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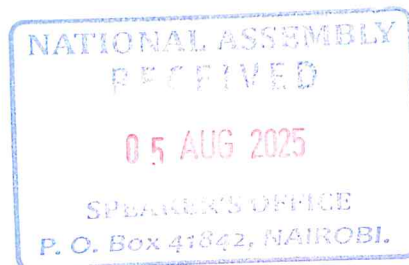
COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY

REPORT ON THE TRAINING AND EXPERIENTIAL LEARNING VISIT WITH THE  
INDEPENDENT POLICING OVERSIGHT AUTHORITY (IPOA) TO THE  
INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE (IPID) IN SOUTH AFRICA  
FROM 25<sup>TH</sup> MAY, 2025 TO 1<sup>ST</sup> JUNE, 2025

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## LIST OF ABBREVIATIONS AND ACRONYMS

APCOF	African Policing Civilian Oversight Forum
CSPS	Civilian Secretariat for Police Service
IPID	Independent Police Investigative Directorate
IPOA	Independent Policing Oversight Authority
MoU	Memorandum of Understanding
NPS	National Police Service
SAPS	South African Police Service

## CHAIRPERSON'S FOREWORD

Police accountability and oversight remains an emerging issue across the globe. In Africa, the Independent Policing Oversight Authority (IPOA) is the second civilian oversight mechanism second to South Africa's Independent Police Investigative Directorate (IPID). It is therefore critical to empower the IPOA Board with knowledge necessary for provision of civilian oversight and holding of the police accountable. Further, it is important to expose the IPOA Board members to experiential learning visits to create opportunities of knowledge sharing and engagements with other existing civilian oversight bodies regionally and globally.

On this premise, IPOA considered it necessary for the Board, accompanied by three (3) Members of Parliament of the Departmental Committee on Administration and Internal Security and a representative from the National Treasury, to undertake a course on police oversight and accountability offered through a partnership between the African Policing Civilian Oversight Forum (APCOF) and the Centre for Human Rights. The course covered theories, challenges and opportunities for accountable policing, international standards for policing, internal & external oversight mechanisms, use of force in law enforcement, management of assemblies ("public order policing"), forensic investigation, police corruption and torture/custody visit.

In addition, the delegation had the opportunity to share lessons with IPID and pay courtesy visits to the Kenyan High Commissioner in South Africa and the Parliamentary Committee that oversees the work of the police.

The initiative was aligned with IPOA's constitutional and statutory mandate to oversee the conduct of the National Police Service (NPS) and promote adherence to human rights standards.

The overall objective of the visit was to enhance the delegation's knowledge on police oversight and accountability as well as learning of lessons from similar civilian oversight bodies such as IPID. The specific objectives of the visit were to: -

- a. Enhance the delegation's capacity on police oversight and accountability;
- b. Expose the IPOA Board to operations of IPID and establish linkages for cooperation between the two institutions;
- c. Enhance the delegation's capacity to engage with existing civilian oversight mechanisms within the region and globally.

In regard to the above, this report contains proceedings of the training and experiential learning visit with the Independent Policing Oversight Authority (IPOA) to the Independent Police Investigative Directorate (IPID) in South Africa from 25<sup>th</sup> May, 2025 to 1<sup>st</sup> June, 2025.

The delegation from the National Assembly comprised of the following Members of Parliament from the Committee on Administration and Internal Security and staff: -

- a. Hon. Sarah Paulata Lekorere, MP
- b. Hon. Liza Chelule, MP
- c. Hon. (Dr.) Peter Francis Masara, MP
- d. Ms. Susan Cherotich Maritim – Principal Clerk Assistant I
- e. Ms. Grace Wahu Karanja – Clerk Assistant II

The delegation from the Independent Policing Oversight Authority (IPOA) comprised of the following: -

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| a. Mr. Hassan Ahmed Issack, CBS    | - Chairperson (Head of delegation)   |
| b. Mr. Samati Boniface Kipkemai    | - Board Member                       |
| c. Mr. Nyagah John Muchiri         | - Board Member                       |
| d. Dr. Micah Onyiego Nyakego, PhD. | - Board Member                       |
| e. Mr. Festus Mwiti Kinoti         | - Deputy Director, Legal Services    |
| f. Ms. Domiciana Jackline Were     | - Assistant Director, Investigations |
| g. Joshua Wafula Wanjala           | - National Treasury representative   |

