



**REPUBLIC OF KENYA**

**Report  
of the  
NATIONAL TASK FORCE ON POLICE REFORMS**

**Chairman**

**The Hon. Mr. Justice (Rtd) Philip Ransley**

Presented to

**His Excellency  
Hon. Mwai Kibaki, C.G.H., MP.**

President and Commander - in- Chief of the Armed Forces  
of the Republic of Kenya

OCTOBER 2009

**Report**  
**Of the**  
**NATIONAL TASK FORCE ON POLICE**  
**REFORMS**

**Chairman**

**The Hon. Mr. Justice (Rtd) Philip Ransley**

## **LETTER OF TRANSMITTAL**

His Excellency the President  
Hon. Mwai Kibaki C.G.H., MP,  
Harambee House  
**NAIROBI**

Your Excellency,

## **REPORT OF THE NATIONAL TASK FORCE ON POLICE REFORMS**

The National Task Force on Police Reforms was appointed by Your Excellency to examine, among other issues, existing policies and institutional structures of the police, and to recommend comprehensive reforms that would enhance effectiveness, professionalism and accountability in the police services.

We have undertaken this task to the best of our abilities and in accordance with our Terms of Reference. The Report of the National Task Force on Police Reforms contains our findings and recommendations.

We take this opportunity to thank Your Excellency for the trust that you have bestowed upon us. Accept, Sir, the assurances of our highest regard.

Yours faithfully,

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Hon. Justice (Rtd) Philip Ransley (Chairman)    Peter Gastrow (Vice-Chairman)

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Permanent Secretary,

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Chairperson, Law Reform Commission

Ministry of State for Public Service

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Director, Kenya Institute for Public Policy Research and Analysis (KIPPRA)

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Chairperson, Kenya National Commission on Human Rights (KNCHR)

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Director-General, National Security Intelligence Service

October 2009

## **FOREWORD**

The bedrock of any democratic society is a police service dedicated to serving the public by ensuring that law and order is maintained.

This Task Force was mandated to make a comprehensive analysis of the operational environment, policies and legal framework within which the police in Kenya work and to recommend reforms, which would enhance the transformation of the police forces into modern police services accountable to the public.

This Report sets out the findings and recommendations of the Task Force based on views and expert opinions received through public oral presentations, written submissions and benchmarking with best practice on policing elsewhere.

There may of course 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. In order to achieve this new look, the police services will require a thorough review of practices. This will entail ensuring that police officers are fully conversant with the reforms and have the necessary capacity to carry them into effect.

One the most difficult decisions the Task Force had to make related to the question of the merger of the Kenya Police and the Administration Police and closely related to that, the structure and of the overall command of the police services.

Two schools of thought emerged. Overwhelmingly, members of the public opposed the merger of the Administration Police and Kenya Police.

The other school of thought is that contained in the Waki and other reports which advocated for a merger of the Kenya Police and Administration Police. Closely related with the question of merger is the overall structure of the Police. The Task Force considered a number of models ranging from maintaining the status quo to appointing one Commander for both police services.

At the present, it will be difficult to completely delink the Administration Police from the Provincial Administration but this will depend to some extent on proposals on devolution of the administration.

The Task Force visited police services in Botswana, United Kingdom and Sweden. In the United Kingdom and Sweden, operational matters were in the hands of some form of regional autonomous police units. Botswana, on the other hand, had one central command centre. The National Policing Council proposed by the Task Force will not exercise any direct operational functions but will deal with overall strategic matters as well as with policing policy and a coordination role over the Kenya Police and the Administration Police.

The police should in future respect human rights and improve their public image. If professional standards and training are improved, the police services will achieve their objective of enhancing the safety and security for Kenyans. Police accountability is paramount and for this reason the Task Force has proposed the creation of an oversight body that will not only benefit the police themselves, but give the public confidence that their complaints are dealt with and that justice and fairness will prevail. There is a perception in some police quarters that an oversight body will create interference in their laid down disciplinary procedures but in all cases where oversight bodies have been created, in other jurisdictions, it has been found that the oversight bodies enhance the reputation of the police and remove what might be thought to be injustice arising from a closed disciplinary system.

Of considerable concern to the Task Force was the welfare of the police. It was found that working conditions of the police left a lot to be desired. There have to be better terms of service not only to attract the right people into the police, but to ensure that they will remain and act honestly in their police work. We set out in this Report, comprehensive proposals for the improvement in their salary and working conditions.

Parallel to the welfare of the police officer is the state of the equipment or lack of it with which the officers have to work. Again, we make extensive recommendations for the upgrading and provision of tooling and equipment to enable the police service to carry out their duties.

This Report creates a starting point for reforms but is not, and cannot be totally exhaustive. In order that the reforms set out herein are implemented, the body recommended to oversee the implementation of the reforms will have to be put in

place and work closely with the heads of the units comprising the police. The proposed Police Reform Implementation Commission is to undertake the monitoring and evaluation proposals set out in this Report. This will be important for the success of the proposed reforms.

The Task Force is confident that the Government and police have the will to create police services that the public can be proud of.

Hon. Justice (Rtd) Philip Ransley  
Chairman.

**October 2009**



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## LIST OF ACRONYMS

AIDS	Acquired Immunodeficiency Syndrome
AIE	Authority to Incur Expenditure
ACAP	Assistant Commissioner of Administration Police
ACP	Assistant Commissioner of Police
AFIS	Automated Finger Identification System
AG	Attorney General
AIG	Assistant Inspector General
AIE	Authority to Incur Expenditure
AP	Administration Police
APS	Administration Police Service
APTC	Administration Police Training College
ASTU	Anti-Stock Theft Unit
BPS	Botswana Police Service
CD	Compact Disc
CBK	Central Bank of Kenya
CCTV	Closed Circuit Television
CEWARN	Conflict Early Warning and Response
CGAP	Commander General of Administration Police
CID	Criminal Investigation Department
CIPEV	Commission of Inquiry into Post Election Violence
CKRC	Constitution of Kenya Review Commission
CPA	Christian Police Association
CPSO	Community Police Service Officer
CPU	Crime Prevention Unit

CPV	Community Police Volunteers
CSC	Cabinet Security Committee
DCI	Directorate of Criminal Investigation
DFID	Department for International Development
DG	Director General
DO	District Officer
DPP	Director of Public Prosecution
DSIC	District Security Intelligence Committee
DTO	Divisional Traffic Officer
FFS	Facilities for Security
FPE	Free Primary Education
FSOs	Force Standing Orders
FSSD	Forensic Science Service Department
GOK	Government of Kenya
GSU	General Service Unit
HIV	Human immunodeficiency virus
ICT	Information Communication Technology
IEC	Information, Education Communication
IG	Inspector General
IGKP	Inspector General Kenya Police
IMLU	Independent Medical Legal Unit
IMO	International Maritime Organization
IPCC	Independent Public Complaint Commission
IPOA	Independent Policing Oversight Authority
IPRS	Integrated Population Registration System
IT	Information Technology

JSIS	Joint Security and Intelligence Secretariat
KACC	Kenya Anti Corruption Commission
KAR	Kings African Rifles
KCPE	Kenya Certificate of Primary Education
KCSE	Kenya Certificate of Secondary Education
KEPSA	Kenya Private Sector Alliance
KIA	Kenya Institute of Administration
KNBS	Kenya National Bureau of Statistics
KNCHR	Kenya National Commission on Human Rights
KNDR	Kenya National Dialogue and Reconciliation
KP	Kenya Police
KPR	Kenya Police Reserve
KPS	Kenya Police Service
KPTC	Kenya Police Training College
KRA	Kenya Revenue Authority
KSIA	Kenya Security Industrial Association
KSIM	Kenya Security and Intelligence Machinery
KSTC	Kenya Staff Training College
KTTC	Kenya Teachers Training College
KWS	Kenya Wildlife Service
M&E	Monitoring and Evaluation
MDAs	Government Ministries and Departments
MOSD	Ministry of State for Defence
MOSPS	Ministry of State for Public Service
MTEF	Medium Term Expenditure Framework
MTP	Medium Term Plan

NARC	National Rainbow Coalition
NBI MET	Ministry of Nairobi Metropolitan Development
NCBDA	National Central Business District Association
NGOs	Non Governmental Organizations
NPC	National Police Council
NPIA	National Police Improvement Agency
NSAC	National Security Advisory Committee
NSC	National Steering Committee on Peace Building and Conflict Management.
NSIC	National Security Intelligence Council
NSIS	National Security Intelligence Service
NYS	National Youth Service
OCPD	Officer Commanding Police Division
OCS	Officer Commanding Station
ODM	Orange Democratic Party
PAC	Public Accounts Committee
PA&IS	Provincial Administration & Internal Security
PCSC	Public Complaints Standing Committee
PNU	Party of National Unity
PPA	Provincial Policing Authority
PPC	Provincial Police Commissioner
PPO	Provincial Police Officer
PPP	Public Private Partnership
PPRRB	Permanent Public Remuneration Review Board
PRIC	Police Reforms Implementation Committee
PSC	Public Service Commission/Police Service Commission

PSIA	Protective Service Industry Association
PSIC	Provincial Security Intelligence Committee
PSP	Private Security Providers
PTC	Provincial Training Centres
PTSD	Post Traumatic Stress Disorder
PTEO	Provincial Traffic Enforcement Officer
SACP	Senior Assistant Commissioner of Police
SLDF	Sabaot Land Defence Force
ToRs	Terms of Reference
UK	United Kingdom
UN	United Nation
UNODC	United Nations Office on Drugs and Crime
VIP	Very Important Person

## **ACKNOWLEDGEMENTS**

The Task Force wishes to thank His Excellency the President for having appointed them to this Task Force on Police Reforms.

Many Kenyans supported the work of the Task Force by providing oral or and written presentations, often after travelling long distances at their own expense. The Task Force greatly appreciates their contributions.

In compiling the Report, the Task Force drew from various written sources. It wishes to acknowledge that, in compiling the historical overview of the Kenya Police, it was assisted by a report entitled “The Police, The People, The Politics: Police accountability in Kenya”, published in 2006 as a joint report by the commonwealth Human Rights initiative and the Kenyan Human Rights Commission.

There are local and international organizations that provided technical and other support to the Task Force. The United Nations Office on Drugs and Crime (UNODC) in Vienna, together with DFID in Nairobi, organised and hosted a two-day seminar in Nairobi for Task Force members on the issue of police oversight mechanisms. Their support in facilitating the work of the Task Force is acknowledged.

The Task Force is indebted to Government for facilitating its work. The Task Force also wishes to express its gratitude to the Governments of Botswana, Sweden and United Kingdom and Northern Ireland for hosting the members of the Task Force during their benchmarking visits.



Finally, the Chairman is grateful to other members of the Task Force, Joint Secretaries, co-opted advisors and the clerical and support staff who have assisted so ably the work of the Task Force leading to the completion of this Report.

## **EXECUTIVE SUMMARY**

This report was preceded by an Interim Report that was presented to H. E. the President on 26<sup>th</sup> August 2009. The Interim Report contained initial findings and recommendations that, in the view of the Task Force, could be addressed in the short term. Those findings and recommendations remain substantially unchanged. This report augments the content of the Interim Report and adds findings and recommendations for implementation in the short, medium and long-term.

The responsibility to protect citizens and to provide for their safety and security is a prime function of government. For more than a decade there has been growing concern amongst Kenyans about their safety and security. From time to time, Government has considered and effected some police reforms but no in-depth and comprehensive evaluation of policing in Kenya has been undertaken. This Task Force was mandated to undertake such an evaluation and to recommend changes and reforms, which would substantively improve policing in Kenya.

The Task Force reviewed a wide range of research and police-related reports as well as other literature relating to policing and police reforms in Kenya and internationally. The Task Force then received written and oral submissions from various stakeholders and experts, and visited all the eight provinces of Kenya where it met and had discussions with the Provincial Administration and Police leadership. In addition, the Task Force held public hearings in the provinces and received written and oral representations from members of the public, civil society, faith-based organizations, the business sector and other stakeholders. The Task Force also listened to junior ranks within the Police Forces, and visited their stations, posts and residential quarters.

The Task Force also visited Botswana, Sweden, and the United Kingdom and Northern Ireland to learn from their policing experience.

The totality of views and impressions that emerged from this broad consultative process provided the Task Force with a better understanding of the complex security

concerns of Kenyans, as well as the challenges that Government and the police face in addressing such concerns.

The Task Force found that the police are poorly equipped, poorly resourced, and suffer from low morale arising from, amongst others, poor remuneration and other terms and conditions of service. The intensity of public concern over the security situation and the effectiveness of the police became apparent at public hearings. In general, Kenyans regard the Kenya Police as ineffective, and levels of trust in them are low. Kenyans want trust and confidence in police restored, and cooperation with police officers improved to enhance the safety and security of communities. Recommendations were therefore aimed at addressing substantive issues of concern both to the public and the police.

Chapter 10 of this report summarizes over 200 recommendations made by the Task Force, a few of which deserve a brief mention:

- Complaints against police conduct, including use of violence, extra-judicial executions and other human rights violations, have in the past not been dealt with impartially and were often ignored. This has contributed to low levels of trust in the police. This report recommends the establishment of a new institution that will focus on police conduct, namely an Independent Policing Oversight Authority, composed of civilians, established under the Constitution and with clear legislative powers to execute its mandate. This will enhance public confidence that complaints about police conduct will in future be investigated in an impartial manner and that transgressors will be called to account.
- Policing by the Kenya Police has in recent years been undertaken through a highly centralised command structure from Police Headquarters in Nairobi. This has eroded the powers of provincial and district police commanders and contributed to widespread dissatisfaction amongst police officers, stifled local police initiative and alienated members of the public. The Report contains far-reaching recommendations aimed at moving away from an overly centralised command structure by devolving powers and responsibilities to lower levels and by providing greater operational autonomy to commanders at provincial, district

and station levels. Other recommendations aim at making the appointment process of senior officers competitive and more transparent. It is also recommended that the Criminal Investigation Department be renamed Directorate of Criminal Investigations (DCI) and be granted greater operational and financial independence, and be shielded from political and other improper interferences.

- Corruption amongst junior and senior police officers has been rife and has had a debilitating impact on policing and on public trust. Some recommendations in this report aim at tightening controls and supervision mechanisms. A Code of Ethics is recommended to, among other things, address conflict of interests involving police officers. Direct or indirect involvement by police officers in certain business activities, such as operating *matatus* and other public transport enterprises, should be prohibited.
- Many Kenyans have become increasingly concerned about what appears to be a growing rivalry, overlapping functions and competition between the Kenya Police and the Administration Police. While the two police services remain separate entities, recommendations in this report are aimed at coordinating them under the umbrella of a National Policing Council, which will determine policing policy and plans, and promote sharing of resources such as training facilities.
- Many of the recommendations are aimed at improving conditions of service and at enhancing the provision of welfare benefits and greater security to police officers and their families. The recommendations aim at improving remuneration and allowances, taking interests of family members into account when transferring police officers, providing medical and life insurance cover and significantly improving the very poor conditions in which many police officers and their families are accommodated.
- The proposed change of name from Kenya Police Force and Administration Police Force to Kenya Police Service and Administration Police Service

respectively, is one of a number of recommendations aimed at changing the mindset of both the police and the public. Police culture and conduct should move away from reactive policing to proactive policing based on professional crime investigations and increased interaction with communities. New standardised uniforms for all ranks are proposed for each of the Services. A more effective internal complaints process for police officers is recommended. Corruption and nepotism in the recruitment and promotion process is countered through recommendations aimed at greater transparency and professionalism. In this regard, the role of the proposed Police Service Commission will be crucial.

- Another key recommendation is the immediate finalization of the National Security Policy, and National Policing Policy which should have Community Policing as one of central pillars. Proper and effective partnerships between communities and security agencies will constitute a major paradigm shift in policing.
- A novel recommendation is aimed at the establishment of a statutory Police Reforms Implementation Commission whose function will be to coordinate, monitor and supervise the implementation of the reforms recommended in this report. It will be composed of local and international policing experts, senior government officials and police officers, with a civilian chairing the Commission. The aim is to speed up police reform implementation and enhance public confidence in the process.

One of the terms of reference required the Task Force to prepare a draft Police Reforms Bill that would incorporate the recommendations set out in this report. The Police Reforms Bill has not yet been finalised. The Task Force had to first finalise this report to inform the content of the Police Reforms Bill. The broad issues that should be addressed in the Bill as well as those relating to other proposed legislation are spelt out in this report. As soon as the proposed Police Reforms Implementation Commission is established, it should assume the responsibility of coordinating and

supervising the drafting of the Police Reforms Bill and the other Bills envisaged in the report.

The prompt and effective implementation of the recommendations contained in this report will demonstrate the Government's commitment to transform policing in Kenya. If the Government undertakes the implementation of the recommendations with determination, the goal of providing greater safety and security of Kenyans will be realised. The people of Kenya deserve it.

## **CHAPTER ONE: INTRODUCTION**

### **1.1 Background**

The impetus for the appointment of the National Task Force on Police Reform arose mainly from the post-election violence in 2008 and the various agreements that were thereafter struck between the two main contenders for political power, namely the Party of National Unity (PNU) and the Orange Democratic Movement (ODM). According to the Waki Commission report a total 1,133 people died, a total 117, 216 private properties were destroyed, and about 350,000 were displaced, and there were fears of a civil war. The inclusion of Police Reform under 'Agenda Four' stemmed from a strong feeling that the level of post-election violence and destruction would have been minimized had the Police responded in a professional non-partisan manner. These feelings came out strongly in the Waki Commission Report.

Through the facilitation by the three-member Panel of Eminent African Personalities, under the chairmanship of Mr. Kofi Annan, former Secretary-General of the UN, the Kenya National Dialogue and Reconciliation (KNDR) was launched at the end of January 2008. On 1 February 2009, President Mwai Kibaki and Honourable Raila Odinga reached agreement on an agenda for talks. The agenda item relevant to this Report was 'Agenda Item Four', which was intended to address long-term issues and solutions. The details under this agenda item were to be discussed in future.

The accord between the PNU and the ODM recognized that the crisis triggered by the disputed 2007 presidential election results brought to the surface deep-seated and long-standing divisions within the Kenyan society, which, if left unaddressed, threatened the very existence of Kenya as a unified country. Discussions under Agenda Item Four therefore resulted in far-reaching reforms being identified as being necessary to address the root causes of recurrent conflict and to create a better, more secure and prosperous Kenya for all.

On 23 May 2008 the parties agreed that six long-term issues would be addressed under Agenda Item Four. They were:

- Constitutional, legal and institutional reforms;

- Land Reform;
- Poverty, inequality and regional imbalances;
- Unemployment, particularly among the youth;
- Consolidation of national cohesion and unity;
- Transparency, accountability and impunity;

They further agreed that the ‘institutional reforms’ referred to above should include police reform. The implementation framework that was thereafter agreed to on 30 July 2008, stipulated the specific aspects of police reform that were to be addressed. These were:

- Constitutional Review to establish an independent Police Service Commission
- Review and define the role of the Administration Police
- Review laws and issues related to security and policing, (including setting up an independent complaints commission, citizen oversight of police services, enhanced information disclosure, human resource management and capacity building) to make them consistent with modern democratic norms
- Finalisation and roll-out of the National Security Policy to enable relevant sectors to develop their specific sectoral policies
- Recruit and train more police officers to raise the police-to-population ratio.

Additional impetus was given to the Agenda Item Four process when, on 16<sup>th</sup> December 2008, President Kibaki and Prime Minister Raila Odinga signed an agreement to implement certain recommendations emanating from the Commission of Inquiry into Post Election Violence as contained in the Report dated 16 October 2008 (the CIPEV Report). In Article 3 of their agreement, the two parties agreed as follows:

***“Article 3: Comprehensive Reform of the Kenya Police and Administration Police***

*The Parties shall initiate urgent and comprehensive reform of the Kenya Police and the Administration Police. Such reforms shall be undertaken by a panel of policing experts and will include but not be limited to a review of all tactics, weapons, and the use of force, establishment of an independent*



*Police Service Commission to oversee both the Kenya Police and the Administration Police, an Independent Police Conduct authority for both the Kenya Police and Administration Police, creation of a modern Code of Conduct for the Kenya Police and the Administration Police, and achieving ethnic and tribal balance in the Force.”*

Implementation of reforms under Agenda Item Four was slow. In January 2009, an implementation evaluation report found that progress on this agenda item had been slow or inadequate. It noted that progress on this agenda item was central to the future of Kenya as a nation state and that progress had been inadequate to prevent the country from slipping into another crisis. Local and international pressure mounted for the more determined implementation of the reforms envisaged under Agenda Item Four. On 8 May 2009, President Kibaki announced the appointment of a National Task Force on Police Reform and set out its terms of reference in The Kenya Gazette No. 4790 of 8<sup>th</sup> May, 2009.

## **1.2 Terms of Reference**

The Task Force terms of reference (ToRs) were published in Gazette Notice No. 4790, Kenya Gazette. The Task Force was mandated to:

- (a) Examine the existing policy, institutional, legislative, administrative, and operational structures, systems and strategies and recommend comprehensive reforms taking cognizance of the recommendations contained in Agenda 4; Kriegler, Waki and other Police related Reports so as to enhance police efficiency, effectiveness and institutionalize professionalism and accountability. (Special focus to be given to recommendations on: Police Service Commission; Independent Police Oversight Authority; Policing Policy; and National Security Policy);
- (b) Examine existing competences, skills, knowledge and attitudes of the Police at all levels and make recommendations aimed at enhancing shared core values, policing excellence and benchmarking against international best practices;
- (c) Review the human resource management and development policies with a view to examining current standards and practices in recruitment, deployment, training, career progression, exit, post-exit management and

recommend implementation of changes that enhance morale, meritocracy and professionalism;

- (d) Review the tooling, logistical and technological capacity and recommend changes necessary to sustain modern security management, disaster management, conflicts and early warning/rapid response systems and joint operational preparedness strategy;
- (e) Review the state of preparedness of the Police to combat insecurity and other forms of emerging security challenges occasioned by national and international threats such as terrorism, piracy, organized gangs, drug/human trafficking, industrial espionage, cyber crime, money laundering, and economic crimes;
- (f) Review and recommend strategies to harmonize and fast-track partnership between the community and security agencies in policing;
- (g) Design a continuous monitoring and evaluation mechanism to track police reform gains and consistency of policing needs;
- (h) Recommend appropriate institutional arrangement to oversee the implementation of comprehensive police reforms;
- (i) Prepare a draft Police Reforms Bill to embrace the comprehensive police reform agenda;
- (j) Make any other appropriate recommendations that add value to police reforms; and
- (k) Develop a prioritized implementation matrix clearly categorizing the immediate, medium and long-term police reforms and the attendant budgetary requirements.
- (l) Within two and half months to submit to the President its findings and recommendations.

His Excellency the President extended the mandate of the Task Force up to 30<sup>th</sup> September 2009 and the Task Force presented the Interim report to His Excellency the President on 26<sup>th</sup> August 2009.

## **1.3 Identification and Assessment of Views and Issues**

### **1.3.1 Methods adopted by the Task Force**

The Task Force members reviewed a wide range of research and commission reports as well as other literature relating to policing and police reform in Kenya and elsewhere. This included the Report on the National Task Force on Police Reforms (Draft 8 and the later Draft 9), and the Waki, Kriegler and Alston Reports.

The Task Force began its work by receiving extensive written and oral representations from a range of stakeholders, interested parties and experts. This included presentations from the Commissioner of Police and the Commandant of the Administration Police, as well as middle and lower cadre officers in from both Police Units Forces. The Task Force also We also received presentations from Cabinet Ministers, Permanent Secretaries including the Permanent Secretary in charge of Provincial Administration and Internal Security, the Attorney General, civil society, religious leaders, academia, and Kenya's international development partners.

The Task Force spent considerable time visiting all the eight Provinces in Kenya. During these extensive tours, the Task Force met with and had lengthy discussions with provincial administrators and police leadership within the provinces. In addition we held public hearings in the provinces and received written and oral representations from members of the public and from civic, spiritual, business and other stakeholders. We also spent time listening to junior ranks within the police, and visiting them in their stations and posts.

In addition, the Task Force visited institutions in the provinces and in Nairobi that relate to policing. These included visits to the Kenya Police Training College at Kiganjo, the Administration Police Training College at Embakasi, the General Service Unit Training School, the CID Training School and Headquarters, the Traffic Training School and Headquarters, the Head Quarters of the Anti Stock Theft Unit, and the National Youth Service Headquarters, Maritime Authority, KWS, Police Air Wing, Airport Police and Kenya Airports Authority.

The Task Force attended a two-day seminar in Nairobi on the issue of police oversight mechanisms. It was facilitated by international experts, and organised and co-hosted by the United Nations Office on Drugs and Crime (UNODC) in Vienna, and DFID Nairobi.

The Task Force also visited Botswana, Sweden and the United Kingdom and Northern Ireland to study policing structures and different policies, and operational approaches towards policing.

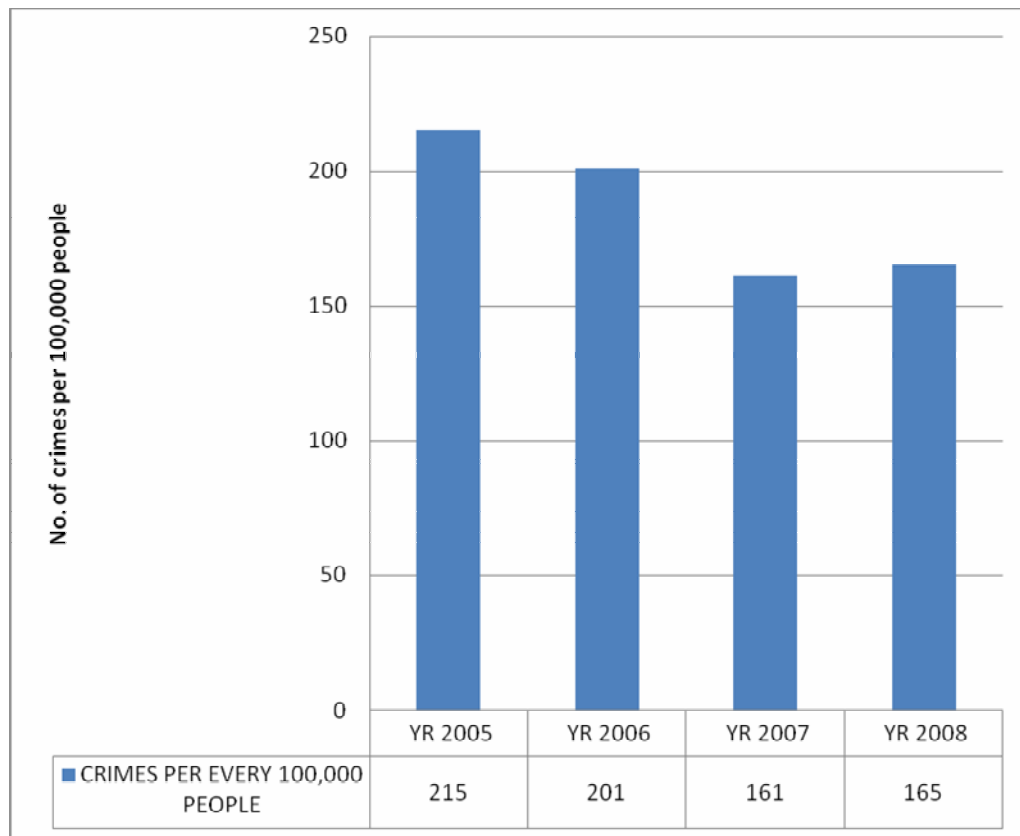
### **1.3.2 Summary of views received**

The views and impressions that emerged from the broad consultative process described above provided insight into Police effectiveness and their working conditions. It provided the Task Force with an understanding of the public disenchantment with the Police, as well as of public concerns and expectations. Such views, impressions and expectations included the following:

#### **1.3.2.1 Public views and expectations**

- i) Members of the public place part of the blame for the deterioration in the security situation and the apparent increase in crime on the shoulders of the police. There is growing public anxiety about personal safety and security and a perception that crime has increased. Some of these public perceptions are supported by government statistics as shown in Figure 1 below. The Figure shows trends of reported general crimes in Kenya for the years 2005 to 2008 per every 100,000 of the population.

**Figure 1: Trend in reported crime per 100,000 population in Kenya**

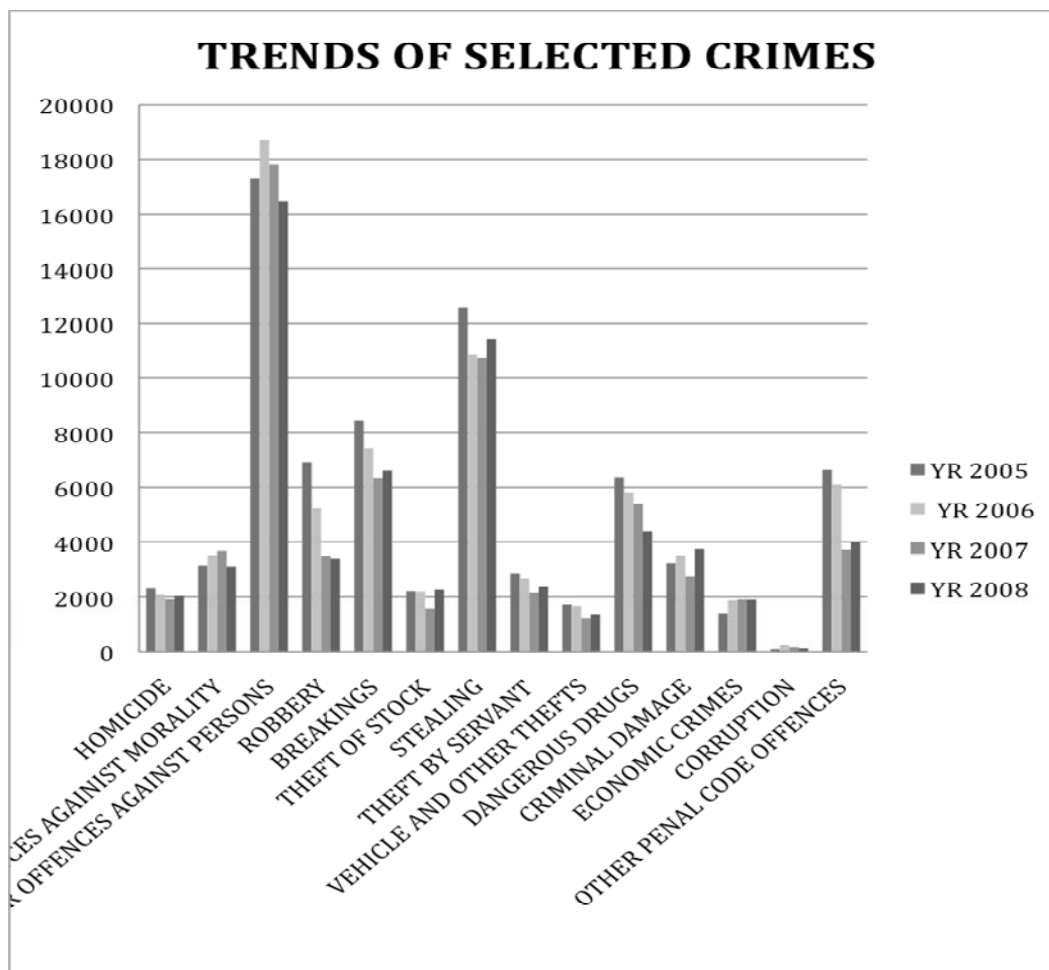


Source: Analysed crime statistics Economic Survey 2009 report by KNBS

The reported crime statistics show downward trends in reported crimes from 2005 to 2007 and an increase of the same in 2008.

The trends for specific crimes vary. Figure 2 below indicates that the following crime categories showed upward trends during 2008 in comparison to 2007: homicides, break-ins, theft of stock, stealing, theft by servants, vehicle and other theft, criminal damage, and other penal code offences.

**Figure 2: Trends of reported crimes by categories – 2005 to 2008**



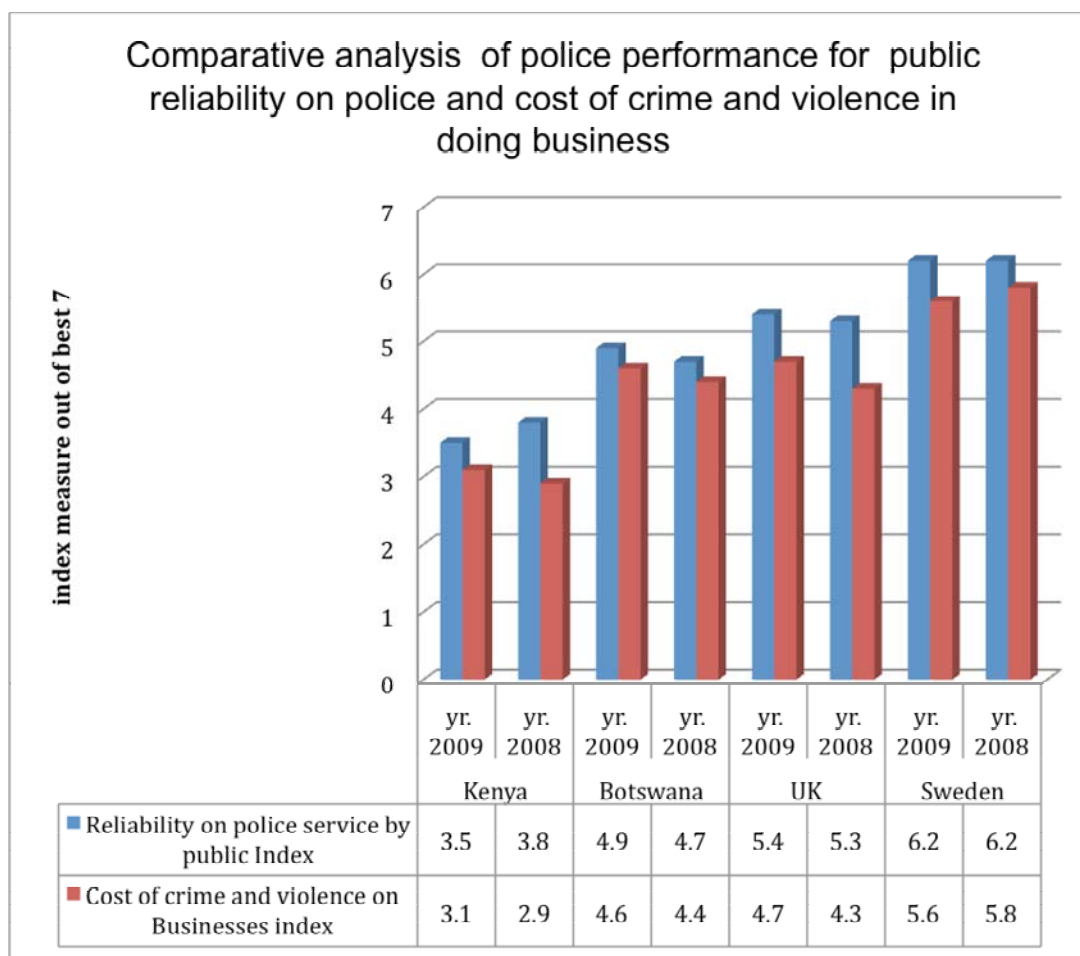
Source: Analysed crime statistics Economic Survey 2009 report by KNBS

- ii) There was a desire to have public confidence in the Police restored so that the public would again be willing to pass on information about crime without fear that confidential information would find its way back to the criminals. This would contribute to a partnership that could be enhanced by the whole concept of community policing, which cannot develop without a relationship of trust between the police and the public. This would greatly contribute to the reduction and control of crime at the local level.

Public confidence in police service in Kenya has dropped to low levels. For instance, the reliability index on police service by the public fell from 3.8 in 2008 to 3.5 in 2009, out of best of 7 points. This compared to Botswana, UK

and Sweden, which scored 4.9, 5.4 and 6.2 in 2009 out of possible score of 7 points respectively. This shows that Kenya lags far behind. Also, the cost of crime on businesses index in Kenya improved marginally at 3.1 out of best score of 7 in 2009 compared to an index of 2.9 in 2008.

**Figure 3: Comparison of police performance index on reliability and cost of crime**



Source: Global competitive report: executive opinion survey 2009

- iii) The police should have a more caring attitude towards the public and respond to pleas for assistance. There is a view that they do not respond promptly to the reporting of crime and that they are more interested in extorting money through bribery. The public expects the police to cease their harsh and aggressive treatment of suspects, victims, and members of the public, as well as their use of excessive force in policing. Moreover, the public expects a

police service that does not mount roadblocks merely to collect bribes, but does so only for specific policing needs.

- iv) It is a widely held view that police officers have inadequate understanding of human rights as illustrated by the way in which many of them treat members of the public and victims of crime. There was widespread criticism of the often rough manner of interacting with the public. The police need to abandon the mentality of being a Police FORCE and embrace the approach of conducting themselves as a Police SERVICE. Respect for human rights and a more proactive, service orientated approach towards the public should be taken more seriously and should be emphasized during police training. It is apparent there is a need for a strict code of conduct, values, and professional ethics to guide Police Services.
- v) The majority of the public feel that the Government is not fully committed to supporting the work of the police adequately, by, for example, providing sufficient budgetary allocations. Effective policing, which is a prerequisite for security and development in Kenya, has not been accorded the priority that it deserves over a considerable period.
- vi) It was also recognized that the levels of integrity and accountability in the Kenyan society often left a lot to be desired. Respect for the rule of law is often observed more in its breach than in compliance. This issue of values, integrity and civic responsibilities of Kenyans as whole falls outside the Terms of Reference of the Task Force, but it is a subject that requires serious and urgent attention of the government and Kenyans in general.

#### **1.3.2.2 Police Views and Expectations**

- i) Both Police Services are very poorly equipped and resourced in terms of transport, housing and basic communication facilities. On average an Officer Commanding Station (OCS) receives between 10 and 15 litres of fuel per vehicle per day to meet the extensive transport needs of his/her station/unit.



Consequently, officers are often forced to use public transport to attend to scenes of crime.

- ii) The Police Services suffer from a low morale arising, amongst others, from poor remuneration and terms and conditions of service.
- iii) The rank and file of the police services very unhappy about the current centralized transfer and deployment policy and the non-payment of their transfer allowances. The officers also raised concerns over the frequency of their transfers.
- iv) It was apparent that the normal procedures provided for under the Force Standing Orders (FSOs) had been disregarded in the area of discipline, transfer and promotions, leaving the provincial police commanders ineffective.
- v) In spite of the high risk of their normal police operations, officers are not adequately covered for injury or death that might result in their line of duty.
- vi) The average working day of a police officer usually exceeds the normal working hours of the civilian officers at equivalent levels. Police officers, however, receive minimal extra remuneration or allowances for the long hours and the risks that their duties expose them to on a day-to-day basis. The long working hours also contribute to the high levels of stress among Police officers.
- vii) Like members of the public, the police were very concerned about the level of political interference in policing matters. This includes: the release of suspects from police custody under questionable circumstances; interference in recruitment; transfer and promotion processes.
- viii) In the provinces, police officers repeatedly raised the issue of Police recruitment processes involving interference by influential individuals through corruption and nepotism. Instances where recruits paid substantial sums to join the Police Services were mentioned by both the public and the police.
- ix) Corruption within the police services is widespread and endemic. The tolerance levels for corruption for all ranks are unacceptably high. Bribery appears to be blamed on poor salaries and working conditions of the officers. Allegations of links and collusion with organized criminal groups and drug cartels were also raised by the public as a major concern.
- x) There is an urgent need to provide police members with access to spiritual services. They live and work in hazardous and high-risk environments and are subjected to dangerous levels of stress.

- xi) Many officers who are about to retire from the service, are posted far away from their home areas.
- xii) Many officers are vulnerable to HIV/AIDS due to long period of separation from spouses and family members. This is further aggravated by the appalling housing conditions in which two or more officers (including married families) are forced to share a “room” only separated by a curtain, or cardboard serving as a partition for their living space.
- xiii) Communication equipment within the police, particularly in rural areas, were found to be either absent, non-functional, or poor and outdated. This directly undermines the ability by members to access telephones, mobile phones or internet facilities to enable them to undertake their normal policing functions. Police investigators routinely use their personal mobile phones for official purposes, as they have no access to police communication systems. The Task Force was also informed that some criminals have superior communication equipment to that of the police, which enables them to intercept police communications.
- xiv) The investigative function of the police has been weakened by inadequate crime intelligence, lack of modern technology, reduced operational autonomy of the CID, transfer practices, and a re-active ‘fire fighting’ approach to policing.

## **CHAPTER TWO: AN OVERVIEW OF POLICING IN KENYA**

### **2.1 Historical Overview**

#### **2.1.1 The Kenya Police**

The history of policing in Kenya is closely intertwined with the country's colonial past and its constitutional and political development. The Kenya Police traces its origins to the period between 1887-1902, when the East Africa Trading Company, later the Imperial British East Africa Company (IBEAC), operated in the region as a vehicle to expand British interests. The company established an administration with an armed security force in 1896. Fortified stations were established to protect its trading routes, trading centres, stocks and staff. The security personnel were largely recruited from the Indian police and were governed by Indian police statutes, giving the security force a quasi-police status. The skeleton staff of Africans was generally referred to as 'Askaris'. During the 1880s, the British Colonial Office had increasingly taken over the administration of the region from the IBEAC. The commissioner of the region was given the right to establish a police or other force for the defence of the protectorate and armed forces were established. Towards the end of the 19<sup>th</sup> century, a security force was set up, which was employed to protect the building and maintenance of the Kenya-Uganda railway system. This required centres at Kisumu and Nairobi, as well as Mombasa. The colonial influence and its security presence were expanding.

The personnel employed as police had little training and the laws in force were from India including the Indian Penal Code, Criminal Procedure Code, the Indian Evidence Act and Police Ordinance. In 1906, a Police Ordinance legally constituted the Kenya Police. Up to 1907, the Kenya Police was organized along military lines and the training was military in nature. In 1911 a training depot was established in Nairobi together with a small fingerprint section. The office of the Inspector General was established to unite various units of the police and to administer the operations of the Police Force. The First World War interrupted this development of the Force in 1914 when the Kenya Police were deployed in military service to fight alongside Kenyan soldiers.

The end of the First World War saw increased migration of white settlers into Kenya. They were granted land concessions and expansion continued, to the increasing detriment of the evicted indigenous population. With increased security demanded by the white settlers, the administration devoted more resources to supporting the police. After the end of the war in 1918, the police began to be reorganized. This entailed increasing personnel and creating better administrative and residential housing.

In 1920 the modern Kenya Police force was founded. Africans were recruited to fill only the lowest ranks of the force – subservient to European and Asian officers. Within the urban areas, the police force strategy of keeping Nairobi safe for the settlers meant containing the potential crime and disorder perceived to emanate from the Africans residing illegally in the slum areas of East lands. With the police serving primarily as a tool of the colonialists' right from the start, the early Kenya Police force has been described as “a punitive citizen containment squad”. The East Africa Protectorate changed its name to Kenya Colony in July 1920, while the title of the police changed to Kenya Police Force.

In 1926, the Criminal Intelligence Unit was established and special sections like the Fingerprint Bureau were created, starting with a skeleton staff composed of former police officers from Britain and South Africa. This was the foundation of today's Kenya Police Force. In the same year, the Railway Police Unit was also established to deal specifically with prevention and detection of offences in the railways from the coast, including Kilindini Harbour and branch lines to Kisumu.

As a preparation for the Second World War, police recruits were deployed in Northern Frontier Districts to counter the threat from British Somaliland and Ethiopia. In addition to fighting alongside Kenya soldiers, the Kenya Police acted as guides, interpreters and carried out reconnaissance missions in the enemies' territories.

In 1946 the Kenya Police Reserve was formed as an auxiliary of the Force. This Unit used armoured cars and was deployed in trouble spots. To improve the effectiveness of crime control, a dog section was also introduced in 1948 and the General Service Unit established and deployed in troubled areas in emergency

situations. In 1949, the Police Air Wing was formed to carry out duties such as communication and evacuation of sick persons to hospitals and was made part of the permanent Police service in January 1953.

During the emergency period from October 1952 to January 1960, the relationship between the police and the indigenous Kenyan population, already confrontational and remote deteriorated. The army took over from the police as the primary law enforcement agency. In 1957, the Police Headquarters building was opened and in 1958 the Force was integrated within the Ministry of Defence. The security forces used during the emergency included the British military, volunteer military forces, locals collaborating with the British, local Home Guards and the Kenya Police Force. Across the country, the Home Guard and the police units undertook raids to detain Mau Mau supporters. The Kenya Police Reserve, Special Branch and CID were all linked to police brutality and misconduct and there was no accountability mechanism to hold the colonial administration in check. Many excesses and atrocities occurred.

As Kenya moved to self-rule, it had the same police units, the same police structures and many of the same police officers in place. This made it inevitable that the culture of supporting the regime in power would be perpetuated and carried over into the new post-independence era.

Full independence was achieved on 12 December 1963. The 1963 Constitution had included provisions designed to establish a professional, neutral police force. The Constitution gave autonomy to the police force. It envisaged that the police would be set up by legislation and overseen by a Police Service Commission and a National Security Council. The Inspector General of the Police was to be appointed by the President on the advice of the Police Service Commission. These provisions were never implemented. In 1966, a constitutional amendment removed the force's autonomy and the police became an extension of the civil service.

The 1966 amendments consolidated power into the hands of the President, who became the head of the Executive as well as Head of State. By 1996, the government had also given itself unlimited emergency powers, in echoes of the previous decade of emergency. The amendments to the Constitution continued,

escalating after President Jomo Kenyatta's death in 1978, with the succession of President Daniel Arap Moi. The Executive became all-powerful, with the Parliament and the Judiciary reduced to rubber stamps of Executive Authority. In 1982, the infamous Section 2A amendment of the Constitution was passed, which formally turned Kenya into a one-party state.

During the mid-1980s, with increased resistance against the government, the police once again became the enforcement wing of government oppression against resistance groups. With no independent investigators or prosecutors, the police were unaccountable to anyone outside the ruling regime. Agitation for reform increased and by 1990, the Government started reversing some of the constitutional amendments. Under internal and external pressure the government reinstated security of tenure for the Attorney General and the Judges in 1990 and in 1991 Section 2A was repealed and Kenya returned to a multi-party state.

Following the first multi-party elections since independence in 1992, violent clashes between political and ethnic opponents displaced over 300,000 people and left more than 1,500 dead. The police were alleged to have aided and abetted either by acquiescing to the violence or by direct participation. In 1997, the Government adopted the IPPG reforms, which saw the enactment of the Constitution of Kenya Review Act and the establishment of

The Constitution of Kenya Review Commission (CKRC) was established in 2001. It published its report in 2002. Included in the CKRC recommendations was an acknowledgement of the public perceptions of police behaviour as corrupt and violent, reference to United Nations standards for exercise of police powers, and recommendations for the constitutional entrenchment of police independence. In December the same year new elections resulted in a change of government with the National Rainbow Coalition's (NARC) victory at the polls. In 2004 it set up a Police Force Task Force to examine the role and reform of the police. A comprehensive document was produced but there has been no attempt to make the rhetoric of the reform policies a reality, and the police continued to operate in largely the same way. Small changes were attempted – a community policing programme begun, and police salaries were increased.

### **2.1.2 Administration Police**

The origin of the Administration Police can be traced back to 1902 with the enactment of the Village Headman Ordinance. The ordinance, which was enacted to enable the penetration of the 'native areas', was ostensibly to bring the native into the money economy, enforce tax, control livestock movement, regulate agriculture, and labour movement of people, and various other social and economic regulations.

The village headmen, as the chiefs were then known, were the prime instrument of the Regional Agent, as the District Commissioner was then known. The East Africa Protectorate that became the Kenya Colony in 1920 had the complex task of trying to integrate two parallel economies. Aspects of British common law and the Indian Penal Code were already in place and the contradictions between the formal economy and the 'native economies' illustrated the existence of different values, norms, cultures and laws amongst Kenyans. The Kenya Police focused its attention mainly on urban areas, the railway routes and areas of the propertied class.

The village headman had in the meantime to rely on capable young men in the village to affect the often unpopular policies of the Colonial Government and to put into place arbitration and other enforcing mechanisms. They took on the role of the Native Police.

In 1929 The Tribal Police Ordinance was enacted to give legal backing to the Native Police. The Representative Regional Agents, most of who had a military background, trained them. The training, uniform, and kitting, differed from one district to the next. Uniforms often borrowed designs from the colonial military regalia with a combination of locally respected symbols of the authority. Elements of the Kenya Police and of the Kings African Rifles (KAR) assisted in the training.

Except in frontier areas, the police force remained generally unarmed and small in numbers. A major expansion of the Tribal Police began in about 1948, with increased 'native agitation' and the fear of a widespread rebellion countrywide. Their numbers were increased in the Central Province and they were increasingly

equipped with arms. In areas bordering Central Province the numbers of the Tribal Police were also increased to prevent the spread of Mau Mau influence during the emergency years.

In 1958 the Tribal Police Ordinance was changed to Administration Police Act and training of officers was centralised at Ruringu, Nyeri. The training focused on basic instruction for recruits, and prosecution courses for the Native Courts.

When Kenya gained full independence in 1963, the Provincial Administration and Administration Police were moved from the responsibility of the Ministry of Native Affairs to the Office of the Prime Minister, and then to the Office of the President where they have remained since then. The Administration Police Act places force under the command of the Minister responsible for provincial administration.

All District Officers and Commissioners held an officer rank. The Administration Police were generally deployed in one district and if transferred, had to be re-issued with new identity cards, or re-endorsed for duty, in the new district.

Centralized training continued in the 1960s with the establishment of the Embakasi Training School. In 1972 the training establishment moved to the Administration Police Training College at its current location. A major step in the shaping of the Administration Police was the introduction of inspectorate ranks in the late 1970s. Superintendent ranks were introduced in the late 1980s. With the Government placing a great emphasis on district-focused rural development, it became more difficult for the District Commissioners to properly supervise the Administration Police. This contributed to the gradual transformation of the Administration Police from a localized police force in 1958 to a police force with a national structure that it has today and that continues to provide localized policing.

## **2.2 Overview of Current Policing Legislative Framework**

### **2.2.1 The Constitution**

The Constitution has very few substantive provisions on the Kenya Police Force, and these relate to appointment and terms and conditions of service. Section 108 vests



the power to appoint and dismiss the Commissioner of Police exclusively in the President. The appointment, confirmation of appointment, disciplinary control, and removal from office of or above the rank of Assistant Inspector or other specified rank is vested in the Public Service Commission. The Commissioner of Police is responsible for appointment, confirmation of appointment, disciplinary control, and removal from office of officers of below the rank of Assistant Inspector.

The Constitution empowers the Public Service Commission to delegate in writing its powers on appointment, disciplinary control and removal to the Commissioner, whilst the Commissioner is similarly allowed to delegate the powers substantively vested in him by the Constitution on appointment, disciplinary control and removal to any member of the Kenya Police Force.

The only other provision of significance is section 26 (4), which empowers the Attorney General to order Commissioner of Police to investigate any matter. The above constitutional provisions illustrate a high degree of Presidential control of the Commissioner and by extension the police. The power to appoint the Commissioner is vested exclusively in the President. Parliament has no role in the appointment and the President is not obliged to consult any other person or institution in the appointment of the Commissioner. The Constitution also does not set any criteria or qualification for appointment of the Commissioner. In the same vein, the Commissioner may be removed from office at the President's discretion.

### **2.2.2 The Police Act**

Enacted in 1961 before Kenya's independence, the Police Act, Cap 84 Laws of Kenya, provides for the functions, organisation and discipline of the Kenya Police Force and the Kenya Police Reserve. The mandate of the Force includes the maintenance of law and order, the preservation of peace, the protection of life and property, the prevention and detection of crime, the apprehension of offenders, and the enforcement of all laws and regulations with which it is charged. In addition the Act mandates the police to regulate and control traffic.

Under the Act the Commissioner of Police enjoys and exercises immense powers over the police. He is empowered to make administrative orders, called Force Standing Orders, for the general control and direction on the Force. These Orders are not required to be published and in practice have over time been treated as a confidential document available only to the police. Although the Act contemplates that the control of the Force in the Provinces, Districts or other places or areas may be under specified police officers appointed by the Commissioner, the overall control of the entire Police Force vests in the Commissioner.

The current Police Act embodies the policing philosophy of the colonial period. Save for a few amendments introduced in the last decade, the Act constitutes the police in Kenya into a 'Force' rather than a police 'Service'. That Force is highly centralised and militaristic with little or no decision making power to the Provinces and Districts. This centralised police structure is confronted by all the weaknesses that the current unitary system of Kenya suffers from such as bloated bureaucracy, delay, skewed allocation of resources etc. The highly centralised system created by the Police Act cannot work if Kenya were to adopt a new devolved constitutional structure.

### **2.2.3 The Administration Police Act**

Like the Police Act, the Administration Police Act, Cap 85, was enacted during the colonial period in 1958. The Act creates the Administration Police Force under the command of the Minister responsible for provincial administration. Like the Kenya Police, the Administration Police has remained a force rather than a service.

Members of the Administration Police are appointed by the District Commissioner who is responsible for their administration under the general direction of the Provincial Commissioner. The functions of the Administration Police Force are to assist the chief or sub-chief in the exercise of his lawful duties; to obey and execute promptly all orders and warrants lawfully issued by any competent authority; to preserve the public peace, prevent the commission of offences and to apprehend all persons in respect of whom there is a valid warrant of arrest; to undergo such training as may be ordered by the District Commissioner; and to act as messenger in any matter connected with the administration or the public service.

The Administration Police are empowered to bear and are trained in the use of arms, to search persons and premises and to detain and arrest suspects. They have no prosecutorial powers and have to hand over to the police persons whom they have arrested.

The Administration Police Force was conceptualized during the colonial period as a tribal police force assisting the chiefs in their administrative duties. It was not intended as an autonomous force, independent of the administration or parallel to the Kenya Police. Over time, the Administration Police Force has grown in numbers into a parallel police force, albeit closely tied to the administration. Its members undergo paramilitary training and undertake general policing duties although they are deployed mainly in the rural areas.

As presently constituted, there are various overlaps between the Kenya Police Force and the Administration Police Force, particularly in the maintenance of law and order, prevention of commission of offences and apprehension of offenders. This overlap needs to be rationalized to sharpen individual police services responsibilities

One of the main concerns with the Administration Police Force is the fact that it is under the command of the Minister. This arrangement opens an armed, paramilitary force to direct political influence and undermines its political neutrality, autonomy and professionalism.

#### **2.2.4 Police powers of prosecution**

The Constitution vests the power to conduct prosecutions in the Attorney General. Section 26 empowers the Attorney General: -

- (a) To institute and undertake criminal proceedings against any person before any court (other than a court-martial) in respect of any offence alleged to have been committed by that person;
- (b) To take over and continue any such criminal proceedings that have been instituted or undertaken by another person or authority; and

- (c) To discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or another person or authority.

