute its mandate and functions. Identify essential sources of funding and engage the relevant government agencies and ensure that available resource is utilised effectively. For instance, by involving National Treasury and Parliament for additional funding that will be a great help toward the overall achievements of its objective and the realization of the Strategic Plan (IPOA Strategic Plan Report, 2014).

The Authority uses stakeholder's engagements and communication strategies to realise its mandates. This will be done by developing and implementing an effective communication strategy that will share information with all its stakeholders. IPOA asserts that it will develop and management a database for existing and potential partners countrywide, increase the capacity of IPOA to engage with its key stakeholders, create a mechanism for a feedback system and establish call-center (IPOA Strategic Plan Report, 2014).

In regards to establishing whether the Independent Policing Oversight Authority strategies are being implemented effectively, respondents were asked to either agree or disagree with the hypothetical statements raised by the study as indicated in Table 4.6 below.

Table 4. 11: Implementation of IPOA Strategies

Statement	Agree		Disagree		Not Sure	
	(n)	(%)	(n)	(%)	(n)	(%)
IPOA strategies are realigned with its mandates	96	97	1	1	2	2
IPOA has strategies in place to enhance effective policing oversight	93	94	2	2	4	4
IPOA strategic plans are documented	98	95	3	3	2	2
IPOA strategic plan has a timeframe	90	87	4	4	9	9
IPOA shares its strategic plan to stakeholders	79	77	14	13	10	10

Table 4.11 indicates that a majority of respondents 96(97%) agree that IPOA strategies are realigned with its mandates. Similarly, 93(94%) agreed that IPOA has strategies in place to enhance effective policing oversight. Only 2(2%) disagreed. The analyses found that IPOA strategies are documented and the fact is supported by 98(95%) of the respondents. Only 3(3%) did not support the fact. Also, when asked if the strategic plan has timeframe majority of respondents 90(87%) agreed with the statement. Only 4(4%) disagreed. On the other hand, the findings established that once the strategies are developed, the Authority ensures that the strategic plan is shared with all its stakeholders. The statement was supported by 79(77%) of those interviewed. A relatively good proportion disagreed and were not sure with the statements 14(13%) and 10(10%) respectively.

It is evident that IPOA has numerous documented strategies, which are also time-specific. IPOA also shares the strategies to its stakeholders. Currently, the Authority has an operative strategic plan for the years 2014-2018 and was published online through its website in June 2014.

4.4.2 Usefulness of Strategies used by IPOA

The study sought to establish the usefulness of the strategies in realizing the organisation mandates. Respondents were asked to provide their perceptions as to whether the strategic plans envisioned by the Authority were effective in holding the police accountable. A majority of respondents 78(76%) opined that the strategies were effective, followed by those who alleged that the strategies were highly effective 21(20%). Only 4(4%) had a different perception that the strategies were somewhat effective. Therefore, the findings suggest that the Authority is using its resources (financial, asset and human resource) to implement the strategies.

Respondents were asked to provide the reasons for the ratings they provided. Most of the respondents 41(41.4%) mentioned that there has been there having been an improved compliance by stakeholders such as police to human rights standards. Another 32(32.3%) of those who rated the strategies as effective indicated that there is an increased restoration of public confidence and trust in police. Also, a substantial proportion 26(26.3%) of the respondents hinted that the Authority has seen improved detention facilities and police premises, as indicated in Figure 9.

IMPACT OF IPOA STRATEGIES

■ Percent (%)