South Africa's experiences, both successes and challenges, provide valuable lessons for enhancing IPOA's effectiveness. The visit highlighted critical gaps in IPOA's operational capacity which include:

- a. Lack of police powers for IPOA investigators in particular powers of arrest and to bear firearms;
- b. Severe understaffing and underfunding;
- c. Need for stronger parliamentary and civil society engagement; and
- d. Areas for operational improvements.

This, therefore, necessitates the need for enhanced collaboration between IPOA, the Ministry of Interior and National Administration, the National Police Service and the National Treasury to assist with matters operational improvements and funding.

The following are recommendations proposed in the report: -

- a. IPOA presented a budgetary requirement of 2.2 billion, however, they only received 1.3 billion from Treasury therefore leaving a deficit of 900 million. It is required by the National Treasury that IPOA provides a detailed breakdown (structure and cost implication) of the requirement of the 2.2 billion to justify additional funding;
- b. In regards to amendments to the IPOA Act, IPOA should present to the Committee on Administration and Internal Security a draft Bill with the proposed amendments to Section 34(3) of the IPOA Act to ensure IPOA's budgetary autonomy without the budget approval requirement by the Cabinet Secretary in the budget making process in addition to other proposed amendments related to the operations of IPOA;
- c. IPOA needs to increase staffing requirements through prioritizing the hiring of investigators to meet four hundred and four (404) approved posts and legal officers for quality assurance in compliance with the IPOA regulations;
- d. IPOA should create the position of Parliamentary Liaison and be included in the communication group of Parliamentary Liaison Officers through the assistance of Parliamentary Secretariat; and

- e. There is need for IPOA to develop and implementation plan on the MoU signed with APCOF and develop an MoU with IPID in regards to cross border collaboration to benefit on capacity building opportunities.

The delegation, on behalf of the Departmental Committee on Administration and Internal Security and the Independent Policing Oversight Authority (IPOA), is grateful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and financial support accorded to them.

The delegation is also grateful to the Kenya High Commission in Pretoria for organizing the meetings and the support they accorded the delegation during the visit to South Africa.

On behalf of the Departmental Committee on Administration and Internal Security and the Independent Policing Oversight Authority (IPOA) and pursuant to provisions of the Standing Order 199(6), it is my privilege to table the delegation's report.

**Hon. Gabriel Koshal Tongoyo, CBS, MP,**  
**Chairperson**  
**Departmental Committee on Administration and Internal Security**

## CHAPTER ONE

### 1.0 PREFACE

#### 1.1 Establishment of the Committee

1. The Departmental Committee on Administration and Internal Security of the National Assembly is established under Standing Order 216 whose functions pursuant to the Standing Order 216 (5) are as follows: –
  - a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
  - b) *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
    - ba) *on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
  - c) *study and review all legislation referred to it;*
  - d) *study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
  - e) *investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
  - f) *vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments)*
    - fa) *examine treaties, agreements and conventions;*
  - g) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
  - h) *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
  - i) *examine any questions raised by Members on matters within its mandate.*

#### 1.2 Mandate of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider home affairs, internal security – including police services and coast guard services, public administration, immigration and citizenship.
3. In executing its mandate, the Committee oversees the Executive Office of the President and the Ministry of Interior and National Administration and the agencies under its purview.