The Constitution further obliges the Commissioner of Police to investigate and report to the Attorney General any matter which the Attorney General requests him to investigate relating to any offence or alleged offence or suspected offence.

The above powers are exercisable by the Attorney General himself or by officers subordinate to him acting in accordance with his general or special instructions. The Criminal Procedure Code empowers the Attorney General to appoint public prosecutors and to delegate some of his powers.

In practice the prosecution powers vested in the Attorney General are exercised through the Director and Department of Public Prosecutions. In 1972, due to an increase in the volume of criminal cases, the Attorney General delegated the responsibility of prosecuting in subordinate courts to members of the Kenya Police (Legal Notice No 234/1972). The Task Force was informed that currently there are over 300 police prosecutors in Kenya compared to 73 state counsel prosecutors.

There is near unanimous support by Kenyans to remove the prosecution function from the police and to vest it exclusively in the office of the Director of Public Prosecutions. The challenges posed by globalization, transnational crimes and emerging and highly sophisticated and organised crimes such as piracy, terrorism, cyber crimes, narcotics, trafficking in human persons, money laundering etc., call competent and professional prosecutors. Placing prosecutions under the Director of Public Prosecutions would on the one hand fully professionalize prosecution services and on the other, free the police to focus on their core mandate of crime detection and prevention and maintenance of law and order.

One of the main shortcomings of police prosecutions in Kenya is the fact that, although the exercising of the powers delegated by the Attorney General is supposed to occur under the supervision and direction of the Attorney General, in practice the Attorney General plays no role in the appointment, deployment or

discipline of police prosecutors. Being police officers, such prosecutors are ultimately answerable to the Commissioner of Police. This duality of roles results in divided loyalties thus undermining the proper conduct of prosecutions.

An additional problem of police prosecution arises from the fact that the investigation, the preferring of the charge and the prosecution, end up being conducted by members of the same police force, creating opportunities for collusion and perceptions of a lack of impartiality and independence in the prosecution.

Like in Kenya, Botswana used the police to prosecute minor offences in subordinate courts. However, in 2000 the Government of Botswana resolved to professionalize prosecutions. A period of ten years was set within which to phase-out police prosecutors. This period was necessitated by the realization that the changeover was a process rather than an event and the need to ensure a smooth transition. Within that period aggressive recruitment and training of graduate prosecutors was undertaken. In the short term, due to shortage of professional prosecutors, the most qualified and competent police prosecutors were seconded to the office of the Director of Public Prosecutions.

#### **2.2.5 The Police in the draft Constitutions**

After many years of clamouring for a new Constitution, the National Constitutional Conference was held at Bomas Nairobi between 2003 and 2004. The Conference, amid acrimonious disagreements and walk out produced and adopted what is popularly known as the Bomas Draft Constitution. The finalization of the constitution making process was thrown into further confusion by continued political disagreements and litigation which resulted in court orders barring adoption of the Bomas Draft Constitution. Ultimately the Government altered the Bomas Draft Constitution into the Proposed New Constitution, which was subjected to a national referendum and rejected in 2005.

That Kenyans have for some time desired a fundamental change in both the Kenya Police and the Administration Police is evident from the proposals contained in both draft constitutions.

Although there exists some fundamental variations between the Bomas Draft Constitution and the Proposed New Constitution, the provisions relating to the police in both drafts are substantially the same.

Both the Bomas Draft Constitution and the Proposed Constitution created the Kenya Police Service and the Administration Police Service. Unlike the current situation where the two Forces are created by ordinary legislation (the Police Act and the Administration Police Act) both drafts therefore elevated the police into a constitutional institution.

The separation of the police between the Kenya Police Force and the Administration Police Force was retained in both drafts, the latter being expressly stated to be 'a separate service from the police service'. Both Forces were changed to 'Services'. Whilst the Kenya Police Service was created as a 'national police service', the Administration Police Service was not. Both services were required be organised to take into account the structures of devolution set out in the draft constitutions.

Under the Bomas Draft Constitution, the Kenya Police Service was to be headed by an Inspector General appointed by the President with the approval of the National Assembly. He was to serve for one term of five years. He could not be removed from office except for cause and upon the recommendation of an independent tribunal. The Bomas draft specifically stipulated that in the performance of his duties, the Inspector General was not subject to the direction of any person or authority. Under the Proposed Constitution, the difference was that the Inspector General was to be appointed and could be dismissed by the President alone. The express provision on the independence of the Inspector General in the performance of his duties was also removed.

Under both drafts, the Commandant General was to be appointed by the President with the approval of the National Assembly. He was to serve for one term of five years. Whilst the Bomas draft was silent on the mode of removal of the Commandant General, the Proposed Draft provided that he could be removed from office by the President.

#### **2.2.5.1 Objects of the Kenya Police Service**

In both drafts the objects of the Kenya Police Service were to:

- (a) Strive for the highest standards of professionalism and discipline;
- (b) Work to eliminate corruption;
- (c) Observe the constitutional principles guiding the operation of national security organs
- (d) Observe human rights standards;
- (e) Train staff to the highest possible standards of competence and integrity and to respect human rights and dignity;
- (f) Abide by the principles of transparency and accountability;
- (g) Foster and promote relationships with the broader society; and
- (h) Co-ordinate, supervise and control all private and quasi-government security organizations to ensure safety and security in Kenya.

#### **2.2.5.2 Functions of the Kenya Police Service**

In terms of functions, both Draft Constitutions require the Kenya Police Service to work closely with Communities for:

- (a) The maintenance of law and order;
- (b) The prevention and detection of crime;
- (c) The security of the people;
- (d) The protection of life and property;
- (e) The protection of rights and freedoms;
- (f) A peaceful and safe environment; and
- (g) The support of victims of crime and disorder.

#### **2.2.5.3 Functions of the Administration Police Service**

Under both draft Constitutions, the functions of the Administration Police Service are to work with the people to: -

- (a) preserve and maintain public peace; and
- (b) prevent commission of offences

The Administration Police Service was empowered in the draft constitutions to arrest offenders and do all such things as are necessary for the preservation of public peace and protection of human rights and freedoms. The service is also required to

observe the constitutional principles guiding the operation of national security organs.

In both draft constitutions, there is a clear overlap between the functions of the Kenya Police Service and the Administrative Police Service. The fundamental difference between the Kenya Police Service and the Administration Police Service in the drafts is that both constitutions create the Police Service as a 'national' service, whilst the Administration Police Service is was not constituted into a national service. The reason for this distinction appears to lie in the structures of devolution created in the two constitutions, where the devolved units (districts) were responsible for police, fire fighting services and disaster management.

#### **2.2.6 Prosecutions in the Draft Constitutions**

Both draft Constitutions created the offices of the Attorney General and the Director of Public Prosecutions and separated their functions. The Attorney General was to be appointed by the President on the advice of the Public Service Commission with the approval of the National Assembly. He was to hold office for a maximum fixed term of ten years. He was to be the principal legal adviser to the Government and was responsible for drafting and conduct of civil proceedings involving the Government.

The Director of Public Prosecutions was also to be appointed by the President on the recommendation of the Public Service Commission and with the approval of the National Assembly. He or she had to possess the qualifications of a judge of the High Court and was to hold office for a maximum fixed term of ten years. All the powers vested in the Attorney General by the current Constitution relating to prosecutions were vested in the DPP. In the performance of his or her functions the DPP was not to be subject to the direction or control of any person or authority.

The Proposed Constitution had similar provisions on the Attorney General and the DPP save that in the appointment of the Attorney General, the Public Service Commission was not involved and the Attorney General held office for a five-year term renewable once.



### **2.2.7 The Police Service Commission in the draft Constitution**

Both draft Constitutions have removed the Police from the Public Service Commission and created a dedicated Police Service Commission for both the Kenya Police and the Administration Police. The functions of the Police Service Commission were to: -

- (a) Recruit and appoint persons to hold or act in an office, and to determine promotions in the Services;
- (b) Keep under review all matters relating to the standards or qualifications required of members of the Services;
- (c) Keep under review all matters relating to salaries, allowances and other terms and conditions of service;
- (d) Exercise disciplinary control, including hearing and disposal of appeals by persons in the Services; and
- (e) Exercise such other functions as are provided for by this Constitution or an Act of Parliament.

## **2.3 Prerequisite for the Success of Police Reforms**

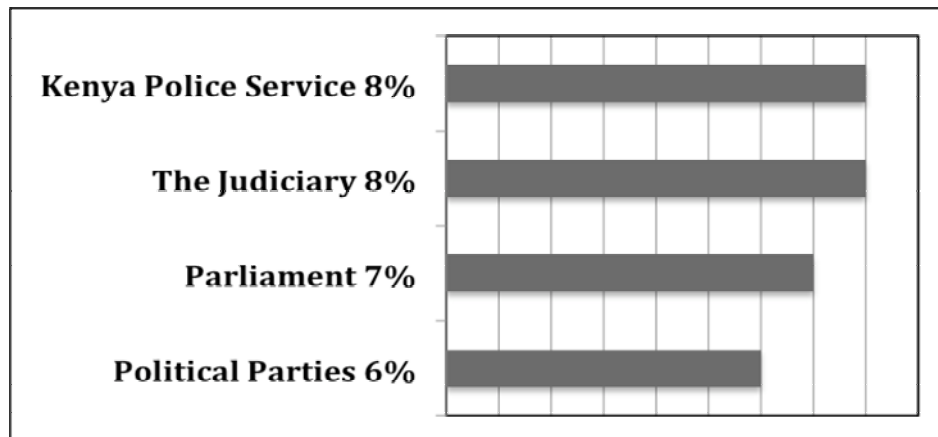
The visits by the Task force to the different provinces, and the interaction that took place at public hearings in provincial headquarters, made it clear that there is considerable scepticism amongst the Kenyan public about 'yet another reform initiative'. Many are of the view that government reform initiatives that were in the past launched with great fanfare have never seen the light of day or have ended up being shelved. Many do not believe that proposed police reforms will necessarily have a better chance of success this time round. Public utterances such as "let's hope this is not another reform gimmick" or "we hope that the Task Force is not busy with a public relation exercise" were common.

It is common knowledge that the levels of trust in the Police are low. Numerous comments made by members of the public at provincial meetings, and a scanning of the daily press confirm this. However, other key institutions such as the Judiciary, Parliament, and political parties also seem to have earned only very low levels of public trust, as is illustrated by the survey results set out in the chart below. Although

the exact statistics reflected in the chart need to be treated with caution, they can serve as useful indicators. The statistics emanate from a survey conducted by Synovate Research, which was based on a sample of 2,005 Kenyans aged 18 years and above. It was conducted between 4 and 16 July 2009 by way of computer assisted telephone interviews and published in ‘The Standard on Sunday’ of 19 July 2009. Figure 4 below shows the result of the survey.

**Figure 4: Levels of public trust in institutions**

**“How much trust do you have in the following people or institutions?”**



Source: Synovate Research

Reforming the Police without also targeting reforms in other sectors, is therefore unlikely to have as pronounced an impact on the broad Kenyan society as many might expect.

A moral and ethical regeneration of Kenyans with the assistance of parents, schools, faith organisations, and leaders from different sectors in Kenya is required. In addition, ongoing initiatives from Kenyans are necessary to diffuse and overcome ethnic and tribal divisions.

Reforms need to impact positively on confidence levels of the public as well as on the morale of Police members. The way in which Government deals with police reforms will determine whether new hope is engendered both within the public and the police that things are turning around and that a safer future awaits them. The

Task Force is encouraged that changes in the leadership of the Kenya Police have taken place since it submitted its Interim Report to H. E. the President on 26 August 2009. Initial indications are that these changes have been positively received by both the public as well as the majority of police officers.

The Task Force has reached the conclusion that for police reforms to be successful, some prerequisites need to be acknowledged and met. We wish to refer to the following prerequisites:

### **2.3.1 Political Will**

Many Kenyans doubt whether the political will exists to take bold reform steps. It is therefore crucial that Government deals with this Report, its findings and its recommendations, with a demonstrable determination and speed that convinces the public that it is serious about undertaking bold reform programmes. Effective police reforms are unlikely to get off the ground if a perception continues to persist that the political will to take bold steps is lacking.

### **2.3.2 Change in Police Leadership**

Whilst a strong political will is a prerequisite for successful police reforms, other factors also play a crucial role. In its Interim Report, the Task Force stated the following:

“The current low levels of public trust in the police also impact on the reduced standing of the senior police leadership in the eyes of the public. This raises the question of how public confidence in police reforms will be improved if the implementation of such reforms is to be left to the current police leadership. The Task Force is of the view that only if there is a ‘visible’ change at the top leadership level of the police, will the public be convinced to accept that the Government is serious about reforms. Only then will it be possible to effect a turn-around in the public trust and confidence in the police. The public therefore expects to see new leadership in the police as soon as possible if government commitment to police reform is to be seen to be credible. In the

interim, the Task Force recommends that persons with proven leadership and managerial skills, high moral integrity, an ability to spearhead reform, be appointed.”

The Task Force was pleased to note that a visible change in the top leadership in the Kenya Police was effected when a new Commissioner of Police was appointed on 8<sup>th</sup> September 2009. However, the rejuvenation of the image of the police leadership, and the promotion of new officers into leadership positions ought not to end with the position of the Commissioner of Police. If the management echelons of the Kenya Police Service are to succeed in reforming policing, then officers with the aforementioned qualities, namely leadership and management skills, high moral integrity, and an ability to spearhead reforms, ought to be seen to occupy leadership positions. The recommendation in this report that an urgent and comprehensive staff suitability review process be undertaken, therefore gains in importance and will assist in restoring confidence in the police leadership.

### **2.3.3 Motivating Police and Public**

There exists an impression that in the eyes of the Government as well as the public, the Kenya Police are less favoured than the Administration Police. Public condemnation and criticism of the police, as well as criticisms from government leaders, has been relentless. The expansion in the ranks and numbers of the Administration Police, together with the additional resources and equipment that they have received has given credence to such perceptions.

There can be no doubt that this relentless criticism, with hardly anyone coming to the defence of those members of the Police who are trying to perform their duties properly, must take its toll on morale, effectiveness, and therefore on safety and security in Kenya. A demoralised, under-resourced and ineffective police service poses serious threats to security, stability, democracy, and development in Kenya.

This Report should therefore also be used as a tool to kickstart a broad campaign aimed at effecting a comprehensive turn-around in the attitude of the police, the public, and government towards the Kenya Police, even though the Kenya Police

Service has not yet been reformed. The government should put in place an appraisal mechanism to continuously weed out the corrupt, ineffective, and criminal elements in the police. Those that have integrity and are manifestly professional in their conduct should be encouraged, better remunerated, and public trust in them restored.

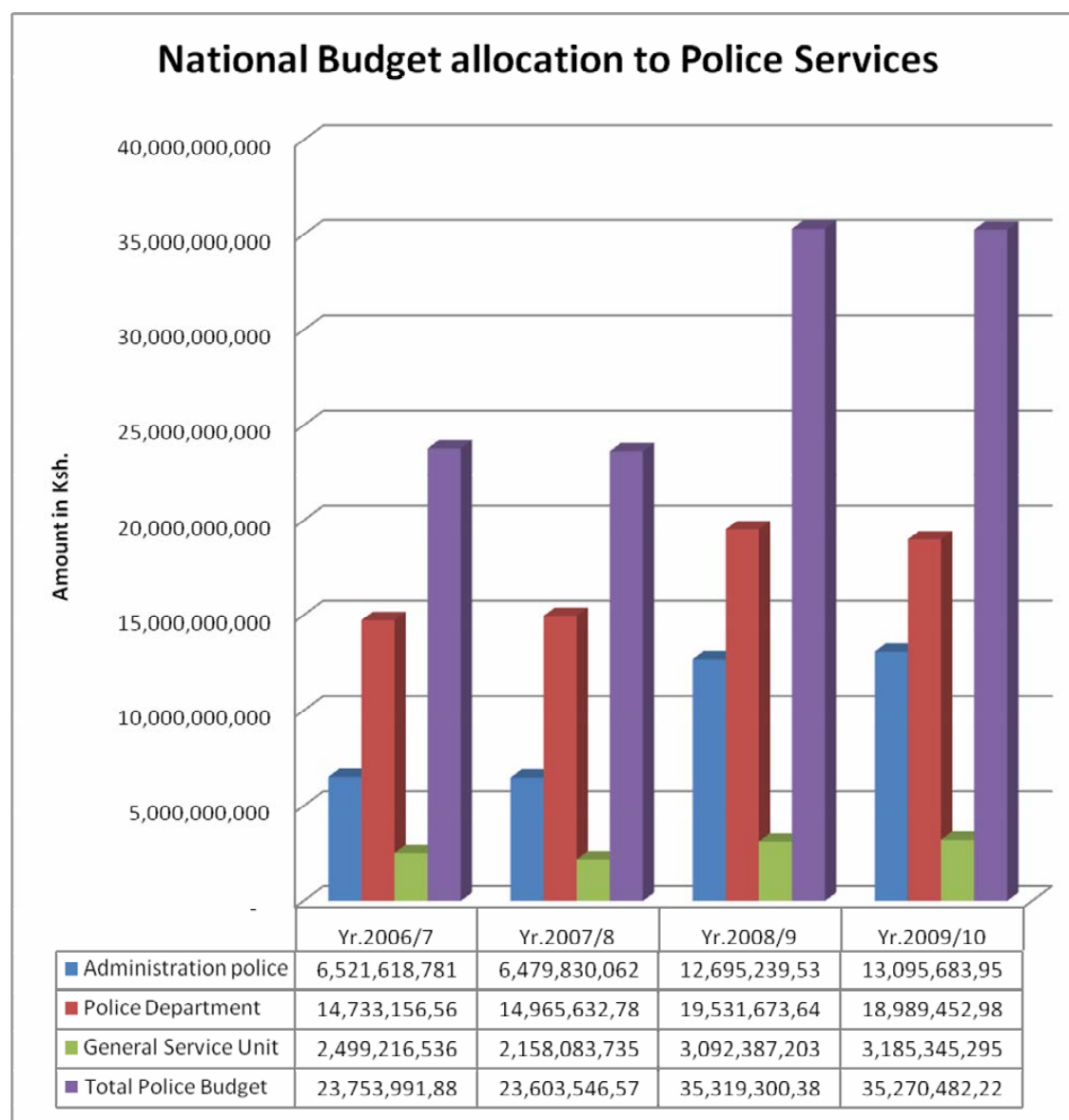
The Government should therefore play a role in giving hope both amongst the public as well as members of the Kenya Police and the Administration Police, that things are going to improve and that better community/police relations are essential for enhanced safety and security for every Kenyan. This need not be an expensive public relations campaign but rather a coordinated plan by leading Kenyan figures and sectors acknowledging the difficult position that the police are in and encouraging them and the public to change it. Leaders from different sectors in Kenya, as well as politicians from different parties, need to promote a new public attitude towards the two Police Services and a more friendly police attitude towards the public. Political leaders have an important role to play in ensuring that mobilizing the public is not exploited for partisan political purposes.

#### **2.3.4 Adequate Funding**

An under resourced police service cannot meet the expectations of government or the society in which it operates – particularly not during times when technology, globalization, and the ready availability of firearms have contributed to criminals becoming more sophisticated, internationally connected, and brutal.

The levels of funding set aside for the police during recent years have been inadequate. Figure 5 below illustrates the budget allocation to police services and their key components for the period 2006/7 to 2009/10. Allocations to the Administration Police have, since 2006 increased significantly. The allocation to the Kenya Police Force increased during the period 2006 to 2008 but the most recent budget allocation for the financial year 2009/2010 showed a drop compared to the previous 2008/2009 financial year. If the reforms recommended in this Report are to be implemented and if they are to have their desired impact, it can only happen if significantly increased funding from state coffers is made available.

**Figure 5: National Budget Allocations to Police Services: 2006 – 2010**



Source: National Budget estimates 2006/7 to 2009/10

## **CHAPTER THREE: ORGANIZATIONAL RE-STRUCTURING**

### **3.1 Introduction**

The first term of reference of the Task Force is to “*examine the existing policy, institutional, legislative, administrative and operational structures, systems...and recommend comprehensive reforms...so as to enhance police efficiency, effectiveness and institutionalize professionalism and accountability*”. As part of its work, the Task Force analyzed the organizational and command structures of the Kenya Police and Administration Police. In addition, views were received from members of the public, civil society organizations, business sector, policing experts and the police. Contributions were also drawn from in-house research papers, written submissions and the Task Force also considered recommendations contained in Agenda 4 Items, Waki Commission Report.

### **3.2 Current Policing Organizational Structures**

At present, Kenya has two Police Forces namely, the Kenya Police Force, often referred to as the Kenya Police, and the Administration Police Force. The current organizational, command and operational structures of these Forces are as follows:

#### **3.2.1 The Kenya Police**

The Kenya Police as established under the provisions of the Police Act (Cap 84, Laws of Kenya), is currently deployed throughout the country. The force is under the command, superintendence and direction of the Commissioner of Police, who is responsible to the President, for the efficient administration and the governing of the Force.

There are three sections of the Police Act that fundamentally inform how the police force is currently structured and managed. These sections read as follows:

- i) Section 4 (1): The Commissioner may delegate any of the powers conferred upon or vested in him by this Act or, unless a contrary intention appears, by any other written law, to any gazetted officer of or above the rank of senior superintendent.

- ii) Section 4(2): Without prejudice to any power vested in the Commissioner (whether or not delegated under subsection (1), the Control of the Force in any Province, District, Area, Place or Unit shall be vested in such Police Officer as may be appointed by, or under the directions of, the Commissioner for that purpose.
- iii) Section 5 (1): The Commissioner may issue administrative orders, to be called Force Standing Orders, not inconsistent with the Constitution or the provisions of this Act or of any regulations made there under, for the general control, direction and information of the Force.
- iv) Section 5(2): Force Standing Orders shall not require to be published in the Gazette.
- v) Section 14A (1): “The Force shall perform its functions under the overall direction, supervision and control of the Commissioner of Police, and shall be impartial and objective in all matters and in particulars in all political matters and shall not accord different treatment to different persons on the basis of their political opinions.”
- vi) Section 14A (2): No police officer shall subject any person to torture or to any other cruel, inhuman or degrading treatment.
- vii) Section 14A (3): Any police officer who contravenes the provisions of this section shall be guilty of a felony.

Section 108 of the Constitution of Kenya vests the power of appointment of the Commissioner of Police in the President. The Public Service Commission only appoints persons in the Kenya Police from the rank of Assistant Inspector and above but may delegate those powers to the Commissioner. The appointment of the officers below the rank of assistant inspector vests in the Commissioner of Police.

The appointment of the Commissioner is the sole prerogative of the President. It follows that this power is unfettered and without checks. He can appoint anyone and dismiss an appointee without assigning any reasons. It is not clear how the decision on appointment is arrived at, the process of appointment is not competitive or transparent, and there are no guidelines on performance, appraisal process and mechanism of disengagement of the person in the event of non-performance,

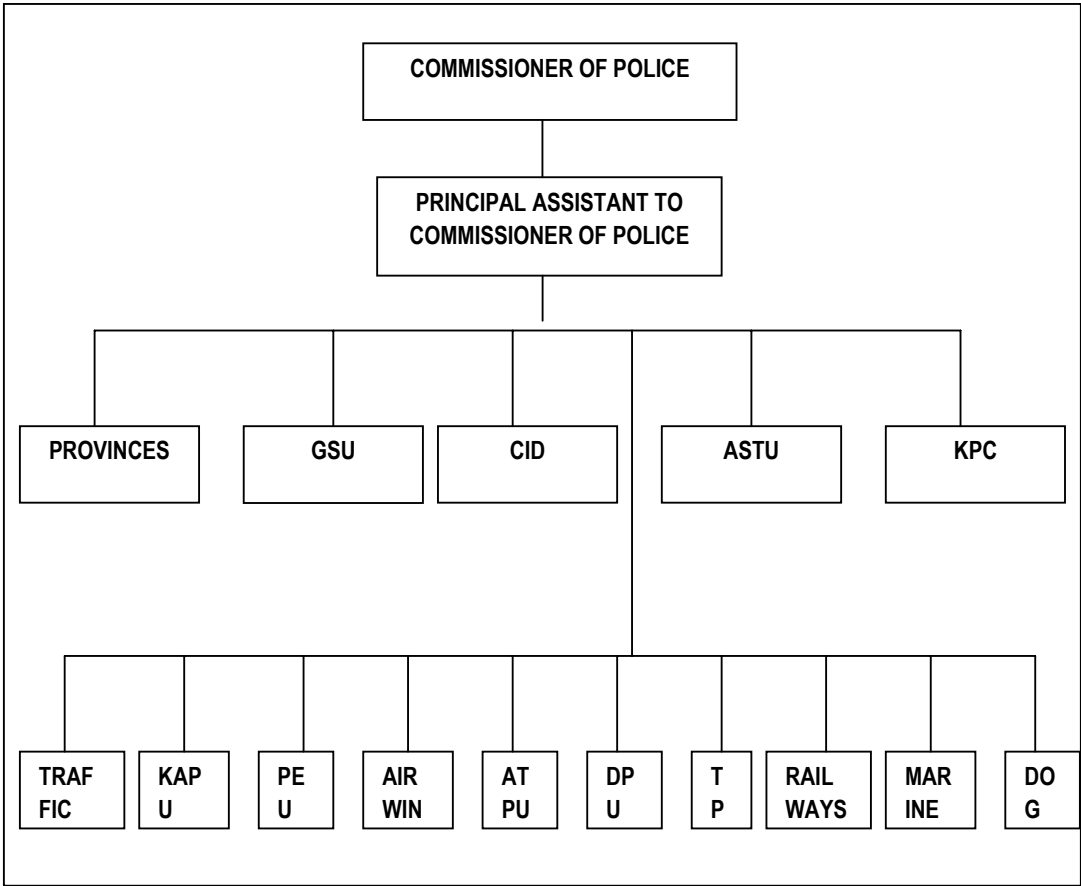


incompetence or misconduct. The person appointed is beholden to the appointing authority for all intents and purposes.

The Commissioner of Police has absolute powers to appoint officers, transfer, deploy, promote or influence their promotion, dismiss them and has the general control, direction, management and command of the police force. The Commissioner has the sole prerogative of issuing the administrative orders that become the force standing orders for the running of the police force. Every officer appointed to head a province, district, area, place, or unit does so at the behest of the Commissioner. These are immense powers and the Task Force finds it dangerous to vest such wide security powers in one person without appropriate checks and balances. The centralised power in the Office of the Commissioner of Police makes it difficult to accommodate changes necessary in the management of policing in the country.

Figure 6 below illustrates the current Force organizational structure.

**Figure 6: Current Command Structure of the Kenya Police**



Source: Kenya Police Force, 2009

### **3.2.2 The Administration Police**

The Administration Police Force is constituted under the Administration Police Act Cap 85. The following sections relevant:

- i) Section 3 (2): the Minister is the Commandant of the force with the title of Commandant of the Administration Police.
- ii) Section 4: the District Commissioner may appoint fit and proper persons to be officers of the force in that District.
- iii) Section 5: the force may be engaged in the defence of Kenya.
- iv) Section 6: the person in charge of the Administration Police in the District is the District Commissioner subject to the general or special direction of the Provincial Commissioner.

The Administration Police, among its functions, exists to support the Provincial Administration and other Government departments in executing their mandate in the county. This is in tandem with the executive authority of the Government of Kenya, which is vested in the President under section 23 of the Constitution of Kenya. The President may exercise the authority either directly or through officers subordinate to him. The Provincial Administration exercises executive functions on behalf of the President, and the Administration Police assist in this function. Under the Chiefs Authority Act, Cap 128, Laws of Kenya, section 6, the chief or assistant chief has the duty to maintain law and order in his/her area of jurisdiction. Further, section 8 provides a chief or his assistant with powers to among others things arrest or cause to be arrested a person who is in the process of committing an offence, and to cause detention or seizure of stolen cattle or other livestock or property as described under the section, stolen outside the local limits of his jurisdiction.

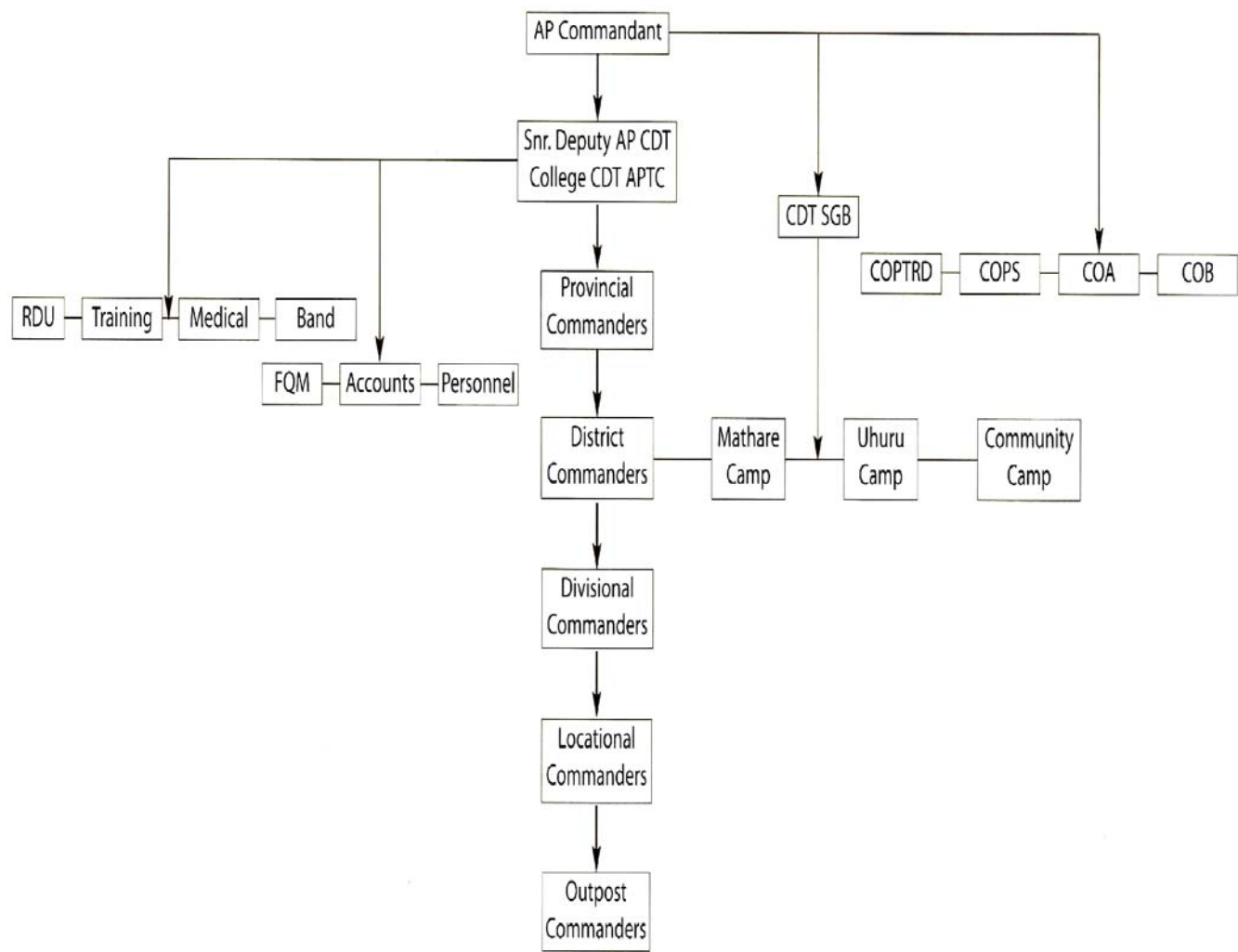
The chief is given powers to issue orders to be obeyed by the persons within his jurisdiction in respect to intoxicating liquor, noxious plants, drugs or poisons, carrying of arms, riotous acts or breach of peace, pollution of water or interference with water

course, streams, cutting or wasteful destruction of trees, spread of human or animal diseases, interference with public roads or works meant for the benefit of the community, destruction of locusts, controlling grass fires, water supplies etc. The Minister may authorize the chief to issue emergency orders under section 12 and 13 of the act in the interest of the community. Section 18 provides for a penalty in the event of disobedience to a lawful order given by a chief or his assistant. Section (8) of the Administration Police Act provides that when called upon by a chief or sub chief to assist them in the exercise of their lawful duties, the officer is obliged to do so. It follows that the capacity of the chief and generally the Provincial Administration to deliver on their mandate would be undermined without the assistance of the Administration Police.

Figure 7 below illustrates the current Administration Police organizational structure.

Figure 7: Current Administration Police Organizational Structure

*CURRENT AP COMMAND STRUCTURE AND ORGANISATION*



Source: Administration Police Strategic Plan 2004 - 2009

### **3.3 Restructuring Police Services in Kenya**

The Task Force examined in detail the organizational structures of both Kenya Police and Administration Police. It became clear that the current structures can no longer sustain an efficient police service, taking into account the increased population, the state of insecurity in the country, the emerging security challenges occasioned by national and international threats, and the increasingly well-informed and sophisticated Kenyan community. All these challenges brought to the fore issues related to overlap of functions, perceived competition and questions as to whether they should continue existing in their current forms, consequently leading to the question of the merger of the two forces.

#### **3.3.1 Merger and Coordination**

As the Task Force went about collecting view from members of the public, experts and other stakeholders, one of the issues that featured prominently was whether or not there should be a merger of the two Police Forces.

The Task Force noted that the Waki Commission Report (at page 436) recommended a merger and gave the following reasons:

*“The Commission believes that developing a world class police service for Kenya would be best achieved through the creation of a single police agency. This means integrating the current two police organs. Given the revelations around the unlawful use of Administration Police (APs) around the elections, the fact that the current structure is inextricably linked to the provincial administration system, and many of the senior officers are not police professionals integrating the APs into the Kenya Police Service is a priority activity. It is recognized that there are difficulties in completing this important work (merging two cultures, ideals, systems and approaches) but the benefits will greatly outweigh these temporary obstacles. Integration will provide accountability, resourcing, service delivery and performance benefits many of which are listed here. Benefits include but are not limited to: -*

- *Total independence from the provincial administration structure and separation from national government oversight.*

- *Unified command and control.*
- *Across the board consistency and uniformity in all facets of policing including; standardized policing service delivery, standard operating procedures (SOPs), improved investigations capability and intelligence gathering and dissemination.*
- *Increased trust and confidence in the police and policing.*
- *A single and unified Police Service Board, one head of police (Commissioner), one strategic plan and a single integrated and well understood service delivery offering.*
- *A single piece of enabling legislation, Force Standing Orders, guidelines, practice and operational arrangements.*
- *Standard systems of recruitment options, entry standards including lateral entry options, basic and specialized training, conditions of service including living conditions and remuneration, human resource management arrangements, promotion and advancement, and leadership development including command and control.*
- *Significant efficiency gains from budgeting, purchasing, and utility of resources (capital, equipment and people).*
- *The elimination of inter-agency tension and conflicts that impact negatively on service delivery.”*

In addition, the Task Force heard views from members of the public, Provincial Administration, the police, experts, public officials and other stakeholders, a convincing majority of whom opposed the merger of the Administration Police with the Kenya Police. For the most part, the views of the public were based on among others, their positive experience in dealing with the Administration Police, as opposed to their experience with Kenya Police. Many cited them as being friendly, less bureaucratic in dealing with complaints, more accessible to the people, among other positive attributes. Its grassroots nature that entails dealing with *wananchi* daily gives the Administration Police the unique advantage of policing with the community. Its role in conflict resolution as opposed to outright arrest and the supervision by the Provincial Administration officers who are trained in public administration has to a

large extent influenced its less confrontational relationship with the people. However, there were also allegations of:

- Misuse of the Administration Police for political reasons.
- Misuse of Administration Police in undertaking duties that do not constitute their core duties.
- Some Administration Police officers being used for guard duties and private chores by senior government officials.
- Engaging Administration Police in provision of security services to influential private citizens.
- Provision of VIP protection service without transparent criteria.
- Rivalry between the Kenya Police and the Administration Police

At the present time, merging the two forces would be inappropriate given the fact that, they have different mandates, training, face different policing needs and require different reforms. It would also not be advisable to carry out reforms while simultaneously absorbing approximately 32,000 more officers into the Kenya Police. In addition, until such time that Kenya has a devolved system of government, the Administration Police will continue to assist the Provincial Administration in their duties. The Task Force considered all the views presented to it, as well as the experience of countries with more than one police service, and came to the conclusion that the separate existence between the Administration Police and the Kenya Police should continue at this point in time.

While maintaining the Administration Police it is necessary to provide a mechanism for checks and control to prevent abuse and penalize breaches. The officers must be used for the benefit of taxpayers generally. With the appropriate governance structures, institutions, demarcation and clear formulation of duties, it will be possible, in the opinion of the Task Force, to manage the forces efficiently for the benefit of the tax payers.

### **Recommendations**

- i) A merger of the Administration Police with the Kenya Police Service should not be undertaken at this stage. However, in carrying out their duties the two

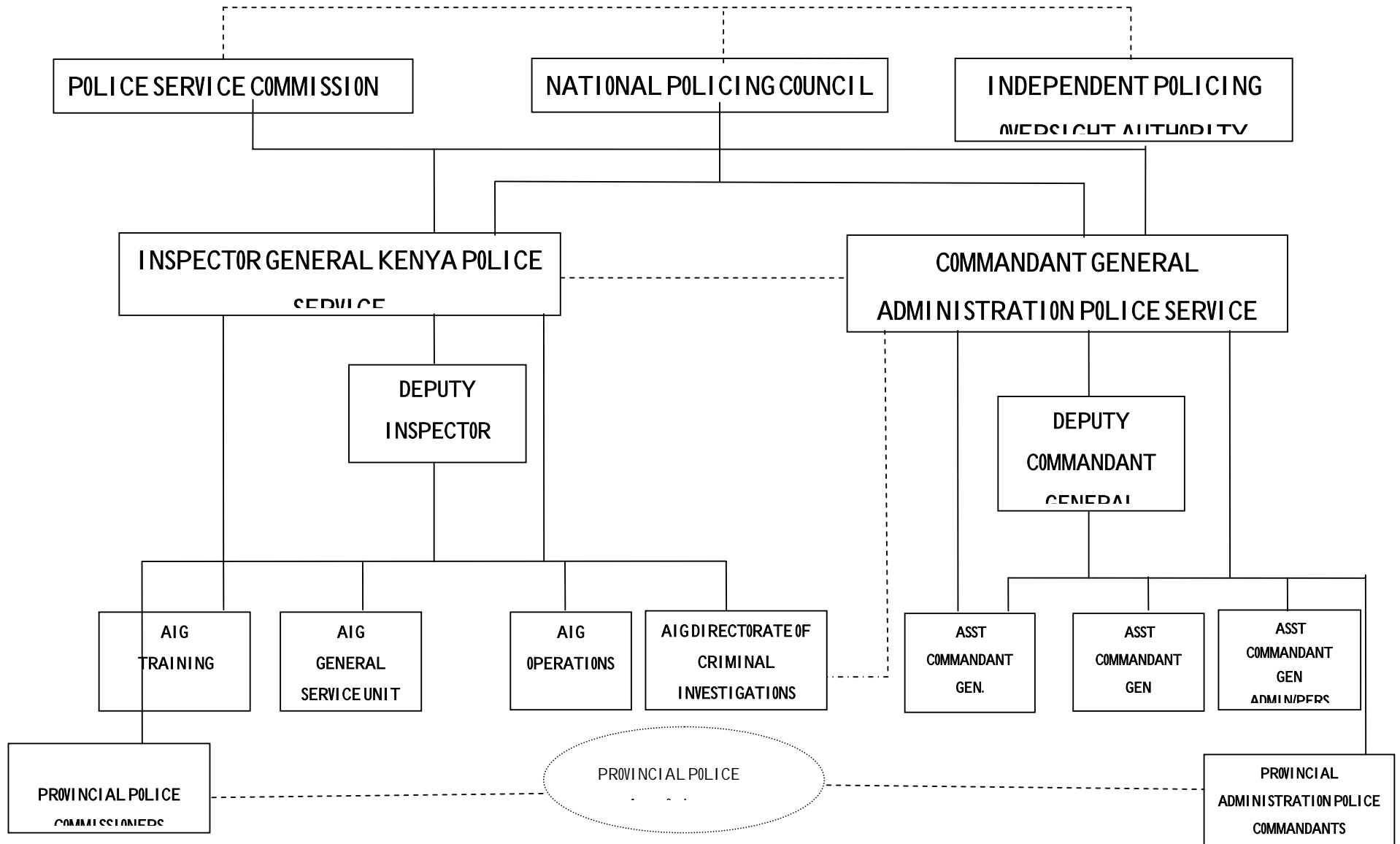


services must observe the principle of complementarity to maximize effectiveness.

- ii) There should be one Police Reform Bill that should provide for the two Police Services. The Bill should provide for a clear demarcation of functions and duties to avoid overlap and duplication.
- iii) The proposed Police Reform Bill should include explicit provisions applicable to both police services requiring them to conduct themselves in a professional, non-partisan, and politically neutral manner.
- iv) The Inspector General and the Commandant General shall be appointed by the President on the recommendation of the Police Service Commission after a transparent and competitive process.
- v) The Inspector General and Commandant General will serve on a one five (5) year contract.
- vi) The Service (formerly Force) Standing Orders for both police services should be developed and reviewed from time to time by the National Policing Council in consultation with the Police Service Commission.

It is recommended that the following proposed organizational structure (Figure 8) be adopted to ensure coordination and effective operation of the police services.

**Figure 8: Proposed Organizational Structure for the Police Services**



### **3.4 Police Service Commission**

The proposal that a dedicated Commission should be responsible for determining the terms and conditions of service of the police, is not new in Kenya. Section 157 of the Independence Constitution (1963) established a Police Force under the command of the Inspector General who was appointed by the Governor General acting in accordance with the advice of the Police Service Commission. Section 160 established a Police Service Commission comprising of two (2) ex-officio members namely: the Chairperson of the Public Service Commission and a Judge of Appeal or Supreme Court appointed by the Chief Justice. There were three other members of the Commission to be appointed by the ex-officio members acting jointly and in consultation with the Inspector General. The Constitution empowered the members to elect the Commission's Chairperson from amongst themselves.

It is clear from these provisions that the intention of the Independence Constitution was to insulate the Police Force from political and executive interference. Members of the Commission enjoyed security of tenure but could be removed from office for misconduct or inability to exercise the functions of that office. If the question of removal of a member from office arose, the Governor General would appoint a tribunal to investigate and make recommendations to his office.

The Commission was charged with the responsibility of among other things, keeping under review all matters relating to salaries, allowances, standards, qualifications and other conditions of service of members of the Police Force and to advise the Minister thereon accordingly.

The changes introduced by the Independence Constitution did not last and in 1964, even before they could be implemented, the Constitution was amended to abolish the Police Service Commission and place the police under the Public Service Commission. This amendment effectively transformed the police force into an extension of the civil service, marking the beginning of a culture of political manipulation and control of the Police Force by the Executive.

### **3.4.1 Comparative assessment**

A number of countries have established separate bodies, independent of the Public Service, to deal with among others, matters relating to appointments, promotions and discipline of police officers. In 2001, Nigeria established a Police Service Commission, a body composed of civilians, most of whom are not public officers. The Police Service Commission of Nigeria is an independent body not subject to the direction, control or supervision of any other authority or person in the performance of its work and members hold office for a period of four (4) years only. In Uganda, the Justice Julie Sebutinde Commission of Inquiry into allegations of corruption in the Police Force recommended the establishment of a Police Service Commission.

### **3.4.2 Appointment, Promotion and Removal of Police Officers**

As already noted in Chapter two, under section 108 of the Constitution of Kenya, the power to make appointments, discipline and remove police officers (except the Commissioner) is vested in the Public Service Commission. The training, chain of command and functions of the police who are members of the disciplined forces are unique and the Task Force is of the view that their appointment, discipline and removal should not be determined by a Commission that is established primarily to deal with the terms and conditions of service for civilians. In any case the sheer size of the civil service makes a compelling case for a separate Commission to provide more efficient services to the police. Even under the current arrangement, not all police officers fall within the purview of the public service commission. Only those of the rank of Acting Inspector and above are subject to the Public Service Commission while the junior officers are subject to the Commissioner of Police.

The Public Service Commission is empowered under the Constitution, to delegate its powers, or any of them, to one or more members of the Commission or to the Commissioner of the Police. The Task Force is of the considered view that such critical power ought not to be delegated to an individual but should be vested and exercised by an institution.

Article 283 of the Bomas Draft Constitution and Article 266 of the Proposed New Constitution removed issues of the police from the Public Service Commission and

vested the same in a Police Service Commission. The report of the Commission of Inquiry into post election violence (The Waki Commission), also recommended at page 481, the creation of a Police Service Commission. The establishment of such a Commission was also recommended by members of the public, the various stake holders and experts who appeared before the Task Force as well as by members of the two police services.

The Task Force is convinced that lack of a Police Service Commission in Kenya has contributed to the unsatisfactory recruitment practices, poor terms and conditions of service, lack of professionalism, poor morale, dismal performance by the police and other innumerable problems that face the police service today. We are of the view that matters of police recruitment, promotion, discipline, welfare and dismissal should be removed from the Public Service Commission and vested in an independent institution namely, the Police Service Commission.

### ***Recommendation***

The Task Force recommends the establishment of a Police Service Commission under the Constitution and legislation.

### ***Composition***

The Police Service Commission shall be composed of nine persons as follows: -

- (i) A person qualified to be appointed as a judge of the High Court
- (ii) Four (4) persons of high moral character and integrity with knowledge and proven experience in the following professional disciplines; human resource management, employment and labour relations, financial management/audit, economics and public administration.
- (iii) Two (2) retired senior police officers of high moral character and integrity not below the rank of assistant commissioner of police (ACP) or the equivalent in the Administration Police.
- (iv) The Chairperson, Public Service Commission.
- (v) The Chairman, Permanent Public Service Remuneration Review Board.

No gender shall exceed two thirds of the total membership provided that the vice chairperson shall be of a different gender from the chairperson.

### ***Appointment***

- (i) The Chairperson and the members of the Police Service Commission shall be appointed by the President in consultation with the Prime Minister and with the approval of Parliament.
- (ii) The Chairperson shall be appointed from number (i), (ii), and (iii) of the composition above.
- (iii) The members set out in (i), (ii) and (iii) above shall serve for a one 5-year term.

### ***Removal from office***

A member of the Commission will cease to hold office if he/she:

- (i) Is declared bankrupt or enters into an arrangement with his/her creditors
- (ii) Is convicted of a felony or any offence involving fraud or dishonesty
- (iii) Becomes of unsound mind or is incapable of carrying out his/her duties
- (iv) Is guilty of a serious misconduct in relation to his/her duties
- (v) In respect of a person possessed of professional qualifications, if he/she is disqualified or suspended other than at his/her own request, from practicing his profession in any part of the world, by an order of a competent authority, made in respect of that member

### ***Disqualification from membership of the Commission***

In line with the provisions of the Independence Constitution, the Task Force is of the view that the police service must be insulated from political and executive interference. To achieve this, we recommend that any person falling in the categories below shall be disqualified from membership of the Commission:

- (i) A member of public service, local authority, National Assembly and Armed Forces;
- (ii) Any person who is a holder of an office in any political party.

## ***Functions***

The Police Service Commission shall have the following functions:

- (i) Recruitment and appointment of persons to hold or act in an office and to determine promotions in the service, while observing gender and Kenya regional balance.
- (ii) Keeping under review all matters relating to the standards or qualifications required of members of the service.
- (iii) Keeping under review all matters relating to salaries, allowances and other terms and conditions of service.
- (iv) Exercising disciplinary control, including hearing and disposal of appeals by persons in the service
- (v) Exercising such other functions as are provided for by the Constitution or an Act of Parliament
- (vi) Entering into performance contracts with senior officers
- (vii) Liaising with the oversight authority in identifying patterns and trends in complaints against the police
- (viii) Approval of applications for engagement of police officers in trade and other businesses.

In the performance of its functions, the Commission shall not be subject to the direction, control or supervision of any other Authority or person except as is prescribed in the Police Service Commission Act.

## ***Reporting***

To enhance accountability and transparency, the Police Service Commission shall submit an Annual Report to:

- (i) President
- (ii) Prime Minister
- (iii) Parliament

### ***Implementation***

The Task Force recommends immediate amendment of the Constitution to create the Police Service Commission

### **3.5 The National Policing Council**

While retaining the two police services, there is need to ensure that they work harmoniously and that they are effective, efficient and accountable. It is equally important to avoid unhealthy competition and overlap of functions. Further, there is a case for sharing of resources and facilities such as training, procurement and intelligence, among others. This would lead to better and more cost effective security services.

Currently, there is no institution in place to realize these objectives. The proposed National Policing Council is expected to serve this purpose. It will provide the structure for the heads of the two police services, and the other members of the Council to, among other things, develop the National Policing Plan.

### ***Recommendations:***

1. The establishment of a council to be known as The National Policing Council.
2. The National Policing Council should be composed of the following members:
  - (a) Permanent Secretary responsible for police services as the chairperson and accounting officer;
  - (b) Inspector General, Kenya Police Service;
  - (c) Commandant General, Administration Police Service;
  - (d) Director, Directorate of Criminal Investigations (DCI);
  - (e) Commandant, General Service Unit (GSU);
  - (f) Two (2) other Commissioners representing the Association of Police Commissioners (one from KPS and the other from APS);
  - (g) Secretary to the council shall be the Secretary, Internal Security;
  - (h) Secretary of the proposed Police Service Commission;
3. The functions of the National Policing Council should include:
  - (a) Formulate and determine policing policy



- (b) Review, rationalize and coordinate the budgeting and National Policing Plans
- (c) Set national priorities, objectives and targets for police performance
- (d) Set and enforce unified policing standards across the country
- (e) Monitor trends and patterns of crime in Kenya
- (f) Monitor trends and patterns on Human Rights abuses
- (g) Provide strategic management and support
- (h) Ensure policing accountability at all levels
- (i) Undertake an annual inspection and audit of the police
- (j) Monitor progress in achieving set targets
- (k) Financial management and oversight
- (l) Determine and advise Police Service Commission on human resource management and development requirements
- (m) Coordinate procurement activities
- (n) Appoint and manage a secretariat to execute its mandate
- (o) Promote research and development in policing function; and
- (p) Determine police ranking in consultation with the Inspector General, Commandant General, and the Police Service Commission

### **3.6 Association of Provincial Police Commissioners and Commanders**

There shall be an Association of Provincial Police Chiefs and other Commissioners of equivalent rank and shall include their DCI and Administration Police counterparts. The Inspector General and the Commandant General may be represented. The Association shall be chaired by any of the Commissioners/Commanders on an annual and rotational basis through an internal selection process. The Association shall meet at least four times a year.

#### ***Functions***

To deliberate and recommend on: -

- (i) Emerging policing trends.
- (ii) Cross-cutting policing issues
- (iii) Criminal intelligence sharing
- (iv) Policing strategies.

- (v) Tooling/equipment, logistics and communications
- (vi) Regional linkages.

It shall constitute a felony for any Commissioner to withhold intelligence information or recklessly or deliberately failing to take action necessary to prevent the commission of crime that may affect another Region or Province.

### **3.7 Devolved or Centralized Structure**

The Task Force had the privilege of visiting Botswana, Sweden and the United Kingdom and Northern Ireland, countries with excellent policing services. From these visits, and presentations made to the Task Force, it became clear that the structure of the Kenya Police is outdated and needs to be changed as a matter of urgency if police performance is to be enhanced. It was also apparent that different areas of the country tend to experience different forms of security challenges and will often require different policing strategies, equipments and transport.

The uniqueness of the various areas of the country demands area-specific policing management. A centralized police management structure is therefore inappropriate for the country. It leads to inefficiency, bureaucracy and low morale. Due to the manner of the appointment and the centralised powers vested in the Commissioner of Police, there is very little accountability by the police to the people that they are meant to serve. The Commissioner is accountable to the President alone while the officers below are accountable to the Commissioner. Consequently, the police are vulnerable to both political and hierarchical misuse and their capacity to inculcate the observance of human rights in their line of duty becomes difficult.

The Task Force further noted that there is a significant degree of alienation between the Kenya Police and the communities they serve. One of the contributing factors is the requirement in the Force Standing Orders that junior officers reside in Police Lines. The Kenya Police and communities are separated by a “them” and “us”, mindset. Without changing this mindset, community policing will be impossible to succeed. Policing structures must be designed to enable communities to constantly engage with the police in order to enable them to identify what they want from their

police service, what they think about the service that is delivered, and how it can be improved. It is further important that the structures support a process in which there is a Policing Plan formulated from the national level and cascading to the lowest level of the country and vice versa. Therefore the centralised structure must be replaced with a devolved one.

### **3.8 Provincial Policing Authorities**

Currently, there are no procedures or mechanisms in place in the provinces through which the police account to the public for their policing activities and needs. At the national level, the proposed National Policing Council is designed to fill this gap. In order to make policing at the provincial level more accountable, the Task Force recommends the creation of a Provincial Policing Authority in each province. In a democratic society, police must act with the support and trust of the people they serve. This will enable the police to engage with representatives of the community through this forum where key policing priorities and the Policing Plan are set.

The concept of Provincial Policing Authorities should, with time, be cascaded to lower levels. Each Provincial Policing Authority (PPA) shall sit with the Provincial Police Commissioner and the Provincial Security and Intelligence Committee (PSIC) at least once every quarter. In preparing the budget and policing plan, the Provincial Police Commissioner shall consult with the PPA. The PPAs shall be accountable to the Minister responsible for police through quarterly reports.

The two police services, and other policing services that may be established, shall account to the public through the Provincial Policing Authority. However, the police services shall retain full operational, financial and management autonomy. The Inspector General with the approval of the Police Service Commission and the National Policing Council may create other positions at the lower levels. The Inspector General shall maintain a lean and professional staff at the national level.

#### ***Recommendations:***

- (i) Provincial Policing Authorities (PPAs) be established at provincial levels
- (ii) The Provincial Policing Authorities shall consist of 9 civilian members of good standing, representing business sector, civil society, professional

bodies, and religious organizations, a third of who must be women. The members shall elect a non-executive chairperson.

- (iii) The members should have been ordinarily resident in the Province for a period of not less than three years, or have for such a period been employed or owned immovable property in the Province.
- (iv) Members should have no criminal record.
- (v) The members of the Authorities shall be appointed by the Minister in charge of the police services, from candidates nominated by the respective professional bodies, in consultation with the Police Service Commission.
- (vi) Members shall serve for a single term of three (3) years.
- (vii) The functions and responsibilities of the PPAs shall include:
  - (a) Working with and through the Provincial Police Commissioner/Administration Police Commandant to develop proposals on priorities, objectives and targets for police performance in the province that are submitted to the National Policing Council for consideration;
  - (b) Monitoring trends and patterns of crime in the Province;
  - (c) Monitoring progress in achievement of set targets;
  - (d) Providing financial oversight;
  - (e) Ensuring policing accountability to the public; and
  - (f) Ensuring compliance with national Policing standards.