IPOA has Improved Detention Facilities and Police Premises   26.3

Increased Restrotation of Public Confidence   32.3

Improved Compliance by Stakeholders   41.4

0   5   10   15   20   25   30   35   40   45
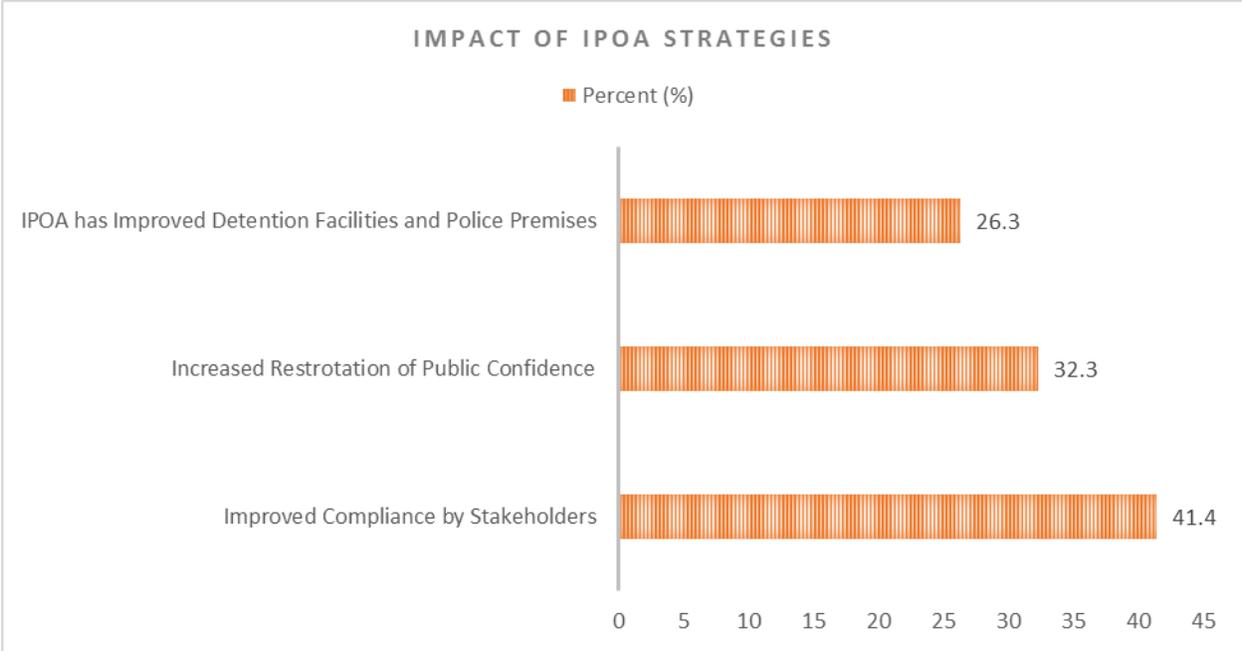
Figure 4. 9: Impacts of IPOA Strategies

However, the study was not able to account for the accuracy of the statements in terms of reality on the ground. However, Matiko, (2018) reported that IPOA had only managed to convict three (3) police officers for human rights violation and brutality since it was established. The statistics of the report implied that the Authority was underperforming. Muraya, (2018) reported that, out

of 9,000 cases lodged with the authority, only four have been successfully convicted. But the Authority affirmed that it has already concluded 752 investigations, inspected 885 police premises and monitored 151 police operations and submitted 164 recommendations.

Senior programme officer at IPOA who is responsible for implementation of the strategies said;

> "*The Authority is proud of numerous milestones as a result of the strategic plan.*
> *It is because of the Strategic Plan of 2014-2018 that are were able to submit*
> *more than 103 files to the Office of the Director of Public Prosecutions*

4.6 Challenges Faced by IPOA

The study sought to identify the challenges that IPOA faces during the execution of its mandates. Thus, the study developed seven hypothetical statements which helped to identify challenges based on whether the respondents at IPOA agreed or disagreed with them. Also, respondents were asked to mention other challenges they know. The results are presented in Table 4.12.

Table 4. 12 Challenges

Statement	Yes		No		Not Sure	
	(n)	(%)	(n)	(%)	(n)	(%)
National Police Service cooperates with IPOA	4	4	88	9	9	9
Criminal Intelligence Unit cooperates with IPOA	36	34	55	53	13	1
Mainstream Media cooperates with IPOA	61	59	23	22	20	19
The public cooperates with IPOA	79	76	8	8	17	16
IPOA receives full budget it proposes	41	40	45	43	18	17
IPOA has offices in all parts of the countries	2	2%	98	94%	4	4%

Table 4.12 indicates that the media and the public cooperate with IPOA this is supported by most of the respondents 61(59%) and 79(76%) respectively. The findings suggest that on a greater

extent, the public and the mainstream media support most of IPOA initiatives of holding the police accountable. Nonetheless, a majority of respondents (91%) cited that National Police Service does not cooperate with IPOA. Only 4(%) agree. Asked whether the Criminal Intelligence Unit cooperates with IPOA, the majority of those interviewed 55(53%) declined with the statement only 36(34%) agreed. Therefore, it is evident that the National Police Service and Criminal Intelligence Unit have a poor cooperation with IPOA.