### 1.3 Committee Membership

4. The Departmental Committee on Administration and Internal Affairs was constituted by the House on Thursday 28<sup>th</sup> October, 2022 and comprises of the following Members: -

**Hon. Gabriel Koshal Tongoyo, CBS, MP**  
**Chairperson**  
Narok West Constituency

**Hon. Col. (Rtd) Dido Rasso, MBS, MP**  
**Vice Chairperson**  
Saku Constituency

**Hon. Kaluma George Peter, CBS, MP**  
Homa Bay Town Constituency

**Hon. Protus Ewesit Akujah, MP**  
Loima Constituency

**Hon. Aduma Owuor, MP**  
MP for Nyakach Constituency

**Hon. Rozah Akinyi Buyu, MP**  
Kisumu West Constituency

**Hon. Fred C. Kapondi, MP**  
Mt. Elgon Constituency

**Hon. Caroline Jeptoo Ng'elechei, MP**  
Elgeyo-Marakwet County

**Hon. Liza Chepkorir Chelule, MP**  
Nakuru County

**Hon. Peter Masara, MP**  
Suna West Constituency

**Hon. Sarah Paulata Korere, MP**  
Laikipia North Constituency

**Hon. Francis Sigeti, EBS, MP**  
Sotik Constituency

**Hon. Oku Kaunya, MP**  
Teso North Constituency

**Hon. Hussein Weytan, MP**  
Mandera East Constituency

**Hon. Mburu Kahangara**  
Lari Constituency

#### 1.4 Committee Secretariat

5. The Committee secretariat consist of the following:

**Mr. John Mugoma**  
**Head of Secretariat**

**Ms. Grace Wahu**  
Clerk Assistant II

**Ms. Clarah Kimeli**  
Principal Legal Counsel I

**Mr. Gideon Kipkosgei**  
Clerk Assistant II

**Mr. Edison Odhiambo**  
Fiscal Analyst I

**Ms. Judith Kanyoko**  
Legal Counsel II

**Ms. Delvin Onyancha**  
Research Officer II

**Rogers Kilungya**  
Audio Officer

**Mr. Ivy Maritim**  
Media Relations Officer III

**Mr. Benson Kimanzi**  
Serjeant-At-Arms

## CHAPTER TWO

### 2.0 BACKGROUND

#### 2.1 The Independent Policing Oversight Authority

6. The Independent Policing Oversight Authority (IPOA) is a civilian oversight Authority established pursuant to the IPOA Act Cap 86 Laws of Kenya. Its main function is to provide civilian oversight over the work of the Police.
7. The objectives of the Authority are to hold the police accountable to the public in the performance of their functions; effect the provisions of Article 244 of the Constitution which requires the Police to strive for professionalism and discipline, and promote and practice transparency and accountability; and to ensure independent oversight of the handling of complaints by the National Police Service.
8. The Authority's functions under Section 6 of the IPOA Act include among others receipt and investigation of complaints by members of the public and National Police Service; investigation of any complaints related to disciplinary or criminal offences committed by any member of the Service; ensuring independent oversight in handling of complaints by the Service; conducting inspections of Police premises and monitoring policing operations affecting members of the public among.
9. The Authority has powers to investigate the Service on its own motion or on receipt of complaints from members of the public; to take over ongoing internal investigations into misconduct or failure to comply with any law if the investigations are inordinately delayed and require the Director of Public Prosecutions to provide it with his response to any recommendation made by the Authority to prosecute any person or body among others.
10. The Authority is governed by a nine-member Board which comprises of a Chairperson, seven other persons and the Chairperson of the Kenya National Commission on Human Rights as an ex-officio member. The current Chairperson and Board members were appointed and sworn into office on 9th December, 2024.

#### 2.2 The Independent Police Investigative Directorate (IPID)

11. The mandate of the Directorate is to conduct independent and impartial investigations of specified criminality committed by members of the South African Police Service (SAPS) and the Municipal Police Service (MPS) and make appropriate recommendations in line with the IPID Act. This mandate focuses specific identified offences as per Section 28 of the Act and was signed into law by President Jacob Zuma on 12<sup>th</sup> May, 2011. The IPID Act became operational from 1<sup>st</sup> April, 2012.