### **3.9 Recommended Restructuring of Kenya Police Service**

In the restructured Kenya Police Service that the Task Force recommends, the following are the main changes:

- (i) The Kenya Police Force should be renamed the Kenya Police Service
- (ii) The Kenya Police Service shall be headed by an Inspector General at National level assisted by a Deputy Inspector General
- (iii) Provincial Police Commissioners (PPCs) will replace Provincial Police Officers (PPOs). Each PPC shall have District Police Commanders, Station Commanders and such other officers as shall be necessary for policing purposes e.g. Police Post Commanders and Patrol base Commanders at lowest level. They shall have operational and financial autonomy in carrying out their functions and responsibilities

- (iv) Directorate of Criminal Investigations (DCI), which shall be headed by an Assistant Inspector General. This shall replace the current CID and shall be devolved to regional levels
- (v) A Presidential Escort and VIP protection Unit
- (vi) A General Service Unit (GSU) shall be headed by a Commandant with a ranking equivalent to a Regional Commissioner of Police
- (vii) A Traffic Department that shall be devolved to the regional level
- (viii) A Maritime Police Unit
- (ix) The Kenya Police Air Wing
- (x) The Internal Police Complaints Department (Internal Affairs Unit)

### **3.9.1 Inspector General**

#### ***Appointment***

- (i) The Inspector General and the Deputy Inspector General shall be appointed by the President on the recommendation of the Police Service Commission after a competitive process
- (ii) The Inspector General shall hold office for one term of five (5) years

#### ***Functions of Inspector General***

- i) Overall Commander of the Kenya Police Service
- ii) Policing Policy guidance and direction
- iii) Member of the National Police Council
- iv) Monitoring and evaluation
- v) Audit, Supervision and inspection
- vi) Research and development
- vii) Provision of internal oversight (Internal Affairs)
- viii) Benchmarking against best practices

### **3.9.2 Proposed ranking structure**

The ranking structure is potentially one of the biggest long-term obstacles to establishing an effective police service. Perhaps the most valuable reform measure that could be introduced in terms of the potential to develop a police system that

operates effectively is to create a system where rank is related purely to the function that one performs in the organization.

The current proliferation and glorification of ranks in both police services has brought about overlaps, duplication and loss of stature of ranks, and their predication and responsibilities, has been rendered meaningless.

Unless a proper restructuring and rationalization is done, the police reform process will become paralyzed and trapped as a result of confusion and conflict over lines of authority and responsibility, and managers and supervisors will be unable to assert their authority.

To this end, the Task Force recommends the following ranking structure for the Kenya Police Service: -

1. Inspector General
2. Deputy Inspector General (one post)
3. Assistant Inspector General
4. Police Commissioner
5. Assistant Commissioner of Police
6. Senior Superintendent of Police
7. Superintendent of Police
8. Chief Inspector
9. Inspector
10. Sergeant
11. Corporal
12. Constable

### **3.9.3 Provincial Police Commissioners (PPCs)**

PPCs in charge of the Administrative Provinces as currently established should replace PPOs. Each Provincial Police Commissioner would have District Police Commanders, Station Commanders and such other officers as would be necessary for policing purposes.

### ***Recommendation***

- i) Provincial Police Commissioners (PPCs) will have complete operational and financial autonomy from the centre. The same principle will apply in respect to Director DCI and Commandant GSU.

#### **3.9.4 Directorate of Criminal Investigation (DCI)**

This Directorate shall be headed by a Director whose rank will be that of an Assistant Inspector General of Police and will be deputized by a Deputy Director whose rank will be equivalent to that of a Provincial Police Commissioner. The DCI shall have a Department of Forensic Science. The Directorate shall be semi-autonomous and will have operational and financial independence and will serve both police services and provide a link with the Office of the Director of Public Prosecution.

#### ***Functions***

- i) Provide criminal intelligence
- ii) Undertake investigations on serious crimes including homicide, Narcotics trafficking, human trafficking, money laundering, terrorism, economic crimes, piracy, organized crime, cyber crime etc.
- iii) Forensic science
- iv) Maintenance of law and order
- v) Detection and prevention of crime, etc.

#### **3.9.5 General Service Unit (GSU)**

The GSU is a paramilitary Unit, which is equipped by, and a mobile formation/branch of, the Kenya Police Service. The Unit shall be headed by a Commandant whose rank will be equivalent to that of an Assistant Inspector General.

#### ***Functions***

- (i) Manage and deal with special operations and internal civil disorders
- (ii) Provide security to the President, Prime Minister, Vice President, and other VVIPs
- (iii) Security of State Houses and State Lodges

- (iv) Anti-terrorism operations
- (v) Counter insurgency operations
- (vi) Escort of:
  - Currencies
  - Arms and ammunition
  - Dangerous prisoners
  - Explosive devices
- (vii) Complement other Government agencies in disaster management efforts

### **3.9.6 General Duty Police**

The GSU is a paramilitary Unit, which is equipped by, and a mobile formation/branch of, the Kenya Police Service. The Unit shall be headed by a Commandant whose rank will be equivalent to that of an Assistant Inspector General.

#### **Functions:**

- (i) Detection and prevention of crime
- (ii) Maintenance of law and order
- (iii) The preservation of peace
- (iv) Protection of life and property
- (v) The apprehension of offenders
- (vi) All other policing duties, functions, powers and privileges

### ***Prosecution by the Police***

The Task Force recommends the following:

- i) An Audit be undertaken of the police prosecutors' levels of training and competence
- ii) Those found to be qualified be seconded to the Attorney General's Office
- iii) Adequate budgetary allocations should be provided to enable immediate recruitment of professional prosecutors
- iv) Police prosecutors should be phased out within the next five years



### **3.9.7 Traffic Department**

Traffic is a Department in the Kenya Police Force. Initially its mandate was to monitor and maintain records of traffic related cases. It was not until 1974 that it became a fully-fledged Department of the Kenya Police and moved to the current Headquarters along Thika Road. In 1985, it changed its name to “Police Traffic Department.” The Department falls under the command of the Commandant Traffic who is responsible to the Commissioner of Police for the administration, training and efficient running of the Department.

#### ***Functions***

The functions of the Traffic Department are:

- Enforcement of traffic laws and regulations
- Apprehension and prosecution of Traffic offenders
- Prevention of road traffic accidents
- Investigation of road accidents and maintenance of data
- Creation of road safety awareness to the public through the media, lectures in schools and Public Institutions/public places
- Collection of accident statistics/data including research countrywide.
- Disseminating information on traffic matters to the press/media and the public in general
- Enforce the axle – load Regulations at the Weigh bridges in conjunction with the Ministry of Public Works
- Carrying out annual inspections of all Public Service Vehicles and commercial and private vehicles prior to licensing or registration
- Inspection and certification of roadworthiness of vehicles
- Inspection of accident vehicles to ascertain the pre accident defects
- Testing of drivers and issuance of certificates of competence
- Monitoring the movement of all government vehicles
- Recruitment, training and deployment of traffic police officers
- Provision of free flow of traffic along the roads

### ***Corruption and Deployment in the Traffic department***

The Task Force received views from members of the public and other stakeholders. They accused the Traffic department of corruption and complained of the numerous roadblocks some of which have become permanent features on the roads and which are used by Traffic police officers to extort money from motorists and other members of the public.

Many police officers were categorical that, a majority of police officers manning road blocks and many others performing traffic duties knew nothing about Traffic management and Operations while those who have been trained with the objective of taking up Traffic duties, are deployed elsewhere to perform duties that are completely irrelevant to their training. Nepotism and ethnicity have significantly contributed to corruption in the Traffic department.

We recognize the fact that since the handing in of the Interim Report, the number of Police roadblocks has substantially reduced. We must here reiterate that road blocks should be laid for a particular purpose and removed once that purpose is achieved. Under the current decentralized arrangements the Traffic Commandant has no operational command over traffic officers in the field as Highway Patrol Bases fall under the direct supervision of PPOs and OCPDs. This has undermined accountability and effective control and management of Traffic matters. The Task Force acknowledges the fact that some changes, the extent of which is not within our knowledge, have taken place in the department since the submission of the Interim Report.

#### ***(i) Traffic Management***

With regard to traffic management in Nairobi and other cities, the Task Force noted the use of traffic police officers to control traffic even when traffic lights were functioning. We do not think that this is the core function of a police officer. Some countries, such as the United Kingdom, which the Task Force visited, have embraced the use of CCTV cameras to monitor, direct and control the flow of traffic. Although this is good traffic management practice, we appreciate the prohibitive cost involved and the fact that Kenya may not be able to afford such a system at the moment. We however are of the view that the use of such cameras in major cities

can help in the management and control of traffic. The installation of such cameras along the highways is also a matter, which the government may also consider in the long term.

Road traffic accidents are on the increase on Kenyan roads with drivers, and in particular, those driving *matatus* and other public service vehicles, flouting traffic laws with impunity. The problem is compounded by the fact that court fines and other penalties for non-compliance with traffic laws are not a deterrent. To restore sanity on our roads and protect human life, there is need to review traffic laws and prescribe stiff penalties for offending drivers.

#### ***(ii) Computerization of the Traffic Department***

Like other police departments, the Traffic Department is not computerized and management of traffic data is lacking. There is no IT connection between the Traffic Department, the Courts and Kenya Revenue Authority. Such connection is vital, as it will enable KRA to access information on all licenses that have been endorsed or cancelled by the courts and decline to renew them.

There is need to establish an automated number plate recognition system with integrated vehicle insurance data base, police records, driving License and other details. The Task Force visited the United Kingdom where this system is in place and is of the view that it is good policing practice that can help the police to easily identify the owners of motor vehicles involved in criminal activity.

#### ***Recommendations***

- The Task Force recommends the establishment of a modern traffic management system complete with micro computer accident analysis package for the management of traffic accident data.
- We further recommend the computerization and integration of the traffic management with automated number plate recognition system. We are conscious of the prohibitive cost of setting up this kind of system and the fact that the two recommendations cannot therefore be implemented immediately. This is a matter that the government can only consider in the long term.

- All police officers working in the Traffic Department who have no training in traffic management and operations should immediately be removed and replaced by officers with relevant training in traffic management and operations
- The department should be reorganized so that there is a clear demarcation of functions in order to streamline accountability all the way from police station level up to the Traffic Commandant
- Roadblocks should be laid for a particular policing purpose and removed once that purpose is achieved
- The relevant sections of the Traffic Act (Cap 403 of the Laws of Kenya) should be amended to prescribe deterrent penalties for drivers who flout traffic laws.

### **3.9.8 The Presidential and VIP Escort Unit**

The Presidential Escort Unit provides armed protection to the President, the Vice President and the Prime Minister. It also provides protection for other VIP's as appropriate. This would include visiting Foreign Heads of State and other dignitaries. It is recommended that this Unit be named 'The Presidential Escort and VIP Protection Unit' as it would better describe its more expanded mandate of protection function.

### **3.9.9 Maritime Police Unit**

The Maritime police unit was restructured in 2007 as a law enforcement agency, with its Headquarters at Kilindini Port in Mombasa, to deal with Maritime activities and to provide security along the seas and Lakes in Kenya. Prior to this, the unit was a section of the Port Police Kilindini Division. As a Law enforcement agency, the Unit is duty bound to support the Port Police establishment under which it falls. It is constituted of the Kilindini, Lamu, Kisumu, Port Victoria and Lake Baringo Detachments.

#### ***Functions***

According to information posted on the Kenya Police Website, as well as in Chapter 16 of the draft revised Force Standing Orders, the main functions of the Maritime Police Unit are:

- i) Provision of internal security along the seas and Lakes in Kenya
- ii) Keeping vigil on Maritime operations and activities
- iii) Prevention and monitoring of Narcotic trade
- iv) Prevention and control of human trafficking
- v) Prevention and control of infiltration of small arms
- vi) Control and keeping vigil on terrorist activities
- vii) Control and monitoring refugee influx
- viii) Control and keeping vigilance against stowaways
- ix) Providing security for tourists and beach patrols
- x) Carrying out search and rescue operations within Kenyan waters
- xi) Enforcement of International Maritime Organization (IMO) Rules and Regulations

The Task Force visited the Headquarters at Kilindini Port in Mombasa and found that the Kilindini Detachment has only one coxswain operating with one boat and no engineers. He however receives a lot of support from the Port Police who provide him with engineers any time he ventures in to the sea. There are no slipways for the Maritime boats and the coxswain is forced to use the public ones. However, according to returns received from the police and appearing elsewhere in the report, there are 18 boats against a requirement of 23. Nevertheless, the Maritime Police Unit lacks adequate resources, equipment and personnel.

### ***Recommendations***

- i) The Maritime Police Unit should be revamped, adequately staffed with qualified personnel, equipped with modern speedboats and allocated sufficient funds.
- ii) That a complete revamping and modernization of the maritime police unit be undertaken. There is also need for clarity and coordination between the Police and other key agencies in this area such as Kenya Ports Authority, KWS as well as the Kenya Navy to optimize resources and personnel and to enhance security.

### **3.9.10 The Kenya Police Air Wing**

The Kenya Police Air wing is one of the formations in the Kenya Police, which was created primarily to assist the police in the performance of its core duties. The unit was established to provide air support to the Police Force, general government communication flight facilities and the carriage of V.I.P.s

It can trace its beginnings to the Colonial Air Support in 1949, operated by volunteer pilots. In 1957 it became an integral part of the Kenya Police Force headed by a Wing Commander. At independence in 1963 it finally fell under the command of the Kenya Police with the first Kenyan Commander taking over in 1975.

Over the years the performance of the air wing has been deteriorating with the breakdown of most of the aircraft and the high turnover of pilots due to better salaries and benefits elsewhere. Currently the Air Wing has only one helicopter, which is operational. The current aircraft are old and past their use-by dates.

#### ***The current status***

- Nine Helicopters – one serviceable and two under repair and the rest grounded
- Five Cessna Fixed Wing Aircraft – one is serviceable and four are unserviceable

#### ***Functions***

- Air transportation of Police and government officials and Transportation of VIPs
- Search and Rescue Missions
- Casualty evacuations
- Assistance to victims of natural/human-made disasters
- Fight against terrorism
- Aerial reconnaissance (contact, night and visual)
- Assistance to ground forces (combating cattle rustling, crime detection and prevention)
- Anti-poaching

- Assistance to civil population
- Distribution of supplies
- Carriage of rations, supplies and security equipments
- Crowd dispersal and traffic control
- Aerial search and photography

The Task Force visited the KWS headquarters and held discussions with the director as well as their coastal regional office. Discussions indicated that they have one of the most up to date Air-Wings with well-remunerated pilots. Currently KWS services Kenya Police Force planes. It also emerged that currently there are only 2 qualified pilots based at the Police Air-Wing. The Task Force explored the possibility of having joint Air-Wing facilities. At the coast where KWS has well equipped boats and trained personnel, they have had joint operations with the Kenya Police and Administration Police. This relationship is currently not based on any clear administrative arrangement or policy, but mostly based on the fact that there has been joint training particularly on anti-terrorism and trafficking both drugs and human. Considering that Kenya is a developing country, there is a case for sharing resources for optimal efficiency.

### ***Recommendations***

- i) The Task Force recommends that the government appoints a committee of experts, including from the aviation industry, to assess the performance and viability of the Kenya Police Air Wing
- ii) A consolidated Air-Wing shared by the Kenya Police, the Administration Police and the Kenya Wildlife Services should be established. The modalities to be discussed by the Chiefs of these organisations.
- iii) Provision should be made for adequate terms and conditions to attract and retain pilots and engineers of the highest possible standard.

### **3.9.11 The Kenya Police Reserve Unit**

This issue is currently a matter of public debate and interest in Kenya. In 2004, the Commissioner of Police disbanded the unit in urban areas. Since then there has been a renewed debate as to whether or not it should be re-constituted. The Task Force has not had sufficient time to make an in-depth assessment of this matter and is therefore not in a position to make considered recommendations. However, it is of the view that a properly structured and managed Kenya Police Reserve (KPR) could enhance the safety and security of Kenyans.

An investigation into the issue of re-constituting the KPR may wish to consider the following:

- (i) Members of the KPR should be individuals who can demonstrate the capability of being able to volunteer their services. Even middle ranking employees could offer their services if allowed the necessary time off at their employers expense.
- (ii) They should be people of good standing in the Communities they come from, and have a Certificate of Good Conduct.
- (iii) They should undergo a level of training to be determined by the relevant Training establishment, which would include basic Police law, some Police Theory and Practice, the Firearms Act and Police Standing Orders. This training could take place in their residential area as well as in the area in which they volunteered to offer their services.
- (iv) The Service could be placed under the control of a Senior Officer in Police HQ, but once recruited and trained members of the KPR could be deployed back to their own designated areas, through the PPC and the Administration Police equivalent, and under the control of the local OCPD, unless they are seconded to special formations, such as DCI, where they might work across a wider area, as and when necessary.
- (v) Recruitment of KPR members should be undertaken in line with the newly recommended recruitment principles and not as undertaken in the past. The recruitment should also ensure that no one who wishes to use his or her voluntary Police service for monetary or political gain should be admitted.



- (vi) With the new emphasis on enhancing police/community relationships, members of the KPR could be very valuable in building such relationships. Members of the public should again feel confident to share criminal intelligence with trusted officers who they know, who could then pass the information on to the Police without revealing the source.

### **3.9.12 Kenya Police Dog Unit**

The Kenya Police Dog Unit was established on 5<sup>th</sup> October 1948 in Nanyuki as a section of the CID, it was staffed 6 officers and an establishment of 5 dogs. It was subsequently transferred to Nairobi to various places finally settling in the current location in Langata. In 1988, it was separated from CID and became an independent Police Formation with its own commandant.

#### ***Current Functions***

- Care and maintenance of Police Dogs
- Training of personnel to work with Police Dogs
- Training of Police Dogs
- Procurement of Dogs for Police Work
- Breeding of dogs for police work
- Deployment of trained officers and dogs in crime prevention and investigation.

Country wide the formation has 11 units including the Langata training centre with a total of 371 against an establishment of 831 officers ranging from Senior Assistant Commissioner of Police to Constables and a total of 503 dogs. The unit is for the first time headed by a qualified Veterinary Doctor who is also a trained police officer.

The Dogs are divided into different categories in respect of the roles, as shown in Table 1.

**Table 1: Number of Dogs**

No.	Category	Required (No)	Actual (No)
1	General Purpose	910	373
	Explosive	373	26
	Drug Detectors	385	38
	Firearm retrievers	18	3
	Rescue	18	0
	Puppies	63	

Whereas, there are dogs in every province in Kenya, not all stations have dogs. It was also clear from discussions with the commandant that the formation has not been properly resourced with issues of under-funding, as the most pressing. In the discussions it emerged that there is great potential to develop the unit particularly at its headquarters in Langata which can develop into a centre that not only breeds and trains dogs for police work but also for commercial purposes as an income generating initiative. However to do this there is need to invest in personnel with knowledge and skills in animal care.

### ***Establishment of an Animal Centre/Unit***

The Task Force also learnt that best practice in most countries is to have an animal unit/centre that would have all the facilities required for the breeding care and training of all animals required by the police. In this regard, the mounted unit currently based at the Anti-Stock Theft Unit would become part of such a unit. Animals would then be distributed by the unit to the various stations while under the care and maintenance by the Animal Centre. With regards to personnel, it also emerged that unlike in the past where officers volunteered to work in these units, currently officers are deployed without regard to interest in the nature of work. The task force recommends that in addition to recruiting personnel who have specialized skills in handling animals that in view of the specialized nature of this unit that consideration should be given to interest and the spirit of volunteerism for police officers who are deployed to the unit.

### ***Recommendations:***

- It is recommended that in addition to the current functions that the Dog Unit be given mandate to breed and train dogs for commercial purposes as an income generating unit
- Lastly, it is recommended that there be established an animal unit that will incorporate the current dog unit, the mounted unit that cares for and maintains horses, to cater for any animals that the police may require in the course of their duties.

### **3.9.12 Proposed structure of Administration Police**

A Commandant General assisted by a Deputy Commandant General shall head the Administration Police Service

#### ***Functions***

- (i) Support civil authority in enforcement of administrative functions and exercise of lawful duties
- (ii) Provide border security
- (iii) Security of government buildings, vital installations and strategic points.
- (iv) Anti-Stock theft duties
- (v) VIP protection service as shall be determined by the National Policing Council
- (vi) Compliment Administrative Officers in conflict management and peace building
- (vii) Highest rank at the Provincial level to be Commandant of Administration Police Service while at District level will be Senior Superintendent of Administration Police Service
- (viii) Commandants of Administration Police Service will head the specialized units within the Administration Police Service.
- (ix) A provision in the Administration Police legislation shall be introduced stating that the police shall be impartial and objective in all manners and in particulars in all political matters and shall not accord different treatment to different persons on the basis of their political opinions. Political misuse of the police service will be criminalized.

#### ***Appointment of Commandant General***

- i. The Commandant General shall be appointed by the President on the recommendation of the Police Service Commission after a competitive process
- ii. He/she shall hold office for one term of five years

#### ***Functions***

- (i) Operational commander of the Administration Police Service
- (ii) Policing policy guidance and direction
- (iii) Budgeting, planning and provision of logistical support

- (iv) Monitoring and evaluation
- (v) Audit, supervision and inspection
- (vi) Research and development
- Vii) Providing internal oversight (internal affairs unit)
- (vii) Benchmarking against best practices
- (viii) Member National Policing Council

### **3.9.13 Proposed ranking structure**

The problems and challenges that the Task Force noted about ranking in the Kenya Police Service apply equally to the Administration Police Service. Consequently the Task Force recommends the following ranking structure for the Administration Police Service: -

1. Commandant General
2. Deputy Commandant General (one post)
3. Assistant Commandant General
4. Commandant
5. Senior Superintendent
6. Superintendent
7. Chief Inspector
8. Inspector
9. Sergeant
10. Corporal
11. Constable

### ***Recommendations:***

- i) The Administration Police should be renamed Administration Police Service.
- ii) The Provincial and District Administration Police Commanders should be included in the PSIC and DSIC respectively.
- iii) The legislation in respect to the Administration Police to be amended to provide for a Commandant General who shall be the Commander of the Administration Police.

- iv) A restructuring of the Administration Police Service with devolved powers and responsibilities to Provinces and Districts. The Provincial AP Commandants shall have operational and financial autonomy.

### **3.9.14 The Anti Stock Theft Unit (ASTU)**

The Anti-Stock Theft Unit was established in 1965 as an independent formation of the Kenya Police. It is based in Gilgil under the command of a Commandant who is responsible to the Commissioner for its administration, training and efficiency.

Under the Force Standing Orders, the mandate of the Unit is to function “as a specially trained mobile force to be used for anti-stock theft operations only”. It is mandated to move into areas prone to high incidence of stock theft and to remain there until the menace is reduced to a level manageable by the local police formations.

Presently the Unit has 11 Companies each with three platoons, one Mounted Troop and a Head Quarters Company. Most of the Companies are deployed in the Rift Valley and Eastern Province where cattle rustling is rampant. The Mounted Troop breeds and trains horses primarily for use in patrol and crowd control. The overall strength is 2,258 uniformed staff and 50 civilian staff.

Although the mandate of the Unit is limited to stock theft only, it is frequently used for general duties such as crowd control. The Unit was extensively used after the post election violence. In fact, the standby platoons at the Headquarters are intended to counter any form of lawlessness that might appear anywhere in the country. There is therefore a variance between the provisions of the FSO and the deployment practice of the Unit.

The Task Force found that like most of the other units, the Anti-stock Theft Unit is seriously under resourced. The budgetary allocation has been reducing over time, making it difficult, among other things to acquire, train and feed the horses. The officers in the Unit are owed huge transfer allowances, they lack sufficient number of vehicles and modern communication equipment and the housing is poor and inadequate.

As originally conceptualised, the Anti-Stock Theft Unit was intended to deal with cattle rustling, particularly in the areas occupied by the pastoral nomads of Kenya. Far from abating, the problem of cattle rustling has become even more acute. As the menace has assumed a commercial angle, traditional stock theft practices have given way to well organised bandits armed with lethal firearms. As a result, cattle rustling incidents in Kenya now invariably entail unacceptable loss of innocent human lives. The problem of cattle rustling has been further complicated by cross-border raiders from neighbouring countries.

The methods and strategies presently employed to combat stock theft, including reliance on horses and camels for tracker duties, are outdated and inadequate to cope with the complexities of the menace.

***Recommendations:***

- i) The Task Force recommends the retention of the Anti-Stock Theft Unit as a dedicated unit for anti-stock theft operations.
- ii) Since the Administration Police are more visible in the rural areas in addition to providing border security as one of its functions, the Task Force further recommends that the Anti-Stock Theft Unit should be constituted as a unit of the Administration Police.
- iii) The Anti-Stock Theft Unit should be deployed exclusively in parts of Kenya that are prone to high levels of cattle-rustling. The Unit should not be used for ordinary police duties as appears to be the case presently.
- iv) The crowd control duties as well as the horse-breeding and horse-training functions presently being performed by the Anti-Stock Theft Unit should be transferred to the General Service Unit. The police officers presently serving in the Anti-Stock Theft Unit should be re-deployed back to the General Service Unit.

### **3.10 Administration Police and the Provincial Administration**

The Task Force recognizes the unique and historical relationship that exists between the Administration Police Service and the Provincial Administration, which has served the country well. However, it has been established that where there are two parallel chains of command in any one disciplined service, serious problems can arise in operational decisions, responsibilities and accountability. In recent years, the fact that the Administration Police has increased its numbers beyond what might be described as its normal mandate, has also resulted in a duplication and overlap of some policing responsibilities and functions with the Kenya Police Service, at Provincial and District level, and this parallel command structure has at times further complicated the issue.

The Task Force also recognizes the Executive powers and authority exercised by the Provincial and District Commissioners on behalf of the President in their areas of Jurisdiction by virtue of section 23 of the Constitution. In their position as the Chairpersons of the PSICs/DSICs, they, after discussion and consensus should be able to utilise the necessary disciplined manpower, of the two Police Services for whatever the current security needs are, whether for the unique functions of the Provincial Administration or for the wider needs of security and law and order.

Two Task Force members expressed and motivated a view concerning the relationship between the Administration Police and the Provincial Administration. They argued that the diverse command and control systems, which officers of the Administration Police are subjected to, remain a relic from the colonial past, and are no longer appropriate for a modern disciplined police service. The fact that Administration Police officers are answerable to, and subject to the command of a number of sources, contradicts the very notion of what a disciplined force should be about, namely an organisation that is subject to a single and clear line of command and control. Multiple and diverse command centres have the real potential of being abused by chiefs and senior provincial administration officials. Whilst the new oversight mechanisms and institutions proposed in this Report are certainly significant advances towards greater accountability, the continued multiple command and control sources remain the “weak link in the chain” of the Administration Police.

The Waki Commission of Inquiry, at Page 424, made a detailed finding on this aspect of the structure and functions of the Administration Police:

*“Administration Police officers are subjected, within current structures and operating arrangements, to multiple lines of command and control. For example, the Administration Police Act requires, among other things, that every officer shall assist chiefs and sub-chiefs when called upon, undergo training when the District Commissioner so orders, and act as messenger in matters of administration or the public service. AP officers are also required to be under the command of their Commandant who is the officer in charge of the Administration Police. In addition AP officers can be seconded to the KPS and act under that command structure when required to do so.*

*The Commission finds this situation untenable and constitutes a fractured and confused command and control structure that is not conducive to ensuring clear accountability for policing service delivery. This situation, if allowed to continue, will consistently reinforce the perception (and often reality) that the APs are not partial due to the close control over them that the Provincial Administration has.”*

The two Task Force members further held the view that the command and control powers that senior provincial officials and chiefs currently have over the Administration Police should be removed and the Administration Police be placed under the sole command and control of the Commandant of the Administration Police and its devolved structures. This did not suggest that the Administration Police should cease playing their crucial role in support of the Provincial Administration. It meant that new command and control arrangements for the Administration Police officers in provinces needed to be developed and shaped in such a way that they are sensitive and supportive towards of the policies and priorities as identified by Provincial Administrations including other security agencies. It is possible - and this is how it worked in many parts of the world - for the Administration Police Service to play an important supportive role in provinces and rural areas whilst falling under the sole command and control of their own Officer Commanding of the Administration Police Service and its structures.



They therefore contended that those legal provisions of the Administration Police Act and the Chiefs Authority Act, that empower both senior provincial administration officials and chiefs to command and control the Administration Police, be repealed so as to ensure that all officers of the Administration Police are subject to the command of their Commandant General.

***Recommendations:***

To harmonize this situation the Task Force makes the following recommendations:

- (i) The powers of the PSICs and DSICs should be strengthened by appropriate legislation to enable them to effectively confront the overall security needs of the area for which they are responsible.
- (ii) The appropriate Officer of the Administration Police Service should be an official member of the PSICs/DSICs. This would enable them to be part of planning the overall strategy and then to be able to effectively carry out the operational duties agreed upon.
- (iii) It should be recognized that both Police Services are there to assist the Provincial Administration to the fullest extent possible, but as disciplined services they have a direct chain of command to their Commissioner and Commandant respectively. Once decisions have been taken, the police should have operational independence.
- (iv) In view of what is stated in 3.2.2 above, the Administration Police Service should continue to be under the general control and supervision of the Provincial Administration until such time there is a devolved government structure.

## CHAPTER FOUR: ENHANCING POLICE ACCOUNTABILITY, CULTURE AND IMAGE

### 4.1 Values and Principles

The Kenya police services have to transform their culture and image in the face of the public. This lies at the heart of the policing reforms proposed in this report. Besides improvement in their professionalism and overall performance, the most important means of improving the culture and image of the police services is for them to adopt a set of key values and principles and to strictly adhere to them in their policing work.

Policing in Kenya should be done in a way that promotes and respects the following values, among others spelt out in the Constitution of the Republic:

- i) **Justice:**  
The police have to treat individuals fairly and carry out policing in a manner that guarantees peace and respects universal freedoms, and the integrity and humanity of the individual;
- (i) **Equality:**  
The police have to provide policing services without discrimination to all Kenyans.
- (ii) **Accountability:**  
The performance of the police as an institution and that of individual police officers shall be subject to civilian oversight.
- (iii) **Efficiency:**  
Policing services should, to the greatest extent possible, and considering the values of justice, equality and accountability, be cost-effective.

## **4.2 Code of Ethics**

The Task Force is of the view that the two police services should develop clear codes of ethics that capture the values, positive traditions, principles, and ethics that define their policing work. The police services should require police officers to commit themselves, amongst others, to the following:

- (i) Act with fairness and carry out policing responsibilities with integrity and impartiality
- (ii) Perform policing duties with diligence and a proper use of discretion
- (iii) In dealings with all individuals, both inside and outside the police service, display self-control, tolerance, understanding and courtesy appropriate to the circumstance
- (iv) Uphold fundamental human rights, treating every person as an individual and display respect and compassion towards them
- (v) Support all colleagues in the performance of their lawful duties and in doing so, actively expose and oppose and draw attention to any malpractice by any person
- (vi) Respect the fact that much of the information that police officers receive is confidential and may only be divulged when duty requires that to be done
- (vii) Exercise force only when justified and use only the minimum amount of force necessary to effect a lawful purpose and restore peace
- (viii) Act only within the law, in the understanding that a police officer has no authority to depart from due legal process and that no one may place a requirement on a police officer to do so
- (ix) Use resources entrusted to individual police officers to the maximum benefit of the public
- (x) Accept individual responsibility for self-development, continually seeking to improve the way in which the police officer serves the community
- (xi) Accept personal accountability for individual acts and omissions, including those that lead to conflict of interest.

#### **4.2.1 Conflict of Interest**

One of the most important components of the code of ethics for the police services should be the avoidance of a conflict of interest. The Task Force was informed that some of the police officers who are charged with the responsibility of traffic management own public transport vehicles or breakdown vehicles, which is a clear conflict of interests.

The problem of conflict of interest has become so widespread that it has undermined the capacity of the police to impartially enforce traffic regulations. Where the police officers have financial interest in public transport, they will not act impartially in enforcing the law in the face of traffic violation, road carnage and dealing with cartels involved in public transport.

The Task Force noted that section 40 of Chapter 20 of the Force Standing Orders prohibits police officers from engaging in any trade or business without the approval of the Commissioner. This provision, and the discretion it creates, does not solve the problem of conflict of interests in the police, particularly in traffic matters.

#### ***Recommendations:***

The Task Force recommends that:

- (i) On appointment each police officer shall commit him/herself to uphold the Code of Ethics by signing a declaration which sets out the conduct, ethics and values of the Police Service
- (ii) An offence relating to conflict of interests should lead to disciplinary action and even possible dismissal.
- (iii) All police officers should be obliged to declare their businesses interests to the Inspector General and Commandant General respectively as part of a process of assessing the extent of the problem, and be allowed a reasonable period to divest from businesses that conflict with their policing work.
- (iv) The authority to approve applications by police officers from both services to engage in trade and other business interests should vest in the Police Service Commission.

(v) Police officers should be prohibited from direct or indirect involvement in the following areas of business:

- Public transport including taxis
- Vehicle breakdown or towing services,
- Private Security related business.
- Weigh bridges

#### **4.3 Standard Police Kitting**

Currently, male officers in the Kenya Police wear different uniforms while that of female officers is standard. The uniform for male officers in junior ranks is blue in colour while that of the Inspectorate and higher ranks is khaki/beige. The uniform for officers in the Administration Police is standard for all ranks.

During provincial visits by the Task Force, junior officers indicated that different uniform colour contributes to disconnect between them and their seniors. The Task Force is of the view that the Kenya Police Service needs to present a cohesive image for all ranks. The differences in rank should be identified by the designated insignia and not be the colour or design of the uniform. In addition to a “standard issue” uniform for all ranks of the police, except for the insignia, the uniforms design and colour ought to be people friendly.

The standard outfit for police officers on patrol should include a pair of handcuffs, bullet-proof vest, baton, whistle, mace spray, communication gadget and appropriate weapon for policing. This standard kitting is important for personal confidence of police officers and for a positive public image of police services.

Whereas image may not be everything, clearly there is a serious problem where police officers are in appearance downtrodden and in some cases raggedy and still expected to inspire confidence in the public. Indeed the officers themselves lack personal confidence which is a pre-requisite for persons who carry and exercise such authority and power.

### **4.3 Internal Accountability**

The internal complaints mechanism in respect to the Kenya Police Service is provided for under Chapter 20 of the Kenya Police Standing Orders. This Chapter is largely retained under the proposed revised 7<sup>th</sup> Edition (2009) of the Kenya Police Standing Orders. It is clear that there is a fairly comprehensive internal mechanism providing the procedure on how to handle complaints both by the public against the police and the police against police. The Administration Police is in the process of preparing its Standing Orders together with a review of the Administration Police Act (Cap.85).

Notwithstanding the mechanism provided for under the Standing Orders above, there is clear evidence, based on the complaints received from both the public and the police, that the same have had little if any success. The public is largely unaware of the existence of the internal mechanism, there are no records available for inspection or auditing of the process and there is no external oversight of the internal mechanism including a system of reporting for public accountability.

There is a clear case for a thorough public awareness campaign to highlight the existing internal mechanism in the police services. This will enable the public to know its rights, the procedure of reporting and the provided resolution process.

There is further need for an internal enforcement process of the mechanism borrowing the principles of the internal affairs division in other jurisdictions or the military police in Kenya who deal with offending military personnel. This would largely deal with investigation of complaints of a criminal, corruption or abuse of office nature that undermines public confidence in the police.

#### ***Recommendations:***

It is recommended that:

- (i) A unit in each of the police services be established to specifically handle investigations, arrest, and prosecution of offending police officers in liaison with the Attorney General.
- (ii) The internal enforcement unit should be responsible for managing internal police complaints with a view of pursuing prosecution or recommending action of whatever nature, against a police officer.

## **4.4 External Accountability**

### **4.4.1 Introduction**

Police have enormous powers which they can use either to preserve or undermine the safety, liberty and rights of citizens. Armed with the might of the state and performing service to the good of members of the public, the police institution is answerable not only for its wrong doing but also for its performance. Although many police officers may be committed to public service and consistently demonstrate high standards of personal and professional integrity in performing their duties, the potential for police misconduct and abuse of power always exists. Lack of police integrity and ineffective police accountability systems are some of the key challenges confronting both developed and developing countries alike. Even if governments invest in law enforcement agencies through the provision of equipment, training, and better terms of service, this will have very little effect in the absence of oversight mechanisms to ensure that police operate within the framework of the law, are held to account and are not subject to external interference. External accountability is a product of demand from members of the civil society and the public, for law enforcement agencies to, not only justify their decisions and actions, but also to bear responsibility for them. It involves bodies independent of the police, playing an oversight role over police conduct, policies, decisions and actions. Within this framework, civilian oversight has become an important component of the system of external police accountability in many jurisdictions the world over.

### **4.4.2 Types of Civilian Oversight**

Whereas policing in democracies around the world is in the midst of transformation and police departments are becoming modern service organizations that answer not only to elected officials but also directly to the citizens that they serve, civilian oversights are increasingly being accepted as the most essential requirement of democratic policing. Many jurisdictions have thus introduced police oversight arrangement to hold police accountable to the law and to make them to conform to established standards of impartiality, human rights and professionalism in all their operations.

There are two aspects to External Accountability Mechanisms namely, supervisory and complaints mechanisms. Some countries have established Oversight Agencies

dedicated only to receiving and investigating complaints against the police while others have given this responsibility to already existing Oversight bodies like Ombudsmen and National Human Rights Institutions. Others have the responsibility of supervising the investigation of complaints and only carry out investigations on complaints relating to serious crimes. In the case of Mauritius, whenever there is a complaint about an act or omission by a police officer, this must be reported to the National Human Rights Commission and inform it of the steps taken or to be taken by the police. In the event that the police fail to take action, the Commission will take over the complaint and investigate it. In some countries, civilian oversight bodies have no investigative mechanisms of their own and are simply involved in the review of the way police investigate complaints.

During the visit to Northern Ireland, the Task Force learnt that the Police Ombudsman for Northern Ireland, an office created in the year 2000, takes full responsibility for receiving and investigating complaints against the police. Ombudsman investigators have the same legal powers as the police and can either recommend prosecution or disciplinary action. Sweden has four (4) Ombudsmen providing oversight over Public Authorities and employees. They carry out inspections of various institutions such as the police and prisons. One of the Ombudsmen who specifically provide oversight for the police has powers to carry out investigations, prosecute or recommend disciplinary measures.

On the other hand, the Independent Complaints Directorate of South Africa investigates more serious offences like deaths in custody or by police action as well as complaints involving alleged serious criminal offences by police officers. The remaining complaints are then referred to the police to investigate. Where this occurs, the police are subject to monitoring by the Directorate.

The police and members of the public often understand policing accountability differently. It is resisted by police officers who view it as a restraint and interference on police powers aimed at undermining their effectiveness. However, the purpose of establishing oversight mechanisms is to guarantee public scrutiny of police actions and performance. This is vital in building and sustaining public trust in the police while at the same time, promoting police accountability. It will normally address



issues of police performance, police conduct as well as adherence to human rights standards in policing work.

One tool for holding police accountable is to maintain an open and accessible process for citizen complaints about police performance and conduct. Countries like South Africa and the United Kingdom and Northern Ireland, having recognized this reality; have sought to balance internal accountability mechanisms with external (civilian) oversight by incorporating civilian oversight processes as part of police reforms. With one system reinforcing and complementing the other, a civilian oversight creates a web of accountability in which it becomes increasingly difficult for police misconduct to take place without consequences. The Independent Police Complaints Commission of England and Wales has the primary statutory function of increasing public confidence in the police complaints system.

#### **4.4.3 Benefits of a Civilian oversight for the police**

- Establishes the principle of police accountability to the public as opposed to accountability to police chiefs alone
- Reduces impediments to bringing complaints against the police
- Reduces public reluctance to report misconduct and enhances public reporting of complaints against police when members of the public know that they will be dealt with in a fair manner.
- Improves the quality of police investigations because it motivates the police to perform their duties in a professional manner with the knowledge that their performance is under scrutiny by the Oversight and members of public.
- Discourages police misconduct
- Can be an important source of information on police misconduct and inefficiency
- Helps alert police administrators to identify problems and the steps to take to curb abuse and raise performance standards.
- Enable the police officers to have recourse to remedy when their own rights have been violated.

#### **4.4.4 The Current State of External Policing Accountability in Kenya**

Although Kenya has a number of bodies that monitor the police and other public institutions with a view to promoting oversight, none of them has a dedicated police focus. However, the following bodies provide oversight:

##### ***i. Kenya National Commission on Human Rights (KNCHR)***

A key external police oversight body is the Kenya National Commission on Human Rights (KNCHR). The Commission, which is created by legislation, is an independent body with power to investigate instances of human rights abuse and to advise the government. It is also mandated to conduct visits to detention facilities like prisons and police stations. The police have however resisted such visits and prevented members of the Commission from accessing police stations. The police argue that the police stations and police cells are private places not to be accessed by civilians. The Commission's police-related work, centres on investigations of potential human rights violations by the police and has been at the forefront of advocating for the establishment of a civilian police oversight body in Kenya.

##### ***ii. Non Governmental Organizations (NGOs)***

Non-governmental and other human rights organizations are a critical part of Kenya's oversight framework. The non-governmental Kenya Human Rights Commission deals with monitoring, documenting and publicising of human rights violations. This includes monitoring and receiving complaints against the police. Another organization working on human rights issues is the Independent Medico Legal Unit (IMLU), which conducts investigations into deaths in police custody arising from alleged police brutality.

##### ***iii. The Kenya Anti Corruption Commission***

The Kenya Anti Corruption Commission was established in May 2003 under the Anti Corruption and Economic Crimes Act and became operational in 2004. As an oversight mechanism, its mandate is to investigate corrupt conduct, economic crime, suppress corruption and to examine the practice and procedures of public bodies including the police, with a view to reducing corruption. KACC has powers to investigate offences under the Anti Corruption Act but it does not have prosecution powers as these are vested in the Attorney General.

#### ***iv. The Judiciary***

Judges and magistrates have the potential to identify bad practice, monitor the application of the Law and criticise bad performance thereby assuming the role of an external oversight mechanism for the police and other institutions. If a judicial officer makes remarks regarding the evidence or conduct of any police officer, the Police Manual requires that the police prosecutor or any senior police officer in court at the time, submit an immediate report to his senior officer. There is however no evidence that this is actually done. If criticisms in Court Judgements are not acted upon, then the usefulness of the Court as an oversight mechanism is substantially diminished.

#### ***v. Parliamentary Oversight***

Parliament has oversight functions over the police through the following:

- (i) Parliamentary Questions and budget debates
- (ii) Departmental Committee on Security
- (iii) Departmental Committee on the Administration of Justice and Legal Affairs
- (iv) Parliamentary Committee on Implementation
- (v) Public Accounts Committee (PAC) to scrutinise police budget allocations and expenditures

As such the members of Parliament who sit on these Committees can play a key role in policing oversight by asking probing questions on policing accountability issues such as the effectiveness of the police complaints systems and disciplinary procedures among others. Members of Parliament can use the opportunity to demand an explanation on how the money will be used and to raise accountability issues.

#### ***vi. The Police Oversight Board***

Another body expected to provide oversight for the police is the Police Oversight Board which was appointed by the Minister of State for Provincial Administration and Internal Security vide Gazette Notice 8144 of September 4, 2008. The mandate of the Board was to:

- (i) Receive and evaluate complaints from the public against both the Kenya Police and the Administration Police and to hear and determine such complaints.
- (ii) To receive and evaluate internal complaints from police officers against their colleagues and prepare recommendations to the Commissioner and Commandant for action
- (iii) To make proposals and recommendations for improving the police reforms in Kenya

The Task force established that this Board is not functioning, as it was set up under a weak legal framework namely, a Ministerial Gazette Notice as opposed to Legislation.

#### ***vii. The public Complaints Standing Committee***

Although this Committee was set up to act as an External Oversight over public officials and institutions, including the police, it lacks powers to summon those who do not respond to their request, or to compel institutions to produce information that the Committee requires in order to address the Complaints that they receive. Without these powers and the power to demand co-operation, the role of the Committee as an Oversight is very minimal.

### **4.4.5 Prerequisites for success of Civilian Oversight**

#### ***i) Independence***

Independence from the police and the executive, a transparent and fair appointment process of members of the oversight, the composition of members as well as competence of staff are critical for the success of any oversight agency. Members of the oversight authority, with the exception of the investigators, should be civilians and should not have previously worked with the police. The Independent Public Complaints Commission (IPCC) of England and Wales is staffed by civilians none of whom should have previously worked with the police.

#### ***ii) Adequate Funding***

Civilian oversight bodies need adequate resources to discharge their mandate. Where agencies are underfunded, their effectiveness is undermined and this has a negative effect on their support and legitimacy.

### ***iii) Police cooperation***

The success of any oversight institution depends on the extent and clarity of its mandate. An Oversight agency must be established by legislation to give it legitimacy. Police cooperation is critical for the success of any oversight agency. Hostility by police departments and officers to civilian oversight is one of the factors that explains the failure and under performance of such agencies. In some cases, opposition by police unions has weakened existing oversight agencies.

### ***iv) Political Support***

Political support is crucial for establishing and sustaining an effective civilian oversight. In some cases, political change has helped create conditions favourable for the establishment of civilian oversights. For instance, in Britain and Australia, commissions and inquiries instigated by politicians have led to the establishment of enhanced civilian oversight mechanisms. In Northern Ireland, the Ombudsman was established as part of wide ranging police reforms that were central to the peace process. This is also true of South Africa where peace accords and a changed political structure led to police reforms involving the establishment of the Independent Complaints Directorate.

### ***v) Power to review patterns of police behaviour***

A proactive approach to police misconduct is also critical for success of any oversight. Best practices indicate that apart from investigating individual complaints, oversight bodies need to be able to review patterns of police behaviour and the general functioning of internal discipline and complaints processing systems. This involves data analysis with a view to identifying the underlying causes of misconduct. Without these trend monitoring and review powers, oversight agencies may end up receiving repeated individual complaints about similar forms of misconduct without being able to identify and address the root causes. While strong investigative powers are a key success factor for oversight agencies, power to compel witness appearance and subpoena documents are also critical.

### ***vi) Power to enforce decisions***

Independent oversight bodies with sufficient financial resources and investigative powers will come to naught if the police and the executive routinely ignore

recommendations made by them. There are very few oversight agencies such as the Ombudsman in Northern Ireland and the Independent Police Complaints Commission of England and Wales, which make binding decisions. Even where an Oversight Agency does not have the power to make binding decisions, the impact is felt if it has strong powers to monitor police implementation of their recommendations and to call for explanations where there is no compliance. A strong oversight agency should therefore have the statutory power to follow up on recommendations to ensure that they are implemented failing which it should have further powers to enforce such implementation in a court of law.

In some jurisdictions, the law requires the minister in charge of the police or the police department itself, to respond publicly to the recommendations of the oversight. This makes it difficult for the police or the executive to ignore the recommendations of the oversight. However independent an oversight is, political will and a strong leadership of both the police and the oversight are important for building a policing system that is truly accountable.

#### **4.4.6 The Need to establish an Independent Policing Oversight Authority**

The Task Force noted widespread complaints particularly against the Kenya police. These complaints range from corruption, arbitrariness, harassment of members of public, lack of political neutrality, engaging in criminal activity, abuse of power and the use of excessive force including extra judicial executions. Indeed Kenya Human Rights Organizations, civil society organizations, and the United Nations Special Rapporteur on extra-judicial, arbitrary or summary executions, following a mission to Kenya in 2009, alleged widespread extra-judicial killings by the police. Junior police officers too complained of victimization, undue interference in their work by their seniors and denial of due process in disciplinary proceedings. The report of the Public Complaints Standing Committee (January-March 2009), shows that the highest number of the complaints received by it, relate to the police and that the police are the least responsive in terms of submitting feedback on actions taken on the complaints.

Some police officers complained to the Task Force that there were senior officers who interfered in their criminal investigations and occasionally ordered them to

abandon such investigations. Others complained of political interference while junior rank police officers complained of lack of transparency in the promotion process. Such irregularities are currently not being reported for fear of reprisals and because of the absence of a credible and independent oversight body to receive those complaints. Even if these were to be reported, the various institutions that perform oversight are operating without the necessary legal framework making it difficult for them to enforce whatever recommendations they may come up with. Like other police services the world over, the Kenya Police have resisted oversight efforts by the oversight bodies referred to elsewhere in this report.

To address the many complaints against the police, and ensure accountability of the police service, the Task Force has carefully considered whether the function of the Policing Oversight Authority should be discharged by the Police Service Commission as is the case in Nigeria or other existing institutions such as the Kenya National Commission on Human Rights as is the case in Uganda, or the Public Complaints Standing Committee. The justification for this kind of arrangement is to cut down on costs by avoiding a multiplicity of institutions. The Task Force has considered all these options and is convinced that a dedicated Independent Policing Oversight Authority is necessary in Kenya. Such an oversight is just one form of accountability among several that are critical for democratic policing.

The establishment of an Independent Civilian Oversight Authority was recommended by the Justice Waki Commission of Inquiry into Post Election Violence (CIPEV) on page 482, for the purpose of providing oversight to hold police to account. It was also recommended by the United Nations Special Rapporteur on Extra Judicial, Arbitrary or Summary Executions (Alston Report) in his report. Both the Bomas Draft Constitution as well as the Proposed New Constitution provided for the establishment of oversight for all government agencies.

The many experts and members of the public who submitted their views to the task Force were of the opinion that an independent body be established to investigate complaints against the police and to hold them accountable for their performance, conduct and actions. They were of the further view that the establishment of such a body will motivate the police to offer more professionalized services.

***Recommendation:******Establishment of an Independent Policing Oversight Authority (IPOA)***

The Task Force recommends the Establishment of an Independent Policing Oversight Authority under the Constitution and supporting legislation with jurisdiction clearly spelt out. This will protect the oversight from political, executive and police interference. The independence of the oversight is determined by the fact that it is composed of civilians.

The Task Force is of the view that this will enhance police accessibility and improve transparency and accountability of the police and the police complaints system thereby enhancing, the image of the police, the understanding by the public of the work that the police do and its relationship with members of the public. The establishment of the oversight is further expected to improve the quality of internal investigations of the police, reassure members of public that the police will investigate complaints thoroughly and fairly, discourage police misconduct and improve police policies and procedures. Police will have the opportunity to learn from the various complaints received and enhance professional standards.

With the oversight in place and the knowledge that its conduct and performance are under constant scrutiny and can be questioned, it is expected that the police will be motivated to work more efficiently and professionally. This can have the positive effect of reducing the number of civil claims brought against the police and arising from the manner in which the police officers conduct themselves or discharge their duties.

***Composition***

The Independent Policing Oversight Authority shall be made up of seven (7) persons as follows: -

- (i) Chairperson –who shall be a person qualified to be appointed a Judge of the High Court of Kenya
- (ii) Six (6) other members with knowledge and proven experience in their respective fields as follows:



- a) Two from public administration
- b) One with a human rights background
- c) One from financial management
- d) One from corporate management
- e) One from religious leadership

No gender shall exceed two thirds of the total membership provided that the Vice Chairperson shall be of different gender from the Chairperson.

### **1. Recruitment**

Recruitment shall be through a competitive process to be conducted by the Public Service Commission.

### **2. Appointment of members**

The Public Service Commission shall recommend to parliament the names of successful applicants for approval. Parliament shall forward the names to the President, for appointment in consultation with the Prime Minister. Members shall serve for a one 5-year term.

### **3. Functions**

- (i) Monitor the implementation of policy relating to police services.
- (ii) Monitor the standard of performance of the police services, so as to ensure that internationally accepted standards of policing are maintained.
- (iii) Receive, initiate and investigate allegations of misconduct by the police services.
- (iv) Receive and investigate complaints from serving police officers.
- (v) Monitor, review and audit investigations and actions taken by the police service in response to complaints against the police.
- (vi) Co-ordinate other institutions on issues of police oversight, including the Provincial Administration in so far as it relates to the police services.
- (vii) Perform such other functions as may be necessary in the execution of its mandate.

- (viii) Review patterns of police behaviour as well as systematic functioning of the internal disciplinary complaints process.

#### **4. Powers**

The Task Force has already set out elsewhere in this report the pre-requisites that are critical for the success of any civilian oversight. The Task Force recommends that the Authority shall have all powers necessary for the execution of its functions under the Constitution and legislation (The Independent Police Oversight Authority Act). These shall include:

- i) Power to investigate complaints
- ii) Power to take over ongoing internal investigations into police misconduct where deemed appropriate.
- iii) Power to demand mandatory cooperation from the police.
- iv) Compelling attendance of witnesses
- v) Power to subpoena documents
- vi) Power to obtain search warrants
- vii) Obtaining listening devices or telecommunication interception
- viii) Ensuring witness protection
- ix) Power to recommend prosecutions
- x) Power to follow up on recommendations, in particular requiring feedback on implementation within a specified period
- xi) Power to enforce implementation of its decisions through the courts
- xii) Reporting to parliament
- xiii) Power to determine its own procedure

Failure to co-operate with the Oversight Authority shall constitute a criminal offence.

#### **5. Reporting**

Although the oversight is independent, its activities and performance must be subjected to oversight. The Independent Police Complaints Commission of England and Wales submits its reports to Parliament through the Secretary of state for the Home office. For purposes of accountability, the Authority shall submit quarterly reports to the President, Prime Minister, Parliament and the public.

#### **6. Implementation**

The Task Force recommends immediate amendment of the constitution to create the Independent Policing Oversight Authority (IPOA).

#### **4.5 Effective Communication**

The Police Force Standing Orders Chapter 20 section 11 clearly spells out the procedures to be followed in filing complaints against police officers and the follow-up mechanism to ensure that the complainant is kept updated on action being taken. However, members of the public are hardly aware of these provisions and are hardly informed of the action being taken in regard to complaints filed with the police. In most cases complaint letters go unanswered. It is this concern that prompted an earlier Task Force on Police reforms in 2004 to recommend the establishment of a Complaints Directorate. This is in addition to the establishment of customer care desks at all police stations, camps and posts in both the Kenya Police and the Administration Police.

However, this effort has proved to be a poor public relations exercise without meaningful impact on effectively handling public complaints or improving communication between the police and the public. The police continue to be perceived by the public to be defensive in any communication directed at the public. In rare instances do the police make the police make public apologies for acts of omission or commission.

Without external oversights on the internal accountability process, members of the public have had limited options to know what follow-up action is being taken regarding their complaints. This lack of effective communication has greatly served to fuel the perception of the police as uncaring and unresponsive.

Draft 9 of the Steering Committee on Police Reforms states “These reforms entail empowering local communities to have a greater say in the way they are policed and strengthening partnerships between the Police and the people they serve.” This statement captures the essence of the communication channels and information that ought to exist between the police and their various stakeholders both internal and external. The taskforce noted that there is a real challenge to the regular police as well as the Administration Police in terms of internal and external communication.