Ombati, (2018) reported that senior police officers at the National Police Service are blocking probe on police misconduct. This is also echoed by Mukinda, (2016) who observed that on several occasions, IPOA has cited that National Police Service does not only implement the recommendations given to them but also blocking probe against a police officer

A Principle Investigation Officer from IPOA said that;

> "*There are many recommendations the Authority has submitted to the National Police Service But they are not adopted fully and implemented. Actually, most of the top officers that the Intelligence Criminal Unit and NPS do not fully cooperate with us during investigations such as providing us with necessary information. Non-cooperation by the National Police Service has been one of the vastest challenges the Authority has faced.*"

When asked whether IPOA receives a full budget it proposes, a significant proportion 41(40%) agreed with the statement. Also, as to whether IPOA has offices in all part of the country 98(%) disagreed. Only 2(2%) agreed. The results imply that IPOA does not have a full presence in all parts of Kenya. Therefore, the results suggest that either some citizen might be missing or are required to travel a long distance to access IPOA services. Principal accountant officer at IPOA official familiar with the budget preparation process, commented as follows;

> "*Over the years, IPOA has always received far less than its budgetary proposal from the treasury. IPOA has struggled to meet its mandate given the low budgetary allocations. Also, the incomplete budget allocation makes IPOA unable to establish adequate offices in all parts or in each county in Kenya and deploy recommended human resources.*"

Furthermore, the Authority has cited that some of the section of the IPOA Act is partly responsible for its challenges such as Sections 11 and 12 of the IPOA Act which does not allow recruitment of a new Board 3 months prior to the expiry of the term of the existing Board.

Respondents were also asked to mention any other challenges they are aware of. The results are displayed in Figure 4.10.
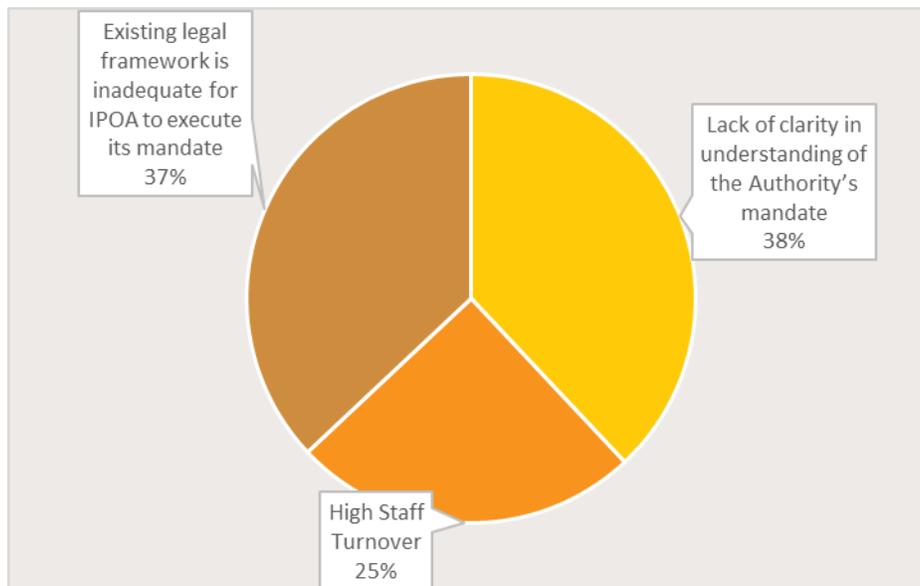
Figure 4. 10: Other challenges IPOA Faces

Figure 4.10 shows that majority of respondent 64(38%) stated that there is lack of clarity in understanding the mandate of the Authority while 63(37%) opined that the Existing legal framework is inadequate for IPOA to execute its mandate. Another 33(25%) of the respondents pointed out high staff turnover as an internal challenge. The results hint at a possibility of having an incapacitated Authority that relies on other powerful agencies for its mandates to be fully realised. IPOA Anti-IEBC Report, (2018) shows that the Authority investigated numerous violation of human rights, gross misconduct by police, and police brutality, but no one has been held responsible because on non-cooperation from key players.