## CHAPTER THREE

### 3.0 SUMMARY OF THE TRAINING AND DELIBERATIONS HELD DURING THE EXPERIENTIAL LEARNING VISIT IN SOUTH AFRICA

#### 3.1 Capacity Building at the University of Pretoria

12. The delegates participated in a two-day hybrid capacity-building course organized under the Advanced Human Rights Courses (AIIRC) on “Accountable Policing: Oversight and the Criminal Justice System” at the University of Pretoria on 26th and 27th May, 2025. The course was facilitated by the African Policing Civilian Oversight Forum (APCOF) in partnership with the University of Pretoria and it formed the foundational phase of the experiential learning visit in South Africa.
13. The objective of the training was to provide delegates with a strong foundation on the legal framework underpinning police oversight and accountability and to equip them with the appropriate lens based on international and regional standards for evaluating police oversight mechanisms during the experiential visit.
14. The delegates were comprehensively taken through the legal and normative frameworks that inform police oversight and accountability. These sessions were facilitated by experts from APCOF, the University of Pretoria’s Centre for Human Rights and Lawyers for Human Rights.

The following are summaries of the presentations during the training: -

##### 3.1.1 On Democratic Policing, Accountability and Oversight

15. The delegates were trained on the principles of democratic policing and its link to oversight and accountability through the ability of the police service to: - protect and respect individual fundamental rights and freedoms; provide assistance and services to the public; be responsive to the public needs and expectations; use the authority of the State in the people’s interest; operate within the Rule of Law and be accountable and transparent.

##### 3.1.2 On the duty to Investigate

16. The delegation was trained on accountable policing with investigations categorized as part of the right to life. States must take steps both to prevent arbitrary deprivations of life and to conduct prompt, impartial, thorough and transparent investigations into any such deprivations that may have occurred, holding those responsible to account and providing for an effective remedy and reparation for the victim or victims, including, where appropriate, their immediate family and dependents. The failure of the State transparently to take all necessary measures to investigate suspicious deaths and all killings by State agents and to identify and hold accountable individuals or groups responsible for violations of the right to life constitutes in itself a violation by the State of that right.

##### 3.1.3 On Police Use of Force

17. The delegates were trained on the different use of force such as kinetic (use of batons and bullets); restraint (manual and handcuffs); chemical (pepper spray and tear gas); and electrical (tasers). However, the use of force must be guided by principles of legality through authorization by the law; necessity through minimum necessary force in the circumstances; proportionality to

the threat posed by a suspect; precaution with a view to minimize the risk of harm and accountability on every use of force to be justified and justifiable. These principles are enforced through legislation, restrictions on the use of firearms, and information on operations to the police officers.

#### **3.1.4 On Parliamentary Oversight and the Criminal Justice System**

18. The delegates were trained on the relationship between sector governance and effective parliamentary oversight; the pillars for parliamentary oversight; challenges faced in conducting parliamentary oversight; tools used in parliamentary oversight and opportunities for parliamentary oversight.
19. Parliamentary oversight refers to the constitutional obligation of parliament holding the executive accountable, through the review and monitoring of the functioning of the public sector, organizations and entities, their policies, plans, programs and projects, to ensure expected and agreed outcomes, against a budget passed by parliament, in compliance with applicable policies, within the law, framework of the law regulations and ethical standards.
20. Some of the challenges hindering parliamentary oversight include the access to information and the culture of secrecy, time and programmes of parliament and committees, capacity and experience, funding, research capacity, availability of the Executives, party allegiance/political will and NGO and civil society relationships.
21. The tools that may be used to facilitate parliamentary oversight include the utilization of budgets, parliamentary questions, committee meetings, engagements with NGOs, Statements in the House, public hearings, site visits, reports and engagements with statutory oversight bodies such as IPOA, Auditor General Reports and Constituency work.
22. The Members of Parliament were encouraged to embrace opportunities of parliamentary oversight through attending Committee meetings regularly, inviting experts to the Committee to give information of topics of public interest, attending events that assist in capacity building, build relationships and collaboration with bodies such as IPOA.

#### **3.1.5 On the introduction to key international and regional human rights standards relevant to policing and criminal justice systems**

23. The delegates were trained on the definition of human rights, the sources of human rights law and the relationship between human rights, policing and police accountability. The delegation was informed that human rights create the obligation for police oversight and fair systems for criminal justice.
24. The international application and enforceability of human rights comes from from the Vienna convention on the Law of Treaties and the International Covenant on Civil and Political Rights. They have a binding obligation to refrain from violations and to implement human rights into legislative, judicial, administrative, educative and other processes. In the African context, application of human rights comes from from the African Charter on Human and Peoples' Rights which creates the obligation to domesticate rights and the obligation to report on human rights compliance.