#### **4.5.1 Internal Communication**

It was clear to the Task Force that at the internal level, communication is not intended to empower officers to engage with management in a mutually respectful manner. Due to the militarized nature of the police; there is more emphasis on the command structure and whereas, this may be very useful for ensuring order and discipline, it can seriously constrain the possibilities of lower cadres having the freedom to express themselves and to contribute ideas. It also discourages real discussions as employees are more attuned to accepting and executing orders without questions.

In this regard the task force recommends that while not losing sight of their need for discipline, the police must encourage an environment and atmosphere that allows for interactions between the junior and senior staff in a more relaxed way. It would be useful if mechanisms were introduced that encourage the participation of all officers in decisions that affect their work. A policy should be developed that enables consultations and interactions to occur vertically and horizontally on a regular basis. Some of the recommendations such as the development of a National Policing Plan would benefit from discussions that start from the lowest levels for purposes of identifying priorities at the lowest to the highest level. This will certainly allow for innovation within the police that is informed by any level of officers.

Secondly, a conducive environment with enabling structures would greatly advance the recommendations on stronger internal complaints mechanisms by encouraging transparency and respect for divergent ideas.

#### **4.5.2 External Communication**

One of the persistent problems that was identified, particularly with regards to the Kenya Police, was the hostile relationship that exists between them and the public generally. Even stakeholders who would ordinarily want to engage with the police such as civil society and the business community found it extremely difficult to do so. This notwithstanding the importance of the police being able to engage freely transparently and accountably with the public as a strategy for fighting crime cannot be gainsaid. Indeed this has meant that members of the public are not aware that

they can complain about the conduct of the police, as well as giving their ideas on local policing and security issues in a constructive and structured manner.

The Task Force noted that there is a public relations office staffed with public relations officers. Additionally the nature of police work also dictates that the real spokesperson is the Commissioner. Unfortunately the office of the police spokesperson has tended to be on the defensive and has been reduced to issuing statements and responding to issues in a reactive rather than a proactive manner. Interestingly, the current Kenya Police Strategic Plan has not elaborated its communications strategy.

The lack of an internal communication strategy has led to the police not having on board all its officers from the lowest to highest level seeing themselves as the greatest ambassadors of the police. Instead of team spirit and a common understanding of the police motto of “*utumishi kwa wote*” (service to all) the institution is characterized by a spirit of fear, hostility, defensiveness and lack of innovation.

***Recommendations:***

In order to establish more effective communication between the police and members of the public and to redeem the image of the police, it is recommended that communication by the IPOA and the Police Services should introduce the following:

- i) Both the Kenya Police and the Administration Police to develop a clear communication strategy that addresses both the internal and external stakeholders
- ii) Regular briefing by a police spokesperson at the Office of the National Police Council on behalf of both the Kenya Police Service and the Administration Police.
- iii) With regards to internal communications this must go hand in hand with a strategy to create a new culture that enables and empowers officers to act in the best interest of the citizens and the police.

- iv) Create structured forum and structured mechanisms for junior, middle and senior managers to interact on a regular basis to discuss matters relating to their performance and issues.
- v) Conduct regular public awareness campaigns on the complaints procedure on the police website, through brochures, media talk shows, etc. The information should include:
  - (a) How to file a complaint
  - (b) Clearly indicate where and with whom a complaint against services or procedures and regulations may be lodged
  - (c) Indicate a timeline for acknowledgement of the complaint once received or follow up on complaints filed
  - (d) The category of complaints that should be filed with the police directly and those that may be taken directly to IPOA
  - (e) What action the complainant should expect from the Police and when
  - (f) The responsibility of the complainant in facilitating investigations into the complaint
  - (g) What options are open to the complainant in case he/she is not satisfied with the decision of the police or IPOA

## **CHAPTER FIVE: PROFESSIONALISM, TERMS AND CONDITIONS OF SERVICE**

### **5.1 Introduction**

For the reforms that are envisaged for the Police Services to succeed, it is essential that various issues that affect police morale are addressed alongside structural, legal and administrative reforms that will be put in place. The police themselves have indicated in their various reports, working papers and submissions to the Task Force, the need for a police service:

- i) They can be proud of
- ii) That cares for their welfare
- iii) Where promotion and training opportunities are awarded impartially
- iv) That treats all officers fairly and equally and respects their rights as Government employees
- v) That is well resourced in terms of pay, housing, equipment, benefits and terms of condition of service

On the other hand, Kenyans expect a police service that is people friendly, professional, accountable and responsive to their security needs.

It is the view of the Task Force that there is need to balance these expectations, and one of the places to begin is to address the issues that impact directly on police standards and morale. It is against this backdrop that issues affecting the persons entrusted with the responsibility of enforcement of law and order in the country must be addressed. These issues include:

- i) Recruitment process and training standards;
- ii) Disciplinary process and provisions;
- iii) Career progression;
- iv) Remuneration and other terms and conditions of service.
- v) Housing and welfare;
- vi) Exit and post-exit management;

As the Task Force looked into these issues, it was aware that several Task Forces, Commissions and Committees had been constituted to address these issues in the past and made various recommendations, some of which have been implemented while others are yet to be implemented. This is either due to budgetary constraints or administrative inertia.

## **5.2 Recruitment**

The principal factor influencing the quality of performance and service delivery by the police service is the calibre of persons recruited into the service. Kenyans have consistently demanded that the basic requirements for entry into the police services be raised in order for the police to relate professionally and confidently with Kenyans. The low academic level has in the past also been seen to contribute to the incapacity of the police to embrace reforms along with other sectors of the public service.

Although the academic level has improved over the last 10 years (from KCPE level to KCSE level), there is still need to attract and retain degree and diploma graduates in the police services. This can only be done if the work of policing is perceived by the public as a respectable profession that provides opportunities for growth and career fulfilment.

Another key concern is the unethical practices that Kenyans have come to associate with the recruitment process in both the Kenya Police and Administration Police. The exercises are riddled with corruption, with prospective candidates openly admitting to having paid as much as Ksh. 100,000 to secure a place in the Forces. This then presents a basic contradiction in values; in that a police officer, who is expected to uphold law and order has entered the police force on a corruption platform. The Task Force has therefore, made some recommendations that are intended to contribute to the process of streamlining the recruitment into the police services.

The task force is well aware that recruitment is the bedrock of a solid and professional police service. The quality of police personnel and their subsequent performance capacity, attitude and the ultimate impact in policing begins at the recruitment stage. Quality recruits, other factors remaining constant, should result in quality policemen and women. Conversely, poor quality police recruits results in a poor quality police service.



One of the greatest challenges for the police services is the inability to attract and retain the best professionally and academically qualified Kenyans. The police service still remains, in the minds of Kenyans, a place for those with low education, whose employment options are limited. The tainted image of the service and lack of incentives makes it a last resort in employment options for many Kenyans. As a result, the level of professional commitment to police service is not as would be expected.

Physical characteristics have continued to be a major criterion in the recruitment process. This has in some cases, limited the recruitment of potentially interested and more capable candidates, especially those from specialized professional backgrounds. This is mainly due to the fact that specialists recruited into the Kenya Police and Administration Police are subjected to the same recruitment process as those recruited for general policing duties.

Attraction of university graduates into the police has been a major challenge. Out of a combined police service of 73,956 officers, only 1% are university graduates. Further, out of the 755 university graduates, only 6 are in Police Job Group 10 and above, which are senior management ranks. The Task Force also noted inconsistency in placement of the graduate recruits. In some cases graduates, have been recruited as Constables while others enter directly as Inspectors.

### **5.3 Entry Requirements**

#### **5.3.1 Kenya Police**

Requirements for recruitment into the Kenya Police Force are currently provided for under Chapter 19 of the Force Standing Orders (FSO), paragraph 9 (a) and (b) which states as follows:

- (a) There are no fixed educational requirements for enlistment as a constable, but preference is given to candidates with Kenya Certificate of Secondary Education who have a minimum of Div. 111, D+ and *are otherwise intelligent*.
- (b) Candidates must pass aptitude tests and fulfil the following requirements:
  - i) Be between the ages of 18 and 25 years

- ii) Be medically fit
- iii) Be 1 metre 73 cm (5' 8") tall and 1 metre 43 cm (5' 4") for men and women respectively.
- iv) Be of good vision and hearing and good physique
- v) Have no previous criminal record.

### **5.3.2 Administration Police**

Recruitment into the Administration Police Force is provided for in Chapter 85 Section 4(1) of Administration Police Act:

"The District Commissioner of any district or area within which the Minister may, by notice in the Kenya Gazette, approve the appointment of Administration Police, may appoint fit and proper persons to be officers of the Force within that district or area."

In practice, academic requirements for recruitment into the AP Force are often a grade lower than those for the Kenya Police Force indicated above while the other requirements are similar.

The Kenya Police Service has further discretionary mandate to enlist recruits not meeting the physical requirements set out in Chapter 85 with regard to "*candidates who are otherwise outstandingly suitable for enlistment*". The provisions of the Administration Police Act on the other hand, are silent on academic qualifications only making reference to "*fit and proper persons*".

These provisions have been misused in the past to the extent that both police services have recruited candidates of primary school level education mostly for the purpose of catering for areas that historically have been disadvantaged in access to education and other national resources. The provisions have been used even when it is obvious that there is no District currently where it is impossible to find the required number of qualified Form IV candidates who meet the minimum academic requirements.

In this regard, the Task Force observed that the Government has invested heavily in Free Primary Education (FPE) Programme and highly subsidized secondary

education. It is therefore, unlikely that there would be a lack of qualified applicants to fill the limited vacancies allocated to each District every year if the recruitment process is conducted in a transparent manner. Under the current recruitment system, a good number of the recruits are those capable of paying bribes or are known to influential individuals and not necessarily those meeting the laid down academic and physical fitness requirements. Qualified candidates from these areas may be missing out on recruitment into the police for lack of adequate and timely information on the recruitment exercise, or when they avail themselves for recruitment, they may be overlooked since they lack the necessary 'connections'.

The Kenyan society is increasingly demanding higher standards of qualifications as the pool of its educated population rises in all areas of the country. Recruitment into the public service for other cadres is often based on national academic qualification standards and these institutions attract enough qualified applicants to fill the vacancies. There is therefore, no good reason to lower the entry standards when it comes to the recruitment into the police services.

It is clear that the low academic requirements for recruitment have contributed to the perception that the police services are for those who have failed to secure employment elsewhere due to their low academic qualifications. If the image and capacity of the police services are to be revamped, then these requirements need to be raised.

#### **5.4 The Recruitment Process**

The current recruitment within the Kenya Police and Administration Police is District-based in principle. This is to ensure regional balancing in recruitment. The recruitment process is a one-day exercise, which casts doubt on the extent to which the scrutiny process can be effective in vetting the recruits. The practice is that Force Headquarters appoint recruitment officers at a short notice to supervise the exercise. The Task Force was informed that the short notice given to recruitment officers is to protect the integrity of the exercise by minimizing opportunities for collusion, interference and corruption. Recruitment for the Administration Police is devolved to

the Districts where the Administration Police officers are in charge of the recruitment under the supervision of the local District Commissioners.

The Commissioner and the Commandant however, have the final say as to who is recruited into the Services.

The recruitment in both the Kenya Police Force and the Administration Police has increasingly been characterized by allegations of nepotism, political patronage, favouritism and bribery. A common complaint during the Task Force public hearing sessions was that it is becoming impossible today to get recruited into the police without payment of a minimum amount of monetary bribe. There is therefore a growing number of police trainee recruits who gained entry into police service without merit or qualifications. The result is recruitment of officers who are neither professionally loyal to the police services nor patriotic to their calling and country. This inevitably impacts negatively on the calibre of police we have in the country.

While both police services indicated that they undertake background check on the recruits, the Task Force was informed during its Provincial visits that the vetting is not effective. This is attested by the number of police involved in outright criminal activities and professional misconduct.

## **5.5 International Comparative Analysis**

Members of the Task Force visited Botswana, Sweden and UK, to learn about various aspects of police services in these countries where the police services enjoy a high reputation of professionalism. In these countries, the Task Force noted the following in respect to the entry requirements and recruitment process:

**Table 2: Comparison with international standards**

Country	Entry requirements	Recruitment process
<b>Botswana</b>	Form four 1 <sup>st</sup> class with a credit in English language Cadets: Diplomas/1 <sup>st</sup> / Post- graduate Degrees for specialists	-Process takes 3 months -Written application, short listing -Written and oral interviews -Training takes 12 months, 2 of which are on field attachment.
<b>United Kingdom and N. Ireland</b>	-Credits at secondary school level -University graduates and specialists encouraged.	-Written application, short listing -The training alternates between classes and actual policing on the streets under a Tutor Constable. —The recruits are still subject to probationary period of two years before confirmation as a police officer.
<b>Sweden</b>	-Credits at secondary school level -University graduates and specialists encouraged and find the Police Service an employer of choice.	-The 5- step process takes 9 months -Written and oral interviews, aptitude and physical tests -Approval by the Admissions Committee of the National Police Board. - Training takes 30 months, 6 of which are on field attachment

In comparison to the Kenyan recruitment process, recruitment is regarded as a process and not a one-day event in countries where the Task Force benchmarked. The process is longer, ranging from 3 months in Botswana, 9 months in Sweden and up to 2 years in the United Kingdom to allow for a transparent and effective scrutiny and vetting of applicants. At every stage in the application process in these countries, there is an intensive and rigorous scrutiny before the final endorsement by an Admissions Committee.

In these countries, the field attachment before graduation serves to establish a link between the theory as taught in the training college and practical policing in the field. That way, the Police trainers may assess and evaluate both the individual recruits and the institutional effectiveness and relevance of the training methods and subjects. The attachment before graduation is an important mentoring period after which recruits may still decide not to join or be barred from joining the police service based on performance evaluation report.

The police services in Botswana, Sweden and United Kingdom are professional, effective and competitive as employers. The entry requirements into the service are

equivalent to all other cadres in the public service in those countries and demand even higher levels of integrity and scrutiny. The police services in these countries are able to attract the best talent in the market.

## **5.6 Length of Police Training**

The training period for the Kenya Police and Administration Police is nine months. A significant part of this period is taken up by field drills and parades and limited time is allocated to “intelligent” police training. This is hardly enough to adequately train a competent and effective police officer. There is a strong case for allocation of more time to subjects that support intelligence - led policing as opposed to drills and physical fitness. This is the trend in most countries that have effective police services.

The training should aim at enhancing the technical and mental capacity of the recruits to handle the field challenges in modern day policing. Emphasis should therefore be placed on mental fitness and character formation of the recruits for effective, responsive and preventative policing. Emphasis on paramilitary training and drills inculcates in the recruits psyche that policing is combative and confrontational. While drills, physical fitness and paramilitary training are important in the training of recruits, there is need to balance between field craft and mental training to help the officers relate better with the community that they are intended to serve.

## **5.7 Training Institutions and Facilities**

The Task Force had the opportunity to visit most of the police training facilities around the country. In general, the Task Force noted that all the facilities are poorly resourced and require revamping. The institutions have very few classrooms and some did not have any computer laboratories. There are no up-to-date libraries. The facilities, which were meant to cater for a small number of recruits, are no longer sufficient to hold the ever-increasing number of recruits. This inadequacy extends to the accommodation as well, resulting in recruits having to share rooms in barracks, which are now overcrowded.

The catering facilities in some of the institutions are inadequate and some of the recruits have their meals outside. The Task Force also found that institutions, which

have gymnasiums, do not have much equipment in them, yet physical education and physical fitness is a very critical component for the trainees. The shooting ranges, which were constructed some years ago, require expansion and modernization. In some institutions the shooting ranges have been encroached upon by human habitation, raising serious safety issues. The institutions did not have adequate and well-resourced health facilities, some of which are shared with members of the public.

The Task Force found that in many instances, instructors are also forced to share accommodation due to shortage of housing. In addition to the above, the instructors only attend local training at Kenya Technical Training College (KTTC) and the former Kenya Science Teachers College (KSTC), and are unable to attend overseas training due to financial constraints.

Overall, the training facilities are plagued with inadequate funding. This is compounded by the cumbersome lengthy bureaucracy in the procurement of essential items and equipments. This situation has also affected the Provincial Training Centers (PTC), which the Task Force learnt were underutilized and operating way below optimal levels.

### **5.8 Traffic Training School**

The Traffic Training School, which falls under the Traffic Commandant, is part of the Police Training College. There are five (5) Instructors, all of whom are Traffic Police Officers, teaching at the School but none of them has been exposed to external Training. The School, which offers specialized courses in Traffic Management and Operations, is ill equipped with poor and inadequate basic facilities like toilets, kitchen, staff room, dining room, bathrooms, library, staffroom and sleeping quarters among other very basic facilities. The Task Force formed the impression of an institution that is totally neglected with no formal Training Curriculum in place. In the circumstances, the Chief Inspector in charge of the School has come up with what he considers a Training manual for the course offered. This is what guides the rest of the instructors working at the School. A room, which serves as the only classroom, can accommodate twenty four (24) students at any one time.

## **Quality of the Instructors**

The policy on the identification of trainers and instructors posted to the Police training colleges should be reviewed. In most cases deployment to Police Training Colleges is perceived as a disciplinary measure by the affected officers who are in turn de-motivated. The quality of their training delivery in turn affects their effectiveness in producing quality recruits. Instructors on various subjects are in most cases, not professionals in the subjects that they teach; such as law, counselling, stress management, etc.

If police recruits and police officers are to transform into professionals who embrace best practice in policing, it is necessary that the persons who impart various skills and knowledge to them must be well-grounded professionals and experts.

### ***Recommendations:***

If the Traffic Training School is to serve any useful purpose and in order for it to discharge the mandate for which it was established, the Task Force recommends:

- (i) Since the School is a College of the Police Training College (PTC), the said College should develop a Training curriculum for the Traffic Training School
- (ii) The Government must invest in the School by putting up the necessary buildings that it requires and to provide it with all the facilities that it requires for effective discharge of its mandate.
- (iii) Where possible, Traffic Management and Operations Course should be offered at the Provincial Training Centres once those centres have been revitalized.
- (iv) Police training facilities to be expanded and modernised so as to cater for the rising number of recruits.

## **5.9 Payment of Salary to recruits**

The Task Force noted that recruits in both the Kenya Police and the Administration Police are paid a monthly salary at the minimum rate applicable to working Constables on enlistment. The rationale for this payment was unclear to the Task Force, particularly taking into account the concept of cost sharing, which has taken root in all sectors where Government provides services. Pre-service trainees in the



rest of the Public Service actually pay fees to the Training Institutions. The Task Force also established that the Kenya Wildlife Service, whose Armed Wing Officers and Rangers are recruited on similar provisions as the Kenya Police and Administration Police, does not pay recruits any salary until they are deployed. Instead, they are paid a monthly upkeep allowance of sh. 3,000 to Rangers and sh.5,000 to Wardens.

The Task Force finds the payment of salaries to recruits an issue that requires to be revisited considering that they are accommodated, fed and kitted by the Government during the 9 months training period. During this period, they cannot be considered to be rendering any service that justifies payment of salary. Whatever limited policing backup duties they may occasionally be assigned should be considered part of their practical training.

Considering the concerns that have been expressed regarding police recruitment, as well as the possibility that a good number of persons joining the police service only do so out of lack of other job options, payment of salaries only serves to perpetuate the problem. It is therefore necessary to review this policy both for the Police Services and other disciplined Services where payment of salary to recruits is a practice.

#### **5.10 Moratorium on recruitment**

The Kenya Police and Administration Police have been undertaking annual recruitment of approximately 4,000 recruits per year. In 2008, the Administration Police had a double intake of 6,000 recruits, some of whom were former street children who had been rehabilitated through the National Youth Service Programme. Currently, the combined Force complement stands at 73,956<sup>1</sup>. The Task Force appreciates these efforts which are aimed at enhancing Police capacity to combat the security challenges facing the country. However, as indicated throughout this Report, the Police face many challenges in terms of working equipment, transport, and housing. There were concerns expressed in various quarters that the recruitment drives by both police services is indicative of the unhealthy competition between them and not necessarily based on a rational human resource plans.

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<sup>1</sup> Kenya Police and Administration Police submissions to the Task Force

It is also not possible to determine the actual personnel requirement before enhancing the mobility and productivity of the existing personnel through adequate equipping.

The Task Force also noted concern that recruitment was being undertaken without corresponding expansion of essential facilities such as housing and working equipment. The Training facilities especially for the Kenya Police are mostly rundown and can hardly cope with the demands of modern police training. As indicated elsewhere in this Report, the housing situation for both services is a big problem, both in terms of number of units available as well as the condition of most of them throughout the country.

Experience the world over has shown that while police numbers are a key component of a country's ability to combat insecurity, it is even more critical that the police are properly equipped and funded. The answer to Kenya's policing needs may not necessarily lie in annual increase in numbers but in enhancing the capacity of individual police officers to undertake police work. This is through proper kitting, appropriate training, right attitude to police work, as well as ensuring that the officers' morale is maintained at high levels all the time. A single, well trained, equipped and highly motivated police officer can do significantly more than an ill-motivated and ill-equipped officer. As has already been highlighted, the recruitment process into the police service leaves a lot to be desired. As a result, the service has a significant number of officers who are not adding any value to the service.

It is in the light of the above challenges that the Task Force is of the strong view that the Government needs to take stock of the absorption capacity of both the Kenya Police and Administration Police before further recruitment is undertaken. Since handing the Interim Report to H. E. the President, the Task Force was pleased to note that the Administration Police has placed a moratorium on their annual recruitment programme.

### ***Recommendations:***

In order to improve the quality of recruits into the Police Services:

- (i) A moratorium should be placed on all Police recruitment for the Kenya Police and Administration Police. Any funds budgeted for recruitment for 2009/2010

Financial Year should be redirected to address some of the pressing problems currently facing both Police Services.

- (ii) Minimum academic entry requirements should be raised to Kenya Certificate of Secondary Education (KCSE) mean grade C plain unless:

(a) In exceptional cases where a District does not meet its quota, a request shall be made to the Police Service Commission to consider a waiver on a case-by-case basis for applicants who meet all other requirements except the academic grade, provided that such applicants shall have a mean grade not lower than C-.

(b) In addition, applicants admitted under this exception clause shall be required to upgrade their academic qualifications to a mean grade C plain within the one-year probationary period.

(c) The exception clause of C- should lapse after 3 years from the commencement of the implementation (end of year 2012).

- (iii) Recruitment of police officers should be done by the Police Service Commission while the District Security Intelligence Committees will support the PSC with the vetting of the candidates.

- (iv) The recruitment process will involve:

(a) 1<sup>st</sup> stage:

- Written applications to the Police Service Commission, in response to advertised positions, with candidates indicating why they are interested in police work. Originals should be submitted through the DSIC with copies of the application directly to the Police Service Commission
- Presentation of a certificate of good conduct
- Two references, one of whom should be a religious leader within the applicant's community and the other a Head teacher/principal of the applicant's immediate former school

- Pass written and oral in response to advertised positions entry examinations

(b) 2<sup>nd</sup> stage:

- Short listed recruits from the Districts are reviewed at Provincial level for further interview and vetting/sieving
- Final selection of applicants to undergo training at KPTC/APTC on approval by the Admissions Committee of the PSC.

(c) 3<sup>rd</sup> stage:

- A 15 months training programme in three phases of 9:3:3. The Board should conduct a mid- term evaluation of the trainees in each case.
- Final evaluation after 15 months to determine suitability for entry into the Service
- Approval of final list by PSC and deployment.
- 1 year probationary period at the end of which the new recruit should be examined on various aspects of policing, on- the job performance and conduct. *(During this period, the recruit is regarded as a Trainee Constable.)*
- PSC gives approval for confirmation in service and Rank.
- To encourage transparency in the recruitment exercise, names of the recruits shall be published in the newspapers and at every District headquarters.

Even when the Police Service Commission recruits from the National Youth Service, the candidates have to meet the set standards of enlistment taking into account regional balance.

***Graduate recruitment***

- i) The same recruitment process for constable recruits should apply in the case of cadets.
- ii) The duration of training should be in four phases of 9:3:3:6 21 months.

- iii) Training curriculum and classes should be as that of Constable recruits to ensure understanding of basic policing skills. Emphasis in the next 9 months should be on management and leadership, research & innovations, etc
- iv) On completion of the two-year police cadet training, the Police College should award a postgraduate diploma or relevant postgraduate degree in Police Studies. In the short term, before the establishment of a Police Academy, such a programme could be run in collaboration with Kenyatta University with which the Kenya Police has indicated existing training collaboration.
- v) On graduation, to serve 1-year probation period as a Cadet Inspector after which the Police Service Commission appoints as an Inspector.
- vi) Graduates with specializations should be exempted from basic Police training and physical requirements. However, a special induction course that is tailor-made for specialists should be developed to ensure that they fit within police work.
- vii) A deliberate effort should to be made to recruit at least 10% university graduates and diploma holders into the Police Service.
- viii) In order to raise policing standards, the quality of management, leadership and opportunities for career progression, the Police Services should introduce distance learning.
- ix) In order to improve the quality of training and instruction, the Police Training Colleges should in addition to their instructors and trainers, engage the services of professionally qualified trainers, including those drawn from Universities and Colleges in specialized fields.
- x) Payment of salary to the recruits during their training should be reviewed together with other disciplined services. .

### **5.11 In Service Training**

Chapter 29 (1) (i) of the Police Force Standing Orders states that “... *training of a Police Officer is a continuous process and must not be considered to have been completed at the end of an officer’s recruit course. It is the policy of the Force that as many training, retraining and refresher courses as are possible shall be held*”. The Administration Police Act CAP 85, Section 8 (d), provides that ‘*every officer shall undergo such training as may be ordered by the District Commissioner*’. The

Administration Police Service has however, over the years, developed in-service training programmes that go beyond the provisions of the Act.

Despite the provisions in the Force Standing Orders (FSO), representations made by police officers during provincial visits by the Task Force indicate that most officers are unhappy with the way staff development is handled, especially in the Kenya Police. While the FSO clearly indicate that selection for training opportunities shall be through the District and Provincial Boards, this procedure is not followed. Instead, training opportunities are in some instances, awarded to favoured officers without observing any criteria.

Officers who are to be deployed to operational areas should undergo pre deployment specialized training. The Task Force was also informed that the Station Commanders Course is no longer offered at Kiganjo Police Training College. The course is designed to ensure that officers heading Stations and Divisions are effectively knowledgeable in command and control. It also develops stability of character and increases the reservoir of police officers who are expected to provide leadership to the juniors in the police. Currently, there are officers who are deployed as Officers Commanding Stations and Police Divisions who have not had the relevant training and this has significantly contributed to the management problems in the police service, including break down of discipline among the police.

The Task Force however acknowledges the efforts by both the Kenya Police and the Administration Police in exposing their officers to various training programmes, both locally and abroad. It also noted that the Administration Police leadership has encouraged their officers to enrol for degree and postgraduate programmes. This is indeed the direction both services need to take to ensure that the police keep up with other sectors in uplifting their academic and professional profiles. The proposed Police Academy will no doubt contribute to refinement of police training, and inculcate modern police management skills among the senior officers.

The Task Force learnt that the Kenya Police and Administration Police have parallel plans to establish Police Academies in Loresho and Magadi respectively. This not

only adds to the perception that the two services are in competition but also shows their lack of appreciation of their common purpose. The Task Force is of the view that establishing two Academies for the Police Services is wasteful and does not take into account the need for a common policing agenda.

***Recommendations:***

- (i) In view of the common purpose of policing that the Kenya Police and Administration Police share, the proposed Police Service Commission, should work out a standard curriculum to cover both services.
- (ii) The proposed Police Academy should cater for both Services. Any plans to develop separate Academies for each of the two police services should be stopped.
- (iii) The Commanders Courses should be re-introduced immediately and any officers who have been deployed as Officer Commanding Station or Division (OCS/OCPD) without having undergone the Commanders course should be redeployed from station management until they successfully complete the course.
- (iv) All training facilities of both police services, including those at the Provincial levels, should be expanded and upgraded to meet the training needs of the police.

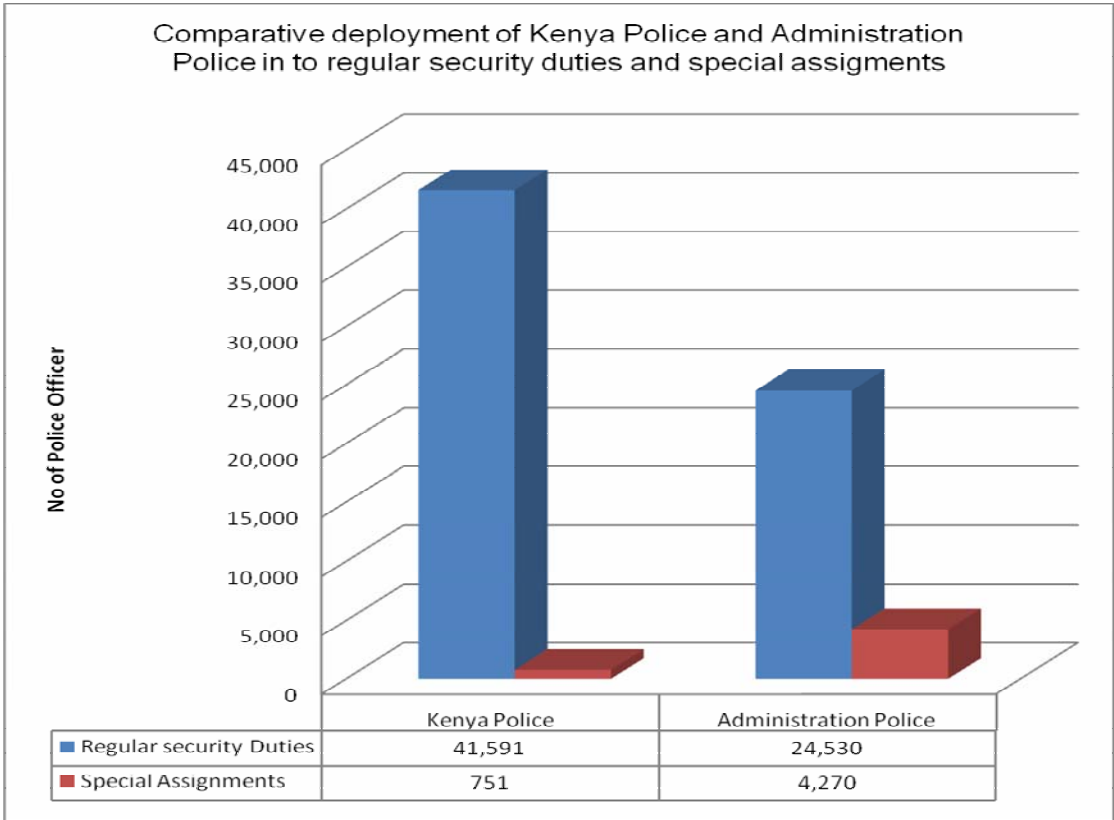
**5.12 Deployment**

Deployment within the Kenya Police Force is governed by Chapter 23 of the Force Standing Orders of the Kenya Police, while that of the Administration Police is administered along similar arrangements in accordance with the Civil Service Code of Regulations. The Task Force however, found that deployment has not always been carried out in accordance with the provisions of these regulations. In many cases, deployment has been at the discretion of the senior officers without regard to specialist skills.

Specific complaints were made that police officers specialized in criminal investigations and traffic management have been abruptly deployed on general duties, even without consultation with the respective Heads of Department. Police officers without specialized training have in turn, been deployed to these departments, thus negatively impacting on the capacity of the departments.

The Task Force is particularly concerned that Kenya Police and Administration Police officers are deployed in non-core functions as receptionists, body guards/escorts, clerks, drivers, sentries, domestic workers, catering staff, etc. The deployment of police officers in such functions affects and compromises the ability of the police to discharge its mandate. Currently, the estimated number of such officers is approximately 3,000 (see Figure 9), thereby compounding the problem of low police to population ratio. Such deployment also contributes to idleness, resentment, indiscipline and lack of professionalism.

**Figure 9: Deployment of Administration Police and Kenya Police**



Source: Kenya Police and Administration Police

Deployment to some of these non-core functions perpetuates corruption given that such officers are closer to senior government officials. As a result, the chances of influencing promotions without merit are common. The converse is also true. Being attached to one person for far too long can demoralize an officer who gets denied the chance to grow professionally. The benchmarking experience by the Task Force



established that Police in Sweden, United Kingdom and Botswana are deployed strictly to core police duties. In these countries, provision of security to various public facilities is outsourced to private security firms.

There is also no clear criterion on secondment of officers to State Corporations and other Government Ministries/Departments. The deployment of officers to some of these “lucrative” agencies is often not based on professional considerations or special skills, but rather, on an officer’s links with decision makers and this makes it prone to abuse.

In the United Kingdom and Sweden deployment of police officers is localized in the area of recruitment. Deployment outside the local area of recruitment is by choice on application. In Botswana, as is the practice in Kenya, deployment of police officers is the prerogative of the Commissioner of Police who may deploy the officers to any part of the country.

***Recommendations:***

- (i) All officers performing non-core functions should be retrained and redeployed to boost police visibility.
- (ii) Consideration should be given to the use of private security providers and the National Youth Service in non-core functions
- (iii) Clear policy and criterion on secondment to parastatals and other institutions should be developed by the PSC
- (iv) The deployment of police officers should be aligned to their talents, skills and specializations.

**5.13 Transfers**

Like all other employees of the Public Service, the Kenya Police and Administration Police are subject to transfer to any part of the country. Transfer in the Kenya Police Force is governed by Chapter 23 of the Force Standing Orders while that of Administration Police is regulated by the general practice in transfer in the public service.

***Kenya Police***

According to Chapter 23 Sections 2 and 5 of the Kenya Police FSO, transfers of members of the Inspectorate and subordinate officers within and across the

Provinces may be affected by the Provincial Police Officers through mutual agreement without reference to Force Headquarters. The transfers however have to be published in the Provincial Weekly Orders and reflected in casualty returns. Sections 3 and 4 of the same chapter provide that Gazetted officers may only be transferred with the prior authority from Police Headquarters. A subordinate officer should not be transferred to another Province unless he/ she: -

(a) Has served at least three years in one Province

(b) Has not been convicted of a disciplinary offence within the previous six months

### ***Current Practice***

It is evident from the foregoing that while the FSO comprehensively deal with the regulation and process of transfers, some of the transfers as currently practiced are disruptive of the officers' personal and career development consequently affecting their efficiency and effectiveness. The Task Force was informed of many instances where officers were transferred to stations without prior consultations with their respective Commanders. Most of the transfers were at short notice and without payment of transfer allowance. The Task Force established that as at 30<sup>th</sup> June 2009, Kenya Police officers were owed an estimated Ksh. 196 million while the Administration Police were owed Ksh.115 million in transfer allowances. While under-allocation for the transfer allowances item is a major reason for this problem, it has been exacerbated by mass unplanned transfers, especially in the Kenya Police. The Task Force was informed that this is a major cause of discontent in the two Police Services.

The general complaints received mainly from the non-gazetted officers during the provincial visits are largely in part due to the failure to implement the provisions of the FSO rather than its inadequacy to address the subject. The following were some of the common complaints and general practices that are contrary to the provisions of Chapter 23 and 26 of the FSO:

- (i) Responsibility for the transfers of Inspectors and Subordinate Officers has over the years been taken over from the Provincial Police Officers (PPOs) by Force Headquarters in Nairobi. This, they claimed, has served to emasculate

the Command and disciplinary powers of the PPOs over their subordinates and their effectiveness in dealing with errant subordinate officers.

- (ii) There were cases where Police Headquarters did not respond to specific requests made by the Formation Commanders and instead, posted officers who were not relevant to the needs, skills and levels of experience required.
- (v) Transfers are often affected at any time in the year and this disrupts the lives of the families of the concerned police officers.
- (vi) Although Chapter 26 Section 2 (iii) of the FSO provides that an officer can apply for transfer to his home District on attainment of 50 years, it was claimed that many officers are posted far away from their home Districts when they are already in the 50- year age bracket. The posting of officers near their home Districts is important in preparing them for reintegration into the community where they wish to retire.
- (vii) Officers have been transferred to areas that are not related to their expertise/specialization and vice versa. This has especially affected the Criminal Investigation and Traffic Departments.
- (viii) The Task Force noted that the centralization of transfers at the Police Headquarters featured prominently among members of the Provincial Security Intelligence Committee (PSIC). One of the major complaints raised was that senior officers were being unduly influenced or bribed in order to effect transfers of subordinate officers within their Provinces. The justification for this practice, it was claimed, has been in part necessitated by the need to address the growing abuse of the FSO provisions governing transfers.
- (ix) According to some of the officers, centralization of transfers has destabilized the corruption networks that operated around the PPOs. This practice, they claimed, no doubt was equally responsible for frustrating and demoralizing officers in the transfer process. The PPOs were also known to often go on transfer accompanied with the so-called dependable officers who could support the corruption networks of the senior officers in their new stations.

- (x) Police officers are often transferred from one station to another without being paid their transfer allowances or logistically facilitated to move to their next stations.
- (xi) There were also claims of Political interference and external influence in the deployment process.

### ***Transfers of Administration Police***

There are no express provisions in the Administration Police (AP) Act that govern transfers. However, the transfer of Administration Police is regulated by the general practice under the Civil Service Code of Regulations. Further, Section 6 of the Administration Police Act vests the administration of APs in the District Commissioners subject to the general or special direction of the Provincial Commissioner. The inter-Provincial transfers of Administration Police officers are however centralized at the Administration Police Commandant's office in Nairobi.

According to Section 8 of the AP Act, officers are expected to undertake duties as directed by their Commanders or any competent authority. This leaves the officers vulnerable to transfers and deployment on non-core duties. The numbers of officers so deployed for both Forces is conservatively estimated at nearly 3,000. The following issues were raised by officers concerning transfers:

- i) That transfers are frequent and effected at any time of the year
- ii) That the transfers and deployment are not fair because they are pegged on cronyism and undue political influence.
- iii) Non- payment of transfer allowance

### ***Practice in Other Countries***

The Task Force noted that the provisions of the FSO and Government regulations governing transfers are explicit on the need to minimize disruption and negative impact of transfers on police officers' personal and family life. It was also noted that due to the general shortage of housing facing the police, officers on transfer face serious problems on moving to new stations. In some of the stations visited, the Task Force found some officers who were accommodated in spaces meant for recreation facilities.

In the United Kingdom and Sweden officers are not transferred outside their regional policing authorities unless the officers so request. In Botswana, the Commissioner of Police may transfer Police officers to any part of the country after at least 3 years of service in a station. The transfers are usually programmed and predictable and therefore, officers are able to prepare adequately for transfers.

***Recommendations:***

- (i) As a matter of urgency, the Government should avail Kshs 196 million for Kenya Police and Ksh115 million for the Administration Police to settle all outstanding transfer allowances.
- (ii) A moratorium should be placed on mass transfers and transfers should only be in exceptional cases until all problems associated with the current transfer practices are resolved.
- (iii) Unless there is pressing need for transfers, they should be affected only when there are adequate budgetary provisions to pay transfer allowance.
- (iv) To avoid disrupting the lives of members of the officer's family who accompany them, including children who could be in school, transfers should be effected only between the last week of November and third week of December of every year. This provision may not bar the responsible officers from effecting transfer of officers in any other months when exigencies of duty demand.
- (v) Where an officer has children attending school in the current duty station, the Department shall continue to facilitate their continued stay until the end of that school year if the officer does not wish to transfer such children in the mid year.
- (vi) The transfer of officers should as much as possible, be effected after three years as provided for in Chapter 23 Section 5 of the FSO and the Civil Service Code of regulations, unless an officer is moving on promotion or for other reasons intended to enhance police performance.
- (vii) The Government should consider basic furnishing of police quarters to reduce the cost and burden of officers moving with their luggage on

transfer and accommodation. The construction and furnishing should be contracted to the National Youth Service and the Prisons Department respectively. In the first phase of its implementation, the programme could be prioritized for police stations/posts and AP Outposts in hardship areas.

### ***Promotions***

Procedures and processes for promotion in the Kenya Police are provided for in Chapter 24 of the FSO. Section 108 of the Constitution empowers the Commissioner of Police to make appointments and promotions of subordinate officers. The power to appoint persons in the Inspectorate Ranks and above are vested in the Public Service Commission of Kenya while powers to appoint officers in the lower Ranks have been delegated to the Commissioner of Police who approves the promotions after receiving recommendations from the national Promotion Board.

Promotions are ordinarily subject to attendance of promotional courses which are intended to facilitate advancement of officers from one grade to another. The selection for promotional courses is done internally by Divisional Selection Boards, which interview recommended officers from the police stations.

### ***Administration Police***

Promotions for Administration Police officers are generally handled under the Service Commissions Act Cap 185. Other general guidelines governing promotions of Administration Police officers are the Service Commissions Act and other guidelines on promotions in the Civil Service. The Administration Police Act has no express provisions on promotions, however, it can be implied from Sections 4 and 6 that the Provincial Administration has wide discretionary powers in terms of appointment and administration of APs in the Districts. However in practice, these powers are exercised in consultation with the Provincial Administration and the AP Commandant through the Promotion Boards.

The following issues were highlighted to the Task force by the Police officers:

- (i) Aspersion were cast on the integrity of the Promotion Boards citing cases of impropriety in the interviewing, rating and recommendations for promotions based on considerations other than competence, professionalism, merit and suitability

- (ii) There were claims of officers who have stagnated in the lower ranks as Constables or Corporals for as long as twenty (20) years without justifiable reasons
- (iii) The police ranks are too many, some with little or no operational value. Consequently this reduces the prospects for upward mobility.

### ***Promotion on Merit***

Chapter 24 Section 9 (v) of the Kenya Police Force Standing Orders stipulates that an officer considered to be worthy of promotion may, at the Commissioner's discretion, be required to act in the higher rank for a period not exceeding 2 years. If considered unsuitable, he/she reverts to his/ her substantive rank. However, exceptions may be made to the above rules by the Commissioner of Police if he considers that they are in the interests of the Force. The above provisions do not apply to Gazetted officers.

While promotion of police officers on merit is intended to boost the morale of officers, encourage ambitious officers to strive for excellence and performance, direct promotions to the next grade may have a negative impact on the other officers when this practice is widespread. Where officers are promoted to the next grade without attending the relevant promotional courses, it has the potential danger of lowering standards of service delivery and leadership within the police service.

This practice is particularly prevalent in the promotion of Administration Police officers. The result is a high number of senior officers without corresponding responsibilities (no officers under their command). It is therefore, critical that this discretion should be used sparingly and that ways other than promotion be used to reward such officers. In this regard, the Task Force learnt that there were recent promotions within the Administration Police after some AP officers excelled in international athletic competitions. While it is commendable to recognize such performance, it does not in any way attest to the officers' ability to command or manage others and can lead to serious command challenges.

### ***Recommendations:***

- i) While the Task Force acknowledges that the Promotional Boards as provided for in the FSO are properly constituted, the recommendations of the

Promotion Boards should be audited by the Police Service Commission to restore the credibility of the Boards.

- ii) Rationalize the police ranks by collapsing them to a maximum of 12 and develop clear job descriptions for all Ranks. The officers already serving on Ranks that will be rationalized should be re-deployed but hold the Ranks personal to themselves, subject to them being in all ways suitable for retention in the Police Service.
- iii) The proposed Police Service Commission (PSC) should determine the number and set clear guidelines on promotion on merit to reduce the perception of biases in the promotion process.
- iv) The PSC should also work out a non-promotion reward scheme to recognize outstanding performance by police officers.
- v) Promotions should be based on the police service staff complements as reflected in the authorized establishment, rather than being supply-driven.
- vi) The proposed PSC should establish the cases and causes of the alleged stagnation in both Forces in its staff review with a view to rectifying any anomalies. The PSC will also be expected to develop a clear career progression path whose requirements are clearly known to all police officers.
- vii) The proposed PSC should review the number of senior posts at the levels of Assistant Commissioners of Police and Assistant Commandant of Administration Police and above. The task force has observed that the force structure is top heavy with officers that do not have any clearly defined responsibilities.
- viii) All Heads of the Police Services, including Inspector General, Commandant General, Director of Criminal Investigation, Provincial Police Commissioners, Heads of Police Units and others, should be recruited competitively by application to the Police Service Commission. After interviewing and before appointment. Vetting should be undertaken by the National Security Intelligence Service.

### ***Police Management***

There are serious management problems in the Police Services, arising from, amongst others, poor leadership, patronage, wrong placement, disconnect between



the lower ranks and their seniors, outright corruption, or its abetment, among many ills. It is therefore necessary that a comprehensive staff review of both the Kenya Police and Administration Police be undertaken. The Task Force is of the view that no meaningful change can be implemented until the current senior police officers in the Kenya Police and in the Administration Police are re-evaluated for suitability in their current positions, as a good number of them are associated in one way or the other, with the problems in the two police services.

***Recommendations:***

- i) All officers from the rank of Assistant Commissioner of Police/ Assistant Commissioner of Administration Police and above be subjected to a review against a criteria (professionalism, integrity, track record, and psychological fitness) developed jointly by the Public Service Commission (PSC), the Kenya Anti Corruption Authority (KACC) and National Security Intelligence Service (NSIS).
- ii) The ranks below those indicated above can thereafter be progressively reviewed by the proposed Police Service Commission until all current members of the Police have been cleared.
- iii) Those found unfit for retention should be retired from the Forces, with sufficient safety nets to cushion them on exit.
- iv) The Government should establish an exchange programme with countries whose police Services enjoy a reputation of probity and professionalism. Middle /senior level Police officers who are rated highly after the suitability assessment can be sent on these programmes for one to two years to prepare them for leadership roles. The host Governments can be requested to second their officers to Kenya in equivalent positions to entrench core values in various areas of policing.

#### **5.14 Police Welfare**

For the Kenya Police, welfare under Force Standing Orders Chapter 53 (1) means all measures necessary for the physical and moral contentment of all ranks and their families. This includes their general comfort, adequate water supplies, recreation facilities, provision of canteens, counselling and visits to sick officers. The FSO emphasizes that the Provincial and Formation Commanders must interest themselves in all matters connected with welfare and must ensure that those directly responsible for the well being of the officers carry out their duties conscientiously. The Administration Police welfare provisions are similar to those applicable to the Kenya Police.

Despite the well- intended provisions in the FSO, the reality on the ground portrays a different picture. During the Provincial tours, the Task Force made the following observations with respect to various issues relating to both the Kenya Police and Administration Police welfare:

##### **5.14.1 Housing**

As a general rule, subordinate officers in both the Kenya Police and Administration Police are required to reside in Force Lines for ease of mobilization. Officers in higher ranks are free to rent accommodation outside the stations but the house allowance provided does not enable them to rent decent housing.

The Task Force appreciates the efforts that Government has made in the provision and improvement of police housing in spite limited resources. However current police housing is inadequate and where available they are overcrowded with married and single police officers being forced to share single rooms. Many of these quarters are dilapidated. In many instances, police officers, especially the subordinate ranks' are forced to live in tents, poor timber structures, temporary houses, or share rooms. The Task Force found officers living in tin huts which are uncomfortably hot during the day and very cold during the night. In some stations in Western and Eastern Provinces, the Task Force found houses that were meant for police officers, under occupation by civilians. The Task Force was informed that this is a common practice in nearly all Provinces.

The alarming situation is supported by statistics provided to the Task Force, which indicate that the Kenya Police, with a complement of 42,342 officers, has a shortfall

of 30,000 housing units, while the Administration Police with a complement of 31,614 officers has a shortfall of 18,500 units. The resultant effect has been decay in values and morals, low morale, high levels of stress and strained interpersonal relations between the officers.

It is clear that the housing problem is a major contributory factor to the discontent and general lethargy in the police. The Task Force also noted that the budgetary provision for housing for both the Kenya Police and the Administration Police has consistently been low and does not take into account, the rising numbers in both Services. For example, in the 2009/2010 financial year, the budgetary allocation for police housing is Kshs 1.834 billion

Despite the inadequate budgetary allocation, the Task Force was concerned the two police services do not appear to be committed to planning and prioritizing their housing projects. As a result, there are many stalled projects throughout the country. These problems are further compounded by the bureaucracies and corruption commonly associated with the procurement of construction services. In this regard, the Task Force noted that the current practice of awarding all government construction projects to private contractors has caused major delays in completing some of these projects. This is due to the lengthy procurement processes involved, the demands for mobilization fees, revision of project costs by contractors on claims of inflation, etc. It is therefore necessary for the Government to consider other viable and convenient options of handling these projects by utilizing internal capacity readily available in various Departments of Government.

The Table below illustrates the housing shortfalls in both Kenya Police and Administration Police per province:

**Table 3: Housing shortfalls in both Kenya Police and Administration Police per Province and Units.**

Provinces/Units	Number of Officers	Number of Officers Housed	Percentage Shortfall
<b>Kenya Police</b>			
<b>Provinces</b>			
Rift valley	4512	1420	69
Coast	2730	645	76
North Eastern	1434	497	65
Eastern	2961	590	80

Provinces/Units	Number of Officers	Number of Officers Housed	Percentage Shortfall
Nyanza	1836	465	75
Central	2638	1110	58
Nairobi area	5532	1878	66
Western	2172	416	81
<b>Units</b>			
Dog Unit	457	316	31
Presidential Escort	598	135	77
K.P.C	478	324	32
KAPU	<b>963</b>	348	64
Air Wing	104	0	100
Anti-Terrorism	110	0	100
Railways/Port	556	408	27
Police H/Qtrs	662	164	75
Tourist Police	362	0	100
G.S.U	6657	2575	61
Traffic	259	64	75
A.S.T.U	1627	98	94
C.I.D	2758	573	79
<b>Grand Total</b>	<b>39,416</b>	<b>12,026</b>	<b>69</b>
<b>Administration Police</b>			
Rift valley	5165	1000	81
Coast	1467	600	59
North Eastern	1232	50	88
Eastern	2710	100	96
Nyanza	2710	1040	62
Central	1976	700	65
Nairobi Area	1000	206	79
Western	1680	500	64
SGB Unit	1015	100	90
APTC	595	54	91
RDU	500	1	100
RBPU	400	Nil	100
APSSC	150	Nil	100
<b>Grand Total</b>	<b>20,600</b>	<b>4351</b>	<b>78</b>

Source: Police Forces

### **Recommendations:**

- (i) The Government should utilize the expertise and technology available within the Department of Defence, Prisons Department, the National Youth Service and the Ministry of Housing to construct suitable houses for the Kenya Police and Administration Police and complete the stalled housing projects.

- (ii) To integrate the police within the community under the community policing programme, the Government should consider in the long term providing adequate housing allowances to enable police officers to rent accommodation within the community. With improved mobile telephony and means of transport, it should be possible to mobilize the officers at a short notice. This is with the exception of specialized security formations such as the General Service Unit.
- (iii) A programme should be developed for the phased completion of the houses based on immediate, medium and long term plans. Depending on the level of completion, the Departments named above should be mandated to assist in completing houses with a focus on areas where housing conditions are worst.
- (iv) An audit of police houses occupied by non-police officers should be carried out. The houses should be re-possessed immediately for allocation to police personnel
- (v) The Government should consider furnishing police quarters especially in remote areas with basic furniture so as to minimize the level of disruption of an officer's life and ease of resettlement in the new station especially when on transfer at a short notice. The furnishing could be sourced from the Prisons Department.
- (vi) Government should provide adequate budgetary provisions to facilitate the acquisition of adequate housing for the Police Services.
- (vii) Encourage private/public partnerships in providing housing to Police officers to enhance police/public integration. Government could give concessions to property developers who dedicate a given number of housing units to police.
- (viii) Continuously match the Police house allowances with the prevailing market rates where housing is not provided;
- (ix) Existing housing units and other police facilities should be maintained in accordance with existing rules and regulations of the Ministry of Housing.

- (x) Conduct annual inspections of the welfare facilities and improve the management and cleanliness of police canteens/ messes.
- (xi) An immediate audit of incomplete housing projects to be carried out to determine the level of completion and a programme be worked out to hand over the projects to an Inter-Departmental team comprised of the Department of Defence, Prisons Department, the National Youth Service and the Ministry of Housing.

## **5.15 Medical and Life Insurance Cover**

### **5.15.1 Life Insurance Cover**

The nature of policing duties exposes police officers to all manner of risks. The risks have increased phenomenally due to emerging challenges in maintaining safety and security. The Task Force noted that the current provisions meant to cover the risks are not cognizant of the high risks to life that these officers are continuously exposed to. The existing Group Personal Accident Scheme, that covers other public servants whose lives are not as endangered as those of the police, is highly inadequate. The Government also currently pays a monthly risk allowance of Kshs. 5,000 to each police officer in both the Kenya Police and Administration Police. In view of the inadequacy of the life insurance cover, the officers have been rendered vulnerable to risks in the course of their duty.

The Task Force acknowledges that the Government is in the process of procuring life and injury insurance cover for the disciplined services, which will also cover the Kenya Police and the Administration Police. There is however a need to fast-track the process to ease the anxiety currently facing police officers.

### **5.15.2 Medical Insurance Cover**

The current provisions for the medical benefits for the police include payment of monthly medical allowances, which range from Kshs 495 for the lowest rank to Kshs. 2,490 for the highest rank (Commissioner of Police). The provision also includes refund of inpatient expenses under the National Hospital Insurance Fund, and a refund of up to 75% of inpatient medical expenses on ex-gratia basis under the Civil Service Code of regulations. The Task Force established that in the 2009/2010 financial year, the Government allocated Kshs 588,315,000 for outpatient medical

allowance and ex-gratia assistance. This amount can be used to purchase a comprehensive medical insurance cover for police officers and their families.

In a bid to complement what the Government provides, the Kenya Police have established a self-help contributory medical fund from which officers may borrow in times of need. Despite these efforts, the medical needs of the police officers are not sufficiently catered for. The Task Force was informed that in the event of need for emergency treatment in the course of duty, police officers are admitted to the Forces Memorial Hospital in Nairobi but later transferred to a general hospital for follow-up treatment. It is frustrating that police officers have to share crowded general health facilities with members of the public in spite of their responsibilities to the public.

To address this challenge, both the Kenya Police and the Administration Police have expressed their intention to construct referral hospitals to cater for the medical care of their officers and families. The Kenya Police has already factored in the construction of a Police Hospital in Nairobi in the 2010/2011 financial year. In view of the need to integrate police officers into the community where they serve, it would be more practical and cost effective to consider options of using the existing military and civilian medical facilities where they can access medical services in dignity.

***Recommendations:***

- (i) A comprehensive medical insurance cover that takes care of the health of the officers on account of their high-risk exposure should be introduced.
- (ii) The Government should improve and set aside amenity wings in Government medical facilities at the Kenyatta National Hospital, Provincial and District Hospitals specifically for the medical care of the police and their families, and other public servants. In addition, the Forces Memorial Hospitals should be expanded and a wing within the existing infrastructure dedicated for the medical care of police officers.
- (iii) The procurement of life insurance cover for the Kenya Police and Administration Police should be fast-tracked and implemented as early as January 2010.