A senior political affairs reporter at Kenya Network Television stated that

> *"Police in our country is known for manipulating investigations done by other independent Authorities and media and cover up crimes committed by officers and protect their colleagues. We have aired some stories where police plant firearms on victims after they have wounded or killed them The problem is that even if IPOA takes on the investigations, the evidence is already eliminated".*

The key respondent's statement above implies police eliminates evidence to escape or frustrate the investigation process by IPOA. This suggests a poor partnership between the two bodies and the reason as to why the Authority lacks evidence to provide to the ODPP for prosecution.

The results of this study resonate with an IPOA End-term Report, (2017) which indicated that the existing legal framework limits IPOA to execute its mandate. The IPOA Act which does not give the Authority enough power to prosecute the suspects, it only relies on other entities such as the Office of Director of Public Prosecutions. There is a high staff turnover because of the numerous challenges facing the Authority such as uncompetitive terms and conditions of employment for salary and remuneration. Also, the nature of the Authority's work which puts the staff's personal security at risk. On the lack of clarity in understanding the mandate of the Authority, IPOA indicates that there are several high expectations, rumours and hearsays by actors yet the success of their mandate also depend on the same actors blaming the or even sabotaging the Authority.

A senior Human Resources Officer at IPOA commented as follows;

> "*In many cases, the employee left for more competitive jobs in other organisations. At the moment, the Authority engages its entire staff on a four-year contract arrangement, a situation that many employees feel insecure in terms of their future careers as opposed to permanent and pensionable terms*."

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter contains a summary of the findings, conclusion, and recommendations as well as a suggestion for further research.

5.2 Summary of Findings

This study was able to assess the roles of IPOA in holding police accountable, discovered intervention strategies used by the Authority to achieve an accountable and professional police service as well as challenges faced by the Authority when executing its mandates as per the IPOA Act of 2011. Below is the summary of key findings from the study based on its objectives.

5.2.1 Role of Independent Policing Oversight Authority

The study was able to identify and assess numerous roles that IPOA has executed in holding the police accountable. The key IPOA roles that were assessed included police misconduct investigation, conducting an inspection of police premises monitoring, investigating the entire policing operations and deployment, reviewing and auditing investigations and actions of Internal Affairs Unit of the police, reviewing the functions of the internal disciplinary process and lastly, reporting all aspects of policing.

The findings observed that most of IPOA staff were aware of the Authority's mandates such as inspection of police premises. However, according the study findings, most of the staff have not physical engaged in any inspection activities. The research revealed that the Authority documents and lists all the principles, procedures of investigations, inspections, reviews, and monitoring it executes to all its stakeholders and shares them with the internal staff. IPOA shares with its staff with the procedures of the internal disciplinary process and published them on notice board and its website. The study observed that each investigation, inspection and monitoring process has a specified timeframe.

In terms of complaints, the study found out that IPOA has a complaint management system with procedures and means of lodging the complaints. It was established that the most common means of reporting complaints is orally through phone calls. However, a significant number of complainants are also launched through online forms. The study found that IPOA has many complains and investigations on police against suspects as compared to police against a fellow officer. Reporting as an IPOA role, the findings established that the Authority prepares and publishes reports to its holders at least once in every six months. The components of the reports comprise of key findings on investigations, inspections, and monitoring of police operations. Sensitive reports are submitted to the Office of Director of Public Prosecutions, EACC, Kenya courts with a recommendation on the way forward such as probing and convictions. Other reports are accessible to the public from websites or at the Authority offices. The study found reports such as IPOA strategic plan 2014-2018, Anti-IEBC Report 2017, and IPOA End-Term Board Report 2012-2018.