25. The African Commission on Human and Peoples' Rights: resolution 103a on police reform, accountability and civilian police oversight in Africa gives the obligation for the establishment of police oversight mechanisms ensuring that States take measures to ensure police services respect the dignity inherent to the individual, States implement the Convention against Torture and Robben Island Guidelines and States establish independent civilian policing oversight mechanisms which include civilian participation.

## Conclusion

26. The training provided the delegation with a robust legal and normative foundation for police oversight. It affirmed critical roles of IPOA and the Parliament of Kenya as a mechanism to fulfil constitutional and international human rights obligations. The insights gained provided the delegates with the framework within which to approach the consultative engagements and will inform oversight approach, policy formulation, and strategic engagements for both institutions moving forward.

### 3.2 Courtesy call to the Kenyan High Commission in Pretoria

27. The delegation paid a courtesy call to the Kenyan High Commissioner, Ambassador Jane Ndurumo, in Pretoria during the visit. The visit provided an opportunity for an interaction between the delegates and the High Commission on the opportunities for Kenyans in South Africa and the collaborations beneficial to the country in areas of higher education, tourism and wildlife and employment.
28. In regards to polling stations, the High Commissioner reiterated the need for more polling stations as the only polling station is in Pretoria yet, the largest Kenyan population is in Cape Town. There is need for polling stations in Eswatini and Lesotho because many votes are being lost during elections as Kenyan citizens find difficulty in travelling to Pretoria.
29. In addition, the High Commissioner stated that the Mission is in the process of reviewing Memorandums of Understanding (MoU) between South Africa and Kenya as their timelines are lapsing, of interest being the MoU on Police. It was signed in 2016 but has since lapsed and is under review. Moreover, the MoU on extradition has been initiated and is under review by the South African government for input.

### 3.3 Consultative Meeting with Civil Society Organizations

30. The delegates held a consultative meeting with Civil Society organizations at Kutwalong Democracy Centre, Pretoria. The participants included representatives from Lawyers for Human Rights, Institute for Security Studies, Social Economic Rights Institute of South Africa and Just Detention International – South Africa.
31. The objective of the meeting was to obtain external civil society perspectives on police oversight in South Africa, in terms of, what works, what doesn't, and how these experiences can inform mandates of IPOA and the Parliament in Kenya.
32. Key challenges experienced by the Civil Society Organizations include:
- Lack of political goodwill.** According to the participants, police reforms have not yielded tangible results due to limited support from political leadership. Impunity persists within

the South African Police Service (SAPS), and political figures sometimes publicly support extrajudicial actions.

- b. **Inadequate funding and human resources for the Independent Police Investigative Directorate.** IPID is critically under-resourced (180 IPID investigators vis a vis 150,000 SAPS officers). Furthermore, a backlog of cases exists, and public expectations are unmet due to staffing and budget constraints (2024 budget: R4.8 million). The CSOs however acknowledged that IPID realizes great results despite the meagre resources.
- c. **Lack of independence.** IPID reports to the same Ministry as SAPS raising concerns about its independence. IPID also depends on SAPS facilities for forensic investigations raising concerns about impartiality and therefore undermining public trust.
- d. **Poor prosecution rates.** Many IPID cases are not prosecuted by the National Prosecuting Authority (NPA) and even where prosecuted there is low conviction rate. Further, that cases take too long during prosecution leading to deterioration of witness testimonies resulting to acquittals.
- e. **Passing the buck on accountability.** Due to the fact that IPID has the exclusive mandate to investigate serious offences by SAPS, SAPS often shifts the burden of accountability entirely to IPID. Moreover, SAPS rarely implements IPID recommendations for disciplinary action.
- f. **Weak engagement with civil society.** IPID lacks strong partnerships with civil society, limiting opportunities for advocacy, litigation, and public education.

