

Any person, including a police officer, can make a complaint about the misconduct of a member of the police. This includes when a member of the police breaks a law or commits a crime, or when they are breaching a police standard, such as being impolite or unreasonable.

Who do I make a complaint to?

There are different organisations that can take complaints about the police and investigate the matter:

- Independent Policing Oversight Authority (IPOA)
- Police themselves
- Police themselves – the Internal Affairs Unit
- National Police Service Commission
- Other Commissions
- You can bring a case at the High Court if your Constitutional rights have been violated

No matter where you lodge a complaint, the IPOA will monitor it.

What information should I provide?

You should try and provide as much information as you can, including:

- Your name and contact details
- What happened – and the date, time and place
- Name and rank of member of police
- Names of the people involved or people that might help with the investigation
- Details of any documents or information that might help with the investigation
- What you would like the body to do about your complaint

The organisations will have a complaint form as well.

Can I remain anonymous?

You can make an anonymous complaint. With the IPOA, you can tell them who you are but ask them to keep your identity confidential. If you are worried about

your safety the agency you complain to may be able to help you access witness protection services.

Independent Policing Oversight Authority

The IPOA is completely separate to the police service. The IPOA:

- Investigates complaints of police misconduct, including every death and serious injury caused in police custody or as a result of police action, and recommends appropriate action.
- Monitors and reviews the police, and patterns of police misconduct.
- Every six months, publishes the outcomes and findings from its investigations, reviews and monitoring work. This is public, so you can read it.

After a complaint is lodged, an investigation starts. This can include interviewing witnesses and taking statements, getting relevant information, searching for evidence, conducting forensic investigations and holding hearings. The IPOA can compel people to attend interviews or hearings if they do not obey a summons.

If the investigation has found that a member of the police misbehaved, the IPOA can recommend:

- That the Director of Public Prosecutions charges the officer with a criminal offence and prosecutes him/her at Court.
- That the police implement particular disciplinary action against the officer.
- Payment of compensation.
- Change in police procedures, policies and standing orders, so that the Police respond to situations in a better way in the future.

The Inspector-General has to implement recommendations of the IPOA. The IPOA can also apply to the Court to enforce a recommendation it has made.



The Police

You can make a complaint at any police station or with any police officer. The police will record the complaint and report it to IPOA and the Internal Affairs Unit of the Police Service.

If it is a serious complaint the IPOA will investigate it. Otherwise the Internal Affairs Unit will investigate and then, if necessary, make a recommendation for action to be taken against the police officer. If it is disciplinary action, this can include:

- A reprimand
- Suspension
- Ordering that money be paid back
- Stoppage of salary increases
- Demotion
- Termination of employment

If it is recommended that the member of the police be fired, demoted, pay back money or have their salary increases stopped, then the National Police Service Commission will hold a disciplinary hearing to make sure the discipline is appropriate.

The IPOA will monitor whether the Internal Affairs Unit is investigating matters in a fair and effective manner. The IPOA can also take over an investigation if necessary.

National Police Service Commission

If it is easier for you, you can also make a complaint to the National Police Service Commission; however they generally do not investigate complaints in the beginning, and so will refer it to the IPOA.

The NPS Commission oversees police employment, training and holds the disciplinary hearings.



Other Commissions

The powers of the other Commissions to investigate the police are not as strong as that of the IPOA; so for serious matters it is better to lodge a complaint with the IPOA. However the other Commissions may refer the matter to the IPOA for you, if that makes it easier for you. For corruption matters, you can lodge a complaint directly with the Ethics and Anti-Corruption Commission.

Apart from the Commissions listed below you can also lodge a complaint at the Commission on Administrative Justice (Ombudsman) and the National Gender and Equality Commission.

Ethics and Anti-Corruption Commission

- **Office:** Integrity Centre, Milimani Road Junction, Nairobi or Apollo Court – Moi Avenue, Mombasa
- **Post:** P.O. Box 61130 00200 Nairobi OR P.O.BOX 82351 – 80100 Mombasa
- **Email:** report@integrity.go.ke
- **Telephone or fax:** 020 2717468 (Phone - Nairobi), 041 - 2319081 / 2319082 (Phone - Mombasa) 020 2717473 (Fax - Nairobi), 041 2319083 (Fax - Mombasa)
- Use of drop-in corruption reporting boxes

Kenya National Commission on Human Rights (KNCHR)

To lodge a complaint with the KNCHR you can:

Go online: <http://www.knchr.org/Lodgecomplaintonline.aspx>

Email: complaints@knchr.org

Visit, write or telephone the offices:

***Nairobi:** 1st Floor CVS Plaza, Kasuku rd, off Lenana Rd. Phone: 020-2717908. Mobile: 07224256448. Post: P.O. Box: 74359-00200 Nairobi, Kenya.

***Kitale:** Ambwere Plaza, Ground Floor. Phone: 054-31773. Post: P.O Box 2999-30200 Kitale

***Wajir:** Airstrip Road/Public Works. Phone: 046-421-512. P.O Box 363-70200 Wajir

Policing in Kenya Know Your Rights



Complaints about the Police

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