In a nutshell, the findings revealed that the Independent Policing Oversight Authority has received more than 10,000 complaints from the public and police officers, conducted more than 9,000 cases and managed only four conviction since its inception. The Authority affirmed that it has already concluded more than 752 investigations, inspected up to 885 police premises and monitored not less than 151 police operations and submitted 164 recommendations. The Authority indicated that 103 files have been submitted to the office of the Director of Public Prosecutions and about 64 cases are in various stages of hearing in the court.

5.2.2 Strategies Used by IPOA to Achieve an Effective Policing Oversight

The study identified various strategies used by IPOA to achieve an effective policing oversight. However, it was revealed that a considerable proportion of IPOA staff do not understand what IPOA's program strategy, performance management strategy, and ICT strategy entail. This implying that they might not be effective in implementing the Authority's mandates.

All the Authority's strategies had implementation timeframe and documented through a Strategic Plan Report that is shared to all its stakeholders. Strategic Plan Report 2014-2018 is the document that encompasses all the current strategies of the Authority.

It emerged from the study findings that the following were the key IPOA Strategies: Resource mobilization strategy; Stakeholder engagement through effective communication and sharing information; Organisation development through embracing talent in its communication strategy, performance and management strategy Also, investing in continuous learning and research; For ICT-oriented strategies through developing IT resources that reflect the business needs. On average respondents observed that the strategies have improved compliance by stakeholders and an improved public confidence and trust in police. In addition, to develop and implement a human resource management policy that will search for talent, attract, motivate and retain qualified staff and focus on performance and development through appropriate training and programme-oriented mainly through decentralization of its programs.

5.2.3 Challenges Faced by the Authority

The study managed to identify challenges faced by IPOA in the course of executing its mandate. On average, it was established that non-cooperation among key stakeholders such as the National Police Service and Criminal Intelligence Unit and misunderstood mandates from the stakeholders as two key challenges. APOA accused the two bodies of not implementing recommendations given to them. The Authority also accused the top police management for blocking probes against police officers.

The study also revealed that budgetary allocation to the Authority is insufficient to meet the needs of executing IPOA mandate fully. High staff turnover and lack offices in all parts of the country and the existing legal framework which is inadequate for IPOA to execute its mandates are other challenges that the Authority faces. The results suggests that IPOA is incapacitated because of the existing legal framework such as Sections 11 and 12 of the IPOA Act which does not allow recruitment of a new Board 3 months prior to the expiry of the term of the existing Board and non-cooperation from National Police Service which does not implement the recommendations given to them. IPOA has only managed to hold four officers accountable for misconduct since its inception. The high turnover suggests that IPOA officers are in fear of their personal security because of intimidations and threats.

5.3 Conclusion

Since its inception, IPOA has functioned relatively well in spite of its shortcomings. To a considerable extent, IPOA has managed to reign in police excesses. As of now, its presence is yet to reach all the counties which imply that so far it is not yet fully accessible to all Kenyans. Presently it has investigated thousands of cases, concluded a few, referred some but the majority of cases remain inconclusive largely due to staff shortfalls and lack of cooperation by the police. Nevertheless, IPOA work requires support if Kenyans are to continue to enjoy quality policing.

5.4 Recommendations

The following are the recommendations based on study findings.

- The national government needs to fully fund IPOA based on its Budgetary proposal in order for the Authority to discharge its mandate fully.
- IPOA needs to put in place a mechanisms which ensure that all the staff read and understand its strategic plans for an effective service delivery.
- IPOA needs to utilise the specialised services provided by stakeholders during an inspection of police activities and or premises.
- The IPOA Act should be amended to give it power for prosecution.
- IPOA should compel the National Police Service officers to support and cooperate in all its activities and implement the suggested recommendations.

5.5 Recommendation for further research

Further research can be undertaken to find out factors that lead to high staff turnover at the Independent Policing Oversight Authority.

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APPENDIX I: Main Questionnaire

QUESTIONNAIRE (IPOA STAFF)

Good morning/afternoon/evening? My name is **Isaiah Odhiambo Awino**. I am a student at the University of Nairobi. I am conducting a study on "**Functions of civilian oversight systems in regulating police work in Kenya: an evaluation of IPOA."** I welcome your ideas, explanations, comments and suggestions. In this questionnaire, there is no right or wrong answer. Please feel free to participate. All information will be kept confidential.