### 3.3. Recommendations

- a. **Cultivate political goodwill.** Political support is critical to effective oversight. IPOA must therefore engage regularly with Parliament, particularly oversight committees, to secure both political goodwill and adequate budgetary allocation for IPOA.
- b. **Address human resource constraints.** Like IPID, IPOA also faces a serious shortage of human resource (only 77 investigators vis a vis approximately 120,000 police officers). There is therefore an urgent need to expand human resource capacity in line with the approved establishment (approved establishment is 1,377 staff vis a vis in post 284 staff which is barely 20% of the approved establishment). This also necessitates increased budgetary allocation to IPOA.
- c. **Avoid buck passing on Accountability.** Similar to IPID, IPOA, following a High Court decision, has the exclusive mandate to investigate cases of death or serious injury alleged to have been caused by a police officer. However, IPOA must ensure police do not pass the buck by abdicating their primary role of ensuring accountability.

This can be ensured by strengthening the Internal Affairs Unit (IAU) and improving coordination between IPOA and IAU. Engaging police leadership on their roles as

superiors and ensuring police superiors are held accountable under superior responsibility where they fail in their duties, leading to misconduct by their subordinates.

- d. **Strengthen civil society engagement.** Unlike IPID, IPOA has established strong relationships with Civil Society Organizations. IPOA should therefore continue proactively engaging with civil society organizations to support areas such as strategic litigation, mandate awareness, and public education.

## Conclusion

34. The meeting offered invaluable insights into the challenges and best practices of police oversight. South Africa's experience, particularly the limitations of IPID, underscores the importance of political will, adequate resourcing, institutional independence, and collaborative partnerships. These lessons provide IPOA with a solid basis to refine its strategy, advocate for stronger oversight mechanisms, and promote accountability in policing in Kenya.

### 3.4 Experiential visit by delegates to the Independent Police Investigative Directorate (IPID) National Office, the Civilian Secretariat for Police Services (CSPS) and IPID Western cape Provincial office on 29th and 30th May 2025

35. The delegation held a consultative meeting with the Independent Police Investigative Directorate (IPID) National Office, the Civilian Secretariat for Police Services (CSPS) and IPID and was informed on the following: -
36. South Africa has undergone significant police reforms since the end of apartheid (1948–1990), transitioning from a repressive force to a human rights-based policing model. The democratic transition, culminating in the 1994 elections and 1996 Constitution, led to the creation of the South African Police Service (SAPS) and oversight bodies such as the Independent Police Investigative Directorate (IPID) and Civilian Secretariat for Police Service (CSPS).
37. The Independent Police Investigative Directorate (IPID) was created as a result of Article 206(6) of the Constitution and IPID Act (2011, amended in 2024). The mandate is to investigate serious police misconduct including deaths in custody, torture, rape by police and systemic corruption. The Directorate is currently headed by the Executive Director, Ms. Dikeledi Ntlatseng.
38. The Directorate has offices in all nine provinces being Eastern Cape, Gauteng, Free State, KwaZulu-Natal, Limpopo, Mpumalanga, North West, Northern Cap and Western Cape. (Western Cape office ranked best in 2024).
39. They have a total of 420 staff, including 180 investigators but the optimal establishment is 537. The Western Cape Provincial office has a total of 35 staff out of which 27 are investigators. Further, staff are directly appointed to discharge functions at the Provincial level but can be released to other provinces whenever there is need. Notably, IPID does not have reshuffling of the officers as a matter of policy.
40. The Civilian Secretariat for Police Service (CSPS) was created as a result of the Civilian Secretariat for Police Service Act (2011), Section 208 of the Constitution. They engage in policy development and planning, Legislative support, community policing strategies and performance assessments of the South African Police Service (SAPS)

