Vision
Champion of a Dignified Professional Police Service

Mission
To transform and manage the human resource in the police service for efficiency and effectiveness

Values
Independence and Integrity
Transparency and Accountability
Respect for Diversity and Equality
President Uhuru Kenyatta signs a courtesy book at the 2018 Kiganjo KPS pass out

Left to Right: Mr. George Kinoti (Director of Criminal Investigations), Commissioner Murshid Mohammed, Edward Mbugua - DIG Administration Police Service, NPSC Chairperson - Johnston Kavuludi, IG of Police - Joseph Boinnet, Commissioner Mary Owour, CEO NPSC Joseph Onyango, Mr. Noor Yarow Gabow (D.I.G. Administration of Police Service)
The journey to actualizing a professional and accountable National Police Service in Kenya started with the promulgation of the Constitution of Kenya 2010 which brought in new principles and values of governance in Kenya, including the creation of key institutions to safeguard the transformation of the Service and deal with historical problems of policing in Kenya. Among the key institutions established was the National Police Service Commission (NPSC). The Commission was established under Article 246 of the Constitution of Kenya 2010. The Commission set out to deliver its mandate as stipulated in the Constitution, NPSC Act and the National Police Service (NPS) Act, keeping in mind the expectations and aspirations of the people of Kenya, the Constitution, the Government of Kenya manifestos, the Kenya Vision 2030, and the Commission's vision.

In tandem with the recommendations of various police reforms taskforces which formed the basis for the police reforms agenda, whose proposals included recommendations on management of the police service, the National Police Service Commission (NPSC) was created. Among the proposals by the police reforms taskforces was the delinking of the police from the Public Service Commission and the establishment of a Police Service Commission dedicated to overseeing the human resource functions of the Police Service. This proposal led to the creation of the NPSC.

At the top of the agenda was the need to deliver a harmonized police service. This has been achieved by changing the defunct police force to a police service, bringing together all the arms of the police including the Directorate of Criminal Investigations, Kenya Police Service, and Administration Police Service. To realize transformation in the police service, we pledged to enhance accountability, transparency, professionalism and meritocracy in the management of the police human resource which was previously under the auspices of the Public Service Commission (PSC).

We have now come to the end of our six-year term since inception of the Commission in October 2012. The Commission has made significant strides towards implementation of its mandate.
During its tenure, the Commission has operationalized various NPSC regulations and established the legal framework for vetting of members of the National Police Service (NPS) and has developed various regulations key to the mandate of the Commission, which includes regulations on recruitment, appointment, promotion, transfer and discipline in the Service. Further, through a consultative process, the Commission finalized the development of career guidelines for members of the NPS, which is the first of its kind developed for police officers in Kenya. The Commission also participated in the development of the Police Reforms Programme Document 2015-2018 which is a strategy framework for implementation of reforms in the Service and in the review of the NPS Training Curriculum.

Among the milestones the Commission has achieved is the rationalization of a new ranking structure for the National Police Service as provided in the First Schedule of the NPSC Act. The ranks are a departure from the previous ranking system in the Kenya Police Force and the Administration Police Force. In adherence to Section 10(2) of the NPSC Act, the Commission recruited over 37,948 police officers into the National Police Service to achieve sustainable national security as envisioned in the Kenya Vision 2030 and the Government of Kenya manifestos. To restore public confidence, a semi-independent unit referred to as Internal Affairs Unit (IAU) was created to handle complaints that emanate from members of the public and within the police.

During our tenure, we undertook recruitment of the Commission’s staff and establishment of an organizational structure to ensure institutional sustainability, efficiency and effectiveness in the delivery of our mandate as stipulated in the Constitution, the National Police Service Commission Act, and the National Police Service Act. We have also improved the working conditions of the NPSC staff by establishing a contributory pension scheme for all permanent staff. Overall, the Commission has made tremendous progress and achievements despite several challenges such as limited financial resources, inadequate capacity to oversee implementation of the Commission’s decisions, slow paced delinking process of members of NPS from the PSC and management of NPS payroll.

Among the recommendations for the next dispensation of the new Commissioners is the need to ensure full implementation of the 2018-2022 Strategic Plan, and especially ensure a faster process of recruitment of police officers. Other initiatives which we have commenced during our term and which will require implementation include the conclusion of the pending policies outlined in the NPSC and NPS Acts, and establishment of the Commission’s regional offices for decentralization of its services. Therefore, there is need to expand resource mobilization from the National Treasury and development partners to support completion of our work.