SECTION A: RESPONDENT DEMOGRAPHIC

1. What is your gender?
    1. Male   2.Female

2. What is your age bracket?
  1. 30 years and below
  2. 31 – 40 years
  3. 41 – 50 years
  4. 51 years and above

3. Marital status
   1. Single
   2. Married
   3. Divorce
   4. Widow(er)
   5. Separated

4. Religion
   1. Christian
   2. Islam
   3. Hindu
   4. Tradition
   5. Others

5. What is your highest level of education?

1. Primary
2. Secondary
3. Diploma

4. University Degree
5. Masters
6. PhD

6. Is this your first job?
   1. Yes   2.No
  If No, for how long were you employed elsewhere?
  1. 0-12 Months   2. 1-2 Years   3. Over 2 Years

7. Which department/section do you work in?
   1. Investigations   2. Complaints and Legal   3. Inspections, Research and Monitoring
   4. Business Services

8. What is your position/category in IPOA?
    1. Job Grade 11-9
    2. Job Grade 6-8
    3. Job Grade 4-5
    4. Job Grade 1-3

SECTION B: ROLES OF INDEPENDENT POLICING OVERSIGHT AUTHORITY

   I. **Police Misconduct Investigation**

(a) Police misconduct is a key issue among police

   I. Yes   2. No   3. Not sure

(b) There is a documented principles for investigating police misconduct

   I. Yes   2. No   3. Not sure

(c) To what extent has IPOA effectively investigate police misconduct?

    0. Not at all

    1. To a small extent

    2. To some extent

    3. To a moderate extent

    4. To a great extent

    5. To a very great extent

(d) There is a timeframe within which investigation must be completed

      1. Yes   2. No   3. Not sure

(e)Kindly rate the extent to which you agree with the following statements:

Key: 5-Strongly agree, 4-Agree, 3-Not sure, 2-Disagree, 1-Strongly disagree

Statement	5	4	3	2	1
There are many cases of police misconduct against the Suspect					
There are many cases of police misconduct against the fellow police					
There are many cases of police misconduct against motorists					
Police cooperate with IPOA during investigation					
The Public cooperate with IPOA during investigation					
The EACC cooperate with IPOA during investigation					

Monitor, review and audit investigations/Complaints and actions for police

  2. (a) Do you know any procedure(s) used by IPOA to launch complaints

      1. Yes   2. No   3. Not sure

 (b) If yes, are they effective?

      0. Not at all   3. To a moderate extent

      1. To a small extent   4. To a great extent

      2. To some extent   5. To a very great extent

(c) Are you aware of any approach (s) IPOA uses to capture complaints?

      1. Yes   2. No   3. Not sure

(d) If yes, kindly name them

      ………………………………………………………………………………………

(e) Does IPOA have complaints management system?

      1. Yes   2. No   3. Not sure

(f) If Yes, Which kind of a system does IPOA use to manage its complaints?

…………………………………………………………………………………..

(g) What Feedback method does IPOA use when responding to complaints inquiries ?

      1. Written   2. Orally   3. Other (specify…)

Disciplinary Procedures

3. (a) Kindly indicate the extent to which you agree with the following statements:

Key: 5-Strongly agree, 4-Agree, 3-Not sure, 2-Disagree, 1-Strongly disagree

Statement	5	4	3	2	1
Disciplinary process is documented					
Every staff has a copy of **disciplinary procedures**					
All staff follow **disciplinary Procedures**					
Disciplinary procedures has worked well for the staff					

Reporting

4. **(a) IPOA Makes report every six Months**

      1. Yes
      2. No
      3. Not sure

(a) Did you read the last IPOA Report

      1.Yes
      2.No
      3.Not sure

(b) Are you aware of the components of IPOA Report?
      1.Yes
      2.No
      3.Not sure

(c) If No Why

....

(d) Who is the report Submitted to

1. Parliament
2. The President
3. CS in charge of Interior
4. Office of Director of Public Prosecution
5. Other (Please Specify…………)

(e) Do you think the report addressed the issue at hand?