41. In regards to the mandate of IPOA, the Authority encompasses the functions of both IPID and CSPS offering an integrated oversight approach. In addition, IPOA is mandated to investigate all disciplinary and criminal offences allegedly committed by police officers. Therefore, IPOA has a greater budgetary and human resource requirement than IPID and the comparison underscores the importance of increased resourcing and institutional support to enable IPOA fulfil its expansive oversight responsibilities effectively and efficiently.
42. In comparing the budgetary allocations between IPOA and IPID, IPOA has a resource allocation of Ksh. 1.3 billion and IPID has a resource allocation of Ksh. 3.4 billion for the financial year 2025/2026 and yet IPOA has a larger mandate than IPID. Moreover, IPOA is delivering its mandate with seventy-seven (77) investigators against IPID'S 180 investigators yet IPOA has a broader mandate. This therefore calls for an urgent need for increased budget and staffing, continuous engagements with Parliament through establishing a Parliamentary Liaison for efficient communication and collaboration.
43. In regards to reporting, IPID reports to the Minister of Police therefore hindering independence of the Directorate. IPOA on the other hand is independent, however, the IPOA Act requires the Authority to seek budget approval by the Cabinet Secretary compromising autonomy. This, therefore, highlights the need for the amendment of the IPOA Act to remove the requirement of budget submission through the Cabinet Secretary.

## Conclusion

44. The engagement with IPID and CSPS highlighted critical gaps and opportunities for IPOA to strengthen its operational efficiency, independence, and capacity. Legislative reforms, resource mobilization, and strategic restructuring, including establishment of specialist units and quality Assurance mechanisms are imperative to improve effectiveness of IPOA in police oversight.

### 3.5 Engagement with the Parliamentary Portfolio Committee on Police at the South African Parliament Buildings

45. The Portfolio Committee is responsible for overseeing the Minister of Police and the following departments under the Minister's control:
  - a. The South African Police Service (SAPS)
  - b. The Civilian Secretariat of Police (CSP)
  - c. The Independent Police Investigative Directorate (IPID)
  - d. The Private Security Industry Regulating Authority (PSIRA)
  - e. The Directorate for Priority Crime Investigation (DPCI), commonly known as the 'Hawks'.
46. These five entities are required by law to report to the Portfolio Committee on their annual budget, five-year strategic plans, annual performance plan, quarterly financial reports and Annual Reports. The Portfolio Committee, in turn, reports to Parliament on its findings and recommendations.
47. The meeting with the Portfolio Committee was therefore important for the delegates, including members of the Parliamentary Committee on Administration and Internal Security, to exchange ideas and compare the strategies employed in parliamentary oversight.

48. The Portfolio Committee on Police takes a more direct role in oversight, including inspecting police premises and in this regard, the Committee has developed an inspection tool. IPOA and the Parliamentary Committee on Administration and Internal Security can learn from this and work together by conducting joint inspections of police premises. In addition to enhancing the parliamentary oversight role, this will also give the Committee a practical experience of IPOA's work and the challenges involved.
49. IPID and the Portfolio Committee on Police have a close working relationship that saw the Committee being instrumental in the passage of the IPID Amendment Act, No. 15 of 2024.
50. IPOA should also cultivate a close working relationship with the Parliamentary Committee on Administration and Internal Security. One of the key areas of cooperation and collaboration with the Committee is in the proposed amendments to the IPOA Act. The Authority should therefore work closely with the Committee to progress the Security Laws Amendment Bill to the National Assembly.
51. The Portfolio Committee on Police was concerned about the lack of arrest powers for IPOA officers. The Committee emphasized the importance of police powers for the effective functioning of oversight. IPOA should work closely with the Committee on Administration and Internal Security to address amendments to the IPOA Act to provide police powers to IPOA investigators.

### **3.6 Strengthening Cooperation with APCOF and IPID**

52. The benchmarking visit also aimed at enhancing regional collaboration with institutions engaged in police oversight. In pursuit of this goal, IPOA formalized the following strategic partnerships with APCOF and IPID of South Africa:

#### **a. Signing of MoU with APCOF**

53. The IPOA Chairperson, Mr. Ahmed Issack Hassan, and APCOF Chairperson, Ms. Annelize van Wyk, signed a Memorandum of Understanding (MoU) to provide a structured framework for cooperation between the two institutions. The MoU outlines key areas of collaboration, including: joint research initiatives; capacity building and institutional development; training and technical exchanges; and sharing of best practices in civilian oversight of policing. The partnership is expected to promote mutual learning and support the strengthening of oversight mechanisms across the region.