Going forward, it will be important to maintain the momentum of the police reforms agenda by implementing the recommendations above in the spirit and aspirations of the Constitution. Security is key and fundamental for any development to occur. It is therefore imperative that all efforts in this sector are not only appreciated but given utmost support by all Kenyans.
The Commission deeply appreciates the support it has received from various State actors, statutory bodies, non-State actors, development partners and key personalities throughout the term of the inaugural Commissioners.

In particular, the Commission would like to acknowledge the following State Actors for their immeasurable support: His Excellency President Uhuru Kenyatta for endorsing the scheme of service, regulations and vetting process, former President Mwai Kibaki for the privilege he bestowed upon the Commissioners and for enabling the Commission to begin its work; Hon. Raila Odinga (then Prime Minister) for his encouragement and invaluable advice and guidance including the support on how to remain resolute in decision making processes, former Chief Justice Dr Willy Mutunga; the Ministry of Interior and Coordination of National Government; Hon. Judah Ole Metito the former Minister of Interior and Coordination of National Government; Mutea Iringo, the former Permanent Secretary Ministry of Interior and Coordination of National Government; and the Parliamentary Committee on National Administration and National Security.

The Commission sincerely values the input and contributions made by other statutory bodies including the Independent Policing Oversight Authority (IPOA) for starting the Commission off to ensure it proceeded with the recruitment of Inspector General, Deputy Inspector General and Director of Criminal Investigations before the elections of 2013; the Law Society of Kenya (LSK); Kenya Law Reform Commission; and the National Police Service for their tremendous encouragement and backing of the Commission’s work and other statutory bodies who have supported the Commission in execution of its mandate.

The Commission is grateful to its development partners including the United Nations Office on Drugs and Crime (UNODC), the Government of the United States of America and non-State actors including the Police Reforms Working Group.

The Commission cherishes the invaluable contributions made by the initial vetting team including Alexander Myer, a consultant. Of special consideration are the two Directors that served in the Directorate of Criminal Investigations, Mr. Francis Ndewga Muhoro and Mr. George Kinoti, and all former Commission Secretaries/Chief Executive Officers who deserve special thanks for assisting the Commission to effectively run its programmes and deliver on its mandate of protecting and promoting the security of Kenyans. We would like to sincerely appreciate the staff who started with the Commission at its inception and who endured the challenges faced during the formative stages of the Commission and those who have been seconded to the Commission throughout the years.

The Commission extends special gratitude to the current Commission Secretary/Chief Executive Officer Mr. Joseph Vincent Onyango for being the technical person in driving and guiding the processes for achievement of the Commission’s agenda of transforming the National Police Service for effective service delivery.

Lastly, the Commission thanks the police officers, members of the public, state and non-state actors who in one way or the other contributed to ensuring that the Commission executes and delivers its mandates stipulated in the Constitution, the National Police
Service Commission (NPSC) Act and the National Police Service Act. The Commissioners are forever grateful to all our partners in supporting various facets of the Commission’s mandate. All your contributions helped in shaping Kenya’s police reforms agenda and in solidifying the Commission as a ‘Champion of a dignified professional Police Service’.

Johnston Kavuludi, EBS, HSC  
Chairperson, National Police Service Commission  
2012-2018
MESSAGE
FROM THE COMMISSION SECRETARY

As the Commission Secretary/Chief Executive Officer, I am proud to be associated with the Commission team and to have contributed towards the effective implementation of the Commission’s mandate.

The Commission is a major implementing institution in the police reforms agenda. Police reforms encompass initiatives beyond modernization of police operations and includes the software aspects of police officers; the human resource management. This is because efficient human resource management of police officers creates a conducive environment for police officers to serve in their capacity.

The Commission has put in place various strategies to improve the conditions of service for the officers and enhance provision of welfare benefits to police officers and their families. This comprises matters of recruitment, remuneration, promotion and transfer that form part of the terms and conditions of service, welfare of police officers including housing, working hours, leave management and psychological welfare of police officers, which were identified as priority areas. The Commission also noted the need to focus on maintaining discipline and order; establishing systems and procedures; leveraging on technology; and improving on the image of the Commission by defining its culture and as a working team. These are areas the Commission has dedicated itself to during its term.