1. Yes [ ]
2. No [ ]
3. Not sure [ ]

(f) If Yes or No, Kindly Explain why……………………………………….

Inspection of Police Premises: Residence, Offices and Sanitation

5. (a)Are you aware that IPOA conducts the specified Police premises Inspection?

1. Yes [ ]
2. Not aware [ ]

(b) If yes have you personally participated in the inspection activities?

1. Yes [ ]
2. Not aware [ ]

(c) If yes, please mention them the premises

…………………………………………………………………

…………………………………………………………………

(d) IPOA has an outlined standards for inspecting Police Premises
1. Yes [ ]
2. No [ ]
3. Not sure [ ]

(e) If Yes, Kindly mention any of the standards

…………………………………………………………………

Police Working Condition

5. (a) Police Working Condition has improved?
1. Yes [ ]
2. No [ ]
3. Not sure [ ]

(b) If yes, to what extent?

    1. To a small extent   4. To a great extent

    2. To some extent   5. To a very great extent

    3. To a moderate extent

(c) Which aspect of Police working Condition has improved?

1. Uniform

2. Infrastructure

3. Tools of Work

4. Medical service

5. Remuneration

6. Other (Specify………………)

SECTION C: STRATEGIES IPOA USES TO ACHIEVE AN EFFECTIVE POLICING OVERSIGHT

6. (a) Do you know any strategies that IPOA uses to achieve an effective policing oversight?
    1.Yes
    2.No

(b) If yes, Please mention any of the strategies

…………………………………………………………………………………………….

(c) Kindly indicate the extent to which you agree with the following statements:

Key: 5-Strongly agree, 4-Agree, 3-Not sure 2-Disagree, 1-Strongly disagree

Statement	5	4	3	2	1
IPOA strategies are realigned with its mandates and the					
IPOA has strategies in Place to enhance effective policing oversight					
IPOA strategic plans are documented					
IPOA strategic plans are timeframe					
IPOA serves its strategic plan to Stakeholders					

(b)Provide your Opinion on the effectiveness of the Strategies

1   Highly effective
2   Somewhat effective
3   Effective
4   Not effective

(b) Kindly provide the reason behind the rating you provided

…………………………………………………………………………………………

SECTION D: CHALLENGES IPOA FACE IN THE EXECUTION OF ITS MANDATE

7. (a) Kindly Provide your Opinion on the following Statement

Statements	Yes	Not sure	No
National Police Service cooperates with IPOA			
Criminal Intelligence Unit cooperates with IPOA			
Mainstream Media cooperates with IPOA			
The public cooperates with IPOA			
IPOA receives full budget it proposes			
IPOA has offices in all parts of the countries			

(b) Any other challenge faced by IPOA?

1. Yes

2. No

(c) If Yes, Kindly Mention

………………………………………………………………………………………………
………………………………………………………………………………………………

8. We are at the end of the interview any recommendation or Comment?

………………………………………………………………………………………………
…………………………………………………………………………………………

Thank you for your contribution and stay well

APPENDIX II: KEY INFORMANT INTERVIEW GUIDE

Designation/position of KI: ……………………………………………………….

Date of Interview ………………… ……………. **Time of interview…………..**

Good morning/afternoon/evening? My name   is **Isaiah Odhiambo Awino**. I am a student at the **University of Nairobi**. I am conducting a study on "**Civilian oversight systems and the regulation of police work in Kenya: The case of IPOA."** I welcome your ideas, explanations, comments and suggestions. In this discussion there is no right or wrong answer. Please feel free to participate. All information will be kept confidential.

Basic information about the KI

Age   ………….. Level of education………………….

1. **Role of IPOA in holding the police accountable in Kenya**

    1) Identify the main functions of IPOA

    2) What are the existing provisions that enable IPOA to execute its activities?

    3) Explain the relationship between the police and IPOA as an oversight agency

    4) What role do citizens play in enabling IPOA execute its duties

    5) State and Identify the functions of other agencies that work closely with IPOA

    6) What can you say about the relationship between the police, IPOA and citizens

    7) Briefly discuss the major achievements of IPOA anchored on its core functions

    8) In your view would you say that policing has improved as a result of IPOA? Explain.