### **5.15.3 Leave**

Provisions for leave in the Kenya Police and the Administration Police, like in the Public Service, are governed by the Code of Regulations and Personnel Circulars issued by the Government from time to time. However, Chapter 25 of the FSO provides a general guide on the grant of leave to police officers. These provisions may however, not override or nullify any Government regulations.

While the FSO provides for the granting of leave to police officers, the Task Force was informed that many police officers did not avail themselves of leave for various reasons. This problem is particularly prevalent in the ranks of gazetted officers. There have been allegations that officers deployed in 'lucrative' positions or stations are reluctant to leave their offices or responsibilities to their deputies. This has a negative impact on the career and professional development of their deputies, which is critical to succession management. Junior officers also claimed to have been repeatedly denied leave under the excuse of exigencies of service. These officers claimed that they ended up losing their leave and requests to commute the leave for cash were denied.

#### ***Recommendations:***

- (i) A deliberate programme should be put in place to assist as many police officers as possible to proceed on leave as provided for in the Civil Service Code of Regulations and FSO unless exigencies of duties militate against it. This is necessary as part of stress management programme for the police services.
- (ii) Officers in charge of various Departments and Formations should be required to develop leave schedules for all the officers under them to assist them to clear leave backlogs. These schedules should be used to allocate required funding for leave allowance.

### **5.16 Salaries and Allowances**

The Police feel that the Government does not fully appreciate the demanding and risky nature of their jobs. The level of basic pay is a major cause of dissatisfaction among them as they have remained at fairly low levels for the last two decades. Some of the errant police officers have used this as an excuse to engage in unethical practices that compromise their standing in the eyes of the Kenyan public.



A quick comparison of the salary and benefits levels drawn by public servants in sampled organizations, whose duties and demands are nowhere near those of the police, as illustrated in Table 3, portrays a situation that should be of serious concern to the Government. As long as the police continue to feel that the Government is quick to respond to salary demands of other categories of public servants but gives minimum attention to those of the police, it will not be realistic to expect the police to be as committed to their jobs as the Government expects. It is therefore necessary that the police salary levels are overhauled and a significant portion of the national budget be dedicated to improving police salary levels within the next five years.

While the Government has since 2004 tried to improve the terms and conditions of service for the police services, their pay still remains low in the light of the increasing workload and sophistication of crime, which increases exposure to higher risks. The low salary paid to the officers contributes highly to their predisposition to corruption, lethargy and inefficiency in the execution of their duties. While better pay may not directly translate to lower levels of corruption, it would certainly raise the stakes high enough for the officers to feel worried about losing their jobs on account of misconduct or poor performance.

Police officers have also made their own proposals as to what they consider to be reasonable salary levels and have also indicated that they should not be 'lumped' together with other disciplined services in the design of the salary structure as their duties are more demanding.

Recommendations to improve police salary and allowances levels have been made with these concerns in mind while at the same time, taking care not to distort the basic salary framework that is obtaining in the core civil service as well as the Armed Forces.

**Table 4: Comparisons and proposed salary scales- Kenya police and Administration Police**

	PG/JG	Min. ksh pm Kenya Police/Admn. Police	Police proposal	Armed Forces Equivalent	KWS equivalent	KRA	Parl. Service Commission	Central Bank	Civil Service equivalent	Recommended KP/AP Minimum	Est. A cost (ksh)
e	1	11,010- 17,790	30,000- 35,000	18,608 – 21,077	11,400 – 23,100	19,734 – 56,187	19,906 - 44,709	40,040 -124,214	10,717 -12,416	18,608	4,928
	F			(Senior Private)	(Ranger)	(Asst. Revenue Officer/ Clerical Officer)	(Security Warden/ Receptionist/Driver	(Office Messenger/Cleaner)	(Clerk/Driver/Receptionist)	<b>In post 56,975</b>	
	2	14,370 - 27, 435	37,000- 40,000	21,077- 33,100	16,000 – 29,000	25,446 – 67,122	29,625 – 73,897	54,987 – 144,922	13,373- 17,527	21,077	679,6
	G				(Corporal)	(Revenue Officer III)	(Asst. Sgt At- Arms/Snr Security Warden)	(Security Assistant)	(Secretarial Assistant)	<b>In post 8,445</b>	
/	3	19,710 - 29,305	42,000- 50,000		17,000 – 31,000	30,957 – 74,574	38,853 – 85,838	66,262 – 158,232	16,692 – 20,289	26,710	274,5
	G/H						(Sgt At-Arms	(Snr Asst. Security Officer/Receptionist)			

	PG/JG	Min. ksh pm Kenya Police/Admn. Police	Police proposal	Armed Forces Equivalent	KWS equivalent	KRA	Parl. Service Commission	Central Bank	Civil Service equivalent	Recommended KP/AP Minimum	Est. A cost (ksh)
					(Sergeant)	(Revenue Officer II)	III/Chief Driver)			<b>Inpost 3,268</b>	
	4 H	21,735 - 32,270	52,000- 60,000	29,439- 33,108  ( )	17,500 – 33,100 (Senior Sergeant)	-----	-----			32,439  <b>Inpost 1,111</b>	142,7
	5 J	23,165 - 34,435	62,000- 70,000	48,549- 56,883  (Captain)	32,000 – 74,000  (Asst. Warden I)	37,139 – 82,026  (Revenue Officer I)	48,143 – 102,881  (Sergeant At- Arms II/Principal Driver	138,467 – 263,357  (Deputy Security Officer/Secretary	21,304 – 25,895  Graduate (non- professional)	48,549  <b>Inpost 1,739</b>	529,7
Director	6	25,640 - 37,745	72,000- 80,000	77,869- 86,016	59,600 – 104,400	45,472 – 93,690  (Senior	52,788 – 114,243  (Sergeant At- Arms I/Restaurant	188,988 – 376,474  (Security Officer/Executive Secretary)	26,323 – 31,996  Engineers/ Chemists graduate entry	62,869	710,3

	PG/JG	Min. ksh pm Kenya Police/Admn. Police	Police proposal	Armed Forces Equivalent	KWS equivalent	KRA	Parl. Service Commission	Central Bank	Civil Service equivalent	Recommended KP/AP Minimum	Est. A cost (ksh)
	J/K			(Major)	(Warden II)	Revenue Officer)	Manager/			<b>Inpost 1,590</b>	
endent	7	26,500 - 40,635	82,000 - 90,000	86,359- 101,184	61,600 – 148,00	55,149 – 105,354	57,433 – 121,644		30,472 – 35,275	70,359	160,5
	L			( Lt Colonel.)	(Warden 1)	(Principal Revenue Officer)	(Snr. Sergeant At- Arms/Legal Counsel)		Intern Doctors	<b>Inpost 305</b>	
upt.	8	31,175 - 46,550	92,000- 100,000	103,534 - 127,260	-----	-----	63,114 – 129,045		35,275 – 42, 877	85,534	124,5
	M			(Colonel)			Deputy Chief Sergeant – At Arms/Chief Finance Officer/Snr Executive Secretary		Medical Officer entry	<b>Inpost 191</b>	
mm.	9	37,745- 55,000	105,000- 115,000	103,534 - 127,260	-----	61,600 – 112,725	74,476 – 143,847	334,772 – 560,804	40,835 – 49,636	94,839	52,75

	PG/JG	Min. ksh pm Kenya Police/Admn. Police	Police proposal	Armed Forces Equivalent	KWS equivalent	KRA	Parl. Service Commission	Central Bank	Civil Service equivalent	Recommended KP/AP Minimum	Est. A cost (ksh)
	N			(Colonel)		(Asst. Comm.)	( Deputy Chief Sergeant- At Arms) I)	(Manager III)	(Registered Engineer)	<b>Inpost 77</b>	
t	10	43,525 - 61,000	120,000- 135,000	(Colonel)	103,420 – 186,220  (Senior Warden)	73,696 – 129,330 (Manager/ Senior Asst. Comm.)	-----	401,699 – 601,420  Manager II		103,524  <b>Inpost 47</b>	33,83
mm.	11	63,782 - 81,404	140,000- 155,000		132,500 – 240,500	83,104 – 148,770	85,838 – 158,649	437,960 -658,509	63,782 – 81,404	122,366	12,65
	P			(Colonel)	(Asst. Director)	(Deputy HOD/Deputy Comm.)	(Sergeant- Arms)	Manager I	District Commissioner II	<b>Inpost 18</b>	
deputy l	12	77,527 - 98,947	160,000- 172,000	133,220 – 195,744	143,500 – 252,000	97,888 – 168,750	96,213 – 189,755	-----	77,527 – 98,947	133,220	3,341
	Q			(Brigadier)	(Sen. Asst. Director)	(Head of Department.)	(Director)		(Deputy Secretary)	<b>Inpost 5</b>	
ep.	13	94,235- 120,270	200,000- 240,000	133,220 – 195,744	-----	-----	-----	486,503- 825,738  (Asst. Director)	94,235 – 120,270  Medical Specialist	155,388	-----

	PG/JG	Min. ksh pm Kenya Police/Admn. Police	Police proposal	Armed Forces Equivalent	KWS equivalent	KRA	Parl. Service Commission	Central Bank	Civil Service equivalent	Recommended KP/AP Minimum	Est. A cost (ksh)
	R			(Brigadier)						<b>Inpost NIL</b>	
dant	14	100,620 - 127,980	----- -	249,229 – 303,225	182,000 – 284,000	Negotiable	-----	-----	100,620 - 127,980	249,229	1,783
	S			(Maj. Gen.)	(Deputy Director)	(Commissioner)			(Director)	<b>Inpost 1</b>	
sioner	15	127,980 302,980	250,000- 300,000	249,229 – 303,225	180,00 - 340,000	Negotiable	152,081 – 347,775	822,786 – 1,172,605	127,980 – 302,980	269,566	1,690
	T			(Maj. Gen.)	(Director)	(Commissioner General)	(Snr Deputy Clerk)	(Director)	(Provincial. Comm/ Secretary/Director of Medical Services)	<b>Inpost 1</b>	
d additional cost p.a										<b>7,656,235,459</b>	

Source: Ministry of State for Public Service; Recommendation by Task Force.

### **5.17 Police Salaries**

In comparison to all the public organizations listed in Table 3, the Kenya Police and Administration Police are the lowest paid. Comparative differentials show a gap of as high as 300 % when comparisons are made with CBK, KRA and the Parliamentary Service Commission. It is particularly disheartening to note that a ‘tea girl’ who falls into the unskilled labour category in one Public Service Institution earns a minimum basic salary of Kshs. 40, 000 per month while a Police Constable in whom the public has entrusted their security is paid a basic salary of Kshs.11, 000. This is a stark illustration of our lopsided priorities as a society.

Staff in all the sampled organizations also enjoys a wide array of non-salary benefits such as car loans, mortgage schemes, medical cover, leave allowance, club membership for managerial levels, and in the case of the Armed Forces, subsidized facilities/amenities. A basic job evaluation would no doubt reveal, disconnect between the value Kenya as a nation attaches to security (that the police are expected to provide), and other jobs in public sector organizations whose significance is nowhere near that of the police.

During the provincial hearings, this was one of the major complaints among officers of all ranks in both police services. When the police compare their salaries and benefits levels with such public organizations as those named above, they feel unappreciated and neglected.

Despite requests to avail information on salary and benefits structure for comparison purposes, NSIS and KACC did not oblige. It is necessary for these Government Institutions to recognize the fact that issues touching on police welfare directly affect them, in the sense that they are part of the criminal justice system in this country. During its visits to the specialized units of the police, the Task Force was informed that the police has been losing its specialists and highly trained police officers to KACC and NSIS, KRA and CBK, mainly due to the significantly higher remuneration and benefits levels that these organizations offer.

Salary and benefits structures for non-uniformed organizations such as KRA, Parliament and the Central Bank of Kenya have been brought in for comparison to

illustrate the divergence of pay and benefits levels in Public Organizations that are funded from public taxes. A cursory glance and comparison of the salary and job categories in these organizations vis-à-vis the police ranking and salary structure clearly shows that little regard has been given to the nature of duties that the police are entrusted with in determining their salary and benefits levels.

Some arguments have been made that it is easier to grant superior salary and benefits levels to employees in these organizations due to the fact that the staff complements are small and accompanying budgets manageable compared to the two police services. It is important to bear in mind that it is the Government that determines the complement of the police services in accordance with the security demands of the country and it would not be reasonable to maintain low salary levels for the police on the basis of the budgetary argument. The trend in the revision of police salaries has been to award negligible increments from time to time. It is therefore, important that a breakthrough from the perpetual negligible salary increments for the police is found. If the police are equipped with modern policing equipment, this will reduce the numbers that are required to be recruited every year. In this way, a manageable, well-remunerated force complement can be maintained. The Government must therefore, allocate a significant portion of the national budget to police welfare.

From the benchmarking visits the Task Force undertook in the United Kingdom, Sweden and Botswana, it was confirmed that these countries place a very high premium on their police services as far as salary levels, benefits, as well as working equipment and work environment are concerned. As a result, working for police service in these countries is a highly coveted and honourable profession. In the three countries visited, the message to the Task Force was the same: if Kenya wants to build a professional police service, then considerable investment must be made into the service.

In the process of gathering information for this Report, the Task Force looked at the salary and benefits structure for the Armed Forces, which the Government approved in July 2009. Whereas the Task Force is aware of the need to maintain distinct benefits structure between the police and the Armed Forces due to the uniqueness of the two entities, there does not seem to be any justification for maintaining an



inferior salary structure for the Police. This is taking into account their daily workload, the risks associated with their jobs and the difficult circumstances that they work under. Without internal security, it would be difficult for the Kenya armed forces to focus on the external security of this country.

### **5.18 Police Allowances**

The Task Force noted that there are various allowances paid to Kenya Police and Administration Police that are meant to compensate the officers for the additional tasks undertaken in specialized areas as indicated in Table 5 and 6 below. The Task Force learned that these allowances were last revised in 2007 and are part of the focus of the allowances policy review in the Civil Service. The Task Force has therefore maintained most of them at the prevailing rates. There are however, a number of allowances that need review and the reasons for this have been indicated against each allowance. Those that have been recommended for boosting include: house allowance and housing supplementation in view of the appalling housing situation in the Kenya Police and the Administration Police; extraneous and entertainment allowance for the Commissioner of Police and Administration Police Commandant, extraneous allowance for Presidential Escort and Guard; leave allowance for all ranks. A police allowance has also been proposed for all ranks. This is meant to appreciate the unique demands on the time of a police officer who is expected to be on call 24 hrs a day in order to assure security to the rest of society.

These adjustments are expected to boost the total package of the police officers considerably and will significantly move towards the expectations of the police as indicated in Table 5. In this regard, the Task Force urges the Government to implement the recommended increases within as short a period as possible so that the intended value and impact of the increases is maintained. The estimated gross package for various ranks is as follows:

**Table 5: Summary of Proposed Salary Increments**

<b>Rank</b>	<b>Current Basic</b>	<b>Proposed Basic</b>	<b>Current allowances (common only)</b>	<b>Proposed Allowances (common only)</b>	<b>Current Gross</b>	<b>Proposed Gross</b>
Constable	11,010	18,608	7,145	18,522	18,155	37,130
Corporal	14,370	21,077	7,800	21,500	22,170	42,577
Sergeant	19,710	26,710	8,540	23,500	28,250	46,670
S/ Sergeant	21,735	32,439	9,040	23,500	30,775	55,939
Inspector	23,165	48,549	11,990	50,000	35,155	98,549
Chief Inspector	25,640	62,869	16,245	50,000	41,885	112,869
Superintendent	26,500	70,359	26,500	55,000	42,745	125,359
Senior Superintendent	31,175	85,534	26,500	55,000	57,675	140,534
Asst. Commissioner/ Commandant	37,745	94,839	30,500	70,000	64,245	164,839
Senior Asst. Commissioner/Commandant	43,525	103,524	46,740	70,000	74,025	170,524
Deputy Commissioner/Commandant	63,782	122,366	46,995	80,000	110,522	202,366
Senior Deputy Commissioner/Commandant II	77,527	133,220	47,490	95,000	124,522	228,220
Senior Deputy Commissioner/Commandant I	94,235	155,388	47,490	95,000	141,725	250,388
Administration Police Commandant	100,620	249,229	228,090	313,090	349,849	562,319
Commissioner of Police	127,980	269,566	228,090	353,090	356,070	622,656

Source: Ministry of State for Public Service; Recommendation by Task Force.

**Table 6: Police Allowances**

Type of allowance	Rate p.m. (Ksh.)	Payable to	Recommendation	No. of officers	Est. Add.cost Ksh. p.a
Entertainment	65,000	Commissioner of Police & AP Commandant	Increase to rates applicable to PS  For CP sh. 80,000  APC sh.70,00	2	19,200,000
Extraneous Duty	60,000	do	Increase to sh.75,000 as PSs  65,000 for APC	2	19,200,000
Domestic Servants	15,600	do	Retain	2	
Extraneous duty	2,500	GSU 'G' Company	Harmonize with rates recommended for Presidential Escort	679	61,110,000
Field allowance	2,000	GSU, ASTU,	Retain and extend to APs when deployed on anti stock theft duties		
Extraneous duty	25% of basic salary	All officers deployed in the Criminal Records Office ( <i>incentive to update and computerize the finger print bureau</i> )	To be discontinued w.e.f 1 <sup>st</sup> July, 2010 when the Criminal Registry is computerized as there will be no rationale for this payment.	81	
Pilot Allowance	5,000 to 25,000	Police Air Wing	The Government should appoint a specialist Team comprising aviation experts from the Kenya Air Force, Kenya Civil Aviation Authority and Kenya Airways to advise on:  (i) maintaining and enhancing the Police Air Wing ;		

Type of allowance	Rate p.m. (Ksh.)	Payable to	Recommendation	No. of officers	Est. Add.cost Ksh. p.a
			(ii) Explore ways and means of collaboration with KWS and other related security agencies to pool resources for airborne support to the police; (iii) An appropriate incentives structure for the pilots and technical personnel in the Air Wing.		
Air craft engineering allowance	3,500 to 15,000	do	As above		
Cabin Crew allowance	1,000 to 3,000	do	As above		
Instructors Allowance	25% of basic salary	Full time Instructors in Kenya Police College and Administration Police Training College	Review the rate to 30% of basic salary and the selection of Instructors to ensure that only those with interest in instructing are deployed at the Training colleges and Provincial Training Centres. As much as possible, use external experts		
Risk	5,000	All Ranks	Procure a comprehensive life insurance cover and thereafter, absorb the risk allowance into basic salary.		
Medical	495 to 2,490	Graduated per Rank	Procure a comprehensive medical insurance cover.		Use current medical allowance est. sh.535million to cover the premiums
Rental House:	6,000 to 80,000	Graduated per Rank Inspector and above	Increase house allowance to:  Insp. & Chief Insp. sh. 20,000  SP/SSP sh. 25,000	1895  385	318,360,000  23,100,000

Type of allowance	Rate p.m. (Ksh)	Payable to	Recommendation	No. of officers	Est. Add.cost Ksh. p.a
			ACP/SACP sh. 30,000	167	12,024,000
Housing Supplementation	1,650 to 3,050	Graduated per Rank - Senior Sgt and below	Until all KP and AP other Ranks are housed in decent accommodation, increase housing supplementation to:  Constables & Corporals sh.5,000/6,500  Sergeants/Snr Sgt sh.8,500	65,420  4,379	219,157,000  286,386,600
Leave travel allowance	Sh.4,000 to 10,000 p.a	Graduated per Rank - Constable to Commissioner/Commandant	In view of the diverse range of working stations for Police officers and the distance from their home areas, increase to:  sh.10,000 p.a Constable to Senior Sgt. sh. 20,000 p.a Inspector to SSP sh. 30,000 p.a ACP to SDCP,	69,799  3,634	418,794,000  21,804,000

Type of allowance	Rate p.m. (Ksh.)	Payable to	Recommendation	No. of officers	Est. Add.cost Ksh. p.a
			sh.50,000 p.a to CP and APC	147	2,940,000
				2	80,000
VIP Protection	3,000	Officers deployed on VIP protection duties	Revisit this practice which has removed police officers from core policing duties and rationalize the categories of persons strictly meriting this service.	289	
Presidential Escort	5,000 to 8,500	Presidential Escort Unit - graduated per Rank	In view of the onerous responsibility of ensuring the security of the President, VP and PM, increase to sh.10,000 to sh.15,000	508	30,480,000
Animal Handlers	1,500	Officers assigned to dog/camels/horse care	In view of the responsibilities attached to these jobs increases to sh. 3,000.	572	10,296,000
Marine Allowance	2,500	Police officers deployed on marine duties in Mombasa, Malindi, Lake Victoria	Retain. The risks involved should be covered under the proposed life insurance scheme for all police officers	35	
Plain Clothes	30,000 p.a	Sgt and below deployed in CID, ATPU, VIP protection	Extend payment to higher Ranks whose duties entail operations in plain clothes at the rate.	800	24,000,000

Type of allowance	Rate p.m. (Ksh.)	Payable to	Recommendation	No. of officers	Est. Add.cost Ksh. p.a
Police Allowance	New	9,573,120,000	<p>Introduce graduated rates for all Ranks. To be treated as an 'X' factor in recognition of the unique demands of policing. Minimum sh. 10,000 to sh. 100, 000 for the Commissioner of Police.</p> <p>Other Ranks                      10,000</p> <p>Inspector - Sen. Supt.            25,000</p> <p>ACP/ACAP - DCP/DCAP        35,000</p> <p>SDCP/SDCAP                      50,000</p> <p>AP Commandant                  80,000</p> <p>Commissioner of Police        100,000</p>	<p>69,799</p> <p>3,835</p> <p>99</p> <p>5</p> <p>1</p> <p>1</p>	<p>8,375,880,000</p> <p>1,150,500,000</p> <p>41,580,000</p> <p>3,000,000</p> <p>960,000</p> <p>1,200,000</p>

Type of allowance	Rate p.m. (Ksh.)	Payable to	Recommendation	No. of officers	Est. Add.cost Ksh. p.a
Estimated additional cost p.a	Allowances			11,040,051,600	
	Salaries			7,656,235,459	
	Total Estimated Cost p.a			18,962,287,059	



**Recommendations:**

- (i) The salary structure for the Kenya Police and Administration Police should be harmonized at all equivalent levels with that of the Armed Forces and both be revised in tandem when the reviews are due. The status quo with regard to the privileges/provisions unique to the Armed Forces should however, be maintained.
- (ii) The increases should be implemented within a period of 2 years with effect from 1<sup>st</sup> July, 2010 so as to maintain the intended value of the increases. The estimated cost of this adjustment is **Ksh.18,962,287,059 p.a.**
- (iii) The Government should ensure that the Policy of harmonization of pay and benefits in the Public Service is institutionalized to guard against unrealistic pay levels that only serve to cause agitation in the Public Service when some sectors are favoured disproportionately over others. In this regard, the Task Force was informed that a Bill has already been prepared to entrench the Permanent Public Service Remuneration Board in the Constitution, with the mandate to determine and harmonize pay levels in the Public Service.

**5.18 Performance Management and Appraisal**

Performance of employees in any employment setting is a major component of the contract of employment between the employee and employer. The employee is hired for a specific job, after the performance of which, he expects a salary and other agreed benefits. On the other hand, the employer expects performance at the agreed quality, time and cost. To establish whether the employee has delivered on his part of the bargain, most employers use the performance appraisal system to document, assess and evaluate performance over an agreed period. In most systems, performance appraisal is an open system where the employee and supervisor/manager agree performance targets, discuss performance, any challenges or successes thereof after which, the supervisor awards rewards or sanctions as appropriate.

Hand-in-hand with performance appraisal is performance management: the supervisor's support to the employee to ensure that the employee attains the agreed

performance standards. This includes provision of resources, capacity building, mentoring, correction and other forms of support necessary for effective performance.

In the Kenyan Public Service context, the public have become increasingly demanding that Public Servants account for their performance through provision of timely and quality services. It is in this context that the Government introduced the Performance Contracting Policy under which public servants are held individually accountable for service delivery in their areas of work. The Police are not exempted from this expectation. Indeed, Police being among the most visible Public Servants are expected to perform up to and beyond expected standards. Their performance has however, been consistently poorly rated by the public, particularly on violation of human rights, abuse of power and corruption. This is a matter of great concern to the Government, hence the focus of the current reforms.

Chapters 5, 24 and 29 of the Force Standing Orders provide for the training and examination of various categories of personnel, which forms the basis for the officers' promotion. Ideally, these promotions should be awarded on the basis of qualifications, experience and successful completion of a promotional course. The FSO is however, not explicit on actual performance by police officers but Chapter 20 provides for removal, reprimand or other appropriate punishments where an officer is found to have ceased to be efficient, among other reasons. The performance appraisal of the Administration Police has hitherto been handled under the general guidelines applicable to civilians in the Civil Service.

In order to ensure that the performance of Police Officers is evaluated impartially and through a standard procedure, the Public Service Commission approved a performance appraisal instrument customized for the Kenya Police and Administration Police. The areas of appraisal include; courses attended, achievement of performance targets, values and competencies, work ethic and discipline, qualities, leadership skills and disciplinary record.

The Task Force noted that if the appraisal instrument was properly applied, it would be a major step towards ensuring individual police officer's accountability in the

discharge of their duties. This will also enhance performance while motivating officers to achieve set targets, which now have been linked to rewards, such as promotions and commendations.

It is expected that the proposed Police Service Commission will develop the appraisal policy for the police service further in order to determine actual performance of individual police officers.

### **5.19 Retirement and Post Exit Management**

Currently, there is no written policy on welfare and reintegration of police officers who exit the Service. Indeed, the Task Force noted that the last contact with an exiting police officer according to Chapter 26 (Sections 7, 8 & 9) of the Force Standing Orders is the provision of free transport, statement of retirement benefits due to the officer and issuance of a Certificate of Discharge. Thereafter, there does not appear to be a formalized contact with retired officers.

From the findings and presentations made to the Task Force, there is need for a policy to guide the post exit management of police officers in the following aspects:

- Welfare
- Utilization of the retired officers skills
- Monitoring

The Task Force is of the view that one of the ways the Government can enlist the goodwill of retired police officers is through the establishment of a formalized system through which they can maintain contact with local policing structures.

#### **5.19.1 Welfare of Retired officers**

One of the issues raised by police officers is how neglected retired officers feel after they have left the police after many years of dedicated service. Indeed, cases abound of police officers leading miserable lives in the countryside. It is tempting for such officers to turn their police experience to negative activities within the community. Such officers cannot be used to demonstrate to young Kenyans that working with the police is a dignified career option. Some of the basic provisions that the Task Force has considered include provision of healthcare to retired officers by

allowing them to access health care benefits (personal to the retired officer) until death. Such an officer would access these services at the nearest facility dedicated to police officers.

It is also important for retired police officers to maintain formal contacts where they can share experiences and help each other maintain the dignity of the police service. In this regard, the Task Force learnt that some years ago, an attempt was made to form a Retired Police Officers Comrades Association but the proposal did not go far. This is a proposal that the police management should pursue and conclude. The Association could borrow a leaf from the military KAFOCA, which is an active Association.

Another issue is the need to accord retired police officers dignity upon death. In this regard, the Task Force is of the view that a formal provision should be made, making it a requirement that every Officer Commanding Station or Division (OCS/OCPD) should take charge of the funeral arrangements of retired police officers within their jurisdiction in order to ensure a dignified send-off to the departed officers. The local chapter of the Comrades Association would liaise with the OCS/OCPD in this regard.

#### **5.19.2 Utilization**

Most of the Police officers retire from the service honourably. The experience of these police officers should be tapped as part of linking the community with the police and boosting the capacity of local community policing groups. Their talents and skills could also be used in training at the Police Training Colleges and Provincial Training Centres. They could also be used to introduce basic policing concepts in schools and institutions, private security providers and other related security services. Countries like Sweden and UK use retired officers in consultancy and community policing.

#### **5.19.3 Monitoring**

Concerns have been expressed throughout the country about the involvement of police officers who have exited the service, in criminal activities. It is therefore necessary that a formal database be maintained in all Districts of all retired police officers. This would ensure that there is constant communication between the retired

officers and the local security agencies and address the concern that the reputation of the police has been tarnished by some rogue police officers.

#### **5.19.4 Retirement age**

Representations were made to the Task Force that the police do not support the new retirement policy in the Public Service, which has extended mandatory retirement age to 60 years. They expressed concerns that it will be difficult for a police officer to serve effectively after the age of 55 years due to the physical demands of police work. They preferred retention of police retirement age at 55 years.

The Task Force however, established that the provisions for early retirement for Other Ranks after 12 to 20 years of service as provided for in Chapter 26 Section 2(ii) of the Force Standing Orders and the Pensions Act Cap. 189 have not changed. Officers in higher ranks may apply to retire on attainment of 50 years. They can also retire any time before attaining the age of 60 years. The Task Force therefore, finds that the concerns expressed by the police in this regard are already taken care of in the retirement policy.

#### ***Recommendations:***

- (i) Both Police Services should establish an association for retired police officers.
- (ii) Retired police officers should have access to medical facilities dedicated to the police service.
- (iii) Retired and able police officers should be utilized in training at the Police Training Colleges and Provincial Training Centres where appropriate. They should also be used to boost the capacity of local community policing groups.
- (iv) A minimal budgetary provision should be factored in the Police budget to pay a token fee to such officers.
- (v) A formal database of all retired police officers as well as other disciplined services should be established in all Districts.
- (vi) On the death of a retired officer, the local Officer Commanding Station or Administration Police equivalent should take charge of the funeral

arrangements to ensure a dignified send-off to the deceased officer. A budgetary provision should be made for this purpose.

## **5.20 Police Chaplaincy and Spiritual Services**

### **5.20.1 Introduction**

It is acknowledged the world over that police work is one of the most stressful professions. This is especially so for the front line officers, who often have to confront traumatizing incidents almost on a daily basis, which are psychologically and emotionally draining. A Seminar on police suicide held at the International Conference of Police Chaplains in Duluth, United States in July 1997 revealed that the US Police, which has one of the best funded and equipped Police Services in the world, annually records up to 500 cases of police officers who commit suicide.

The most common traumatic and stressful experiences that police officers face are a result of:

- Violent attack and serious physical injury, as well as having to take the life of another person in carrying out their lawful duty.
- Attending to victims of fatal disasters and traffic accidents, and carrying out death notifications to relatives of police officers and victims of fatal accidents or crime.
- Attending to traumatizing violent crime scenes, especially those involving children and other vulnerable members of society.

In Kenya, besides these common traumatic events that police experience in their work, there is the additional stress associated with long periods of separation from their immediate family members, due to postings to far flung postings and sometimes unwarranted denial of annual leave on grounds of exigencies of duties.

To cope with all these traumatic experiences, officers may resort to drug and alcohol abuse, and reckless sexual behaviour, which expose them to a high risk of contracting HIV/AIDS. They can easily become irritable and vulnerable to suicidal tendencies, which spill over into their relationship with spouse, family and the general public. This vulnerability to stress and trauma is further heightened by the

hostile and uncomfortable environment in which police officers often serve and the sometimes dehumanising accommodation, they are provided with.

### **5.20.2 Traditional Policing Model and Stress Management**

In the past due to their training and the “macho” image the police had of themselves, acknowledging and seeking treatment for trauma related issues was frowned upon as a sign of weakness. The Task Force learnt that the services of chaplains or counsellors are often only sought when officers stress levels have reached a critical stage, even bordering on suicide, when earlier detection of symptoms could have prompted a more timely intervention. This attitude continues to be reinforced at Kenya’s Police Training Colleges, as well in the day-to-day execution of their duties once they have been deployed.

While the need for counselling has been recognized as a vital component in maintaining the overall well being, morale and performance of police officers, it is yet to be institutionalized in the day-to-day management of police welfare.

It is acknowledged that police officers can receive chaplaincy services from outside the police service. Those who have a spiritual inclination may seek the help of their local pastor, priest or imam. However, since persons outside the police or disciplined forces may not personally have experienced the stresses that go with policing duties and have little or no knowledge of the fairly closed “Police Culture”, they are not likely to offer meaningful counsel and support. For instance it might be difficult for them to advise an officer on how to deal with the legitimate use of lethal force, when the Ten Commandments say – “Thou shalt not kill”. This whole scenario makes it essential to provide for an active, trained, respected and formalized Unit of spiritual Services that cover, Muslim, Catholic and Protestant faiths. This role ideally, could be performed by a chaplaincy corps that covers all the disciplined forces.

### **5.20.3 Current Status of Chaplaincy Services in the Police**

In 1996, the Kenya Police formed a committee to consider a structure for establishing Spiritual services. The committee presented its first draft recommendations in 1997. Over the years many additional recommendations and a detailed structure were presented to the Commissioner and currently a draft proposal

for the implementation of the service in the Kenya Police Force is awaiting Government approval.

However, the police have an active Christian Police Association (CPA) which is an international organization which fills the gap in the absence of a chaplaincy service. The police Services also come together for Thanks Giving Services, as well as Remembrance Services for those who have died in the line of duty. This helps to bring them together in an *esprit de corp*.

#### **5.20.4 Recruitment of Chaplains**

The Task Force was informed that the Administration Police have already recruited from within the disciplined services and deployed over 200 chaplains. This is a commendable effort. It could be claimed that the service has partly contributed to the better relations that the Administration Police has with the public and their appreciation in the community they serve compared to the Kenya Police, who have so far very limited chaplaincy services. It is however doubtful that the recruitment, nomination and appointments have been based on a standard spiritual, academic or professional considerations necessary for effective delivery of chaplaincy services, and this needs to be effectively addressed.

Since there is limited emphasis and appreciation of the role of chaplaincy services in moulding the character and well being of police officers, some could merely opt for it either as a way of gaining entry into the police service or for the reason that they consider it as a light duty in police functions, and this needs to be factored into the recruitment process.

#### **5.20.5 Chaplaincy Training at Police Colleges**

There is a need to provide for spiritual values in police training colleges. The time allocated for spiritual matters is often regarded as free time in the training curriculum, which is easily put off in preference to other subjects, that might be regarded by some as of higher priority in the training of police officers.

So it follows that the training in spiritual values is not adequate, since the training at the police colleges rarely engages the services of professionally trained counsellors,



to prepare officers who would like to be part of the chaplaincy in the future. This tendency can result in officers who are recruited to offer chaplaincy services but are ill prepared for the same.

#### **5.20.6 Deployment and Post Exit Counselling**

Little consideration has been given to the need to counsel or debrief officers when they are on long-term deployment to potentially stressful stations or to locations which necessitate extended separation from their immediate families. There is also a need for these services when officers return from traumatic assignments, or to prepare them for reintegration into civilian life on retirement from the Force.

#### **5.20.7 Spiritual Fellowships**

There is already a well established Christian Police Association, as mentioned in Draft 8, and Muslim members of the services need also to be encouraged to form informal fellowships' where they can discuss the particular aspects of their Faith that is relevant to their duties as Police Officers.

#### **5.20.8 Psychological Services**

Although some Police Chaplains are also professional counsellors, there is a real need to greatly expand this service with professionals who can assist the Chaplaincy and can also be available to Officers who might prefer to have their needs met outside of any spiritual service.

#### ***Recommendations:***

- I. The chaplaincy services should be provided for in the proposed Force Standing Orders for the Administration Police and the revised Kenya Police to ensure its institutionalization in the police service.
- II. In the short term, consider a common chaplaincy service for both police Services to engender esprit de corps. The respective Police Services should however have liaison officers at the Police Station, District and Provincial levels for visibility, availability and effectiveness.
- III. In the long term, consider a joint or common chaplaincy services for all the disciplined Forces to take advantage of expertise and professional experience already available in the disciplined services. The details of the proposed

structure should be developed in cooperation with the proposed Police Service Commission and the Armed Forces.

- IV. Training colleges should consider outsourcing professional counsellors to enhance their training capacity in chaplaincy.
- V. Provide for professional counsellors to debrief officers who have experienced serious trauma, and need treatment for Post Traumatic Stress Disorder (PTSD), and later to assist them as they prepare for retirement.
- VI. Thoroughly scrutinize and standardize qualification for appointment of police officers to chaplaincy services to ensure professionalism.
- VII. Have a budget line for chaplaincy services to ensure that it is mainstreamed in the welfare management of police officers.
- VIII. Implement chaplaincy services at all levels for different denominations and faiths in phases to ensure visibility of the chaplaincy services.

## **CHAPTER SIX: LOGISTICAL CAPACITY AND OPERATIONAL PREPAREDNESS**

### **6.1 Tooling, Logistical and Technological Capacity**

A modern police service, like any other organisation, has to continually change and improve to ensure that its customers, the public, benefit from an improved service, which provides a safe and secure environment for them to go about their daily business. Reform should be a continuous process and a pre-requisite to ensuring the best police service for any country.

At the same time the police need to provide value for money to both Government and the public, who through the payment of taxes are ultimately the source of revenue that provides funding for the police service to exist. To this end the police need to provide an efficient and effective service and one that keeps pace with modern policing techniques and standards, recognised as best international policing practice.

Both the Kenya and Administration Police Services clearly do not have adequate tooling, logistical and technological capacity. In our various visits to the police stations, units and interaction with the police this Task force found the following:

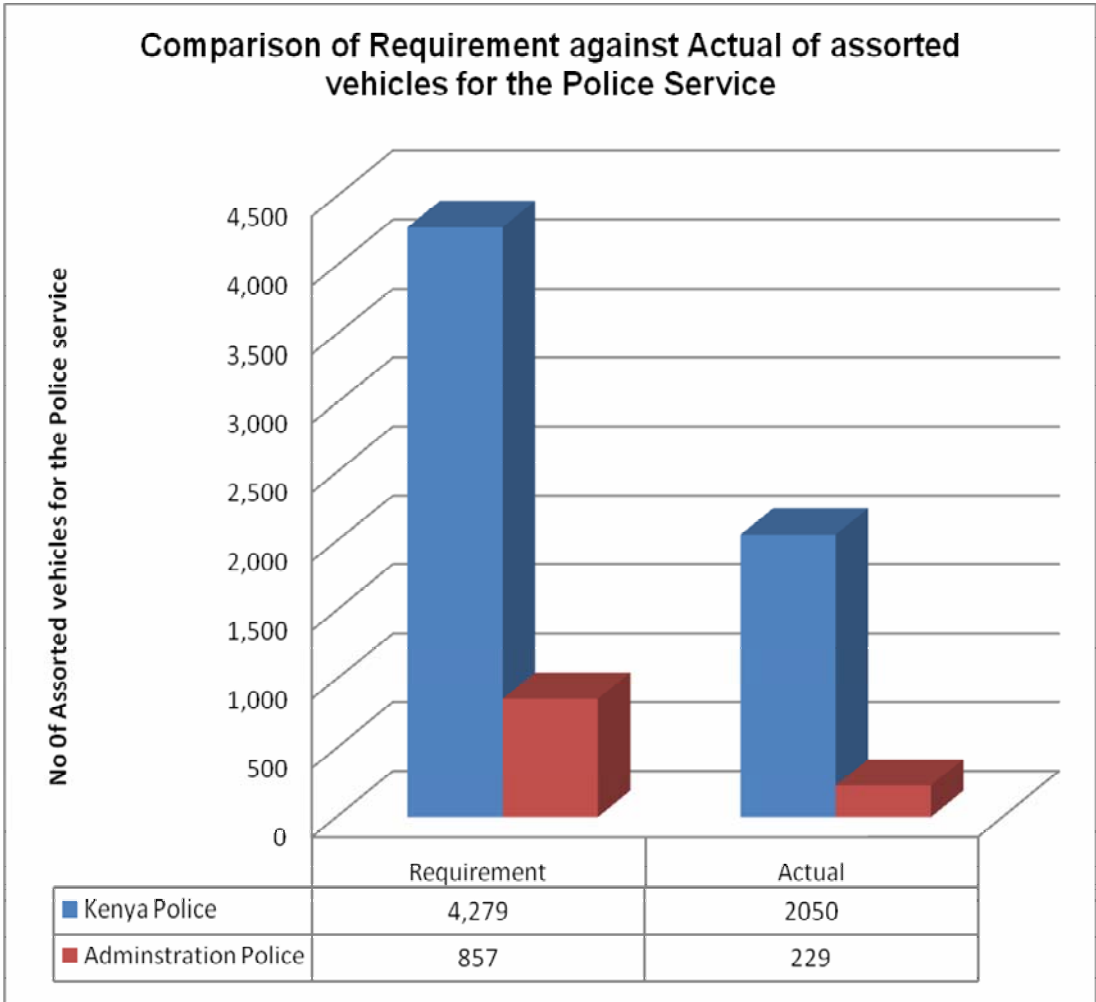
#### **6.1.2 Equipment and Vehicles**

##### ***Vehicles***

The police lack enough motor vehicles for their policing work (Figure 10), which inhibits their effectiveness. Where the vehicles are available they lack appropriate maintenance and many of them are broken down. Insufficient fuel is allocated for the running of the vehicles, which is said to be approximately 10 to 15 litres per vehicle per day, which hardly has any impact on operations. There is also a lack of an appropriate policy, which can be applied in determining the right vehicles for the relevant policing area with a view to ensuring effectiveness.

On our visits to the Provinces we found that due to lack of reliable official transportation to the scenes of crimes, officers are forced to look for alternatives. They used all modes of transport available to them in an effort to get to the scene of crime as quickly as possible. This included *matatus*, taxis, buses, and private motor vehicles from members of the community.

**Figure 10: Number of Police Vehicles against the Established Requirements**



Source: Kenya Police and Administration Police report to the Task Force as at October 2009

NB: ‘Assorted Police vehicles’ includes lorries, buses, mini buses, Land Rovers& land cruisers, cars, pickups, Mitsubishi canter, Mitsubishi Pajero, Trooper, Suzuki, Rav4 and vans

**Maritime equipment**

During the visits to the maritime police, ports, railway and airports police units, it was a matter of concern to note that these units that are meant to protect our coastline

and vital port facilities, are grossly under capacitated. The maritime and Mombasa Port Police lack appropriate speedboats with the requisite power to venture beyond the coastline. The country's vital fish resources and other maritime life particularly within the exclusive economic zone are undoubtedly exposed to illegal exploitation by foreign vessels. The little maritime protection in place is undertaken by the Kenya Wildlife Service, which only happens within its gazetted protected marine parks. The porous coastline has been left in the clear danger of potential smugglers and drug traffickers. It further became clear to the Task Force that dynamite fishing, which destroys our vital marine life, has continued to be undertaken by fishermen from Pemba. Within the port, the police lack basic equipments to check incoming containers to determine the contents. It cannot be ruled out that drugs, illegal weapons, and contraband goods could be passing through the port of Mombasa or through the porous coastline. The only X-ray equipment seen at the Mombasa port belongs to the Kenya Revenue Authority, which undertakes random checks with the pre-occupation being on revenue targeting as opposed to addressing key security concerns.

The Task Force observed that railway police in Mombasa are required to provide security escort for containers and lorries with contents that they cannot verify, as they have no technological capacity or equipment to do so. They also lack appropriate training and technical knowhow.

### ***Aircraft***

The police further lack appropriate and well-maintained aircraft for operational purposes. This Task force noted that the Police Air Wing is severely incapacitated in that it continues to operate old and malfunctioning aircraft that have previously experienced accidents. They are extremely expensive to maintain and the air wing lack appropriate servicing and trained personnel. It was noted that the use of aircraft to ease policing in the country has been largely ignored. The Task Force doubts the effectiveness and suitability of the aircraft currently available for policing.

**Table 7: Status of Available Equipment for the Police Services – October 2009**

EQUIPMENT	KENYA POLICE		Percent	ADMINISTRATION POLICE		Percentage
	Requirement	Actual	Deficit	Requirement	Actual	Deficit
Ambulance	24	4	-83	12	7	-42
Water Bowser	15	6	-60	20	5	-75
Horse Transport	5	3	-40			
Break down	12	2	-83	8	0	-100
Fuel Tankers	4	1	-75			
Motor cycles	190	92	-52	1,500	36	-98
Air crafts	28	13	-54	3	0	-100
Boats	23	18	-22	10	1	-90
Fork Lift	2	1	-50			
MV civilian disturbance	17	4	-76	5	0	-100
Surveillance	4	0	-100	2	0	-100
Fire engine	0	0		4	0	-100
Bicycles	0	0		100	0	-100
<b>Totals</b>	<b>324</b>	<b>144</b>	<b>-56</b>	<b>1664</b>	<b>49</b>	<b>-97</b>

*Source: Kenya Police and Administration Police report to the Task Force.*

### ***Police dogs***

In many parts of the country the police lack properly trained sniffer and other dogs that could ease policing. The few available in the Kenya police dog section are hardly enough and the resources for training, maintenance and improvement of capacity are lacking. It was noted by this Task Force that many crimes that could have easily been detected by the use of sniffer dogs, for instance drug trafficking, go largely undetected.

### ***Surveillance equipment***

The use of closed circuit television (CCTV) cameras by police in detection of crime is inadequate. The only available CCTV cameras within the Central Business District of the City of Nairobi are on test-run basis. Indeed there is need for the police to

work together with private sector agencies such as hotels, banks, office and shopping complexes that already have CCTV facilities.

### ***Communication equipment***

The police lack the right and appropriate communication equipment. Only the senior officers are provided with mobile phones even though the funds for airtime are inadequate. Junior officers are not provided with mobile phones or funds for airtime. Indeed the officers use their personal phones and funds for airtime without getting reimbursement. In addition, the walkie-talkies are insufficient and obsolete. There were complaints from operational officers that spare batteries were not available, the charge strength is weak and the frequency is often interfered with, even by unauthorised persons and criminals. In many stations landlines are either lacking or disconnected due to non-payment of bills or want of repairs.

### ***Arms and Ammunitions***

The firearms provided to the police, regardless of the area of operation, include pistols, G.3 or A.K. 47 rifles etc. There are no clear policy guidelines for the use of appropriate firearms for different situations and areas.

### ***Protective clothing and equipment***

The police lack adequate protective clothing and equipment. It is common for police to attend scenes of crime or accident without even the most basic facilities such as hand gloves and securing tape for sealing the scenes to prevent tampering with evidence. Bulletproof vests with the right specifications are seldom used. While dealing with public disorder, most police officers are not provided with helmets and other necessary equipment for their protection. The police should ensure they maintain the most up to date non-lethal methods of dealing with public disorder to avoid inflicting unnecessary injuries or violence on the public.

### ***Evidence gathering equipment***

In collecting and preserving evidence the police further seem to lack sufficient recording facilities and photographic equipment. These include cameras for taking still pictures, video recording equipments and basic processing facilities. C.D. and

L.C.D. facilities and other technologically up-to-date recording material are lacking in police establishments.

### ***Office equipment***

The police further lack adequate of enough writing material including paper and pens, photocopy machines, paper shredders, safes, office desks and chairs, cabinets etc. Indeed, basic office furniture, interview and meeting rooms, and other facilities that ordinarily available in a normal office are lacking in most police stations and posts.

### ***File Management System***

From visits to police stations in the Provinces it was apparent that file security and retrieval system was in a deplorable state. In most of the stations visited, case files including murder investigation files, were found lying on open shelves and desks. There were no computers and secure cabinets were rare. The potential loss of files was apparent with serious consequences.

### ***Information and Communication Technology (ICT)***

The police services lack the basic ICT knowledge and skills, equipment and infrastructure. The lack of an effective electronic network and communication system, which connects police stations, undermines the ability of the police to use simple and cheap communication systems for policing purposes. The police are further not able to key in and preserve crucial information and data that would ordinarily help them not only track criminals but also to inform them on crime patterns or trends as well as assisting in case management.

### ***Utilities and Physical Facilities***

Most of the police stations visited lacked basic lighting, water, lavatories, cells/detention facilities, proper ventilation, and secure parking among other facilities. Well constructed and planned facilities from the 1960s and 1970s, such as houses and offices, have not been maintained. This invariably hampers the ability of the police to perform effectively.



### **6.3 Criminal Investigation Department (CID)**

The CID requires a special mention in relation to its tooling, logistical and technological capacity. It is seriously under capacitated and lacks a well equipped and well-staffed forensic science department as well as a DNA database. A computerised fingerprint processing system is also lacking. However, the Task Force was informed that the Kenya Police was in the process of equipping itself with an Automated Fingerprint Identification System (AFIS). It was also established that there was no proper coordination between the C.I.D. and the Government chemist, leading to either lengthy delays or a complete failure in analysis of evidence.

The C.I.D. has a shortage of well resourced, trained and qualified civilian staff to provide expertise in fields such as handwriting analysis, post-mortem examination, forensics, ballistics, cyber crime, etc.

In view of the foregoing, the impression formed by the Task Force is that the tooling, logistical and technological capacity of the police services needs a comprehensive review to bring it to international standards.

### **6.4 Forensic Science and Pathology**

The practise of using serving police officers as forensic scientists within the field of criminal investigation is not common practice in the investigation of criminal cases. It is not recognised as best international practice and for many years civilian scientists have performed these and other types of positions.

The police officers should be utilised for their core functions and the use of police Officers as forensic scientists is therefore not appropriate. Apart from best use of resources it would also take away any suggestion of partiality that might be levelled at police officers examining exhibits in crimes.

The practise of police officers, making arrests, securing evidence, examining that same evidence and then prosecuting the case at courts is something that many Governments and police services have changed. This has been done in an attempt to demonstrate fairness and impartiality and to increase the public's confidence in

the police service and conforms to the accepted standard of human rights for suspects as well as complainants.

The Task Force was informed that the Kenya Police Service has only one trained Pathologist, a situation that is untenable. There is need therefore for at least one police pathologist in each province. In order to increase capacity, there must be deliberate efforts to popularize forensic science as a professional discipline and to improve working conditions and remuneration for this staff category.

***Recommendations:***

- (i) That the tooling, logistical and technological capacity of the police services be reviewed to establish the exact needs and specification in order to bring policing to international standards. Consideration should be given to prioritizing Communication and information technology and transportation.
- (ii) That the National Policing Council develops a 3-year National Policing Plan based on amongst others inputs from police formations from the lowest level and ensure regular audit and inspection.
- (iii) That where appropriate a formula should be established for police establishments, stations and posts to share facilities with a view to maximising operational and financial efficiency, for example cells and holding facilities.
- (iv) That the use of CCTV cameras as a policing component particularly in major cities and our highways be incorporated in the National Policing Plan. The police should coordinate with the private sector to maximise and synchronise the use of CCTV to combat crime.
- (v) Legislation needs to be developed to make electronic, audio-visual, computer data and photographic evidence to be admissible in court.
- (vi) That the capacity of Forensic Science Service Department (FSSD) be enhanced within the Directorate of Criminal Investigations to be staffed by civilian experts to enable the police concentrate on their core duties.
- (vii) That a National Coroner service is established where the pathologists should be based.

- (viii) That personnel with the right capacities and capabilities be developed in the field of forensic science. However, in specialised fields such as DNA technology, consideration should be given to outsourcing.
- (ix) That before the development of a central forensic science laboratory, properly trained personnel be put in place.

### **6.5 Operational Preparedness**

Besides tooling logistical and technological capacity, the police service and the number of quality police officers is a major determinant of operational preparedness of the police. Kenya has in recent years increased the number of police officers relative to its population (See Table 8). Operational preparedness is still weak and the quality of police operations has been undermined by the myriad of challenges already discussed in this report.

Table 8 below shows the ratio of police to population in Kenya over the last few years and projection up to 2012.

In reviewing the state of preparedness of the police to combat insecurity and other forms of emerging security challenges occasioned by national and international threats the Task Force concluded that the police are ill prepared. This is particularly so taking into account the tooling, logistical and technological incapacity of the police as observed elsewhere in this report. The visits by the Task Force to the different regions of the country found different types of national and international security threats that were either unique to the region or common to others. Among these threats are those related to organized and transnational crime. There is no doubt that in addition to dealing with organized crime at the national level the Kenyan Police Service must have the capacity to analyse international and regional crime trends that have the possibility of direct impact in Kenya.

**Table 8: Ratio of Police to Population**

Years	2005	2006	2007	2008	2009	PROJECTIONS		
						2010	2011	2012
Number of Kenya Police Officers	32,901	35,961	37,877	39,541	42,342	42,342	47,537	61,025
Number of Administration Police Officer	19,056	19,967	22,110	25,392	31,614	31,614	43,614	49,614
Total Number of both KP and AP	51,957	55,928	59,987	64,933	73,956	73,956 <sup>2</sup>	91,151	110,639
Population projection <sup>3,4</sup>	35,138,644	36,138,744	37,183,924	38,277,856	39,423,264	40,406,412	41,497,385	42,617,815
Ratio of police to population	1:676	1:646	1:620	1:589	1:533	1:546	1:455	1:385 <sup>5</sup>

Source: Statistics on police numbers submitted by KP and AP; Statistical Abstract 2008, KNBS

<sup>2</sup> Maintain as last year due to police reforms Task Force recommendation of 1 year moratorium

<sup>3</sup> Source statistical abstract 2008 page 19

<sup>4</sup> Population for 2011 projected at 2.7% pop growth rate

<sup>5</sup> Benchmarked with south Africa at 1:327, Botswana at 1:270, UK at 1:504

Indeed we have been the subject of various forms of organized crimes, there is also danger posed by the existence of organized criminal gangs that can be used by international and transnational organized crime groups as entry points. With the world increasingly becoming a global village the greatest threat that countries such as Kenya face is the possibility of organized crime groups taking advantage of poverty levels, corrupt practices, legal gaps and a culture of impunity, to infiltrate governance institutions leading to a collapse of a nation. It is noteworthy in recognition of the international nature of these threats and the need for international cooperation Kenya has ratified a number of conventions such as suppression of terrorism, anti-money laundering, organized crime; Whereas, the following discussion does not intend to be exhaustive it outlines what in the view of the Task Force are emerging crime trends that have impact on preparedness.

#### **6.5.1 Terrorism**

At the international level terrorism has emerged as one of the greatest challenges. It does not help that it is also a politically and religiously divisive issue; most terrorists claim political reasons for their actions and targets are often seen as those who have divergent political views/orientation.

Kenya has experienced terrorist threats and attacks for many years which position continues to-date, the terrorist attacks and threats have been directed mostly at foreign interests and Kenyan Law enforcement agencies. Future threats are potent more than ever before. The most glaring examples of terrorist attacks in Kenya include the 1980 Norfolk Hotel and 1998 American Embassy bomb attacks in Nairobi, the 2002 Paradise Hotel bomb attack and the attempted Arkia Airline plane missile attack in Mombasa on the same date. The fact that Kenya enjoys close ties with countries such as the United States of America amongst others means that any threats that those countries face can be transmitted via Kenya as has been done previously. The instability in Somalia, which shares a porous border with Kenya, poses danger to the country and threatens national stability. This threat is exacerbated by the existence of numerous terrorist and militia groups in Somali, such as *Al-shabaab*. But it is not only Somalia that poses danger, the Great Lakes Region is generally known for its fragility, while Kenya has previously been seen as an island of peace and a host to refugees The uncontrolled influx of refugees in the country as well as our own now fragile state does not help our situation. This Task

Force noted the allegations that many of the refugees are able to unlawfully obtain Kenya's identity cards and sometimes passports too, which may be forgeries. It is common knowledge that these aliens have set base in the country and are engaging in business activities including massive purchase of immovable properties. Proper screening of aliens has clearly not been undertaken by the immigration authorities, which has made the work of the police even more difficult. Meanwhile, those on the lower ends of the refugee chain continue to stay in refugee camps posing security and conflict challenges with the local communities.