#### **b. Signing of Letter of Intent to Co-operate with IPID**

54. IPOA and IPID signed a Letter of Intent signifying their shared commitment to future collaboration. The letter outlines broad areas of cooperation, including: Joint research and information sharing; Exchange of expertise, experience, and technical knowledge; Development of joint projects focusing on capacity building; and Collaboration on resource mobilization efforts. Both institutions further agreed to develop a comprehensive Memorandum of Understanding to formalize and guide long-term cooperation between the two oversight bodies.
55. These engagements mark a significant step in fostering cross-border collaboration and enhancing the effectiveness of civilian oversight mechanisms within the region.

## CHAPTER FOUR

### 4.0 COMMITTEE OBSERVATIONS

56. The following observations were made by the delegation from the Committee on Administration and Internal Security: -

1. The Independent Policing Oversight Authority (IPOA) and the Independent Police Investigative Directorate (IPID) are the only civilian policing oversight agencies in Africa;
2. IPOA may consider closing the funding gaps through donors, however, this may interfere with the independence of the Authority;
3. Political will is important in the successful execution of IPOA's mandate;
4. In regards to amendments to the IPOA Act, Section 34 (3) provides that IPOA's budget is approved by the Cabinet Secretary, therefore, as much as that provision is not implemented in determining IPOA's budgetary allocation, it is prudent to consider amendments to that Section for any challenges that may arise in the future. Moreover, amendments to the IPOA Act should be considered in expanding the IPOA mandate to include powers of arrest, autonomy in the budgetary process, carrying of firearms amongst others;
5. In regards to budgetary allocations between IPOA and IPID, IPOA has a resource allocation of Kshs. 1.3 billion and IPID has a resource allocation of Kshs. 3.4 billion for the financial year 2025/2026 and yet IPOA has a larger mandate than that of IPID. The increase in budgetary allocations will enable the Authority increase its satellite offices and purchase of vehicles;
6. IPOA is delivering its mandate with seventy-seven (77) investigators against IPID's 180 investigators yet IPOA has a broader mandate. This therefore calls for an urgent need for increased staffing;
7. There is need for IPOA to establish the position of Parliamentary Liaison for continuous engagements with Parliament for efficiency in communication and collaboration on legislation and matters pertaining to their mandate;
8. IPOA has signed an MoU with the African Policing Civilian Oversight Forum (APCOF) and a Letter of Intent with the Independent Police Investigative (IPID) in order to enhance the cross boarder collaborative relationships between the agencies.



06 AUG 2025 CHAPTER FIVE

## 5.0 COMMITTEE RECOMMENDATIONS

57. The following recommendations were made by the delegation from the Committee on Administration and Internal Security: -

- a. IPOA presented a budgetary requirement of Kshs.2.2 billion, however, they only received Kshs.1.3 billion from Treasury therefore leaving a deficit of Kshs. 900 million. It is required by the National Treasury that IPOA provides a detailed breakdown (structure and cost implication) of the requirement of the Kshs. 2.2 billion to justify additional funding;
- b. In regards to amendments to the IPOA Act, IPOA should present to the Committee on Administration and Internal Security a draft Bill with the proposed amendments to Section 34(3) of the IPOA Act to ensure IPOA's budgetary autonomy without the budget approval requirement by the Cabinet Secretary in the budget making process in addition to other proposed amendments related to the operations of IPOA;
- c. IPOA needs to increase staffing requirements through prioritizing the hiring of investigators to meet four hundred and four (404) approved posts and legal officers for quality assurance in compliance with the IPOA regulations;
- d. IPOA should create the position of Parliamentary Liaison and be included in the communication group of Parliamentary Liaison Officers through the assistance of Parliamentary Secretariat; and
- e. There is need for IPOA to develop and implementation plan on the MoU signed with APCOF and develop an MoU with IPID in regards to cross border collaboration to benefit on capacity building opportunities.

DATE	06 AUG 2025	DAY.
TABLED		
DATE 05/02/2025		

SIGNED .....

DATE .....

HON. GABRIEL KOSHIAL TONGOYO, CBS, MP  
CHAIRPERSON

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL SECURITY