2. **Strategies for IPOA to achieve an effective civilian oversight in   Kenya**

    1) Discuss some of the methods that have been employed in Kenya to enhance security. (*probe: increase police ratio, extended police training, professional recruitment, remuneration, etc*)

    2) Identify the major players or actors in security sector and discuss their effectiveness

    3) There have been several attempts to create a positive relationship between the police and members of the public. Discuss some of the techniques that have been employed in Kenya (*probe for: community policing, suggestion boxes, CCTVs, open forums etc)*

    4) What are some of the key strategies that have been employed by IPOA in enhancing police performance in Kenya.

5) IPOA needs to re-evaluate its position as an oversight authority. Discuss.

6) What are your key recommendations that can improve service delivery for IPOA agency and the police?

3. Challenges faced by IPOA in the course of executing its mandate in Kenya

1) Explain some of the major challenges that face IPOA (*prompt: staffing, politics, finances, capacity-building, legal framework etc*).

2) In your view, what are the three major challenges (mentioned above) of IPOA since its inception in 2011?

3) Briefly discuss the legal challenges that confront IPOA in Kenya?

4) In your opinion what can you say about members of the public in terms of their perception of police and IPOA?

5) The police are always in conflict with IPOA pronouncements. Explain why this has always been the case in Kenya.

6) There is a belief that IPOA protects rights of civilians than those of the police. Explain.

7) In your honest view should the Kenyan government continue funding IPOA?

   i. Recommendations

   ii. What according to you should be done to improve service delivery at IPOA?

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Thank You for your participation in this study

APPENDIX IV: KREJCIE AND MORGAN FORMULA TABLE

Required Sample Size[†]

from: The Research Advisors

		Confidence = 95.0% 3.841 459				Confidence = 99.0% 6.6348 97			
Population Size	Probability of Success	Degree of Accuracy/Margin of Error				Degree of Accuracy/Margin of Error			
		0.05	0.035	0.025	0.01	0.05	0.035	0.025	0.01
10		10	10	10	10	10	10	10	10
20		19	20	20	20	19	20	20	20
30		28	29	29	30	29	29	30	30
50		44	47	48	50	47	48	49	50
75		63	69	72	74	67	71	73	75
100		80	89	94	99	87	93	96	99
150		108	126	137	148	122	135	142	149
200		132	160	177	196	154	174	186	198
250		152	190	215	244	182	211	229	246
300		169	217	251	291	207	246	270	295
400		196	265	318	384	250	309	348	391
500		217	306	377	475	285	365	421	485
600		234	340	432	565	315	416	490	579
700		248	370	481	653	341	462	554	672
800		260	396	526	739	363	503	615	763
900		269	419	568	823	382	541	672	854
1,000		278	440	606	906	399	575	727	943
1,200		291	474	674	1067	427	636	827	1119
1,500		306	515	759	1297	460	712	959	1376
2,000		322	563	869	1655	498	808	1141	1785
2,500		333	597	952	1984	524	879	1288	2173
3,500		346	641	1068	2565	558	977	1510	2890

5,000		357	678	1176	3288	586	1066	1734	3842
7,500		365	710	1275	4211	610	1147	1960	5165
10,000		370	727	1332	4899	622	1193	2098	6239
25,000		378	760	1448	6939	646	1285	2399	9972
50,000		381	772	1491	8056	655	1318	2520	12455
75,000		382	776	1506	8514	658	1330	2563	13583
100,000		383	778	1513	8762	659	1336	2585	14227
250,000		384	782	1527	9248	662	1347	2626	15555
500,000		384	783	1532	9423	663	1350	2640	16055
1,000,000		384	783	1534	9512	663	1352	2647	16317
2,500,000		384	784	1536	9567	663	1353	2651	16478
10,000,000		384	784	1536	9594	663	1354	2653	16560
100,000,000		384	784	1537	9603	663	1354	2654	16584
264,000,000		384	784	1537	9603	663	1354	2654	16586

Research (2006).

The recommended sample size for a given population size, level of confidence, and margin of error appears in the body of the table.

For example, the recommended sample size for a population of 1,000, a confidence level

of 99%, and a margin of error (degree of accuracy) of 3.5% would be 575.