The Task Force noted that a cross section of law enforcement agencies, including the Kenya Police, the Administration Police, Kenya Wildlife Service and officials from the Attorney General Chambers have been trained on Anti-terrorism, money laundering, piracy as well as human and drug trafficking. These resources are not being used in a coordinated and effective manner.

#### **6.5.2 Piracy**

This security challenge has emanated from the Somali Coastline and like the problem outlined above stems from the absence of a stable Government in Somalia. The boldness and frequency with which pirates attack ships close to our territorial waters and the neighbouring high seas, confirms our findings elsewhere in this report that currently, the security on our coastal waters is highly compromised. It was evident that the lack of legislation dealing with money laundering has made it relatively easy for pirates to invest their loot in Kenya. It is noteworthy that most of Kenya's imports and its land locked neighbours use the shipping route via Somalia's waters to the port of Mombasa. Hence piracy continues to pose a threat to the economic stability to the country. Furthermore the pirates arrested by other foreign naval ships have been brought to Kenya to stand trial, which besides straining the country's detention facilities seriously exposes the country to possible terrorist attacks. Holding and transportation of these otherwise dangerous persons require a highly trained commando style police that is well equipped and capacitated with the requisite intelligence backup. This the Task Force found to be a monumental challenge facing the police considering among other things the fact that they are overstretched by the numerous security matters that they have to contend with. This Task Force noted this as a major concern in Mombasa.

### **6.5.3 Drug trafficking**

The Task Force notes that this has become a serious international and national problem. Kenya has successively become a transit point for international drug trafficking with the result that drug consumption has escalated. Trafficking as one of the most sophisticated organized crime has found a natural home in Kenya with its weak legal, policy and enforcement framework. It has penetrated all levels of governance institutions starting with law enforcement agencies to the judiciary as well as lawmakers.

This Task Force found this problem to be rampant in Mombasa. It is also prevalent in Nairobi, other major towns, in schools and in rural areas albeit in different forms. There have been allegations of police complicity with the drug traffickers, and in other instances the police have been said to be participating in drug trafficking. Lack of appropriate specialised training and equipments to detect this crime coupled with the absence of an elaborate system to track the lifestyle, income or unexplained wealth of police officers has in itself posed a challenge to the police in combating the vice. The porous coastline and the poorly manned port of Mombasa have not helped the situation not to mention the absence of sophisticated detection equipments in our Airports. Lastly vested interests at the highest levels have made it extremely difficult for officers trying to deal firmly with drug trafficking.

### **6.5.4 Human trafficking**

The Task Force is cognizant of the fact that this is another type of crime that best operates as organized crime with and more often than not it has international and transnational characteristics with key players at the national level. It is a crime that targets the most vulnerable members of society particularly women and children and has linkages crimes such as child pornography, forced prostitution of both children and women.

This the Task Force particularly found to be a major security challenge emanating from Northern part of the Country through Eastern Province of Kenya from Ethiopia and from Somalia through North Eastern and Coast regions of Kenya. The immigration personnel have not coordinated well with the police and allegations of rampant corruption in facilitating the trafficking were heard by the Task Force. The poor economic conditions and security challenges in the neighbouring countries, and

the absence of coordinated efforts with the more stable neighbours in dealing with problem, was noted. The police also lack enough functioning transport and capacity to monitor the highways. In addition, there are inadequate dedicated border patrol and coast guard units to monitor the porous borders and coastline to counter the human trafficking. Similar to most organized crimes, there was evident lack of capacity or will by the Kenya police to employ undercover surveillance, which is one of the most effective ways of discovering such crimes.

#### **6.5.5 Money laundering**

This has become a serious problem in the country primarily arising from drug trafficking and the prevalence of other organized crime. There are international concerns over this issue including a possible connection with the terrorists and pirates. The Task Force noted that the police lack training in monitoring money-laundering activities. The capacity besides the technical know how is completely lacking. The police seem not to consider this as a security issue at all and no evidence of an organized strategy in dealing with the problem was seen by this Task Force.

#### **6.5.5 Cyber crime**

This Task Force noted the increase in the use of information technology in the commission of crimes including complex frauds, computer hacking, credit cards scams, spreading of computer viruses, facilitation of human trafficking and child pornography using internet. It was clear that most police officers lack the most basic I.C.T. knowledge.

#### **6.5.6 Economic Crimes**

The Kenya Anti-corruption Commission under the Anti-Corruption and Economic Crimes Act 2003, handles most economic crimes involving corruption. However, the Task Force noted that the police, and particularly the Criminal Investigations Department, is under capacitated as a result of a lack of trained personnel in forensic accounting, insufficient handwriting experts, a shortage of dedicated and experienced detectives in economic crimes. The understanding of copyright and patent laws, together with other aspects of intellectual property law, need to be enhanced.



### **6.5.7 Organized Criminal Gangs**

There is a real threat from the organized gangs that exist in large parts of this country. Indeed the role that was played by these organized gangs in the post election violence experienced in early 2008 cannot be under-estimated. The same threatens the fabric of the society virtually from all fronts-economic, social, moral and political. In Central Province, parts of South Rift and Nairobi, it was noted that the *Mungiki* menace has reached dangerous unprecedented proportions. In Kisii areas of Nyanza there is the existence of the so-called “*Inchikororo*”, “*Amachuma*” and “*Sungusungu*” gang groups. In Kisumu there is the “*Baghdad boys*”. In Western Kenya are the “*Angola Msumbiji*”, in Nairobi, besides the *Mungiki* there are the “*Taliban*” and “*Jeshi la Mzee*”. In Kwale the “*Republican Revolutionary Council*”, “*SLDF*” in Mt. Elgon and many others. There were indications that numerous criminal groups exist throughout the country and reliable information placed before the Task Force suggests that the problem is growing and getting more serious. Reasons for their growth include the following:

### **6.5.8 Unemployment**

Over the years Kenya’s economic performance has been on the decline, with most investors finding it difficult to make profits. While there is no doubt that the country has great potential for economic growth, the cost of doing business is so prohibitive that new investors are discouraged. Corruption and lack of appropriate infrastructure have contributed to this negative environment with the net effect that unemployment levels are high, particularly amongst the youth. This has led to many unemployed youth joining these gangs for status and income.

### **6.5.9 Insecurity**

The high level of insecurity in many parts of the country has led to formation of vigilante groups that purport to fill the gap left by the police who should expectedly provide security to the people. These groups have tended to mutate into dangerous gangs engaging in illegal activities including extortion of “*taxes*”, executions, and revenge. It is also noteworthy that some of the gangs particularly in the urban slums fill in a vacuum by providing services that should be provided by local authorities and other public agencies such as water and electricity connection as well as dispute resolution.

#### **6.5.10 Politics**

Many politicians in the country have engaged either in the formation or use of gangs primarily to intimidate opponents, fight other communities or exist as a militia. It was noted that most politicians adopt a “use and dump” approach to these gangs not appreciating that once the gangs have accomplished the political expediencies they assume a life of their own and are beyond the control of such politicians. Combined with noted high levels of unemployment and having become accustomed to quick and easy money, they become a menace and a security nightmare.

#### **6.5.11 Income generation**

It has become attractive to many gangsters to intimidate law-abiding citizens particularly those running small business into paying protection fees, which cumulatively adds to millions of shillings. Again these activities are evidence of lack of regulatory controls that should be enforced by public agencies.

#### **6.5.12 Land disputes**

Historically Kenyans have had very strong and emotive relationship with land and how it is owned and distributed. In some parts of the country in particular Rift Valley and Coast Province land ownership is a very thorny issue bringing into the fore ethnic tension. This has led to intra- and inter-community wars often exploited and perpetrated by some of the gangs.

There are other factors that contribute to the formation of these gangs and the above simply provides a highlight rather than exhaustive understudy. It follows that without addressing the causes, the police are left to manage substantial security challenges that are beyond their capacity. Some police officers have been accused of being members of criminal gangs.

#### **6.5.13 Kidnapping and Carjacking**

While carjacking has been a constant security challenge to the police, the level of kidnappings has risen significantly and emerged as a serious crime. This is linked somewhat to the organized crime and poverty levels and has targeted both the lower and upper middle class together with the upper class of the society. The police have not shown preparedness in being intelligence led in combating this crime and have further lacked the appropriate tools such as listening devices and wiretapping equipment together with the requisite laws to back up the same. In dealing with

carjacking the police lack capacity to keep integrated records systems of suspected motor vehicles connected to the crime.

#### **6.5.14 Sexual offences**

Rape and defilement were also noted as a big security challenge. The inadequacy in forensic science and DNA technology, and the shortage of dedicated police officers who specialize in dealing with these crimes (including counsellors who prepare victims for court appearances), have severely constrained police capacity.

#### **6.5.15 Illegal Weapons and Porous Borders**

A major security threat noted by the Task Force during provincial tours and a further visit North Rift, Upper Eastern and North Eastern was the serious infiltration into the country of small arms and light weapons. The police did not seem to have a dedicated department tasked to coordinate the strategy to deal with this challenge. Many of these weapons remain in these remote areas as communities seek to protect themselves and their livestock, but others are smuggled down to the more settled areas in the country, and used in criminal gangs and serious crime. This requires enhanced detection, with specialized equipment, of the major routes through which these weapons are transported.

This, added with the lack of well-resourced border patrol units to secure the porous borders, together with weapons' detection gadgets in the major routes through which these arms and weapons are brought into the country, makes the police work quite onerous.

Police Reservists are also issued with firearms, which although initially well documented and controlled, can sometimes lead to misuse due to the time they spend away from oversight by the local police leadership. Some basic training is carried out, but if these reservists are to be retained then the whole system of their recruitment, training and deployment needs to be reassessed and improved. The fact that they are recruited locally, speak the language and have an intimate knowledge of the people and terrain is the main reason for their involvement in helping the Police. The Task Force was also informed of the illegal arming of groups, especially during time of elections.

Although 12% of Kenya's Police Services are deployed to the areas referred to above (see Table 9 below), the borders are so long and the terrain so hostile that this number is inadequate. This has been exacerbated by (i) grossly inadequate transport, with some OCSs reporting that they have had no vehicle allocated to their stations in three years, and (ii) poor radio communications. Fortunately the area covered by cell phones is expanding rapidly, which has had a major positive contribution to communication in those areas.

**Table 9: Distribution of Police Officers in Northern Kenya**

Region	Regular Police	GSU	ASTU	Total Police	Administration Police
North Rift	724	471	99	1294	1420
Upper Eastern	782	172		954	919
North Eastern	1477	73		1550	1726
Rapid Deployment					262
<b>Totals</b>	<b>2983</b>	<b>716</b>	<b>99</b>	<b>3798</b>	<b>4327</b>

*Source: Provincial Administration and Internal Security*

The police service is challenged by inadequate criminal intelligence arising from the lack of a functioning dedicated criminal intelligence unit. This lack of capacity has led to a situation where the police are constantly reacting to and not being proactive in dealing with crime.

## **6.6 Other Security Challenges**

Other security challenges noted by this Task Force include crimes arising from competition for resources such as violent conflicts over water points, pasture and cattle rustling among communities in North Eastern, Upper Eastern and North Rift Valley. The Kenya Police are not adequately trained in peace building and conflict resolution mechanisms.

### **6.6.1 Lack of legal framework**

Operational effectiveness against sophisticated crime such as terrorism organized crime and money laundering, among others, is hampered by the absence of appropriate legislation. Government attempts to introduce anti-terrorism, organized

crime, money laundering and mutual legal assistance bills have met resistance from Parliament and stakeholders with vested interests.

Mechanisms to obtain evidence such as phone tapping and the use of electronic listening devices by the police is not properly anchored in some specific legal instruments that would allow the police to deal with these types of crimes. In addition upon arrest of suspects the police have been left with limited options in the type of charges to be preferred against the suspects in spite of the seriousness of the crime committed which may however not be specifically provided for in legislation.

#### **6.6.2 Centralized Command**

The command, operational and managerial control is highly centralized with the Commissioner of Police being an all-powerful head at Vigilance House with numerous decisions that should otherwise be made at the regional level or by the formation or unit handling the issues at hand being unnecessarily delayed while awaiting communication by the centre and more often than not the decision ultimately made is not properly informed.

It was further noted that there is inadequate involvement of stakeholders such as Kenya Ports Authority, Kenya Railways and the communities.

The coordination between the police and other government law enforcement agencies needs to be improved. For instance, between police and immigration authorities to tackle alien related crime, police and the financial sector to combat money laundering, and between police and business organizations to address security issues. Inadequate coordination leads to difficulties in developing coordinated strategies to deal with matters of national security.

#### **6.6.3 Training and Research**

A major omission within the police is the lack of Kenya Police training of the police as part of refresher courses or in dealing with emerging security challenges. Most of the officers interviewed stated that they had not been retrained since leaving the police college or other training establishments upon recruitment in the forces. The curriculum at the training colleges is not Kenya updated, there are no external examiners, there is no affiliation with universities or other international high calibre

centres of police excellence and due emphasis on human rights, policing with the consent of the community or policing with the community is not made.

Research in the police services is an area that has been ignored altogether. The failure by the police to factor research as a necessary component in their policing has compromised their state of preparedness to combat insecurity and other forms of emerging security challenges. Added to this is the absence of annual crime survey independently and professionally undertaken to determine among other things priority areas for policing as well as monitoring of public perceptions and confidence in the police.

#### **6.6.4 Quality Assurance**

There are inadequate standards and quality assurance audits or inspections undertaken to determine among other things the effectiveness, professionalism or preparedness of the police in combating insecurity and other forms of emerging security challenges.

The absence of appropriate laws to regulate asset recovery and laws that deal with serious crimes such as terrorism, cyber crime, money laundering, organized crime, human trafficking and other forms of emerging crimes has to a large extent hampered the efforts of the police in combating insecurity.

#### **6.7 The Police and Non Core Functions**

In resisting the civilian involvement in the general management of the police forces, the police have denied themselves useful resource in their policing work. They lack expertise, managerial skills and useful ideas which would ordinarily provide best practices that would ease policing. The police do not concentrate on the core policing work and perform duties such as paper work, which can be done by civilian staff. Other areas suitable for civilian involvement include: communications, forensics, administration, personnel management, and guarding non-strategic installations. A significant number of police have consequently been removed from their core police duties, which invariably affects their state of operational preparedness.

***Recommendations:***

- i) Establish within each police service a reform and improvement unit to regularly monitor and appraise the pace of reforms and operational preparedness. The unit shall submit quarterly report to the National Policing Council.
- ii) That an intelligence-led policing ethos be adopted as an integral component of the police operations. In addition, ensure enhancement of the criminal intelligence unit to coordinate the collection, analysis, production and dissemination of intelligence information to the relevant police units for action.
- iii) The Task Force was informed that the Ministry of Immigration and Registration of Persons together with other stakeholders has embarked on development of an Integrated Population Registration System (IPRS). It is important for the police services to become an integral part of this initiative.
- iv) Enhancement of capacities of the specialized units dealing with sophisticated crimes and creation of others where none exist. All these should fall under the Directorate of Criminal Investigations.
- v) In view of the increased levels of sophisticated organized crime both by domestic criminal group as well as international criminal network, it has become necessary for a highly specialized, well resources dedicated unit to combat the crime. In establishing this unit the best experts nationally and internationally should be involved.
- vi) Urgent finalization and enactment of outstanding bills and laws relating to anti-terrorism, money laundering and other economic crimes, organized crime, cyber crime and human trafficking.
- vii) The incorporation of civilian staff component as an integral part of police forces should be encouraged.
- viii) That the capacity of the National Crime Research centre be significantly enhanced with a view to providing regular high quality research in support of policing. The Task Force further recommends that the National Crime Research Centre should conduct an annual crime survey, which should inform the national policing plan.
- ix) The Task Force recommends strict adherence to the provisions of the Police Act (cap 84) and FSO on the use of firearms. The Task Force further

recommends that the DSIC monitor the allocation of firearms to KPR in rural areas.

## **6.8 Disaster Preparedness and Conflict Management**

Disasters are natural or man-made events where communities experience severe danger and incur loss of life, livelihoods, and properties causing disruption in their social and economic structures which impede the fulfilment of all or some of the affected community's essential functions. It is a serious disruption of the functioning of a community or society which exceeds its ability to cope using its own resources.

Internationally, an event is a disaster when:

- i) At least 20% of the population are affected and are in need of emergency assistance or their dwelling houses have been destroyed.
- ii) At least 40% of their means of livelihoods has been destroyed
- iii) Major roads and bridges are destroyed and are impassable for at least for a week or more thus disrupting the flow of transport, commerce and trade
- iv) There is widespread destruction of crops, livestock and other agricultural products
- v) There is outbreak of disease epidemics

The Task Force considered the Government draft policy on disaster management, which is expected to be presented to the Cabinet before end of 2009. What the Task Force focussed on is the role of police services in disaster management.

### **6.8.1 Disaster management**

Disaster management is not ordinarily a law enforcement police function. As a result, disaster management requires coordination between the police and other relevant agencies for effective management. However, in the absence of a dedicated Government unit with trained personnel to undertake disaster rescue operations, the police are invariably the first security agents to respond to all scenes of disasters, such as road accidents, landslides, earthquakes, fires, and rescue from collapsed buildings, among others. Furthermore, even in the event that such a unit was to be put in place, the deployment of police countrywide to the lowest administrative unit still puts them in a strategic position to be able to effectively deal with most



emergencies in disaster situations before the specialists can come in to reinforce their efforts. In regard to disaster response, police duties are focused on three main areas, namely:

- Facilitating the rescue efforts
- Preservation of evidence in the event that the calamity was the consequence of a criminal act
- General security duty to guard against looting or any other crime

During the provincial tours, the Task Force noted the concern raised by the public with respect to the non-responsiveness of the police towards distress calls and emergency situations. The Task Force was told that the police are often ill-prepared, lack basic equipment and kits necessary to professionally handle disaster scenes. This is further worsened by lack of coordination of the multiple agencies that respond to such disasters and lack of public awareness on the dangers lurking in the disaster scenes, which make the securing of the scene a great challenge to the police. Crowding of disaster scenes by members of the public has therefore often aggravated disasters as was witnessed in the *Sachangwany* oil tanker incident and many others before and after it.

### **6.8.2 Conflict Prevention and Resolution**

Mankind has lived with conflicts since time immemorial. However, over time conflicts have increased in number and magnitude, the height of which was experienced in Kenya during the 2008 post election violence. The conflicts have been aggravated by various social, political and economic factors, hence the need to prevent and manage such emergencies in a structured manner. Like in the case of disaster management discussed above, the police have not been directly involved in conflict prevention and resolution. According to presentations to the Task Force, it was apparent that while the police are primarily engaged in the gathering of intelligence, which is critical in preventing conflicts, the resolution of conflicts as a preventive measure is the duty of Provincial Administration. The Administration Police on the other hand have been running a peace building and conflict management programme (Peace Corp) in the Rift Valley Province, especially in the cattle rustling and the 2007 post-election violence hit areas.

The Task Force noted that the subject of conflict prevention and management is also included in the training curriculum for both police services. However, the lack of conflict management skills among Kenya Police officers as compared to Administration Police officers was apparent in the presentations made by the public to the Task Force. While the Administration Police in the first instance seek to resolve some of the minor disputes reported to them, the Kenya Police were said to be keen on the recording of statements, with a view to arrest and prosecution. It is important, therefore, that police are equipped with skills that could help them to deal with some of the minor disputes that do not require criminal charges and instead give warnings to the offending parties. Some of these minor disputes if resolved at the lower levels or referred by the police to the appropriate authorities without arrests could not only build confidence between the police and the communities but also help in reducing potentially explosive conflicts. This will inculcate a culture of peacekeeping among communities.

The Government, through the National Steering Committee on Peace Building and Conflict Management, is in the process of developing a National Policy on Peace Building and Conflict Management, which is to be presented to Cabinet for approval after stakeholders' input. The policy seeks to develop a comprehensive national policy on conflict transformation and peace-building that will enhance the capacity of Kenya to manage conflict without violence by building human security, a concept that includes democratic governance, human rights, rule of law, sustainable development, equitable access to resources and environmental security.

***Recommendations:***

1. Fast track the development of the National Disaster Management Policy and legal framework to provide for a structured coordination in the response and management of disasters, including allocating specific roles and functions to the police, military, and other relevant Government agencies, civil society organizations, international humanitarian organizations, and United Nations agencies, among others.
2. Equip the police with basic equipment, skills, tools and kit necessary for first line response to emergencies before the specialists get to disaster scenes. In

particular, police radio system/communication system must always be in good working condition.

3. Enhance the teaching of conflict prevention and resolution skills at all Police Training Colleges for effective police engagement in the community. In addition, there should be regular refresher courses on disaster management for Police personnel at all levels.
4. A code of conduct should be developed for police personnel for strict observance during any disaster situation.
5. Fast track the adoption of the policy on Peace Building and Conflict Management for effective engagement of the Police Services in conflict early warning systems and effective collaboration with other stakeholders.
6. Enhance the capacity of police officers in peace building and conflict management skills to be able to respond effectively to communal conflicts where necessary before they get out of control.
7. Develop and implement a programme for public awareness and sensitization on disaster management.

## CHAPTER SEVEN: COMMUNITY POLICING AND PARTNERSHIPS

### 7.1 Introduction

In the main introduction of this report, it was noted that the current relationship between the police and community was shaped largely by the historical beginnings of the police force in colonial Kenya. The colonial government used the police to intimidate and subjugate the native population. The police was and are still perceived by many Kenyans as a coercive instrument of the state that serves the narrow political and business interest of the elite. In the colonial policing dispensation, ordinary citizens or the community were regarded as sources of information, especially those informing on those agitating against colonial rule. The security and the maintenance of law and order was the exclusive preserve of the colonial security machinery.

Cooperation with the colonial authority in the maintenance of law and order, especially giving information against fellow citizens was regarded as a betrayal of the community and nation. The heroes were those that could withstand the torture and oppression without betraying what was a national cause for independence. In this regard, the colonial police by dint of their support to the colonial administration were perceived by the local communities with the attitude of “**them**” (colonial authority) against “**us**” (the colonized). This tension engendered lack of trust and cooperation between the police and the local community. The colonial model of policing, which emphasized the role of the community as a source of information and not partners in policing, continued to guide police operations in post independence Kenya. The community has also largely remained suspicious of police intentions and many still regard cooperation with police as a betrayal of friends or the community thereby serving in many instances to shield suspects from the criminal justice system.

Cognizant of the fact that the police alone cannot win the war against crime and disorder, Kenyan communities and neighbourhood associations started engaging in community policing initiatives which the Government sought to mainstream into a partnership in its policing operations. On 27<sup>th</sup> April 2005, His Excellency the

President officially launched a pilot Community Policing Programme in Ruai, Nairobi, which was expected to be rolled out countrywide. The Community Policing Programme is intended to foster partnership between the hitherto uncoordinated response to crime and disorder by various stakeholders. The community policing partnership initiative is also expected to address the low police to population ratio in comparison to the United Nations recommended standard of 1: 450.

Since the official launch of the programme, the roll out programme has been carried out in different parts of the country with varying degrees of success. There have been attempts to develop common community policing guidelines and a National Community Policing Policy for effective coordination and harmonization of the partnership in community policing.

In this chapter, the Task Force reviews the strategies to harmonize and fast-track partnership between the community and the security agencies since the official launch of community policing programme. The recommendations on the way forward are based on public presentations, memoranda and international benchmarking experience. The chapter also discusses the role of private security providers in enhancing security provision in the country.

## **7.2 Community Policing**

An earlier Ministerial Task Force constituted to develop a National Community Policing Policy adopted the definition of community policing to denote a situation whereby: -

*“The police work in an accountable and proactive partnership with the community; the community thereby is participating in its own policing and the two work together in mobilizing resources to solve problems affecting public safety and security over the long term, rather than the police alone reacting on an ad hoc and short term basis to incidents as they occur.”<sup>6</sup>*

This Task Force has adopted the definition by Amnesty International of community policing which is more comprehensive. Community policing is understood as “a

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<sup>6</sup> Draft 8, Task Force on Police Reforms

collaborative effort by the police and the community that identifies problems of crime and disorder and involves all elements of the community in the search for a solution of these problems. This approach to policing is based on the assumption that the police alone cannot control crime, but require the active support of the community, to prevent, detect crime, reduce fear and crime and improve communication between the community and the police.”

Clearly there is no common definition of the term Community Policing. However, underlying each of the above definitions is the common understanding that policing in the modern world cannot and will never be the exclusive preserve of the Police. It is a collaborative and democratic process, which entails co-operation between the Police and the public whom they serve. Implied therein is the need for the Police to provide leadership for the formation of relevant structures to address local, village or neighbourhood level crime mapping and detection so as to create a safer society. Further, it is also required that there be continuous consultations to keep the communication lines open in order to enhance safety and security while at the same time inspiring public confidence in the work of the police. Hence the cliché: Policing with the consent of the people or democratic policing.

### **7.2.1 Implementation of Community Policing in Kenya**

The Kenya government commitment to develop an efficient, effective, accountable and professional police service was underscored with the launch of community policing in Ruai outside Nairobi on 27<sup>th</sup> April 2005. This commitment has been re-affirmed repeatedly through various government pronouncements and policy papers. The Government is currently in the process of developing a National Policy on Community Policing.

The Community Policing strategy is guided by the following fundamental principles, namely: -

- i) Building partnerships between security agencies and communities.
- ii) Volunteerism among the community members
- iii) Adherence to existing laws and procedures of public safety and security.
- iv) Empowerment of the community in public safety and security

- v) Awareness and respect of regional diversity
- vi) Respect for and promotion of human rights
- vii) Enhancing trust between security agencies and the community
- viii) Sharing information between security agencies and the public
- ix) Developing shared values between police and the communities they serve
- x) Developing shared responsibility between police, community and other relevant stakeholders.

### **7.2.2 Community Partnership Structures**

The proposed partnership structure for community policing in the current National Policy on Community Policing draft outlines the relationship between and across community members and the law enforcement agencies. The partnership is built on community policing committees established at every level of the community with membership drawn from the community, law enforcement agencies and other stakeholders. The activities of the committees are supposed to be integrated into the existing security management system so that the achievement of government safety and security is viewed holistically.

The operations structure is made up of committees formed from the village level to the police station and includes a Division Community Policing Forum, which oversees all the operations (see Figure 11). The supervisory structures are the sub - DSIC, DSIC and the PSIC.

The duration of membership to the committee is one year renewable once. All committee members are supposed to wear an identification badge, which expires at the end of each calendar year. The partnership structures for community policing at the various levels include:

#### **i) Block Community Policing Committee**

This is the lowest cluster for community policing, comprising 5 to 10 households drawn from the blocks or village neighbourhoods.

#### **ii) Village/Zone Community Policing Committee**

This is a cluster of defined blocks. Membership is drawn from block or neighbourhood representatives.

iii) **Sub Locational Community Policing Committees-**

It comprises 15 members drawn from the village/Zone committee members, the law enforcement agencies, stakeholders and government representatives

iv) **Locational Community Policing Committee-**

The membership comprises the local community, government and the private sector. A member of the community and a police officer act as joint secretaries.

v) **Police Station Community Policing Committee-**

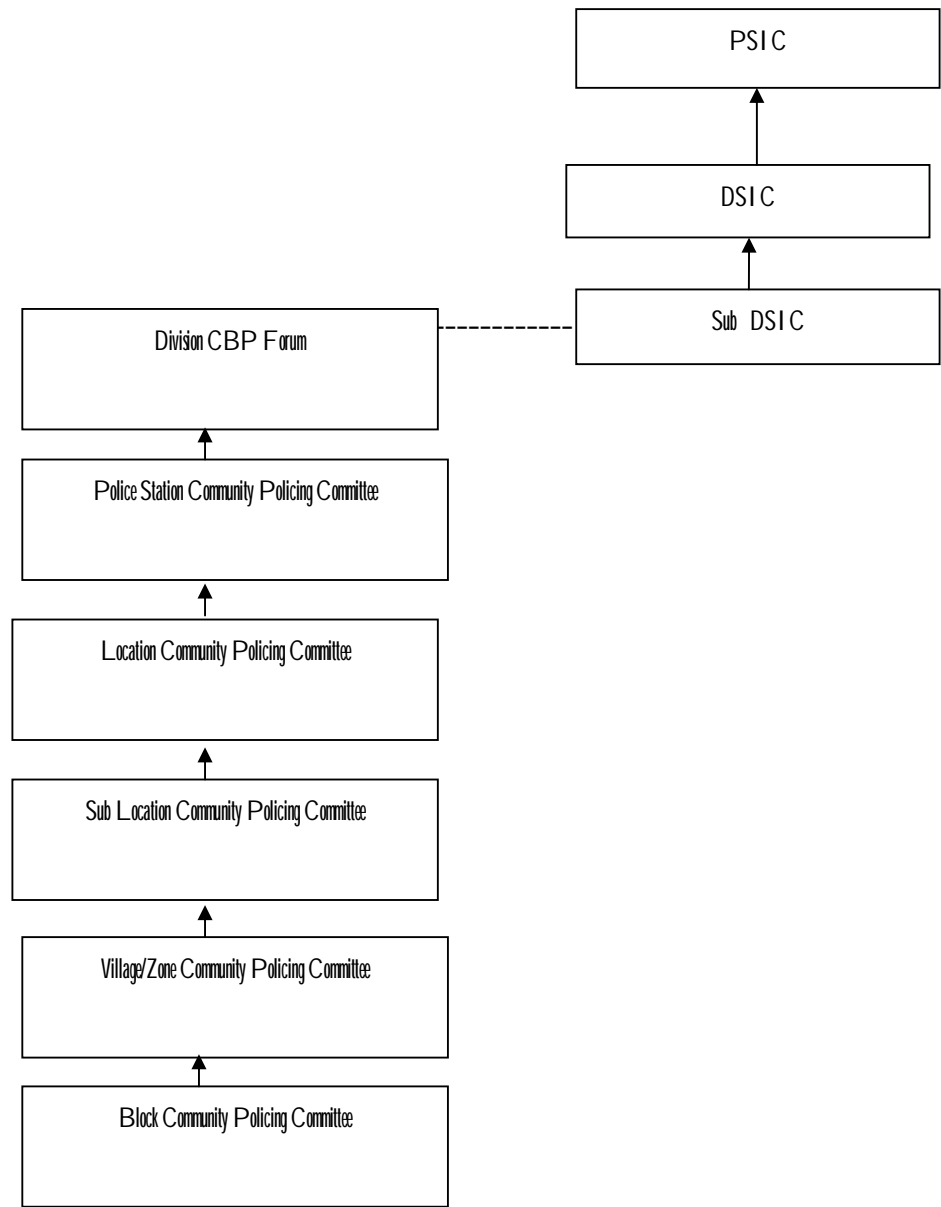
Draws membership from the location community policing committees and the relevant law enforcement agencies in the Division. The police and a community representative act as joint secretaries.

vi) **Division Community Policing Forum**

Membership includes the community, the DO, OCS, AP, and DCIO. It is chaired by a community member, and the OCS is the secretary. The Forum reviews progress in meeting targets, analysis of challenges in the implementation process and identifies the resource gaps. The committees then forward its reports to the Sub-DSIC, DSIC and PSIC.



**Figure 11: Proposed Partnership Structure for Community Policing**



**Source:** National Draft Policy on Community Policing (Draft 3)

A number of guidelines have been developed, among them, the '*Mwananchi Handbook for Community Policing*' and a '*Monitoring and Evaluation Workshop Programme*' executed by The Ministry of State for Provincial Administration and Internal Security in collaboration with the Kenya Private Sector Alliance (KEPSA) with the support of the Business Advocacy Fund. Both the Kenya Police and Administration Police have incorporated community policing in the training curriculum and posted Community Policing philosophy on their websites as an important principle in their policing strategy. The Provincial Administration has also included community policing in the training of its officers both during the paramilitary training at the Administration Police Training College in Embakasi and at senior management training at the Kenya Institute of Administration (KIA).

### **7.2.3 Challenges**

Foremost in the myriad of challenges has been the unhealthy working relationship between the lead security organs that are expected to spearhead the strategy. Officially Kenya Police have been the lead agency in the implementation of the programme. On the ground however, the Administration Police seem to have a more cordial relationship with the community. There has been a silent struggle between the police forces, especially, as to which of them should be the lead agency in spearheading the programme. As a result, there have been uncoordinated initiatives and different interpretation and understanding of the partnership between the police and other stakeholders in the implementation of community policing.

Specifically, the findings of the Monitoring and Evaluation Report on Community Policing by KEPSA in collaboration with the Office of the President, Provincial Administration and Internal Security accurately reflects the challenges that were recurrent in the presentations made to the Task Force in written memoranda and during its sittings in Nairobi and provincial hearings. These include:

#### **a. Public complaints**

- i) Failure of police to act timely on crime

- ii) Inability to attend scenes of crime either owing to lack of means of transport or inertia
- iii) Police officers continue to view the public as their enemy.
- iv) Police officers are unwilling to respond to community complaints without facilitation or payment of a fee
- v) The police are perpetually trigger-happy.
- vi) Lack of trust and confidentiality
- vii) Limited public awareness and education on community policing
- viii) Lack of incentives for community Policing committee members

**b. Police Complaints**

- i) Failure by public to pass information on criminal activities within the communities
- ii) Lack of co-operation from the public in the arrest of dangerous criminals and criminal gang activities.
- iii) Lack of appreciation by the public for the good policing work done by the Police
- iv) Some community policing committee members misinterpret their role to include supervising and monitoring police officers at their places of work

**c) Lack of Trust and Confidentiality**

Members of the community policing committees often complain about lack of confidentiality regarding information that is shared with the security agencies thereby putting their lives in danger. Conversely, police officers also accuse community-policing members of leaking privileged information to the suspects to subvert arrest of criminals.

**d) Lack of Cooperation**

Related to the lack of trust is the accusation that both the police and the community levelled against each other on lack of cooperation. While the community feels that the police do not treat them as equal partners and merely uses them as sources of information, the police accuse the community of failing to give them information and shielding criminal suspects.

**e). Lack of Guidelines for Community Policing Committees**

Lack of clear guidelines on the relationship between the members of community policing committees has led to some members misunderstanding their roles. One of the concerns is the presumption by some members that they become part of the police service once they join the committees. While the police and the community complain about lack of trust and cooperation between them, community policing committee members sometimes abuse their proximity to police officers.

**f). Limited Awareness of Community Policing**

During the Provincial hearings, apart from the community policing committee members who were keen to express their views on the successes or challenges in the implementation of the community policing programme, many ordinary people seemed to be unaware of community policing as a concept.

**g) Parallel Informal Security Structures**

Related to lack of cooperation and community awareness on community policing is the upsurge of criminal gangs and vigilantism in both urban and rural areas. It is inconceivable that the community in which these criminal gangs live do not know them. The failure to rein in these groups is a reflection of the failure by the provincial administration officers to mobilize the community in community policing.

**h). Lack of Legal Framework**

In the absence of legislation, the community partnership is not structured notwithstanding the proposed structure in place. As a result, it has been largely the discretion of the security officers on whether or not to consult or cooperate with the community. The outcome of community policing implementation has therefore been largely associated with administrative directions and efforts of individual officers rather than any laid down legal compulsion.

As a result, past partnership attempts between the Nairobi Central Business District Association (NCBDA) and the police have been unsuccessful. This weak link in

effect discourages the private sector from joint police – private sector investment in security for lack of binding accountability structures and monitoring mechanism.

#### **7.2.4 Protecting Community Policing Partnership from Abuse**

The police are apprehensive about being perceived to be influenced by powerful interest groups who wish to influence their operations at the expense of the general public. There is a need to strike a balance between ensuring fruitful partnership with the various stakeholders without compromising obligation to provide security to all without discrimination.

#### **7.2.5 Community Policing Implementation through the Kenya Security and Intelligence Machinery (KSIM)**

Implementation of Community Policing through KSIM has not been effective. The first challenge is at the Sub-DSIC level, where meetings are not regular and secondly, the absence of community representation relegates matters of community policing to the periphery.

#### **7.2.6 Resources and Payment**

While community policing is a voluntary undertaking by the community members, there are some among them who feel that they should be paid a nominal fee for their participation in view of the time spent in community policing activities. During the provincial hearings, concerns were expressed on the lack of incentives for participation in the programme.

For community policing to be effective, the Government has to be alive to the fact that participants would not be committed in community policing without facilitation. This is critical, especially in respect to the rural communities. It is not realistic to expect them to use their meagre resources to pay for fares to and from committee meetings, and to feed themselves when they attend such forums away from their homes.

The same challenge is reflected by the scarcity of resources to the members of the community policing committee. They need communication equipment and facilities

for effective coordination and information sharing. The police also need to have reliable transport to be able to effectively relate more with the community.

### **7.2.7 Experience in other Countries**

#### ***Community policing partnership in Botswana***

In 1984, Botswana Police Service (BPS) embraced partnership with the community and other stakeholders/ partners. Partnership was introduced through the formation of Crime Prevention Committees on the realization that traditional policing strategies were no longer effective in addressing crime. Community Policing programmes in Botswana include:

- Neighborhood watch (Exchange of telephone number)
- Business watch – sharing of information
- Anti-stock theft schemes
- Domestic violence programmes
- Youth anti- crime programmes
- Community policing clusters (New concept)
- A popular local TV programme (*Itshereletse*)

#### **a. Funding of Community Policing Programmes**

Programmes are funded by government on an annual basis. Estimates of the crime prevention budget rests with the national coordinator. Each district is allocated funds for the implementation exercise. Funded activities are carried out at districts and stations overseen by community policing committees. The activities include conducting workshops, seminars and other outreach activities.

#### **b. Community Policing Clusters**

Community policing cluster is a grouping of neighbourhoods in a given geographical area for purposes of effective policing. The process entails demarcating geographical areas into manageable neighbourhoods, breaking down cities, town, villages, and wards into manageable territorial areas. The clusters are managed by existing Community Policing Forums. The chief

(*Dikgosi*) is the chairmen of the clusters at the village. 10 or less wards or settlements make up a cluster.

Cluster coordinators hold office for a period of 2 years.

Community policing clusters were introduced in June 2008 to:

- Enhance the existing community policing forums
- Involve the communities at the grassroots level to identify the root causes of crime in their localities and develop strategies for addressing them
- Intensify participation of the entire community in policing activities
- Reactivate the Chieftaincy Act that empowers the *Dikgosi* to facilitate the formation of structures to prevent the commission of offences within their areas of jurisdiction

#### **c. Clusters Rewards**

In order to encourage active participation, innovation and commitment of clusters in policing there are a number of awards for motivation:

- Best Practice Award: Given to cluster(s) that excel in achievements of set targets through innovative strategies.
- Community Commitment Award: Given to cluster(s) that are good at mobilizing the community
- Best Station Community Policing Award: Given to stations with many clusters in the finals
- Ministers Award of Excellence in Community Policing: Given to a District that excels in accomplishing set targets, having active partners and has used best strategies to reduce crime

#### **d. Challenges of Community Partnerships**

- Clash between police work and community culture
- Lack of interest in community policing by some police officers
- Lack of community support for fear of retaliation from criminals
- Community policing forum members demanding sitting allowance for their participation

- Some community policing Coordinators get loans from community policing forum members and end up not paying back
- Police residing in the police camps alienates them from the public by reducing interaction with the public
- Influx of illegal immigrants

### *Community policing partnership Sweden*

#### **a. Community involvement in policing**

This is done through the Neighbourhood Police Service, which involves establishment of Neighbourhood Police Stations in collaboration with Local Authorities. The location of the Police Stations depends on crimes reported and surveys done.

The focus of Swedish policing is prevention of crime through police visibility in neighbourhoods and business areas. It encourages police officers to interact with members of the public to create a comfort level that enables the public to report any security concerns in their neighbourhoods. A police officer is expected to familiarize him/herself with the residents to such an extent that they know the police officer by name. The initiative also involves police officers visiting schools and getting local youth together to stop involvement of young people in crime. This also prevents their recruitment into criminal gangs.

#### **b. Other initiatives include:**

- Joint planning with Local Authorities within the framework of the Joint Council of Police Commissioners,
- Civilian volunteers for police work
- A support centre for young victims of crime and a separate one for young perpetrators of crime.
- County Chief Commissioner's Youth Council to raise the level of trust in police among young people.
- A contact police officer for each school.
- Local volunteers



### ***United Kingdom and Northern Ireland***

The experience in community policing in UK and Northern Ireland is that effective policing is the police working with the community and the community thereby participating in its own policing. Hence, there is emphasis on democratic policing.

Although as observed elsewhere there are many forms of Community Policing worldwide, the Patten Commission on Police Reforms in Northern Ireland identified the following as the key elements common to successful Community Policing anywhere: -

- i) A dedicated policing team for a geographical area, with total responsibility for policing that area. This allows time for specialization.
- ii) Having officers with communication and conflict resolution and problem solving skills. This could require some measure of training and re-training and retention of officers in their posts for a while
- iii) Respect for human rights and the rule of law.
- iv) Empowerment of the police team to determine their policing priorities in partnership with the community
- v) Foot patrols to be the main mode of patrol
- vi) Patience and determination in the development of community activities and neighbourhood structures
- vii) Recognition that the police activities are vital and should not be disrupted with unnecessary deployment for duties elsewhere;
- viii) Maintaining vigorous enforcement of the rule of law against more serious crimes while making use of discretion with minor offences

According to Peter Steven and Diana Yach (1995)<sup>7</sup>, a successful concept of community policing is guided by the following principles:

- i) Community safety is a human right
- ii) Personal liberty must be respected
- iii) Joint problem solving
- iv) Consultation on local community's needs
- v) Culture of fairness
- vi) Care and support

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<sup>7</sup> Steven and Yach: Community Policing in Action, Juta & Co Ltd (1995), Cape Town

- vii) Commitment to transparency
- viii) Control and accountability
- ix) Continuity of vision and personnel
- x) Confidence and trust earned

***Recommendations:***

The Task Force recommends:

- (i) The completion of the National Policy on Community Policing be fast-tracked
- (ii) The National Policy on Community Policing should, among other things, address the following issues:-
  - (a) Full involvement of the community in the development and implementation of the policy
  - (b) Re-engineering a major paradigm shift in the relationship between the police and members of the community
  - (c) Clearly defined role in community policing of other key stakeholders such as the relevant Ministries in the criminal justice system, the Ministries of Finance, Local Government, Education, Youth Affairs, schools, religious groups, and the civil society
  - (d) Development of an effective community policing target setting formula and feedback mechanisms
  - (e) Motivation of citizens in community policing and sustainability of community policing programmes
  - (f) Mobilization of resources to facilitate and support community policing programmes
  - (g) Efficient coordination and management structure cascaded from the national level to the neighbourhoods to give strategic leadership and direction to the community policing programme
  - (h) Mainstreaming community policing in the national security architecture
  - (i) Reporting mechanism to the National Policing Council, the Independent Policing Oversight Authority, the Minister responsible for internal security
- (iii) Community policing should be anchored in a legal framework

### **7.3 Private Security Service**

Private security providers are a significant player in Kenya's security sector. They contribute to broadly defined policing, specializing mainly in such policing functions as cash carrying, guarding, investigation work, alarm response and servicing, executive protection and security consulting. The industry ranges from extreme informality of an individual watchman with no training of any type to subsidiaries of multinational private security companies such as Group 4. In between these two extremes, there is a wide array of different shades of players including informal un-registered firms and formal companies of varying size. The functions also vary considerably, from 'watchman' role to the high-end mix of "in-house" or "for hire" forensic accountants, investigators, consultants, loss prevention specialists and computer programmers engaged by banks, credit bureaus, insurance companies, retail outlets, stock exchanges and other private corporations, as well as government organizations. There are more private guards than police officers in the country, and with escalating crime and loss of confidence in the police, Kenyans have increasingly resorted to private security providers.

There are two member associations in the private security sector: Kenya Security Industry Association (KSIA) and Protective Services Industry (PSIA). The former is an association of the bigger companies with a membership of about 22 whereas PSIA consist of the medium to smaller private security companies. In total there are approximately 430,000 security guards in Kenya.

Private security providers are not allowed to bear firearms, to have sirens and lights on their vehicles or to use bulletproof vests and jackets. They mainly use batons, clubs and whistles for their policing work.

In spite of the critical role they are playing, the private security industry in Kenya is not regulated by law and thus lacks enforceable professional standards and accountability. Although the private security industry associations have made some efforts towards self-regulation, for example, by adopting rules on guard hire, internal training and compensation, these regulations are few and largely optional. It is not surprising therefore that there have been many incidents of collusion between

private security providers and criminal elements. Co-operation with the police has been erratic and ad hoc and the private sector providers complain that they cannot establish radio contact with the police since the police switchboard is rarely manned or answered.

As the private security industry continues to expand, the lack of a standard policy and legislative framework from which the public may expect a minimum of competence from private security personnel can compromise public safety and security.

In 2004 KSIA prepared a draft Bill titled the Private Security Industry Regulation, Bill. The salient features of the Bill include the establishment of the Private Security Industry Regulatory Authority as a body corporate responsible for licensing of private security providers, setting professional standards and hearing and determining complaints against private security providers. The Bill provides a good legislative framework for the recognition, licensing, regulation and control of the private security providers. However, there are many areas in which the Bill can be strengthened and improved such as the composition of the Board, the appointment procedure and the powers of the Minister over the Authority.

***Recommendations:***

1. The national security and policing policies should recognize the private security industry as a key player and partner in the provision of security, with clearly defined roles and responsibilities of private security guards in such issues as arrest and detention of suspects and the extent to which such powers would differ from those of the police and private citizens. In addition, the policing policy should require private security providers to operate within the national values, principles and morals required of policing in a democratic country; set professional standards including training; and a code of conduct.
2. The draft Bill should be comprehensively reviewed and discussed with the stakeholders for ownership before being passed into law as a matter of priority. In addition to ensuring that private security officers respect core

democratic values and aspirations that Kenyans expect from policing, the legislation should: -

- Clearly identify the functions of the private security providers, such as cordon duties, cash escort, security checks, guard duties, etc
- Ensure a credible institution for licensing private security personnel and optimal regulation of the industry,
- Provide for the licensing of private security personnel including in-house after comprehensive background checks,
- Require the taking of insurance cover, training of guards to specified standards, and setting of vehicle and uniform standards to avoid confusion,
- Provide for the promulgation, adherence and enforcement of a code of conduct.
- Specify the weapons, if any that private sector firms can use and;
- Establish a transparent and reliable mechanism to deal with complaints against private security providers.

The Police Reforms Implementation Commission should prioritize this comprehensive review, stakeholder discussion, and enactment of the legislation. This Task Force further recommends that the private security agencies be regulated by law to provide among other things for vetting a record of the agencies, a data bank for its personnel and the relationships between the agencies and the security networks in the country. It should further provide for regulation of conduct and the consequences of breaches.

## **CHAPTER EIGHT: ENHANCING NATIONAL SECURITY**

### **8.1 National Security**

#### **8.1.1 Introduction**

Since independence in 1963, Kenya has been relatively stable in a turbulent area that includes the Horn of Africa and the Great Lakes region. Instability in many neighbouring states has posed serious security challenges arising from proliferation of small arms and light weapons and the influx of refugees posing challenges to law and order and creating conflict with local communities due to competition for scarce resources. In addition, Kenya's stability has been threatened by weak governance and political institutions, hostile states and competitors and transnational criminal activities such as piracy, terrorism, money laundering, drug and human trafficking and cyber crime.

Though faced with many and cross cutting security threats, Kenya has not had a comprehensive national security policy that could guide in addressing its critical national security issues. Against this background the Task Force recommends urgent preparation of a national security policy framework to form the basis of a secure, stable and prosperous country.

Most government agencies and the public perceive the concept of security as the role and preserve of the disciplined forces. This has tended to limit their involvement and participation in overall national security objectives. National security broadly refers to the capacity of the state to protect its citizens from internal and external threats, safeguard its sovereignty and territorial integrity and maintain peace, stability and prosperity.

The essence of a national security policy is to provide a comprehensive and integrated policy framework and reference point on national security pursuits. The policy should identify Kenya's national security interests, existing and potential threats and ways and means of tackling them.

The policy should embrace both the traditional and modern concepts of national security. Whereas previously states pre-occupied themselves with maintaining internal stability and preventing foreign aggression, globalization and the emergence of sophisticated threats have occasioned an expansion of the security realm from the traditional (espionage, subversion and sabotage) to such threats as terrorism, human and narcotic trafficking, cyber crime and money laundering.

The national security policy should be premised on three core objectives:

- (a) Maintaining national unity and stability, alongside promoting prosperity
- (b) Furthering Kenya's national interests and eliminating threats to her interests
- (c) *Seeking and enhancing co-operation with other states in areas of mutual interest*

The policy should recognize and build upon existing arrangements to achieve comprehensive, integrated and better co-ordinated national security efforts. It should set out general directives that will serve as reference point for all strategies and plans in relation to the mandates of the various agencies and stakeholders. The policies, whether diplomatic, military, economic or technological, will then outline all the priority areas, set performance indicators and timelines in a manner that best articulates the relevant aspects of national interests.

Whilst the interests of the State may supersede those of the individual, the policy should place due emphasis on democracy and human rights, to underline the interests of the governed and to guarantee goodwill and support. The policy and attendant strategy will require the understanding of national security as the entirety of Kenya's interests and aspirations, thereby imposing an obligation on each actor (the individual, community and state agencies) to effectively participate in its implementation. The government should therefore remain focused on providing an enabling political and socio-economic environment; and creating or strengthening and supporting appropriate implementing agencies in order to have an effective security system. In addition, it should broaden the participation of the citizens and other stakeholders in national security issues, while seeking regional and international co-operation in areas of common interest.

Currently, the main security structures in Kenya are informed by the Kenya Security and Intelligence Machinery (KSIM), which harmonizes activities of all security and intelligence agencies, and comprises the following organs:

### **8.1.2 Existing National Security Organs**

The existing national security organs are:

- (i) Cabinet Security Committee (CSC) chaired by the President and charged with the responsibility of making final security decisions.
- (ii) National Security Advisory Committee (NSAC), chaired by the Head of the Public Service and responsible for running security issues on a day to day basis.
- (iii) Joint Security Intelligence Secretariat (JSIS) chaired by the Director, Analysis and Promotion Production, NSIS responsible for collating and deliberating on operational reports from security agencies and follow up on implementation of NSAC decisions.
- (iv) Provincial Security and Intelligence Committee (PSIC), chaired by the Provincial Commissioner and responsible for review and management of security situation in the Provinces including developing and designing contingency plans and coordination and direction of security intelligence, and disaster management matters.
- (v) District Security and Intelligence Committee (DSIC), chaired by the District Commissioner and responsible for review and management of security situation in the Districts, designing contingency plans and Liaising with relevant departments in the District on issues of Security and Intelligence Interest.

The National Security Intelligence Service (NSIS) has captured this security machinery in a draft National Security Policy. The draft policy has been circulated to various stakeholders for comment and input.

According to the Waki Report, the national security arrangement was tested during the post-election violence and found wanting in a number of respects. First, there was a weak flow of information from the Police Commissioner to the Provincial and District security officers. Second, request for resources in emergency situations was



not properly followed through. Third, there was weak translation of information and intelligence into clear and useful operational interventions. Fourth, there was no joint planning or operational arrangements between agencies, and the response by the security agencies was inconsistent. Fifth, there was inadequate planning and preparation ahead of the elections. Sixth, CSC and NSAC failed to show leadership by not meeting during the crisis. Lastly, not all PSICs and DSICs met regularly or made clear and concise decisions during the crisis.

It is apparent that the security system of the country needs to be reviewed and strengthened to make it robust to, among others, extremely high levels of political contestation and negative ethnicity. The system should also be versatile enough to effectively accommodate the phenomenon of coalition governments.

***Recommendations:***

The Task Force therefore recommends that the Ministers responsible for Internal Security and Defense should immediately set up stakeholder committees to start the process of developing a national security policy, and legislation, starting with the draft prepared by the NSIS.

The Task Force visited Botswana and learnt from its on-going process of developing a national security policy. The process in Botswana is about halfway done and has been very consultative. The most important lesson from Botswana is that the exercise is a collective enterprise by multiple stakeholders that must be mobilized to work jointly in order to own the process and the final product. The Task Force therefore recommends the following process for the development of the national security policy and legislation for Kenya:

**8.1.3 The Organs and Process for developing the National Security Policy**

The Ministers responsible for Internal Security and Defense should set up stakeholder committees to spearhead the process. This is critical for ownership of the process. We propose two committees for this purpose:

**(i) Steering Committee**

The Steering Committee should be a high level policy organ, chaired by a Minister and composed of ministers and permanent secretaries of the dockets most critical to security broadly defined to include even food security and environmental risks, to give direction to the process.

**(ii) Working Committee**

The Working Committee should be chaired by the most relevant Permanent Secretary and should be composed of Permanent Secretaries and senior technical officers of the dockets critical to national security, experts on security issues, and representatives of other stakeholders. The Committee will be responsible for actual day-to-day coordination of the process of developing the security policy.

The Task Force recommends that the national security policy should be systematically developed through an eight (8) step process/programme as follows:

**(i) Review of strategic security environment**

The first stage will entail a review of the individual Ministries and agencies strategic security environment, validation of individual agencies existing security strategies and bringing up of emerging issues for consideration

**(ii) Determination and prioritization of threats**

The second stage will involve determination of internal and external threats to security broadly defined; analysis, categorization and prioritization of the security threats (e.g. HIV/AIDS, governance, cross-border crime, etc) and review of existing relevant policy documents.

**(iii) Development of Security Sector Framework**

In stage three the security sector framework will be developed through identification of institutional capabilities in dealing with the threats; evaluation of capacities; identification of coordination requirements; co-ordination of the work of the security agencies and development of consensus and agreement on timelines for the activities

- (iv) Development of individual institutional and agencies policy frameworks  
The fourth stage will require each institution/agency to identify its roles, capabilities and weaknesses in countering the threats, i.e. a risk analysis and development of an interim document outlining specification of tasks, mission statement, responsibilities, capability required, etc.
- (v) Identification of gaps and overlaps  
Stage five of the process will focus on gap analysis and identification of overlaps.
- (vi) Preparation of Development Plans  
The sixth stage will be devoted to preparation of change management plans; legislative and policy reviews; departmental budget plans and establishment of requirements potential external donor support.
- (vii) Costing of the Plans  
The penultimate stage of the process will involve costing and assessment of the affordability of the plans.
- (viii) Drafting of the National Security Policy, Finalization and Adoption  
The last stage will involve drafting of the National Security Policy, submission of the draft to Cabinet for consideration and approval and drafting of a Parliamentary Bill to inform legislation on national security.

The National Security Policy should among others:-

- (i) Provide a framework for collaboration and coordination of all national security organs;
- (ii) Address other wider security issues e.g. food, environment, conflicts, epidemics, disasters, etc.;
- (i) Set out defence, foreign and national security, policing and other related policies;
- (ii) Identify and provide a framework for dealing with current and emerging security threats such as organised crime including terrorism, money

- laundering, cyber crime, transnational crime, piracy, drug and human trafficking, etc;
- (iii) Evaluate and provide a framework for the country's preparedness in dealing with security threats; and
  - (iv) Provide a security intelligence framework.

## **8.2 National Policing Policy**

### **8.2.1 Overview**

Currently, Kenya does not have a written national policy on policing. However, the Kenya Police Force has Force Standing Orders and a 5-year Strategic Plan where various policies are apparent. The Administration Police also has a Strategic Plan and is developing its Force Standing Orders. While policing policies are implicit in these documents, it is important to have a clearly spelt out National Policing Policy to guide the operations of all police services in the country. The national policy should be broad and yet specific enough to guide the development of operational policies by specific police services. The policing policy and legislative framework should uphold and promote the democratic values and principles and the aspirations of Kenyans. It should also be designed in a way to accommodate change.

On their part, annual policing plans (complemented by detailed strategies on specific priorities for that year e.g. organized crime strategy, drug trafficking strategy, road safety strategy, and traffic de-congestion strategy) should be developed by Provincial Policing Authorities (PPAs) setting out the priorities and the budget. There should be mechanisms for consultation between local police and communities about police priorities. While the Councils will set policy, operational matters like how to carry out an investigation and when to arrest a suspect should be left to the police.

### ***Recommendation:***

The Task Force recommends that the proposed National Policing Council spearheads the immediate development of a National Policing Policy alongside the development of the National Security Policy.

In developing the National Policing Policy, the following outline should be considered:

**(i) Introduction**

The introduction should set out why policing policy is important and distinguish between the policing policy, strategic plans and annual policing plans of the police services. The National Policing Policy sets the broad values, principles, standards and objectives for the police services. The police services then interpret these and prepare their own strategic plans and annual policing plans. Nevertheless, the national and regional Police Councils should be involved in setting priorities for the annual policing plans. The introduction should also distinguish between policy and operations, and state explicitly that the National Policing Policy is not meant to interfere with operational autonomy of the police services.

**(ii) Definition of Policing versus Police**

The scope of the policing policy should be made explicit through a clear definition of policing as opposed to police, the distinction being that policing includes not only the public police but also captures the activities of private security providers. The Law Commission of Canada, in a 2006 report on police reforms observed that “policing should be redefined more broadly to encompass activities of any individuals and organizations legally empowered to maintain security or social order, in accordance with public or private contracts, legislation, regulations or policies.” Such a definition is critical to shape the legal and policy environment especially because the traditional view of police and private security providers as dichotomous is no longer tenable. The Task Force recommends that Kenya’s policing policy, legislation and government structure adopts this broad definition.

**(iii) Purpose of Police Services**

The National Policing Policy should state explicitly why the state and other stakeholders invest in policing services. The only reason for that investment is to achieve results in crime reduction, to make the general public safe and to ensure proper and satisfactory service to victims and witnesses. The National Crime Research Centre has legal mandate that can be used to carry out independent

attitudinal surveys to gauge the level of satisfaction of the general public with policing services.

**(iv) Professionalism and Operational principles**

The National Policing Policy should set out the following:

- (a) Values, principles, standards and objectives that police services (and even the private security providers) in the country should adhere to. National values and principles are espoused in the draft Constitutions and have not been declared to be contentious issues. Some of the key values and principles that the policing agencies must respect and adhere to include recognition and respect of the value and integrity of every Kenyan, courtesy, commitment to use of reasonable force, and use of lethal force only when a police officer or another person is in imminent danger of death or physical injury, guarantee to all persons (regardless of race, ethnicity, religion, gender, or disability) of equal protection under the law and sensitivity to citizen's complaints;
- (b) Mainstreaming respect for human rights, children's rights and gender diversity
- (c) Commitment to zero-tolerance to corruption within the police services;
- (d) Respecting and protecting the right level of police discretion as opposed to micromanaging them;
- (e) Commitment to political neutrality of the police;
- (f) Commitment to police services that are representative and reflect the face of Kenya and are not racist;
- (g) Optimal use of civilian staff and deployment of police officers to core functions (it has been shown in the UK that it is possible to get police efficiency gains of up to 20% using civilian staff to release officers from unnecessary paperwork);
- (h) Proper recruitment and judicious use of Kenya Police Reserve;
- (i) Pursuit of efficiency, cost effectiveness and excellence backed by performance management frameworks that only rewards activities that deliver better services;
- (j) Commitment to intelligence and evidence-led policing, that is, policing policies and practices informed by first class intelligence and research;
- (k) Development and maintenance of efficient forensic science services
- (l) Adequacy and proper use of firearms;
- (m) Investment and pervasive use of ICT;

- (n) Disaster preparedness policy;
- (o) Community policing with optimal public input and participation;
- (p) Developing partnerships with international organizations, regional bodies, research institutions and universities;
- (q) Modalities of promoting positive image including mechanisms for public information and feedback, and of effectively dealing with the media;
- (r) Victim support policy
- (s) Effective policing structure which should include:-
  - The number of separate police services and their specific functions;
  - Effective decentralization of policing services to engender locally accountable leadership and priority setting;
  - Relationship between the services (e.g. joint institutional structures, IT compatibility, joint procurement, sharing of backroom functions such as fleet management, uniforms and administrative work);
  - Modalities of establishing new specialized units;
  - Role and optimal regulation of private security providers;
  - Security role of high risk institutions like banks and supermarkets e.g. installation of CCTVs or greater use of metal detectors

**(v) *Key linkages***

The National Policing Policy should also set out mechanisms for linkage and effective networks between the police, other security agencies such as the military and the National Youth Service, the rest of the justice system, private security providers, and the National Crime Research Centre, among others. The policy should also express commitment towards regional partnerships and collaboration of policing and other security agencies and set out the necessary modalities.

**(vi) *Accountability***

Accountability of the policing agencies (both public police and private security providers) is critical for building confidence and trust among the members of the public. The National Policing Policy should specify what types and levels of accountability will be required of the Kenya policing services (political

accountability, accountability to the law, accountability to administrative agencies such as the human rights commission and oversight bodies, direct public accountability through freedom of information legislation, special and ad hoc accountability mechanisms such as commissions of inquiry, or all of them. Other provisions that should be made in the policy include:

- (a) National Police Council and Provincial Police Councils;
- (b) Independent Policing Oversight Authority (IPOA);
- (c) Police Service Commission;
- (d) Specification of Accounting Officers;
- (e) Roles of the parent Ministry; Parliament; Public Complaints Standing Committee; KNCHR; Civil Society; etc.

**(vii) Adequate Funding for Policing**

For Kenya to enjoy the quality policing services yearned for by *wananchi*, the country has to invest in it. Improved welfare of policemen and women, and high quality training, are critical in professionalizing the police. These require adequate funding. The National Policing Policy should therefore make an explicit commitment about funding to the police. The country should set targets (such as police budget allocation as share of GDP and share of law and order spending going to the police) to be achieved over a set time period. The police services would then receive budgets pegged on their performance achievements. In addition, the policy should consider innovative fundraising instruments such as Council Tax in the UK or establishment of a Police Development Fund that can attract contributions from Government, private sector and the international community. It should also consider funding private security providers that meet set professional standards. However, the policy should also require all policing agencies receiving public financial support to justify resource allocation and rationalize resource use through, among others, collaboration with other agencies.

**(viii) Sustaining Police Reforms**

Policing-related policies and laws should be kept under continuous review (every 5 years) to ensure that they provide an environment that best supports the type of policing that Kenyans deserve, and that is appropriate for the evolving



circumstances. The Task Force proposes that once the recommendations in this report are adopted, they should be used to develop the policing policy. The policy so developed should be implemented and reviewed after 5 years, with fresh stakeholder consultations. Subsequently, the National Policing Policy should be reviewed after every 5 years in order to accommodate emerging imperatives.

## **CHAPTER NINE: REFORMS IMPLEMENTATION, MONITORING AND EVALUATION**

### **9.1 Effective Implementation**

#### **9.1.1 Establishment of a Police Reforms Implementation Commission**

The Commission of Inquiry into Post Election Violence (the Waki Commission) recommended on page 483 the establishment of a Police Reform Group to make interim and immediate recommendations for reform of the Police. The body was also supposed to, among other things, initiate the implementation of the Police reforms proposed by the Waki Commission. The Group, composed of local and foreign policing experts was to work completely independent of but alongside the Kenya Police. The Committee was to have a life span of six months and to furnish progress reports to, among others, the Government.

From its terms of reference, the Task Force is of the view that the work it was assigned is the same that was envisaged for the Police Reform Group.

Nevertheless, the Task Force considers that it is essential that a Police Reform Implementation Commission be established to oversee the implementation of the various reforms and operationalisation of the new institutions that the Task Force has recommended. Most of the reforms recommended by the Task Force are far reaching and call for a body to spearhead and coordinate implementation. Such a body will also help overcome the persistent challenge and perception of poor policy implementation.

#### **Recommendation:**

That a Police Reforms Implementation Commission be established.

#### **Composition**

The Commission should be composed of:

- (i) Four members, two of whom shall be foreign police reform experts
- (ii) Permanent Secretary, Office of Prime Minister

- (iii) Permanent Secretary, Provincial Administration and Internal Security
- (iv) Permanent Secretary, Ministry of Justice, National Cohesion and Constitutional Affairs
- (v) Permanent Secretary, Ministry of Finance
- (vi) Inspector General, Kenya Police Service
- (vii) Commandant General, Administration Police Service
- (viii) Chairperson, Law Reform Commission
- (ix) Executive Director, Kenya Institute for Public Policy Research and Analysis
- (x) Chairperson, Kenya National Commission on Human Rights

The Commission shall have the power to co-opt members as necessary.

### **Appointment**

The President in consultation with the Prime Minister shall appoint the four members of the Commission and the Chairperson shall in the same manner be appointed from among the four. The Permanent Secretary, Provincial Administration and Internal Security shall be the Secretary.

### **Functions**

The functions of the Commission shall be to coordinate, monitor and supervise the implementation of the reforms recommended by the Task Force. The Commission shall stay in place until institutions such as the Police Service Commission and the Independent Policing Oversight Authority are established in any case within a maximum period of 2 years.

### **Powers**

The Commission shall have all powers necessary for the execution of its functions under the Constitution and Act of Parliament including: -

- (i) Mandatory co-operation from the police, state officials and civil servants
- (ii) Power to follow up on recommendations, in particular requiring feedback on implementation within specified time
- (iii) Power to enforce implementation of its decisions
- (iv) Power to subpoena documents

- (v) Power to determine its own procedure
- (vi) Such other powers as may be conferred by law

## **Reporting**

The Commission shall submit progress reports to the Minister responsible for the Police, Prime Minister, HE the President, Parliament and the Public on a quarterly basis.

### **9.1.2 Legislation**

New legislation will require to be enacted and existing legislation will require review, amendment or repeal to accommodate the recommendations. Legislation will be required to provide for the Police Service Commission, Independent Policing Oversight Authority, Private Security Services Providers and Police Reforms Implementation Commission.

The Police Act and the Administration Police Act will require to be reviewed, updated and modernized to provide, among other things for:-

- (i) The Kenya Police Service;
- (ii) The Administration Police Service;
- (iii) The roles and functions of the Inspector General and the Commandant General;
- (iv) Review the Police Service Standing Orders and development the Administration Police Service Standing Orders;

## **9.2 Monitoring and Evaluation**

### **9.2.1 Introduction**

Reforms are not an end in themselves, but a means to the end. The end has been clearly spelt out by the many Kenyans who have stated the type of policing services they need. The objective of the reforms recommended in this report is to enhance the efficiency and effectiveness of the police services in achieving this end.

The specific objectives of the reforms are:

- i) Improving and maintaining law and order, and perceived real personal safety and security of all Kenyans

- ii) Improving the level of public confidence in the police, and trust as well as cooperation between the police and the public
- iii) Improving the rate of crime detection and the proportion of offences brought to justice
- iv) Improving the gender and ethnic balance in the police services
- v) Improving the level of professionalism of police officers and respect for the profession
- vi) Improving welfare, morale and productivity of the police officers
- vii) Reducing the level of perceived corruption and nepotism in the police services
- viii) Reducing the level of political interference in the police
- ix) Improving the level of police equipping and logistical capacity
- x) Providing adequate budgetary resources to the police services

Monitoring and evaluation of progress towards achievement of these objectives will form a critical part of the reform programme.

## 9.2.2 Linking police reforms to results for Kenyans

**Table 10: Linking police reforms to results for Kenyans**

NO.	REFORM ISSUE	RESULTS FOR KENYANS
1	Police image, accountability and partnerships	<ul style="list-style-type: none"> <li>i) Reduced corruption in the police</li> <li>ii) Increase in reliability of police</li> <li>iii) Reduced human rights violations by the police</li> <li>iv) Increase in public trust and confidence in police services</li> <li>v) Increase in public satisfaction with the police</li> <li>vi) Increase in the level of satisfaction among the police officers</li> <li>vii) Improved relationship between police and the public</li> <li>viii) Neighbourhood safety</li> <li>ix) Improved gender balance in the police services</li> <li>x) Improved ethnic balance</li> </ul>
2	Professionalism, terms and conditions of service	<ul style="list-style-type: none"> <li>i) Improved police efficiency</li> <li>ii) Increase in the proportion of offences brought to justice</li> <li>iii) Reduced response time to distress call by the public</li> <li>iv) Increase in reliability of police</li> <li>v) Increase in public trust and confidence in police services</li> <li>vi) Improved public image of the police services and profession</li> <li>vii) Reduced corruption in police</li> <li>viii) Increase in public satisfaction level with the police service</li> <li>ix) Reduced incidences of ethnicity and tribalism in police services</li> <li>Boost in morale of police</li> <li>Increase in the level of satisfaction among the police officers</li> </ul>
3	Operational preparedness, tooling and logistical capacity	<ul style="list-style-type: none"> <li>i) Reduced crime per capita for the public</li> <li>ii) Reduced cost of crime and violence on business in Kenya</li> <li>iii) Reduced cost of organized crime and violence on business in Kenya</li> <li>iv) Increase in reliability of police</li> <li>v) Enhanced peace and stability</li> <li>vi) Improved police efficiency</li> <li>vii) Increase in the proportion of offences brought to justice</li> <li>viii) Reduced response time to distress call by the public</li> <li>ix) Increase in public satisfaction level with the police</li> <li>x) Boost in morale of police</li> <li>xi) Neighbourhood safety</li> </ul>

NO.	REFORM ISSUE	RESULTS FOR KENYANS
4	Institutional, policy and legal reforms	i) Improved police efficiency ii) Increase in public satisfaction level with the police service iii) Increase in the level of satisfaction among the police officers iv) Reduced incidences of ethnicity and tribalism in police service v) Improved public image of police service and profession vi) Reduced corruption in police

### 9.2.3 Police Reforms Implementation Matrix

Table 11 sets out the implementation plan for the reforms proposed by the Task Force. The plan specifies the activities and/or outputs associated with the recommendations made in the report, the time line for implementation of the activities or realization of the outputs allocates responsibility for implementation and provides a budget estimate.

**Table 11: Implementation matrix**

Reform Issues	Activities/Outputs	Responsible	Time line 2009-2012				Budget Estimates in Ksh. ('Million)			
			'09/10	'10/11	'11/12	'12/13	'09/10	'10/11	'11/12	'12/13
Institutional, legal and policy reforms	Restructure the Kenya Police Service	OP-PA&IS								
	Restructure the Administration Police Service	OP-PA&IS								
	Develop a Police Reform Bill	OP-PA&IS					5	5		
	Rebranding of the two FORCES into SERVICES	OP-PA&IS PRIC					10	50		
	Develop and implement comprehensive communication, public relations, awareness and image building strategy	OP-PA&IS, IPOA						250	200	150
	Establish and support	OP-PA&IS						800	900	1,000

Reform Issues	Activities/Outputs	Responsible	Time line 2009-2012				Budget Estimates in Ksh. ('Million)			
			'09/10	'10/11	'11/12	'12/13	'09/10	'10/11	'11/12	'12/13
	operations of Police Service Commission									
	Establish and support operations National Policing Council	OP-PA&IS						50	50	50
	Establish and support operations of Association of 8 Provincial Police Commissioners	OP-PA&IS						10	10	10
	Establish and support operations of 8 Provincial Policing Authorities	OP-PA&IS						200	200	200
	Establish and support operations of Police Reforms Implementation Commission	OP-PA&IS					50	300	300	
	Establish and support operations Directorate of Criminal Investigation (DCI)	OP-PA&IS					50	1,000	1,000	1,000
	Creation of metropolitan police services for the major urban areas	OP-PA&IS NBI MET, MOLG								
	Develop a comprehensive National Policing Policy	OP-PA&IS PRIC, KLRC						5		
	Develop a comprehensive National Security Policy	OP-PA&IS MOSD, NSIC						5		
Improve accountability of the police	Establish and support operations of the Independent Policing Oversight Authority	OP-PA&IS IPOA, NPC						1,000	1,000	1,000
	Continuous independent oversight of policing	IPOA, Other oversight bodies								
	Establish internal accountability enforcement	OP-PA&IS, PRIC, AG					0.250	2	2	2



Reform Issues	Activities/Outputs	Responsible	Time line 2009-2012				Budget Estimates in Ksh. ('Million)			
			'09/10	'10/11	'11/12	'12/13	'09/10	'10/11	'11/12	'12/13
	units for the police services									
	Develop a code of ethics for the two police services and revise Service Standing Orders	KP/AP					2	5		
	Develop and implement a mechanism of addressing conflicts of interest in the police services	KPS/APS								
Improve Professionalism terms and conditions of service	Undertake an audit of the police prosecutors levels of competence	PSC, AG/DPP						15		
	Establish a Training Program for police prosecutors and second them to the State law office	PSC, AG/DPP						50	50	50
	Place a moratorium of police recruitment and transfers to rationalize the police service	OP-PA&IS, MOSPS								
	Develop the recruitment criteria for the police service	OP-PA&IS PRIC,PSC,					1	2		
	Develop a comprehensive Training Curriculum	PSC						10		
	Implement a 15 months three phased training program of 9:3:3 months	PSC, KPS/APS							2,300	2,300
	Implement a graduate recruitment and training programme of four phased 21 months of 9:3:3:6	PSC, KPS/APS							300	300
	Implement a 1 year Leadership training for graduate Inspectors	PSC, KPS/APS						50	50	50

Reform Issues	Activities/Outputs	Responsible	Time line 2009-2012				Budget Estimates in Ksh. ('Million)			
			'09/10	'10/11	'11/12	'12/13	'09/10	'10/11	'11/12	'12/13
	Develop and implement in – service and refresher training program for the two Police Services	PSC						300	300	300
	Review Police deployment and develop a policy and criteria for secondment to government institutions	KPS/APS, NPC,MOSPS						5		
	Settle all outstanding transfer allowances for police officers	OP-PA&IS PSC					400			
	Develop and implement a promotion policy	PSC, KPS/APS						2		
	Rationalize the ranks of police officers and develop job descriptions for each of the rank	PRIC,PSC, NPC,MOSPS						2		
	Re – evaluate suitability in relation to professionalism, integrity, track record, psychometric levels and aptitude qualification, academic qualification, skills and experience police officers	PSC, PRIC,NPC					2	10		
	Develop and introduce a suitable Performance Contracting and Appraisal System for the ranks of OCS and above.	PSC,KPS/ APS,MOSPS						50	50	50
	Establish an exchange programs with countries with best practices in policing	PRIC,PSC, KPS/APS						70	70	70
	Audit and Rationalise the allocation of police houses in	OP-PA&IS PRIC,						20	20	

Reform Issues	Activities/Outputs	Responsible	Time line 2009-2012				Budget Estimates in Ksh. ('Million)			
			'09/10	'10/11	'11/12	'12/13	'09/10	'10/11	'11/12	'12/13
	the provinces and districts	KPS/APS								
	Complete stalled housing projects and construct new houses	KPS/APS NYS						2,000	2,000	2,000
	Undertake repair and maintenance of exiting police houses in accordance with set regulations by public works and local authorities	KPS/APS, NYS						1,000	1,000	1,000
	Provide medical and life insurance cover to the police officers	OP-PAIS,MOF MOSPS						1,500	1,500	1,500
	Dedicate amenity wards for the police officers in government medical facilities.	OP-PA&IS PSC						10	10	10
	Develop a leave program for police officers and clear all leave backlogs in line with FSO and Civil Service code of service	KPS/APS						100		
	Review and implement improved salaries and allowances	OP-PA&IS MOF,MOSPS						6,500	6,500	6,500
	Harmonization of pay and benefits to guard against unrealistic pay levels	PPRRB,MOSPS								
	Establish an Association of retired police officers.	PSC,KPS /APS						10	10	
	Review the retirement and post exit management of police officers	PSC,KPS /APS						2		
	Establish a data base of all retired police officers	PSC,KPS /APS						10	10	10

Reform Issues	Activities/Outputs	Responsible	Time line 2009-2012				Budget Estimates in Ksh. ('Million)			
			'09/10	'10/11	'11/12	'12/13	'09/10	'10/11	'11/12	'12/13
	Establish and implement chaplaincy services in the police	PSC,KPS /APS						20	20	20
Enhance operational preparedness and logistical capacity	Review and rationalize the tooling needs and specification in line with international best practices	NPC,KPS /APS					5	5		
	Develop and monitor national policing plans	NPC								
	Install CCTV cameras for policing	NPC,MOF, NBI MET						1,500	1,500	
	Develop appropriate legislations to support electronic and ICT data as evidence admissible in court	PRIC,AG, KPS/APS						10	5	
	Upgrade, equip and staff Forensic Science services department (FSSD)	NPC/MOF, DCI,						2,000	1,000	1,000
	Upgrade capacity of specialized units dealing with serious crimes	NPC, KPS /APS,DCI						200	200	200
	Fast track finalisation of outstanding bills and laws relating to terrorism, money laundering, economic crimes, cyber crimes and human trafficking	OP-PA&IS PRIC,NPC, AG						10	5	
	Operationalize National Crime Research Centre(NCRC)	NCRC,AG, NPC								
	Finalize review of policy on KPR	NPC, KPS/APS								
	Fast track completion of national disaster management	MOSSP, KPS /APS								

Reform Issues	Activities/Outputs	Responsible	Time line 2009-2012				Budget Estimates in Ksh. ('Million)			
			'09/10	'10/11	'11/12	'12/13	'09/10	'10/11	'11/12	'12/13
	policy									
	Develop a public awareness and sensitization program for disaster management	MOSSP, KPS /APS,					5	10	10	10
	Review policy on and rationalize the provision of police vehicles and other transport equipments	PRIC,NPC, KPS/APS, OPPAIS					1,500	2,000	2,000	1,000
	Fuel, maintenance and repair of vehicles	KPS/APS, OPPAIS					300	1,000	1,000	1,000
	Upgrade police Divisions, Stations and Posts to ISO 9000 standard	NPC PRIC, KPS/APS						2,000	2,000	2,000
	Participate in development of the Integrated Population Registration System(IPRS)	KPS/APS, DCI								
	Implement adequate kitting and tooling of police officers	PRIC,NPC, KPS/APS						2,000	2,000	2,000
	Review and harmonize uniforms for police officers in all ranks	PRIC,NPC, KPS/APS								
	Complete development of national policy and guidelines on community policing, provide legislation and implement	PRIC,NPC, KPS/APS					0.3	100	100	100
	Develop a bill on private security services providers	PRIC,NPC, KPS/APS, AG,PSP						5		
Police Reforms Monitoring and evaluation	Monitoring and evaluation of the police reforms implementation	PRIC,NPC, IPOA,KPS/APS								
	Undertake results evaluation	PRIC,NPC,						100	100	100

Reform Issues	Activities/Outputs	Responsible	Time line 2009-2012				Budget Estimates in Ksh. ('Million)			
			'09/10	'10/11	'11/12	'12/13	'09/10	'10/11	'11/12	'12/13
	surveys to determine the impact of police reforms	NCRC,IPOA								
							2,330.55	26,360.00	27,772.00	24,982.00
			<b>TOTAL</b>				<b>KSH. 81,444.55</b>			

NB: The budget estimates may require further review by PRIC and Treasury.

### 9.2.3 Performance Monitoring and Evaluation

Table 12 sets out the indicators and targets that will be used to measure and track the performance of the police services towards delivery of results for Kenyans. The targets could be used to negotiate performance contracts with the police services and other organizations charged with responsibility of implementing the police reforms.

**Table 12: Monitoring and Evaluation**

Performance Indicator	Units of Measure	Current Status (2009)	Target	Means of Verification	Frequency of Reporting/evaluation
Reduce the crime per capita level	No.	143 per 100,000 people	80per 100,000 people	Police reports	Quarterly
Increase public satisfaction level with the police service	%	Determine	85	Survey report	Quarterly
Reduction in the recorded number of complaints per 1,000 officers	No	Determine	500	Survey report	Quarterly
Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice	%	Determine	10%	Survey report	Quarterly
Percentage of the public satisfied with the police action in response	%	Determine	65	Survey report	Quarterly
Percentage of the public satisfied with the time taken to answer	%	Determine	65	Survey report	Quarterly
Percentage of the public Satisfied with being kept informed	%	Determine	65	Survey report	Quarterly
Percentage of the public Satisfied with treatment by police officers	%	Determine	65	Survey report	Quarterly
Victim satisfaction level	%	Determine	65	Survey report	Quarterly
ISO certification for headquarters, police stations and police posts	ISO	determine	ISO 9000	Certificate	Quarterly
Reduce police corruption index <sup>8</sup>	Index	2.1/10	9.3/10	Survey report	Quarterly

<sup>8</sup> Target benchmarked with Sweden currently at 9.3/10

Performance Indicator	Units of Measure	Current Status (2009)	Target	Means of Verification	Frequency of Reporting/ evaluation
Improve public reliability on police index <sup>9</sup>	Index	3.5/7	6.2/7	Survey report	Quarterly
Neighbourhood safety index	Index	determine	5/7	Survey report	Quarterly
Image of police service to the public	Index	determine	5/7	Survey report	Quarterly
Reduce the cost of organized crime and violence on businesses in Kenya <sup>10</sup>	Index	3.8/7	6.4/7	Survey report	Quarterly
Reduce the cost of crime and violence on businesses in Kenya <sup>11</sup>	Index	3.1/7	5.6/7	Survey report	Quarterly
Reduce the cost of terrorism crimes on businesses in Kenya <sup>12</sup>	Index	3.9/7	6.1/7	Survey report	Quarterly
Increase police population ratio	Ratio	1:533	1:385	Survey report	Quarterly
Improved gender balance	Ratio	Determine	30%	Survey report	Quarterly
Improved ethnic balance	Ratio	Determine	Proportion of the total	Survey report	Quarterly
Number of new police recruits, the percentage from minority ethnic groups	%	Determine	Proportion of the total	Survey report	Quarterly
Reduce the response time by police to distress call by Kenyan Public time	Minutes	120	15 -45	Survey report	Quarterly
Reduce working days lost through sickness of police officers	Days	Determine	100	Survey report	Quarterly
Reduce ill – health retirement per 1,000 police officers	%	Determine	10	Survey report	Quarterly
Increase recycling of resources against net revenue spent	Ratio	Determine	1:4	Survey report	Quarterly
Increase efficiency gains by the Police Officers	%	Determine	5%	Survey report	Quarterly
Housing of Administration Police	No of officers	18,500	18,500	PSC/APS reports	Quarterly

<sup>9</sup> Target benchmarked with Sweden Currently at 6.2/7

<sup>10</sup> Target benchmarked with Sweden Currently at 6.4/7

<sup>11</sup> Target benchmarked with Sweden Currently at 5.6/7

<sup>12</sup> Target benchmarked with Sweden Currently at 6.1/7



Performance Indicator	Units of Measure	Current Status (2009)	Target	Means of Verification	Frequency of Reporting/evaluation
Officers					
Housing of Kenya Police Officers	No. of officers	30,000	30,000	PSC/KPS reports	Quarterly
Average Improvement of police basic salaries and allowances	%	x	X+ 113%	PRIC and PSC reports	Quarterly
Anchor reforms in Legislations	No	None	9	PRIC and PSC reports	Quarterly
Police tooling and capacity in term of vehicles and assorted equipments for KP and AP	No. of items	167	1103	PRIC and PSC reports	Quarterly
Reduction in annual incidences of cattle rustling and banditry	No	2,269	1,000	PRIC and PSC reports	Quarterly
Peace index among Kenyans	Index	3.84/7	5.53/7	PRIC and PSC reports	Quarterly
Likelihood of demonstrations turning violent with casualties	index	determine	X+10%	Survey report	Quarterly
Ease of demand and supply of small arms and light weapons	index	determine	X+10%	Survey report	Quarterly
Number of small arms and light weapons recovered	No	7,000	10,000	Survey report	Quarterly
Level of respect to human rights	index	determine	X+10%	Survey report	Quarterly
Closeness of police service to the public, police stations per 100,000	Ratio people	determine	X+10%	Survey report	Quarterly
Number of victims rescued from disaster sites as a ratio of those affected	%	determine	100%	Survey report	Quarterly

## **CHAPTER TEN: SUMMARY OF RECOMMENDATIONS**

### **10.1 Introduction**

This Chapter sets out all the recommendations listed in the previous Chapters of this Report. They are grouped in the sequence, and under the headings, in which they appear in the Report. The following are the headings under which the recommendations are reported:

### **10.2 Recommendations made by the Task Force**

#### **10.2.1 Prerequisites for Reform**

1. Only if there is a 'visible' change at the top leadership level of the police, will the public be convinced to accept that the Government is serious about reforms.
2. The government should play a role in giving hope both to the public as well as members of the Kenya Police and the Administration Police, that things are going to improve and that better community/police relations are essential for enhanced safety and security for every Kenyan.
3. If the recommended reforms are to be implemented and if they are to have their deserved effect, it will have can only happen if significantly increased funding from state coffers is made available.

#### **10.2.2 Restructuring the Kenya Police Services**

1. A merger of the Administration Police with the Kenya Police Service should not be undertaken at this stage. However, in carrying out their duties the two services must observe the principle of complementarity to maximize effectiveness.
2. There should be one Police Reform Bill that should provide for the two Police Services.
3. The proposed Police Reform Bill should include explicit provisions applicable to both police services requiring them to conduct themselves in a professional, non-partisan, and politically neutral manner.

4. The Inspector General and the Commandant General should be appointed by the President on the recommendation of the Police Service Commission after a transparent and competitive process. The Task Force regards the safety and security of Kenyans as a primary responsibility of the Executive branch of Government, and should therefore be responsible for the appointments.
5. The Inspector General and Commandant General will serve on a one five (5) year contract.
6. The Service (formerly Force) Standing Orders for both police services should be developed and reviewed from time to time by the National Policing Council in consultation with the Police Service Commission.

#### **10.2.3 Police Service Commission**

1. A Police Service Commission should be established under the Constitution and legislation.
2. Composition: The Police Service Commission should be composed of nine persons as follows: -
  - i) A person qualified to be appointed as a judge of the High Court
  - ii) 4 persons of high moral character and integrity with knowledge and proven experience in the following professional disciplines; human resource management, employment and labour relations, financial management/audit, economics and public administration
  - iii) 2 retired senior police officers of high moral character and integrity not below the rank of assistant commissioner of police (ACP)
  - iv) The Chairperson, Public Service Commission
  - v) The Chairman, Permanent Public Service Remuneration Review Board
  - vi) No gender should exceed two thirds of the total membership provided that the vice chairperson should be of a different gender from the chairperson.

3. Appointment:
  - (i) The Chairperson and the members of the Police Service Commission should be appointed by the President in consultation with the Prime Minister and with the approval of Parliament.
  - (ii) The Chairperson should be appointed from number (i), (ii), and (iii) of the composition above.
  - (iii) The members set out in (i), (ii) and (iii) above should serve for a one 5-year term.
4. Term of Office:
  - (i) Members of the Commission should hold office for a one five (5) year term
  - (ii) A Member of the Commission will cease to hold office if he/she:
    - Is declared bankrupt or enters into an arrangement with his/her creditors
    - Is convicted of a felony or any offence involving fraud or dishonesty
    - Becomes of unsound mind or is incapable of carrying out his/her duties
    - Is guilty of a serious misconduct in relation to his/her duties
    - In respect of a person possessed of professional qualifications, if he/she is disqualified or suspended other than at his/her own request, from practicing his profession in any part of the world, by an order of a competent authority, made in respect of that member
5. Disqualification from membership of the Commission: any person falling in the following categories should be disqualified from membership of the Commission:
  - (i) A member of public service, local authority, National Assembly and Armed Forces
  - (ii) Any person who is a holder of an office in any political party.
6. Functions of the Police Service Commission:
  - (i) Recruitment and appointment of persons to hold or act in an office and to determine promotions in the service, while observing gender and Kenya regional balance.

- (ii) Keeping under review all matters relating to the standards or qualifications required of members of the service.
  - (iii) Keeping under review all matters relating to salaries, allowances and other terms and conditions of service.
  - (iv) Exercising disciplinary control, including hearing and disposal of appeals by persons in the service
  - (v) Exercising such other functions as are provided for by the Constitution or an Act of Parliament
  - (vi) Entering into performance contracts with senior officers
  - (vii) Liaise with the Oversight in identifying patterns and trends in complaints against the police
  - (viii) Approval of applications for engagement of police officers in trade and other businesses.
7. In the performance of its functions, the Commission should not be subject to the direction, control or supervision of any other authority or person except as is prescribed in the Police Service Commission Act.
8. Reporting: To enhance accountability and transparency, the Police Service Commission should submit an Annual Report to:
- (i) President
  - (ii) Prime Minister
  - (iii) Parliament
9. Implementation: There should be an immediate amendment of the Constitution to create the Police Service Commission

#### **10.2.4 National Policing Council**

1. A National Police Council should be established
2. The National Policing Council should be composed of the following members:
  - (i) Permanent Secretary responsible for police services as the chairperson and accounting officer
  - (ii) Inspector General, Kenya Police Service

- (iii) Commandant General, Administration Police Service
  - (iv) Director, Directorate of Criminal Investigations (DCI)
  - (v) Commandant, General Service Unit (GSU)
  - (vi) Two (2) other Commissioners representing the Association of Police Commissioners (one from KPS and the other from APS)
  - (vii) Secretary to the council shall be the Secretary, Internal Security
  - (viii) Secretary, Police Service Commission
3. The independent civilian members should hold positions in the Council for a period of 3 years renewable once, unless otherwise removed for breach of conditions in the set criteria, misconduct, bankruptcy, insanity, serious financial embarrassment, pending criminal proceedings or such other reasons as may be provided in the legislation
  4. The recruitment of the independent civilian members should be through a competitive and transparent process, which should include advertisement in at least two daily papers of wide circulation, interviews and vetting by the National Security Intelligence Service.
  5. The Public Service Commission and not the Police Service Commission should be responsible for the recruitment of the independent civilian members
  6. The functions of the National Policing Council should include:
    - (i) Formulate and determine policing policy
    - (ii) Review, rationalize and coordinate the budgeting and National Policing Plans
    - (iii) Set national priorities, objectives and targets for police performance
    - (iv) Set and enforce unified policing standards across the country
    - (v) Monitor trends and patterns of crime in Kenya
    - (vi) Monitor trends and patterns on Human Rights abuses
    - (vii) Provide strategic management and support
    - (viii) Ensure policing accountability at all levels

- (ix) Undertake an annual inspection and audit of the police
- (x) Monitor progress in achieving set targets
- (xi) Financial management and oversight
- (xii) Determine and advise Police Service Commission on human resource management and development requirements
- (xiii) Coordinate procurement activities
- (xiv) Appoint and manage a secretariat to execute its mandate
- (xv) Promote research and development in policing function, and
- (xvi) Determine police ranking in consultation with the Inspector General, Commandant General, and the Police Service Commission

#### **10.2.5 Association of Police Commissioners**

1. An Association of Regional Commissioners should be established. This should consist of a board of Regional Commissioners and other Commissioners of same rank (such as the GSU Commandant, etc) and should include their DCI and Administration Police counterparts. The Inspector General and the Commandant General Administration Police may be represented.
  
2. The Association should be chaired by any of the Commissioners on an annual and rotational basis through an internal selection process. The association should meet three times a year but not more than four times in a year.
  
3. The functions of the Association of Police Commissioners should be to deliberate on: -
  - (i) Emerging policing trends.
  - (ii) Cross-cutting policing issues
  - (iii) Criminal intelligence sharing
  - (iv) Policing strategies.
  - (v) Tooling/equipment, logistics and communications
  - (vi) Regional linkages.

4. It should constitute a felony for any Commissioner to withhold intelligence information or recklessly or deliberately failing to take action necessary to prevent the commission of crime that may affect another Region or Province.

#### **10.2.6 Provincial Policing Authorities**

1. Provincial Policing Authorities (PPAs) should be established at provincial levels.
2. The Provincial Policing Authorities should consist of 9 civilian members of good standing, representing business sector, civil society, professional bodies, and religious organizations, a third of who must be women. The members shall elect a non-executive chairperson.
3. The members should have been ordinarily resident in the Province for a period of not less than three years, or have for such a period been employed or owned immovable property in the Province.
4. Members should have no criminal record.
5. The members of the Authorities should be appointed by the Minister in charge of the police services, from candidates nominated by the respective professional bodies, in consultation with the Police Service Commission.
6. Members shall serve for a single term of three (3) years.
7. The functions and responsibilities of the PPAs should include:
  - (i) Working with and through the Provincial Police Commissioner/Administration Police Commandant to develop proposals on priorities, objectives and targets for police performance in the province that are submitted to the National Policing Council for consideration;
  - (ii) Monitoring trends and patterns of crime in the Province;
  - (iii) Monitoring progress in achievement of set targets;
  - (iv) Providing financial oversight;



- (v) Ensuring policing accountability to the public; and
- (vi) Ensuring compliance with national Policing standards.

#### **10.2.7 Restructured Kenya Police Service**

1. The following main changes and restructuring should be effected to the Kenya Police Force:
  - (i) The Kenya Police Force should be renamed the Kenya Police Service.
  - (ii) The head of the Kenya Police Service should be an Inspector-General at National level, assisted by a Deputy Inspector General.
  - (iii) Provincial Police Commissioners (PPCs) should replace Provincial Police Officers (PPOs). Each PPC should have District Police Commanders, Station Commanders and such other officers as will be necessary for policing purposes, for example Police Post Commanders and Patrol Base Commanders at the lowest level. They should have operational and financial autonomy in carrying out their functions and responsibilities
  - (iv) A Directorate of Criminal Investigations (DCI) should be established which should be headed by an Assistant Inspector General. This should replace the current CID and should be devolved to provincial levels
  - (v) There should be a Presidential Escort and VIP Protection Unit.
  - (vi) A Commandant with a ranking equivalent to a Regional Commissioner of Police should head the General Service Unit (GSU)
  - (vii) There should be a Traffic Department which should be devolved to the provincial level
  - (viii) There should be a Maritime Police Unit
  - (ix) There should be a Kenya Police Air Wing
  - (x) There should be a Kenya Police Reserve Unit
  - (xi) The Internal Police Complaints Department (Internal Affairs Unit) should be strengthened
2. Additional changes should be:
  - (i) The Police Service Commission in consultation with the National Police Council should determine the ranking.

- (ii) Provincial Police Commanders (PPCs) should have complete operational and financial autonomy from the centre. The same principle will apply in respect to Director DCI and Commandant GSU.
- (iii) Recruitment and deployment of the Police Commissioners should be done by the Police Service Commission (PSC) and should be on a performance contract basis. Dismissals can be initiated by the PSC or with the recommendation of the Inspector General through a panel set up by the PSC.
- (iv) Evaluation should be based on a performance-based appraisal system.
- (v) The Inspector General may form a police unit based on a security needs assessment upon consultation with the National Policing Council.

#### **10.2.8 Inspector General of the Kenya Police Service**

1. Appointment: The President on the recommendation of the Police Service Commission should appoint The Inspector General and the Deputy Inspector General after a competitive process. He/she should hold office for one term of five (5) years.
2. Functions of the Inspector General should include:
  - (i) Overall Commander of the Kenya Police Service
  - (ii) Policing policy guidance and direction
  - (iii) Member of the National Police Council
  - (iv) Monitoring and evaluation
  - (v) Audit, supervision and inspection
  - (vi) Research and development
  - (vii) Provision of internal oversight (Internal Affairs)
  - (viii) Benchmarking against best practices

#### **10.2.9 New ranking structure for the Kenya Police Service**

1. The following ranking structure should be adopted:
  - (i) Inspector General
  - (ii) Deputy Inspector General (one post)
  - (iii) Assistant Inspector General
  - (iv) Police Commissioner

- (v) Assistant Commissioner of Police
- (vi) Senior Superintendent of Police
- (vii) Superintendent of Police
- (viii) Chief Inspector
- (ix) Inspector
- (x) Sergeant
- (xi) Corporal
- (xii) Constable

#### **10.2.10 Directorate of Criminal Investigations (DCI)**

1. A Directorate of Criminal Investigations should be established which should be headed by a Director whose rank will be that of an Assistant Inspector General of Police. A Deputy Director whose rank will be equivalent to that of a Regional Commissioner should deputize him/her. The DCI should have a Department of Forensic Science, be semi-autonomous, and have operational and financial independence. It should serve both police services and provide a link with the Office of the Director of Public Prosecution.
  
2. The DCI should, amongst others, have the following functions:
  - (i) Provide criminal intelligence
  - (ii) Undertake investigations on serious crimes including homicide, narcotics trafficking, human trafficking, money laundering, terrorism, economic crimes, piracy, organized crime, cyber crime etc.
  - (iii) Forensic science
  - (iv) Maintenance of law and order
  - (v) Detection and prevention of crime, etc.

#### **10.2.11 General Service Unit (GSU)**

1. The GSU should be a paramilitary unit which is equipped by, and a mobile formation/branch of, the Kenya Police Service

2. The Unit should be headed by a Commandant whose rank should be equivalent to that of an Assistant Inspector General
3. The functions of the General Service Unit should be:
  - (i) Manage and deal with special operations and internal civil disorder
  - (ii) Provide security to the President, Prime Minister, the Vice President, and other Very Important Persons (VIPs)
  - (iii) Security of State Houses and State Lodges
  - (iv) Anti-terrorism operations
  - (v) Counter insurgency operations
  - (vi) Escort of:
    - Currencies
    - Arms and ammunition
    - Dangerous prisoners
    - Explosive devices
  - (vii) Complement other Government agencies in disaster management efforts

#### **10.2.12 General Duty Police**

1. The General Duty Police should comprise the Provincial Police Commissioners (PPCs), District Commanders, Station Commanders, Post and Patrol Base Commanders and should have, amongst others, the following functions:
  - (i) Detection and prevention of crime
  - (ii) Maintenance of law and order
  - (iii) The preservation of peace
  - (iv) Protection of life and property
  - (v) The apprehension of offenders
  - (vi) All other policing duties, functions, powers and privileges

#### **10.2.13 Police officers undertaking prosecution duties**

1. An audit should be undertaken to establish the levels of training and competence of police prosecutors

2. Those found to be sufficiently qualified should be seconded to the Office of the Attorney General
3. Adequate budgetary allocations should be provided to enable immediate recruitment of professional prosecutors
4. Police prosecutors should be phased out within the next five years

#### **10.2.14 Traffic Department**

1. A modern traffic management system should be established, complete with micro computer accident analysis package for the management of traffic accident data.
2. The traffic management system and the automated number plate recognition system should be computerized and integrated. Due to the cost factor, this should only be considered in the longer term.
3. All police officers working in the Traffic Department who have no training in traffic management and operations should immediately be removed and replaced by officers with relevant training in traffic management and operations.
4. The department should be reorganized so that there is a clear demarcation of functions in order to streamline accountability all the way from police station level up to the Traffic Commandant.
5. Roadblocks should be laid for a particular policing purpose and removed once that purpose is achieved.
6. The relevant sections of the Traffic Act (Cap 403 of the Laws of Kenya) should be amended to prescribe deterrent penalties for drivers who flout traffic laws.

#### **10.2.15 Presidential and VIP Escort Unit**

1. This Unit be renamed 'The Presidential Escort and VIP Protection Unit' as it would better describe its more expanded mandate of protection functions.

#### **10.2.16 Maritime Police Unit**

1. The Maritime Police Unit should be revamped, adequately staffed with qualified personnel, equipped with modern speedboats and allocated sufficient funds.
2. A complete overhaul, revamping and modernization of the maritime police unit should be undertaken. There is also need for clarity and coordination between the Police and other key agencies in this area such as Kenya Ports Authority, KWS as well as the Kenya Navy to optimize resources and personnel and to enhance security.

#### **10.2.17 Kenya Police Air Wing**

1. The government should appoint a committee of experts, including from the aviation industry, to assess the performance and viability of the Kenya Police Air Wing.
2. A consolidated Air-Wing shared by the Kenya Police, the Administration Police and the Kenya Wildlife Services should be established. The Chiefs of these organisations should discuss the modalities.
3. Provision should be made for adequate terms and conditions to attract and retain pilots and engineers of the highest possible standard.

#### **10.2.18 Kenya Police Dog Unit**

1. It is recommended that in addition to the current functions that the unit be given mandate to breed and train dogs for commercial purposes as an income generating unit.
2. It is recommended that there be established an animal unit that will incorporate the current dog unit, the mounted unit that cares for and maintains horses, to cater for any animals that the police may require in the course of their duties.

#### **10.2.19 Restructuring of the Administration Police**

1. The Administration Police should be renamed Administration Police Service
2. A Commandant General shall be the Commander/head of the Administration Police Service, assisted by a Deputy Commandant General.
3. The Provincial and District Administration Police Commanders should be included in the Provincial Security Intelligence Committees (PSIC) and District Security Intelligence Committees (DSIC) respectively.
4. A restructuring of the Administration Police Service should take place with powers and responsibilities devolved to Provinces and Districts. The Provincial Administration Police Service Commandants should have operational and financial autonomy.
5. The highest rank at the provincial level should be Commandant of the Administration Police Service while at District level it should be a Senior Superintendent of Administration Police Service.
6. Commandants of the Administration Police Service will head the specialized units within the Administration Police Service

7. The Administration Police Service should be under general control and supervision of the Provincial Administration but will be operationally and financially independent
8. A provision should be introduced into the Administration Police legislation providing that the police shall be impartial and objective in all manners and in particulars in all political matters and shall not accord different treatment to different persons on the basis of their political opinions. Political misuse of the police service will be criminalized.
9. Among the functions of the Administration Police Service should be the following:
  - (i) Support civil authority in enforcement of administrative functions and exercise of lawful duties
  - (ii) Provide border security
  - (iii) Security of government buildings, vital installations and strategic points
  - (iv) Anti-Stock theft duties
  - (v) VIP protection service as shall be determined by the National Policing Council
  - (vi) Compliment Administrative Officers in conflict management and peace building
10. The President, on the advice of the Police Service Commission, should appoint the Commandant General after a competitive process. The Commandant General should serve for one five-year term
11. Among the functions of the Commandant General should be the following:
  - (i) Operational commander of the Administration Police Service
  - (ii) Policing policy guidance and direction
  - (iii) Budgeting, planning and provision of logistical support
  - (iv) Monitoring and evaluation
  - (v) Audit, supervision and inspection
  - (vi) Research and development



- (vii) Providing internal oversight (internal affairs unit)
- (viii) Benchmarking against best practices
- (ix) Member of the National Policing Council

#### **10.2.20 Anti Stock Theft Unit**

1. The Task Force recommends the retention of the Anti-Stock Theft Unit as a dedicated unit for anti-stock theft operations.
2. Since the Task Force has recommended that the Administration Police should be responsible for maintenance of law and order in the rural areas of Kenya as well as the patrolling of Kenya's boundaries, the Task Force further recommends that the Anti-Stock Theft Unit should be constituted as a Unit of the Administration Police.
3. The Anti-Stock Theft Unit should be deployed exclusively in parts of Kenya that are prone to high levels of cattle-rustling. The Unit should not be used for ordinary police duties as appears to be the case presently.
4. The crowd control duties as well as the horse-breeding and horse-training functions presently being performed by the Anti-Stock Theft Unit should be transferred to the General Service Unit. The police officers presently serving in the Anti-Stock Theft Unit should be re-deployed back to the General Service Unit.

#### **10.2.21 Administration Police Ranking Structure**

1. The following ranking structure should apply to the Administration Police Service:
  - (i) Commandant General
  - (ii) Deputy Commandant General (one post)
  - (iii) Assistant Commandant General
  - (iv) Commandant
  - (v) Senior Superintendent
  - (vi) Superintendent
  - (vii) Chief Inspector

- (viii) Inspector
- (ix) Sergeant
- (x) Corporal
- (xi) Constable

#### **10.2.22 Administration Police and Provincial Administration**

1. The powers of the PSICs and DSICs should be strengthened by appropriate legislation to enable them to effectively confront the overall security needs of the area for which they are responsible.
2. The appropriate Officer of the Administration Police Service should be an official member of the PSICs/DSICs. This would enable them to be part of planning the overall strategy and then to be able to effectively carry out the operational duties agreed upon.
3. It should be recognized that both of the Police Services are there to assist the Provincial Administration to the fullest extent possible, but as disciplined services they have a direct chain of command to their Commissioner and Commandant respectively. Once decisions have been taken, the police should have operational independence.
4. The Administration Police Service should continue to be under the general control and supervision of the Provincial Administration until such time there is a devolved government structure.

#### **10.2.23 Code of Ethics**

1. The two police services should develop clear codes of ethics and require police officers to commit themselves to, amongst others, the following:
  - (i) Act with fairness and carry out policing responsibilities with integrity and impartiality
  - (ii) Perform policing duties with diligence and a proper use of discretion
  - (iii) In dealings with all individuals, both inside and outside the police service, display self-control, tolerance, understanding and courtesy appropriate to the circumstance

- (iv) Uphold fundamental human rights, treating every person as an individual and display respect and compassion towards them
- (v) Support all colleagues in the performance of their lawful duties and in doing so, actively oppose and draw attention to any malpractice by any person
- (vi) Respect the fact that much of the information that police officers receive is confidential and may only be divulged when duty requires that to be done
- (vii) Exercise force only when justified and use only the minimum amount of force necessary to effect a lawful purpose and restore peace
- (viii) Act only within the law, in the understanding that a police officer has no authority to depart from due legal process and that no one may place a requirement on a police officer to do so
- (ix) Use resources entrusted to individual police officers to the maximum benefit of the public
- (x) Accept individual responsibility for self-development, continually seeking to improve the way in which the police officer serves the community
- (xi) Accept personal accountability for individual acts and omissions, including those that lead to conflict of interest.

#### **10.2.24 Conflict of Interest**

1. All police officers should be obliged to declare their businesses interests to the Inspector General and Commandant General respectively as part of a process of assessing the extent of the problem, and be allowed a reasonable period to divest from businesses that conflict with their policing work.
2. The authority to approve applications for engagement of police officers in trade and other business interests should be transferred from the Heads of police services to the Police Service Commission

3. Police officers should be prohibited from direct or indirect involvement in the following areas of business:
  - (i) Public transport including taxis
  - (ii) Vehicle breakdown or towing services,
  - (iii) Private Security related business.
  - (iv) Weigh bridges
4. An offence relating conflict of interests should lead to disciplinary action and even possible dismissal.

#### **10.2.25 Internal Police Accountability**

1. A unit should be established in each of the police services headed by an Assistant Commandant and a Senior Assistant Commissioner of Administration Police and Kenya Police respectively to specifically handle investigations, arrest, and prosecution of offending police officers in liaison with the Attorney General
2. The internal enforcement unit should be responsible for managing the police against police complaints with a view to either pursuing prosecution or recommending action of whatever nature against a police officer. They should also have the authority to take over complaints already being dealt with by the police when deemed appropriate.

#### **10.2.26 Establishment of an Independent Police Oversight Authority**

1. An Independent Police Oversight Authority should be established under the Constitution and supporting legislation (Independent Police Oversight Authority Act)
2. An immediate amendment of the constitution should be effected to enable the creation of the Independent Policing Oversight Authority (IPOA)

3. Composition: The Independent Policing Oversight Authority should be made up of seven (7) persons as follows: -
  - i) Chairperson, who shall be a person qualified to be appointed a Judge of the High Court of Kenya
  - ii) Six (6) other members with the knowledge and proven experience in their respective fields as follows:
    - (a) Two from public administration
    - (b) One with a human rights background
    - (c) One from financial management
    - (d) One from corporate management
    - (e) One from religious leadership
  - iii) No gender should exceed two thirds of the total membership provided that the Vice Chairperson should be of different gender from the Chairperson
4. Recruitment of members should be through a competitive process to be conducted by the Public Service Commission
5. Appointment of Members: The Public Service Commission should recommend to Parliament the names of successful applicants for approval. Parliament should forward the names to the President for appointment in consultation with the Prime Minister. Members should serve for one 5-year term
6. The Independent Policing Oversight Authority should, among others, have the following functions:
  - (i) Monitor the implementation of policy relating to police services
  - (ii) Monitor the standard of performance of the police service, so as to ensure that internationally accepted standards of policing are maintained

- (iii) Monitor the management and use of financial and other resources of the police
- (iv) Receive, initiate and investigate allegations of misconduct by the police services
- (v) Receive and investigate complaints from serving police officers
- (vi) Monitor, review and audit investigations and actions taken by the police services in response to complaints against the police
- (vii) Co-ordinate other institutions on issues of police oversight
- (viii) Perform such other functions as may be necessary in the execution of its mandate
- (ix) Review patterns of police behaviour as well as systematic functioning of the internal disciplinary complaints process

7. The Independent Policing Oversight Authority should have all powers necessary for the execution of its functions under the Constitution and legislation (The Independent Police Oversight Authority Act). These should include:

- (i) Power to investigate complaints
- (ii) Power to take over internal investigations into internal police conduct which are already commenced by the police where deemed appropriate.
- (iii) Power to demand mandatory cooperation from the police
- (iv) Compelling attendance of witnesses
- (v) Power to subpoena documents
- (vi) Power to obtain search warrants
- (vii) Obtaining listening devices or telecommunication interception
- (viii) Ensuring witness protection
- (ix) Power to recommend prosecutions
- (x) Power to follow up on recommendations, in particular requiring feedback on implementation within a specified period
- (xi) Power to enforce implementation of its decisions through the courts
- (xii) Reporting to parliament
- (xiii) Power to determine its own procedure

8. Failure to co-operate with the Independent Policing Oversight Authority should be made a criminal offence
9. For purposes of accountability, the Authority should submit quarterly reports to the President, Prime Minister, Parliament and the public.

#### **10.2.27 Effective Police Communication**

1. In order to establish effective communication between the police and members of the public, the Independent Policing Oversight Authority and the two Police Services should, amongst others, introduce the following:
  - (i) Regular briefings by a police spokesperson at the Office of the National Police Council on behalf of both the Kenya Police Service and the Administration Police Service
  - (ii) Heads of both Police Services and IPOA should conduct regular public awareness campaigns on the complaints procedure in websites, through brochures, media talk shows, etc. The information should include:
    - How to file a complaint
    - Clearly indicate where and with whom a complaint against services or procedures and regulations may be lodged
    - Indicate a timeline for acknowledgement of the complaint once received or follow up on complaints filed
    - The category of complaints that should be filed with the police directly and those that may be taken directly to IPOA
    - What action the complainant should expect from the Police
    - The responsibility of the complainant in facilitating investigations into the complaint
    - The options open to the complainant in case one is not satisfied with the decision of the police or IPOA.

#### **10.2.28 Recruitment**

1. A moratorium should be placed on all Police recruitment for the Kenya Police and Administration Police. Any funds budgeted for recruitment for 2009/2010

Financial Year should be redirected to address some of the pressing problems currently facing both Police Services.

2. Minimum academic entry requirements should be raised to Kenya Certificate of Secondary Education (KCSE) mean grade C plain unless:
  - (i) In exceptional cases where a District does not meet its quota, a request shall be made to the Police Service Commission to consider a waiver on a case-by-case basis for applicants who meet all other requirements except the academic grade, provided that such applicants shall have a mean grade not lower than C-.
  - (ii) In addition, applicants admitted under this exception clause should be required to upgrade their academic qualifications to a mean grade C plain within the one-year probationary period.
  - (iii) The exception clause of C- should lapse after 3 years from the commencement of the implementation (end of year 2012).
3. The Police Service Commission should do recruitment of police officers while the District Security Intelligence Committees will support the PSC with the vetting of the candidates.
4. The recruitment process should involve:
  - (i) 1<sup>st</sup> stage:
    - (a) Written applications to the Police Service Commission, in response to advertised positions, with candidates indicating why they are interested in police work. Originals should be submitted through the DSIC with copies of the application directly to the Police Service Commission
    - (b) Presentation of a certificate of good conduct
    - (c) Two references, one of whom should be a religious leader within the applicant's community and the other a Head teacher/principal of the applicant's immediate former school



- (d) Pass written and oral in response to advertised positions entry examinations
- (ii) 2<sup>nd</sup> stage:
  - (a) Short listed recruits from the Districts are reviewed at Provincial level for further interview and vetting/sieving
  - (b) Final selection of applicants to undergo training at KPTC/APTC on approval by the Admissions Committee of the PSC.
- (iii) 3<sup>rd</sup> stage:
  - (a) A 15 months training programme in three phases of 9:3:3. The Board should conduct a mid-term evaluation of the trainees in each case.
  - (b) Final evaluation after 15 months to determine suitability for entry into the Service
  - (c) Approval of final list by PSC and deployment.
  - (d) 1 year probationary period at the end of which the new recruit should be examined on various aspects of policing, on- the job performance and conduct. *(During this period, the recruit is regarded as a Trainee Constable.)*
  - (e) PSC gives approval for confirmation in service and rank.
  - (f) To encourage transparency in the recruitment exercise, names of the recruits shall be published in the newspapers and at every District headquarters.
- 5. Even when the Police Service Commission recruits from the National Youth Service, the candidates have to meet the set standards of enlistment taking into account regional balance.
- 6. Graduate recruitment:
  - (i) The same recruitment process for constable recruits should apply in the case of cadets.
  - (ii) The duration of training should be in four phases of 9:3:3:6 21 months.

- (iii) Training curriculum and classes to be as that of Constable recruits to ensure understanding of basic policing skills. Emphasis in the next 9 months should be on management and leadership, research & innovations, etc
- (iv) On completion of the two-year police cadet training, the Police College should award a postgraduate diploma or relevant postgraduate degree in Police Studies. In the short term, before the establishment of a Police Academy, such a programme could be run in collaboration with Kenyatta University with which the Kenya Police has indicated existing training collaboration.
- (v) On graduation, to serve 1-year probation period as a Cadet Inspector after which the Police Service Commission appoints as an Inspector.
- (vi) Graduates with specializations should be exempted from basic Police training and physical requirements. However, a special induction course that is tailor- made for specialists should be developed to ensure that they fit within police work.
- (vii) A deliberate effort should to be made to recruit at least 10% university graduates and diploma holders into the Police Service.
- (viii) In order to raise policing standards, the quality of management, leadership and opportunities for career progression, the Police Services should introduce distance learning.
- (ix) In order to improve the quality of training and instruction, the Police Training Colleges should in addition to their instructors and trainers, engage the services of professionally qualified trainers, including those drawn from Universities and Colleges in specialized fields.
- (x) Payment of salary to the recruits during their training should be reviewed together with other disciplined services.

#### **10.2.29 In-Service Training**

1. In view of the common purpose of policing that the Kenya Police and Administration Police share, the proposed Police Service Commission, should work out a standard curriculum to cover both services.

2. The proposed Police Academy should cater for both Services. Any plans to develop separate Academies for each of the two police services should be stopped.
3. The Commanders Courses should be re-introduced immediately and any officers who have been deployed as Officer Commanding Station or Division (OCS/OCPD) without having undergone the Commanders course should be redeployed from station management until they successfully complete the course.
4. All training facilities of both police services, including those at the Provincial levels, should be expanded and upgraded to meet the training needs of the police.

#### **10.2.30 Police Deployment**

1. All officers performing non-core functions should be retrained and redeployed to boost police visibility.
2. Consideration should be given to the use of private security providers and the National Youth Service in non-core functions
3. Clear policy and criterion on secondment to parastatals and other institutions should be developed by the PSC
4. The deployment of police officers should be aligned to their talents, skills and specializations.

#### **10.2.31 Police Transfers**

1. The Government should, as a matter of urgency, avail Kshs 196 million for Kenya Police and Ksh115 million for the Administration Police to settle all outstanding transfer allowances.
2. A moratorium should be placed on mass transfers and transfers should only be in exceptional cases until all problems associated with the current transfer practices are resolved.

3. Unless there is pressing need for transfers, they should be affected only when there are adequate budgetary provisions to pay transfer allowance.
4. To avoid disrupting the lives of members of the officer's family who accompany them, including children who could be in school, transfers should be effected only between the last week of November and third week of December of every year. This provision may not bar the responsible officers from effecting transfer of officers in any other months when exigencies of duty demand.
5. Where an officer has children attending school in the current duty station, the Department shall continue to facilitate their continued stay until the end of that school year if the officer does not wish to transfer such children in the mid year.
6. The transfer of officers should as much as possible, be effected after three years as provided for in Chapter 23 Section 5 of the FSO and the Civil Service Code of regulations, unless an officer is moving on promotion or for other reasons intended to enhance police performance.
7. The Government should consider basic furnishing of police quarters to reduce the cost and burden of officers moving with their luggage on transfer and accommodation. The construction and furnishing should be contracted to the National Youth Service and the Prisons Department respectively. In the first phase of its implementation, the programme could be prioritized for police stations/posts and AP Outposts in hardship areas.

#### **10.2.32 Promotions**

1. The recommendations of the Promotion Boards should be audited by the Police Service Commission to restore the credibility of the Boards.

2. Police ranks should be rationalized by collapsing them to a maximum of 12 clear job descriptions developed for all Ranks. The officers already serving on Ranks that will be rationalized should be redeployed but may hold the Ranks personal to themselves, subject to their suitability for retention in the Police Services.
3. The proposed Police Service Commission (PSC) should determine the number and set clear guidelines on promotion on merit to reduce the perception of bias in the promotion process.
4. The PSC should also work out a non-promotion reward scheme to recognize outstanding performance by police officers.
5. Promotions should be based on the police service staff complements as reflected in the authorized establishment, rather than being supply-driven.
6. The proposed PSC should establish the cases and causes of the alleged stagnation in both police services in its staff review with a view to rectifying any anomalies. The PSC should also develop a clear career progression path whose requirements are clearly known to all police officers.
7. PSC should interrogate the number of senior posts at the levels of Assistant Commissioners of Police/Administration Police and above. The current police service structures appear top heavy with officers that do not have any clearly defined responsibilities.

#### **10.2.33 Police Management**

1. All officers from the rank of Assistant Commissioner of Police/ Assistant Commissioner of Administration Police and above should be subjected to a review against a criteria (professionalism, integrity, track record, and psychological fitness) developed jointly by the Public Service Commission

(PSC), the Kenya Anti Corruption Authority (KACC) and National Security Intelligence Service (NSIS).

2. The ranks below those indicated above can thereafter be progressively reviewed by the proposed Police Service Commission until all current members of the police have been cleared.
3. Those found unfit for retention should be retired from the two services, with sufficient safety nets to cushion them on exit.
4. The Government should establish an exchange programme with countries whose police services enjoy a reputation of probity and professionalism. Middle/senior level police officers who are rated highly after the suitability assessment can be sent on these programmes for one to two years to prepare them for leadership roles. The host Governments can be requested to second their officers to Kenya in equivalent positions to entrench core values in various areas of policing.
5. The structure of the Kenya Police and the Administration Police should be reviewed as it is apparent that there are too many senior positions at the top that are not proportionate with ideal policing structure.

#### **10.2.34 Police Housing**

1. An immediate audit of incomplete housing projects to should be carried out to determine the level of completion and a programme be worked out to hand over the projects to an Inter-Departmental team comprised of the Department of Defence, Prisons Department, the National Youth Service and the Ministry of Housing.
2. The Government should utilize the expertise and technology available within the Department of Defence, Prisons Department, the National Youth Service

and the Ministry of Housing to construct suitable houses for the Kenya Police and Administration Police and complete the stalled housing projects.

3. To integrate the police within the community under the community policing programme, the Government should consider in the long term providing adequate housing allowances to enable police officers to rent accommodation within the community. With improved mobile telephony and means of transport, it should be possible to mobilize the officers at a short notice. This is with the exception of specialized security formations such as the General Service Unit.
4. A programme should be developed for the phased completion of the houses based on immediate, medium and long term. Depending on the level of completion, the Departments named above should be mandated to assist in completing houses with a focus on areas where housing conditions are worst.
5. An audit of police houses occupied by non-police officers should be carried out. The houses should be re-possessioned immediately for allocation to police personnel
6. Government should consider furnishing police quarters especially in remote areas with basic furniture so as to minimize the level of disruption of an officer's life and ease of resettlement in the new station especially when on transfer at a short notice. The furnishing could be sourced from the Prisons Department.
7. Government should provide adequate budgetary provisions to facilitate the acquisition of adequate housing for the Police Services.
8. Government should encourage private/public partnerships in providing housing to police officers to enhance police/public integration. Government could give concessions to property developers who dedicate a given number of housing units to police.

9. Government should continuously match the police house allowances with the prevailing market rates where housing is not provided.
10. Existing housing units and other police facilities should be maintained in accordance with existing rules and regulations of the Ministry of Housing.
11. Annual inspections of the welfare facilities should be conducted and the management and cleanliness of police canteens/ messes improved.

#### **10.2.35 Medical and Life Insurance Cover**

1. A comprehensive medical and insurance cover that takes care of the health of the officers on account of their high-risk exposure should be introduced.
2. The Government should improve and set aside amenity wings in Government medical facilities at the Kenyatta National Hospital, Provincial and District Hospitals specifically for the medical care of the police and their families, and other public servants. In addition, the Forces Memorial Hospitals should be expanded and a wing within the existing infrastructure dedicated for the medical care of police officers.
3. The procurement of life insurance cover for the Kenya Police and Administration Police should be fast-tracked and implemented as early as January 2010.

#### **10.2.36 Leave**

1. A deliberate programme should be put in place to assist as many police officers as possible to take their leave as provided for in the Civil Service Code of Regulations and FSO unless exigencies of duties militate against it. This should be part of a stress management programme for the police services.



2. Officers in charge of various departments and formations should be required to develop leave schedules for all the officers under them to assist them to clear leave backlogs. These schedules should be used to allocate required funding for leave allowance.

#### **10.2.37 Police Salaries and Allowances**

1. The salary structure for the Kenya Police and Administration Police should be harmonized at all equivalent levels with that of the Armed Forces and both be revised in tandem when the reviews are due. The status quo with regard to the privileges/provisions unique to the Armed Forces should however, be maintained.
2. The increases should be implemented within a period of 2 years with effect from 1<sup>st</sup> July 2010 so as to maintain the intended value of the increases. The estimated cost of this adjustment is Kshs.18, 962,282,059 per annum.
3. The Government should ensure that the policy of harmonization of pay and benefits in the Public Service is institutionalized to guard against unrealistic pay levels that only serve to cause agitation in the Public Service when some sectors are favoured disproportionately over others. In this regard, the Task Force was informed that a Bill has already been prepared to entrench the Permanent Public Service Remuneration Board in the Constitution, with the mandate to determine and harmonize pay levels in the Public Service.

#### **10.2.38 Retirement and Post Exit Management**

1. Both Police Services should establish an association for retired police officers.
2. Retired police officers should have access to medical facilities dedicated to the police service.

3. Retired and able police officers should be utilized in training at the Police Training Colleges and Provincial Training Centres where appropriate. They should also be used to boost the capacity of local community policing groups.
4. A minimal budgetary provision should be factored in the police budget to pay a token fee to such officers.
5. A formal database of all retired police officers as well as other disciplined services should be established in all Districts.
6. On the death of a retired officer, the local Officer Commanding Station or Administration Police equivalent should take charge of the funeral arrangements to ensure a dignified send-off to the deceased officer. A budgetary provision should be made for this purpose.

#### **10.2.39 Police Chaplaincy and Spiritual Services**

1. The chaplaincy services should be provided for in the proposed Force Standing Orders for the Administration Police and the revised Kenya Police to ensure its institutionalization in the police services.
2. In the short term, a common chaplaincy service should be considered for both police services to engender esprit de corps. The respective police services should however have liaison officers at the Police Station, District and Provincial levels for visibility, availability and effectiveness.
3. In the long term, a joint or common chaplaincy services should be considered for all the disciplined Forces to take advantage of expertise and professional experience already available in the disciplined services. The details of the proposed structure should be developed in cooperation with the proposed Police Service Commission and the Armed Forces.
4. Training colleges should consider outsourcing professional counsellors to enhance their training capacity in chaplaincy.

5. Provision should be made for professional counsellors to debrief officers who have experienced serious trauma, and need treatment for Post Traumatic Stress Disorder (PTSD), and later to assist them as they prepare for retirement.
6. Qualification for appointment of police officers to the chaplaincy services should be thoroughly scrutinized and standardised to ensure professionalism.
7. There should be a budget line for chaplaincy services to ensure that it is mainstreamed in the welfare management of police officers.
8. Chaplaincy services should be implemented at all levels for different denominations and faiths in phases to ensure visibility of the chaplaincy service.

#### **10.2.40 Tooling, Logistical and Technological Capacity**

1. The tooling, logistical and technological capacity of the police services should be reviewed to establish the exact needs and specification in order to bring policing to international standards. Consideration should be given to prioritizing communication and information technology and transportation.
2. The National Policing Council should develop a 3-year National Policing Plan based on amongst others inputs from police formations from the lowest level and ensure regular audit and inspection.
3. Where appropriate, a formula should be established for police establishments, stations and posts to share facilities with a view to maximising operational and financial efficiency, for example cells and holding facilities.
4. The use of CCTV cameras as a policing component particularly in major cities and our highways should be incorporated in the National Policing Plan.

5. Legislation should be developed to make electronic, audio-visual, computer data and photographic evidence admissible in court.
6. The capacity of Forensic Science Service Department (FSSD) should be enhanced within the Directorate of Criminal Investigations to be staffed by civilian experts to enable the police concentrate on their core duties.
7. A National Coroner Service should be established where the pathologists should be based.
8. Personnel with the right capacities and capabilities should be developed in the field of forensic science. However, in specialised fields such as DNA technology, consideration should be given to outsourcing.
9. Before the development of a fully equipped central forensic science laboratory takes place, properly trained personnel should be put in place.

#### **10.2.41 Operational Preparedness**

1. A reform and improvement unit should be established within each police service to regularly monitor and appraise the pace of reforms and operational preparedness. The unit should submit quarterly report to the National Policing Council.
2. An intelligence-led policing ethos should be adopted as an integral component of police operations. In addition, the criminal intelligence unit should be enhanced to coordinate the collection, analysis, production and dissemination of intelligence information to the relevant police units for action.

3. The police services should become an integral part of the initiative by the Ministry of Immigration and Registration of Persons and other stakeholders to develop an Integrated Population Registration System (IPRS).
4. The capacities of the specialized units dealing with sophisticated crimes should be enhanced and others should be created where none exist. All these should fall under the Directorate of Criminal Investigations.
5. In view of the increased levels of sophisticated organized crime both by domestic criminal group as well as international criminal networks, it has become necessary for a highly specialized, well resources dedicated unit to be established to combat the crime. In establishing this unit the best experts nationally and internationally should be involved.
6. It is urgent that outstanding bills and laws relating to anti-terrorism, money laundering and other economic crimes, organized crime, cyber crime and human trafficking be finalised and enacted.
7. The incorporation of civilian staff component as an integral part of police forces should be encouraged.
8. The capacity of the National Crime Research centre should be significantly enhancement with a view to providing regular high quality research in support of policing. The National Crime Research Centre should conduct an annual crime survey, which should inform the National Policing Plan.
9. There should be strict adherence to the provisions of the Police Act (cap 84) and FSO on the use of firearms. District Security Intelligence Committees should monitor the allocation of firearms to Kenya Police Reserve in rural areas.

#### **10.2.42 Disaster Preparedness and Conflict Management**

1. The Government should fast track the development of the National Disaster Management Policy and the legal framework to provide for a structured coordination in the response and management of disasters, including allocating specific roles and functions to the police, military, and other relevant Government agencies, civil society organizations, international humanitarian organizations, and United Nations agencies, among others.
2. The police should be provided with basic equipment, skills, tools and kits necessary for first line responses to emergencies before the specialists get to disaster scenes. In particular, police radio system/communication system should always be in good working condition.
3. The teaching of conflict prevention and resolution skills should be enhanced at all Police Training Colleges for effective police engagement in the community. In addition, there should be regular refresher courses on disaster management for police personnel at all levels.
4. A code of conduct should be developed for police personnel for strict observance during any disaster situation.
5. The policy on Peace Building and Conflict Management for the effective engagement of the Police Services in conflict early warning systems and effective collaboration with other stakeholders should be fast-tracked.
6. The capacity of police officers in peace building and conflict management skills should be enhanced to enable them to respond effectively to communal conflicts where necessary before they get out of control.
7. Develop and implement a programme for public awareness and sensitization on disaster management should be developed and implemented.

#### **10.2.43 Community Policing**

1. The completion of the National Policy on Community Policing be fast-tracked.
2. The National Policy on Community Policing should, among other things, address the following issues:-
  - (i) Full involvement of the community in the development and implementation of the policy
  - (ii) Re-engineering a major paradigm shift in the relationship between the police and members of the community
  - (iii) Clearly defined role in community policing of other key stakeholders such as the relevant Ministries in the criminal justice system, the Ministries of Finance, Local Government, Education, Youth Affairs, schools, religious groups, and the civil society
  - (iv) Development of an effective community policing target setting formula and feedback mechanisms
  - (v) Motivation of citizens in community policing and sustainability of community policing programmes
  - (vi) Mobilization of resources to facilitate and support community policing programmes
  - (vii) Efficient coordination and management structure cascaded from the national level to the neighbourhoods to give strategic leadership and direction to the community policing programme
  - (viii) Mainstreaming community policing in the national security architecture
  - (ix) Reporting mechanism to the National Policing Council, the Independent Policing Oversight Authority, the Minister responsible for internal security
3. Community policing should be anchored in a legal framework

#### **10.2.44 Private Security Services**

1. With regard to the 2004 draft Private Security Regulation Bill, the national security and policing policies should recognize the private security industry as a key player and partner in security, with clearly defined roles and

responsibilities of private security guards in such issues as arrest and detention of suspects and the extent to which such powers would differ from those of the police and private citizens.

2. In addition, the policing policy should require private security providers to operate within the national values, principles and morals required of policing in a democratic country; set professional standards including training; and a code of conduct.
3. The draft Bill should be comprehensively reviewed and discussed with the stakeholders for ownership before being passed into law as a matter of priority.
4. In addition to ensuring that private security officers respect core democratic values and aspirations that Kenyans expect from policing, the legislation should: -
  - (i) Clearly identify the functions of the private security providers, such as crime scene guarding and cordon duties, cash escort, security checks, VIP Protection, guard duties, etc
  - (ii) Ensure a credible institution for licensing private security personnel and optimal regulation of the industry
  - (iii) Provide for the licensing of private security personnel including in-house after comprehensive background checks
  - (iv) Require the taking of insurance cover, training of guards to specified standards, and setting of vehicle and uniform standards to avoid confusion
  - (v) Provide for the promulgation, adherence and enforcement of a code of conduct
  - (vi) Specify the weapons, if any that private sector firms can use
  - (vii) Establish a transparent and reliable mechanism to deal with complaints against private security providers



5. The proposed Police Reforms Implementation Commission should prioritize this comprehensive review, stakeholder discussion, and enactment of the legislation.
6. The private security agencies should be regulated by law to provide among other things for vetting a record of the agencies, a data bank for its personnel and the relationships between the agencies and the security networks in the country. It should further provide for regulation of their conduct and the consequences of breaches.

#### **10.2.45 National Security Policy**

1. The Task Force therefore recommends that the Ministers responsible for Internal Security and Defense should immediately set up stakeholder committees to start the process of developing a national security policy, and legislation, starting with the draft prepared by the NSIS.

#### **10.2.46 National Policing Policy**

1. The Task Force recommends that the proposed National Policing Council spearheads the immediate development of a National Policing Policy alongside the development of the National Security Policy.

#### **10.2.47 Legislation**

New legislation will require to be enacted and existing legislation will require review, amendment or repeal to accommodate the recommendations. Legislation will be required to provide for the Police Service Commission, Independent Policing Oversight Authority, Private Security Services Providers and Police Reforms Implementation Commission.

The Police Act and the Administration Police Act will require to be reviewed, updated and modernized to provide, among other things for:-

- (i) The Kenya Police Service;
- (ii) The Administration Police Service;

- (iii) The roles and functions of the Inspector General and the Commandant General;
- (iv) Review the Police Service Standing Orders and development the Administration Police Service Standing Orders.

#### **10.2.48 Police Reforms Implementation Commission**

1. A Police Reforms Implementation Commission should be established through legislation.
2. The Commission should be composed of:
  - (i) Four members, two of whom shall be foreign police reform experts
  - (ii) Permanent Secretary, Office of Prime Minister
  - (iii) Permanent Secretary, Provincial Administration and Internal Security
  - (iv) Permanent Secretary, Ministry of Justice, National Cohesion and Constitutional Affairs
  - (v) Permanent Secretary, Ministry of Finance
  - (vi) Inspector General, Kenya Police Service
  - (vii) Commandant General, Administration Police Service
  - (viii) Chairperson, Law Reform Commission
  - (ix) Executive Director, Kenya Institute for Public Policy Research and Analysis
  - (x) Chairperson, Kenya National Commission on Human Rights
3. The Commission shall have the power to co-opt members as necessary.
4. Appointment: The President in consultation with the Prime Minister should appoint the four members of the Commission and the Chairperson should in the same manner be appointed from among the four. The Permanent Secretary, Provincial Administration and Internal Security should be the Secretary.
5. Functions: The functions of the Commission shall be to coordinate, monitor and supervise the implementation of the reforms recommended by the Task Force. The Commission shall stay in place until institutions such as the Police

Service Commission and the Independent Policing Oversight Authority are established in any case within a maximum period of 2 years.

6. Powers: The Commission shall have all powers necessary for the execution of its functions under the Constitution and Act of Parliament including: -
  - (i) Mandatory co-operation from the police, state officials and civil servants
  - (ii) Power to follow up on recommendations, in particular requiring feed back on implementation within specified time
  - (iii) Power to enforce implementation of its decisions
  - (iv) Power to subpoena documents
  - (v) Power to determine its own procedure
  - (vi) Such other powers as may be conferred by law
7. The Commission should submit progress reports to the Minister responsible for the Police, Prime Minister, HE the President, Parliament and the Public on a quarterly basis.

## APPENDIX 1: TASK FORCE GAZETTE NOTICE

### **SPECIAL ISSUE**



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GAZETTE NOTICE No. 4790

#### OFFICE OF THE PRESIDENT

#### APPOINTMENT OF A TASK FORCE ON POLICE REFORMS

IT IS notified for general information of the public that His Excellency the President and Commander-in-Chief of the Armed Forces of the Republic of Kenya has appointed a Task Force to be known as the National Task Force on Police Reforms.

1. The Task Force shall comprise the following—

*Chairman:*

Philip Ransley.

*Members:*

Sarah Odeyo.  
Bishop Alfred Rotich.  
Mohamud Ali Saleh.  
Macharia Njeru.  
Kyalo Mbohu.  
Mike Harries.  
The Attorney-General.  
Permanent Secretary, Ministry of State for Provincial Administration and Internal Security.  
Permanent Secretary, Office of the Prime Minister.  
Permanent Secretary, Ministry of Finance.  
Permanent Secretary, Ministry of Justice, Constitutional Affairs and National Cohesion.  
Permanent Secretary, Ministry of State for Public Service.  
Chairman, Law Reform Commission.  
Director, Kenya Institute of Public Policy, Research and Analysis (KIPPRA).  
Chairman, Kenya National Commission on Human Rights (KNCHR).

*Joint Secretaries:*

Victor Okioma.  
Dorcas Oduor.

2. Terms of Reference of the Task Force are to—

- (a) examine the existing policy, institutional, legislative, administrative and operational structures, systems and strategies and recommend comprehensive reforms taking cognisance of the recommendations contained in *Agenda 4: Kriegler, Waki* and other Police related Reports so as to

enhance police efficiency, effectiveness and institutionalize professionalism and accountability. (Special focus to be given to recommendations on: Police Service Commission; Independent Police Oversight Authority; Policing Policy; and National Security Policy);

- (b) examine existing competences, skills, knowledge and attitudes of the Police at all levels and make recommendations aimed at enhancing shared core values, policing excellence and benchmarking against international best practices;
- (c) review the human resource management and development policies with a view to examining current standards and practices in recruitment, deployment, training, career progression, exit, post-exit management and recommend implementation of changes that enhance morale, meritocracy and professionalism;
- (d) review the tooling, logistical and technological capacity and recommend changes necessary to sustain modern security management, disaster management, conflicts and early warning/rapid response systems and joint operational preparedness strategy;
- (e) review the state of preparedness of the Police to combat insecurity and other forms of emerging security challenges occasioned by national and international threats such as terrorism, piracy, organized gangs, drug/human trafficking, industrial espionage, cyber crime, money laundering and economic crimes;
- (f) review and recommend strategies to harmonize and fast-track partnership between the community and security agencies in policing;
- (g) design a continuous monitoring and evaluation mechanism to track police reforms gains and consistency of policing needs;
- (h) recommend appropriate institutional arrangement to oversee the implementation of comprehensive police reforms;
- (i) prepare a draft Police Reforms Bill to embrace the comprehensive police reform agenda;
- (j) make any other appropriate recommendations that add value to police reforms; and
- (k) develop a prioritized implementation matrix clearly categorizing the immediate, medium and long term police reforms and the attendant budgetary requirements.

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3. The Task Force shall be answerable to His Excellency the President of the Republic of Kenya.

4. The Task Force shall—

(a) regulate its own procedures and develop its own work plan;

(b) have mandate to receive written memoranda/information from professional bodies, public officers and the public.

5. The mandate of the Task Force shall lapse on 31st July, 2009. In exceptional circumstances, its term may be extended at the discretion of His Excellency the President.

Dated the 7th May, 2009.

MWAI KIBAKI,  
*President.*

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GAZETTE NOTICE NO. 7969

OFFICE OF THE PRESIDENT

NATIONAL TASK FORCE ON POLICE REFORMS

APPOINTMENT

FURTHER to the appointment of the National Task Force on Police Reforms through Gazette Notice No. 4790 of 2009, it is notified for the general information of the public that His Excellency the President and Commander-in-Chief of the Armed Forces of the Republic of Kenya has appointed the following additional member to the Task Force with effect from 12th June, 2009.

Peter Gastrow — (*Vice-Chairman*).

Dated the 7th May, 2009.

MWAI KIBAKI,  
*President.*

## **APPENDIX 2: POLICE REFORMS IMPLEMENTATION COMMITTEE GAZETTE NOTICE**

**GAZETTE NOTICE NO.....**

### **THE CONSTITUTION OF KENYA**

#### **POLICE REFORMS IMPLEMENTATION COMMITTEE**

##### **ESTABLISHMENT**

IT IS notified for public information that in exercise of the powers conferred by Section 23(1) of the Constitution of Kenya, and pending enactment of legislation to set up the Police Reforms Implementation Commission, I, MWAI KIBAKI, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, have today established a Committee on Implementation of Police Reforms (hereinafter referred to as the Committee).

##### **Composition**

- 1) The Committee shall be composed of:
  - (xi) A Chairperson and three members, two of whom shall be foreign police reform experts
  - (xii) Permanent Secretary, Office of Prime Minister
  - (xiii) Permanent Secretary, Provincial Administration and Internal Security
  - (xiv) Permanent Secretary, Ministry of Justice, National Cohesion and Constitutional Affairs
  - (xv) Permanent Secretary, Ministry of Finance

- (xvi) Inspector General, Kenya Police Service
- (xvii) Commandant General, Administration Police Service
- (xviii) Chairperson, Law Reform Commission
- (xix) Executive Director, Kenya Institute for Public Policy Research and Analysis
- (xx) Chairperson, Kenya National Commission on Human Rights

- 2) The Committee shall have the power to co-opt members as necessary.
- 3) Members of the Committee shall hold office until the establishment by legislation of the Police Reforms Implementation Commission.

### **Functions:**

The Committee shall be responsible to the Minister for the following functions:

- (i) Developing a detailed implementation plan in line with report of the National Task Force on Police Reforms.
- (ii) Coordinating and overseeing the implementation of police reforms;
- (iii) Providing technical guidance and facilitation in the implementation of the Police Reforms and ensuring that such implementation is consistent with government policy objectives;
- (iv) Mobilizing resources from national and international sources for implementation of the reforms;
- (v) Developing and implementing a communication strategy to enhance support, engagement and participation of stakeholders in the implementation of the reforms;
- (vi) Monitoring and evaluating the progress of implementation of the reforms.

### **Powers:**

In the performance of its functions, the Committee:-

- (i) Shall have all the powers necessary or expedient for the proper execution of its mandate;

- (ii) Shall hold such number of meetings in such places and at such times as the Committee shall consider necessary for the proper discharge of its functions;
- (iii) May carry out or cause to be carried out such studies or research that may inform the Committee on its mandate;
- (iv) May make regulations for the conduct of its affairs;
- (v) Shall prepare and submit quarterly reports for the Minister, Prime Minister, Parliament and President;

Dated the..... 2009

**MWAI KIBAKI**

President



**APPENDIX 3: THE INDEPENDENT POLICING OVERSIGHT AUTHORITY BILL,  
2009**

A Bill for

An Act of Parliament to provide for oversight of the work of the Police; to establish the Independent Policing Oversight Authority; to provide for the functions and powers of the Authority; and for connected purposes

ENACTED by the Parliament of Kenya a follows-

**PART I- PRELIMINARY**

Short title	<b>1.</b> This Act may be cited as the Independent Policing Oversight Authority Act, and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.
Application.	<b>2.</b> This Act shall apply to –  (a) the Kenya Police Service, and the Kenya Administration Police Service; and  (b) the Police auxiliaries;  (c) the Kenya Prisons Service; and  (d) the Kenya Wildlife Service.

Interpretation.	Cap.84	<p><b>3.</b>In this Act, unless the context otherwise requires-</p> <p>“Authority” means the Independent Policing Oversight Authority established under section 3;</p> <p>“Board” means the Police Oversight Board established under section 8;</p> <p>“Director” means the Director of the Authority appointed under section 13;</p> <p>“Minister” means the Minister for the time being responsible for matters relating to internal security;</p> <p>“Police” means the Kenya Police Service and the Administration Police Service established under the Police Act and the Administration Police Act;</p> <p>“auxiliaries” includes the General Service Unit, and the Anti-Stock Theft Unit</p>	
		<b>PART II- THE INDEPENDENT POLICING OVERSIGHT AUTHORITY</b>	
Establishment.		<p><b>4. (1)</b> There is hereby established an Authority to be known as the Independent Policing Oversight Authority.</p>	
		<p>(2) The Authority shall be a body corporate with perpetual succession and a common seal, and shall, in its corporate name, be capable of-</p> <p>(a) suing and being sued;</p> <p>(b) acquiring ,holding and disposing of movable and immovable property; and</p> <p>(c) doing all such other things as may be done by a body corporate.</p>	

	(3) (a) The headquarters of the Authority shall be in Nairobi.	
	(b) The Authority may establish such provincial, district or regional offices as it considers suitable for the better performance of its functions.	
Objective of the Board.	<b>5.</b> The objective of the Authority shall be to monitor the professionalism and efficiency of the Police and its auxiliaries and to assist in enhancing the confidence of the members of the public in the Police.	
Functions.	<p><b>6.</b>The functions of the Authority shall be to-</p> <p>(a) monitor the standard of performance of the functions of the Police to ensure that internationally accepted standards of policing are maintained;</p> <p>(b) monitor the management and use of the financial and any other resources of the Police;</p> <p>(c) investigate allegations of misconduct by the Police on its own motion or on receipt of complaints from members of the public and make appropriate recommendations, including recommendation for prosecution;</p> <p>(d) monitor, and review the actions taken by the Police in response to its recommendations under paragraph (c );</p> <p>(e) receive and investigate complaints from serving police officers;</p> <p>(f) co-ordinate the other institutions concerned in police oversight;</p> <p>(g) liaise with the relevant Government agency to ensure witness protection; and</p> <p>(h) perform such other functions as may be necessary in the execution of its mandate.</p>	

Powers of the Board	<p>7. In the performance of its functions under section 6 the Authority shall have powers -</p> <p>(a) to gather, by such means as it may deem appropriate, any information it may consider relevant, including requisitioning for reports, records, or other documents;</p> <p>(b) to enter upon any establishment or premises for any purpose which is material to the fulfillment of its functions under this Act;</p> <p>(c) to interview any individual, group or members of organizations or institutions and, at its discretion, conduct such interviews in private;</p> <p>(d) summon any person to meet with its staff, or to attend its session or hearing, and to compel the attendance of any person who fails or refuses to respond to its summons;</p> <p>(e) administer oaths and affirmations before taking evidence or statements;</p> <p>(f) summon any serving or retired Police officer to appear in person before it to produce any document, thing or information which may be considered relevant to the function of the Board;</p> <p>(g) request and receive such assistance from the Police as may be necessary for the exercise of its powers;</p>	

	<p>(h) to take over investigations commenced by the Police on issues vested in the Authority by this Act, and</p> <p>(i) to regulate its own procedure.</p>	
The Board of the Authority.	<p><b>8. (1)</b> The Authority shall be managed by a Board to be known as the Policing Oversight Board.</p> <p>(2) The Board shall have all powers necessary for the proper performance of the functions of the Authority under this Act, and in particular, and without prejudice to the generality of the foregoing, the Board shall have power to -</p> <p>(a) control, supervise and administer the assets of the Authority in such manner as best promotes the purposes for which the Authority is established;</p> <p>(b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Authority;</p> <p>(c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;</p> <p>(d) enter into association with such other bodies or organizations within or outside Kenya as it may consider desirable or appropriate and in furtherance of the purposes for which the Authority is established; and</p> <p>(k) open a banking account or banking accounts for the funds of the Authority</p>	
Membership of the Board.	<p><b>9.(1)</b>The Board shall consist of-</p> <p>(a) a chairperson, who shall be a person qualified to be appointed a Judge of the High Court of Kenya;</p> <p>(b) the Permanent Secretary in the Ministry responsible for internal security or his representative;</p> <p>(c) six other members appointed by virtue of their knowledge and experience in matters relating to-</p>	

		<p>(i) public administration;</p> <p>(ii) human rights;</p> <p>(iii) financial management;</p> <p>(iv) religious affairs;</p> <p>(v) public relations; and</p> <p>(vi) security.</p>	
		(2) The chairpersons of the Kenya National Commission on Human Rights and the Public Complaints Commission shall be <i>ex officio</i> members of the Board.	
		(3) The members shall at their first meeting elect a vice-chairperson from among the members appointed under paragraph (1) (c).	
		(4) The chairperson and vice-chairperson shall be of opposite gender.	
		(5) The Director shall be the Secretary to the Board.	
Qualification for appointment.		<p><b>10.(1)</b> A person shall be qualified for appointment as a member of the Board if such person-</p> <p>(a) is a citizen of Kenya;</p>	
		<p>(b) is a person of high moral character and proven integrity ;</p> <p>and</p>	
		(c) has knowledge in matters relating to security, human rights and public affairs.	
		(2) No person shall be qualified to be appointed as a	

	<p>member of the Board if such person-</p> <p>(a) is a member of Parliament;  (b) is a member of a local authority;  (c) is a member of –  (i) the executive body of a political party; or  (ii) the Police Force , or  (d) has at any time previously been a member of the  Police Force or any disciplined force.</p>	
Procedure for appointment.	<p><b>11. (1)</b>The Public Service Commission shall, within fourteen days of the commencement of this Act, by advertisement in at least three daily newspapers of national circulation, invite applications from persons qualified under this Act for nomination as members.</p>	
	<p>(2) An application under subsection (1) may be made by-</p> <p>(a) any qualified person; or  (b) any person, organization or group of persons proposing the nomination of any qualified person.</p>	
	<p>(3)The Public Service Commission shall forward the applications received under subsection (1) to the Clerk of the National Assembly.</p>	
	<p>(4)The Clerk of the National Assembly shall within seven days of receipt of the applications, forward the same to the relevant House Committee for consideration and appropriate recommendation s.</p>	
	<p>(5)The National Assembly shall, on the recommendation of the Committee, nominate ten persons for appointment and submit the same to the Minister.</p>	
	<p>(6)The Minister shall forthwith forward the names submitted under subsection (5) to the President who shall, in consultation with the Prime Minister, by notice in the</p>	

		Gazette appoint therefrom seven persons to be members of the Board.	
		(7) In nominating or appointing members under this section, the respective authorities shall have regard to-  (a) Kenya's ethnic, geographical, cultural, political, social and economic diversity; and (b) the principle of gender equity, and shall ensure that at least one-third of the members are of either gender.	
Tenure of office.		<b>12.</b> The chairman and members shall hold office for a period of three years and shall be eligible for reappointment for one further term of three years.	
Director and Staff of the Board.		<b>13.</b> (1) There shall be a Director of the Board, who shall be appointed by the Board on such terms and conditions as may be specified in the instrument of appointment.	
		(2) A person shall be qualified for appointment under subsection (1) if such person holds a degree from a recognized university and has at least fifteen years' experience in any of the fields specified in section 9(1) (c).	
		(3) The Director shall be the chief executive officer of the Board and shall be responsible to the Board for the day-to-day management of the affairs of the Board.	
		(4) The Board may appoint such other officers and staff as may be necessary for the proper discharge of its functions under this Act, upon such terms as the Board may approve.	
		<b>PART III - FINANCIAL PROVISIONS</b>	
Funds of the Authority.		<b>14.</b> The funds of the Authority shall consist of –	



		<p>(a) monies provided by Parliament;</p> <p>(b) such monies as may be granted, donated or lent to the Authority from any other source, with the approval of the Minister and the Minister for Finance.</p>	
Financial year.		<b>15.</b> The financial year of the Board shall be the period of twelve months ending on the thirtieth June of each year.	
Annual estimates.		<p><b>16.</b> (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared the estimates of revenue and expenditure for the financial year concerned and submit the same to the Minister for approval.</p> <p>(2) The annual estimates shall make provision for –</p> <p>(a) the payment of salaries, allowances and other charges in respect of the members of the Board and staff of the Authority;</p> <p>(b) the payment of pensions, gratuities and other charges payable out of the funds of the Authority;</p> <p>(c) the maintenance of the buildings and grounds of the Authority;</p> <p>(d) the funding of the activities of the Authority under this Act.</p>	
		(3) No expenditure shall be incurred for the purpose of the Authority except in accordance with the annual estimates approved under subsection (2) or in pursuance of an authorization of the Board given with the approval of the Minister.	
Accounts and Audit.		<b>17.</b> (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Authority.	
		(2) The accounts of the Authority shall be prepared, audited and reported upon in accordance with the Public Audit Act.	

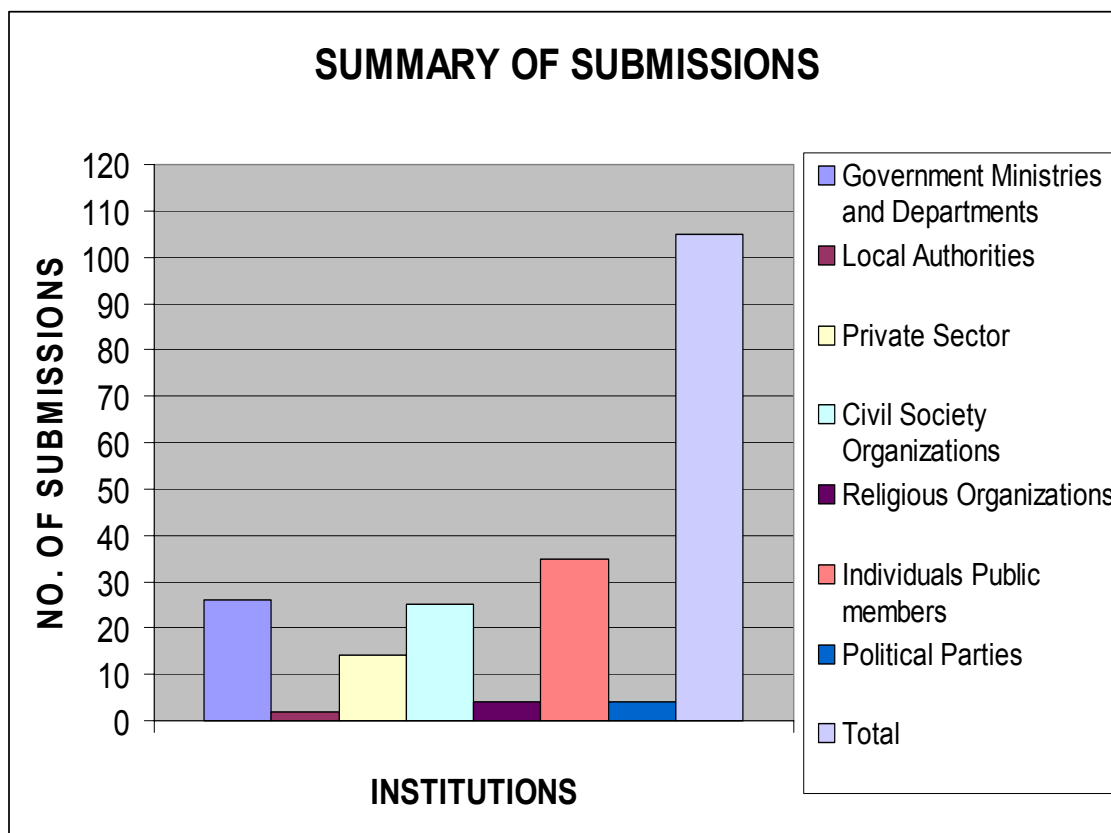
		<b>PART IV- INQUIRY INTO COMPLAINTS</b>	
Lodging of complaint.		<b>18.</b> (1) A person wishing to lodge a complaint against the Police or its auxiliaries may do so orally or in writing addressed to the Director or such other person as may be duly authorized by the Authority for that purpose.	
		(2) Where a complaint is made orally, the same shall be reduced into writing by the officer of the Authority with him it is lodged.	
		(3) A complaint under subsection (1) shall contain such particulars as the Authority may from time to time prescribe.	
		(4) Upon receipt of a complaint under subsection (1) the Authority may-  <div style="margin-left: 40px;">(a) call for information or reports regarding the complaint from the appropriate Government department or agency or any other body within a specified period; or</div> <div style="margin-left: 40px;">(b) without prejudice to paragraph (a), initiate such inquiry as it may consider necessary, having regard to the nature of the complaint.</div>	
Exclusion of certain matters.		<b>19.</b> The Authority shall not investigate any matter which is the subject of proceedings before a court or judicial tribunal.	

Persons affected to be heard.	<p><b>20.</b>(1) If at any stage of the inquiry the Authority-</p> <p style="padding-left: 40px;">(a) considers it necessary to inquire into the conduct of any person; or</p> <p style="padding-left: 40px;">(b) is of the opinion that the reputation of any person is likely to be prejudiced by the inquiry,</p> <p>it may give that person an opportunity to be heard and to appear before the Board by himself or by an advocate.</p>	
Immunity of witnesses.	<p><b>21.</b>No statement made by a person in the course of giving evidence before the Authority shall subject such person to any civil or criminal proceedings except in cases where the statement is found to be false.</p>	
Steps after inquiry.	<p><b>22.</b>The Authority may take any of the following steps after completing an inquiry into a complaint under this Act-</p> <p style="padding-left: 40px;">(a) Where the inquiry discloses a criminal act or negligence in the performance of duty by a police officer, recommend to the Attorney- General the prosecution of the police officer; or</p> <p style="padding-left: 40px;">(b) recommend that the complainant take any other course of action suitable in the circumstances.</p>	
Reports.	<p><b>23. (1)</b> The Authority shall submit to the Minister at least once in every six months, a report of the performance of its functions, making recommendations it may consider necessary , and the Minister shall, within thirty days after receiving such report, cause it to be laid before the National</p>	

	Assembly.	
	(2) A copy of the report referred to in subsection (1) shall be forwarded by the Minister to the President, and where any matter contained in the report relates to the administration of any police unit or its auxiliaries, an extract of that portion of the report on the matter shall be forwarded to that unit or auxiliary.	
	(3) The Minister shall cause the report submitted under this section to be published in at least two daily newspaper of national circulation.	
	<b>PART V- OFFENCES</b>	
Offences and penalty.	<p><b>24.</b>A person who, without lawful cause or justification-</p> <ul style="list-style-type: none"> <li>(a) disobeys a summons by the Authority;</li> <li>(b) fails to produce any document , paper or thing on the order of the Authority;</li> <li>(c) refuses to be examined before or to answer questions relating to an inquiry put to him by the Authority;</li> <li>(d) fails to comply with any order or direction of the Authority;</li> <li>(e) presents to the Authority a false document or makes a false statement with intent to deceive or mislead the investigating officers; or</li> <li>(f) willfully obstructs or hinders a person acting in the exercise of powers conferred by this Act,</li> </ul> <p>commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.</p>	
Regulations.	<b>25.</b> The Minister may make regulations generally for the better carrying out of the provisions of this Act.	



## APPENDIX 4: LIST OF SUBMISSIONS



TASK FORCE ON POLICE REFORMS			
LIST OF SUBMISSIONS			
GOVERNMENT MNISTRIES AND DEPARTMENTS			
No	INSTITUTION	NAME	DESIGNITION
1	Ministry of Justice, National Cohesion and Constitutional Affairs	Hon. Mutula Kilonzo	Minister
2	Ministry of Foreign Affairs	Hon Moses Wetangula	Minister

TASK FORCE ON POLICE REFORMS			
LIST OF SUBMISSIONS			
3	State Law	Hon. Amos Wako	Attorney General
4	Ministry of State for Provincial Administration and Internal Security	F.T Kimemia, CBS	Permanent Secretary
5	Ministry of Foreign Affairs	Thuita Mwangi, CBS	Permanent Secretary
6	Kenya Anti Corruption Commission (KACC)	Justine (RTD) Aaron Ringera. EBS	Director
7	Administration Police	Kinuthia Mbugua, EBS,OGW	AP Commandant
8	Kenya Police	Major General Hussein Ali	Commissioner of Police
9	GSU Headquarters	-	-
10	Kenya Police Traffic Department	Aggrey Adoli	Commandant
11	GJLOS Reforms	-	-
12	Traffic Training School	-	-
13	General Service Unit	-	
14	Criminal Investigation Department	-	
15	Investigation Branch	-	
16	Criminal Investigation Department- Forensic Services Division	-	
17	Embu District	M.A Maalim	District Commissioner

TASK FORCE ON POLICE REFORMS			
LIST OF SUBMISSIONS			
18	Central Province		PPO Central
20	Central Province	JK Rugut	PC
21	Kenya Livestock Marketing Council	Dubat Ali Amey	
22	Transport Licensing Board	Rewel Francis Wanyange	
23	Police Headquarters Operations	Director	Director of operations Police HQ
24	Vision 2030 Secretariat	Mugo Kibati	Director General
25	Kenya Human Rights Commission (KHCR)	-	-
26	Public Complaints Standing Committee (PCSC)	Grace Madoka	-
POLITICAL PARTIES			
No	INSTITUTION	NAME	DESIGNITION
1	Party of National Unity(PNU)	-	-
2	Democratic Party (DP)	-	-
3	Orange Democratic Movement (ODM)	-	-



TASK FORCE ON POLICE REFORMS			
LIST OF SUBMISSIONS			
4	FORD Kenya	-	-
LOCAL AUTHORITIES			
No	INSTITUTION	NAME	DESIGNITION
1	Nyeri Municipal Council	Joseph Thairu	
2	County Council of Taveta	Laban Tole Mwakireti	
PRIVATE SECTOR			
No	INSTITUTION	NAME	DESIGNITION
1	Kenya Airports Parking Services Limited (KAPS Ltd)		
2	Private Sector Development Trust	Sam Mwaura	Chief Executive Officer
3	Psychometric Assessment and Counseling Consultancy Services Ltd	-	-
4	The Brand Kenya Board	Hanningtone Gaya	Chairman
5	Sixth Sense Insurance Loss Assessors	Kariitthi W. Marimba	-
6	The East African Institute of Security Studies	Cap(rtd) Simiyu E Werunga	-
7	Students Organization of Nairobi University	Odhiambo Ochandah	-

TASK FORCE ON POLICE REFORMS			
LIST OF SUBMISSIONS			
8	Hawk Eye Technologies	Joseph Mwanzia	-
9	Dispute Management Centre	Mbuthi Gathenji	-
10	United Business Association	H. Felix Nyabuto	-
11	VE Muguku Muriu Advocate	Muguku Muriu	Advocate
12	Matatu Welfare Association	Sammy M. Gitau	
13	NCABD	Timothy M. Muriuki	
14	Corporate Business Solution (CBS)	Eliud Kinuthia	Performance Management Associate Consultant
RELIGIOUS ORGANIZATIONS AND FAITH BASED INSTITUTIONS			
No	INSTITUTION	NAME	DESIGNITION
1	Kenya Veterans for Peace	Rev. John M. Mathenge	
2	NCCK Kericho	-	-
3	Anglican Church Mombasa	Rev Julius Kalu	-
4	Catholic Archdioceses of Mombasa	-	-
CIVIL SOCIETY ORGANIZATIONS			
No	INSTITUTION	NAME	DESIGNITION
1	Automobile Accident Road Rescue Organization (AARRO)	The Management	
2	Tegla Loroupe Peace Foundation	Lokorcholia David	Public Relations

TASK FORCE ON POLICE REFORMS			
LIST OF SUBMISSIONS			
			Officer
3	National Conscience People's Movement	Rev. Macharia Mbogoh	Chief Executive Officer
4	Central Organization of Trade Unions(COTU)	-	-
5	Serve Kenya	Fredrick Odhiambo and Peter Kirwa	-
6	Federation of and for People with Disabilities (FPD)	-	-
7	Community Policing Committee (Uhuru/Jerusalem, Rabai Road Estates)	Moses Maina	Chairman
8	Union of Kenya Civil Servants (UKCS)	Benson Ambuni	1 <sup>st</sup> Deputy Secretary General
9	Law Society of Kenya	Apollo Mboya	-
10	Foundation for Women's Rights in Kenya	-	-
11	Release Political Prisoners (RPP) Trust for Campaign Against Impunity Network (CAIN)	-	-
12	CSO Working Group on Security Sector Reforms	-	-
13	Kenya Police Oversight Seminar	Mr. Aeneas Chuma	-
14	International Justice Mission	-	-

TASK FORCE ON POLICE REFORMS			
LIST OF SUBMISSIONS			
	Kenya		
15	Local Resources Foundation Trust	-	-
17	NCBDA	Timothy M. Muriuki	-
18	Federation of Women Lawyers (FIDA)	-	-
19	Women Group Leaders in Kericho	Dina Bii	-
20	Social Ministry Research Network Centre (SOMIREC)	Mr. Earnest Murimi	-
21	Likia & Beyond Peace & Conflict Resolution Council	-	-
22	Maendeleo ya Wanawake	Agnes Jola	-
23	Ganjoni Opinion Leaders	A.S Mohammed	-
24	Armourer's Organization	Nicholus K. Mwangi	-
25	Ric Coast	-	-
INDIVIDUAL MEMBERS OF PUBLIC			

TASK FORCE ON POLICE REFORMS			
LIST OF SUBMISSIONS			
	NAME	INSTITUTION	DESIGNITION
1	Mr. Mohammed Abdi	Public Member	-
2	Mr. Fidelis Musyoka	Public Member	-
3	Administration Police Officer	Public Member	-
4	Unnamed Person	10 Public Members	-
5	Hoswell Njuguna	Public Member	-
6	Unnamed Person	Public Member	-
7	Daniel Njuguna	Public Member	-
8	Milka Gituma	Public Member	-
9	Chacha Range	Public Member	Former GSU Officer
10	David	Public Member	-
11	Sam Kamau	Public Member	-
12	Unnamed Person	Public Member	-
13	Lawrence Mulatya	Public Member	-
14	Kavingo Matundu	Public Member	-
15	Andrew Kamau	Public Member	-
16	Edward Kieni Kimani	Public Member	-
17	Simeon Kinuthia Goro	Public Member	-
18	Pius Wilson Siyah	Former Police Officer	-
19	R.M Chebochok	Public Member	-

TASK FORCE ON POLICE REFORMS			
LIST OF SUBMISSIONS			
20	Concerned Police Officers	Public Member	-
21	Charles Ondigi	Public Member	-
22	Ezekial Kamau Kariuki	Public Member	-
23	Unnamed Person	Public Member	-
24	Washington Njuguna	Public Member	-
25	Orori Mayaka	Public Member	-
26	Elizabeth Wangari Odhiambo	Public Member	-
27	Jonyo Michael	Public Member	-
28	Esbon Kihara	Public Member	-
29	Francis Mwangi Njuguna	Public Member	-
30	Isaac Oseno Nyambega	Public Member	-
31	Unnamed Person	Public Member	-
32	Elijah C. Karanja	Public Member	-
33	Mark Simiyu	Public Member	-
34	Dishon Otuko	Public Member	-
35	Offula	Public Member	-
36	Prof. Benta Juma	Public member	Consultant