During its term, the Commission has developed various policies and regulations to guide the human resource management of the National Police Service. There is need for the Commission to enhance compliance in the National Police Service through concerted sensitization efforts and adherence to established standards. With increased compliance levels, the Commission will also be able to effectively oversee the implementation of the Commission’s mandate within the NPS.

The Commission has established improved corporate governance structures that aim at ensuring effective systems that guide decision-making within the Commission. During its tenure, this Commission achieved great strides
in conducting recruitment, promotions and transfers of police officers and processed disciplinary decisions, including appeals from affected police officers.

The Commission also concluded the development of the NPS Career Progression Guidelines that will facilitate fair and objective promotion of police officers based on principles of meritocracy and qualifications. All these human resource processes established could be significantly enhanced and improved through automation of the NPSC and NPS systems to support speedy retrieval of information for decision-making. The Commission has prioritized the development of an integrated ICT-based human resource management system which will interface the Service and the Commission. This can be achieved through increased budgetary allocation to the Commission.

The Commission has identified strategic directions to guide the incoming Commissioners in the implementation of the Commission’s activities. The earmarked strategic pillars that the Commission envisages to pursue in the next four-year period (2018–2022) are: service delivery, welfare/training/capacity building, institutional strengthening and stakeholder engagement.

The Commission is grateful to the United Nations Office for Drugs and Crime (UNODC) which supported the preparation of a road map for the development of performance management systems of the NPSC and NPS and the mid-term review of the NPSC Strategic Plan 2014–2018.

The Commission is also thankful to the United States Government for the joint engagement with the Kenya Government through the Security Governance Initiative that has police human resource management as an area of support.

The Commission in the discharge of its mandate continues to place a high value on the Constitutional principle of public participation and, as such, we have embraced stakeholder engagement as a key input in all our programmes and activities.

The Commission appreciates and acknowledges the National Treasury, Parliament and other government institutions including the Independent Policing Oversight Authority, the Salaries and Remuneration Commission and the Ethics and Anti-Corruption Commission and all other stakeholders for continued collaboration and cooperation in the implementation of our mandates. We look forward for more collaborations in future. Last but not the least, I wish to express my gratitude to the outgoing Commissioners for their relentless support and leadership that offered policy direction which enabled the Commission to achieve its mandate as established. I wish you all the best in your future undertakings.

Mr. Joseph Vincent Onyango
Commission Secretary/Chief Executive Officer
ACKNOWLEDGEMENTS

This Exit Report was developed in a participatory manner in consultation with key institutions and the NPSC members. We would like to appreciate the NPSC Chairperson, Commissioners and Commission Secretary/CEO for offering an enabling environment and overall leadership in the preparation of this End of Term Report which covers the six-year tenure of the first NPSC Commissioners. I would like to thank all those who contributed to its development and subsequent finalization in one way or the other.

Sincere commendation goes to the Commissioners and the entire Commission’s staff from all the NPSC directorates who dedicated their time and efforts towards finalization of this Report. The Commission further acknowledges the input of the Kenya Institute for Public Policy Research and Analysis (KIPPRA) which was instrumental in reviewing the report before its publication. We would also like to thank Coffey International Development for their financial support.

Lastly, the Commission is grateful to the Government of Kenya and all its stakeholders for their partnerships as we embarked on discharging our constitutional mandate. Thank you.
EXECUTIVE SUMMARY

The Commission is one of the independent commissions established under Chapter Fifteen of the Constitution of Kenya 2010. The Commission is established under Article 246 of the Constitution. It essentially takes over the human resource management of the National Police Service (NPS) that was previously handled by the Public Service Commission. Article 246(1) of the Constitution establishes the National Police Service Commission to perform, among other functions, the recruitment and appointment of persons to hold or act in offices in the service, confirm appointments, and determine promotions and transfers within the National Police Service; observing due process, exercise disciplinary control over and remove persons holding or acting in offices within the Service; and perform any other function prescribed by the national legislation. These Commissioners were appointed by the President and sworn into office in November 2012 and have now successfully served and completed their six-year term.

This exit report aims to guide the incoming commissioners on the status of implementation of the Commission's mandate since its inception, highlights achievements and progress made so far, challenges encountered and provides recommendations. This will allow seamless transition of the Commission leadership and management, and efficient succession and change management for service delivery to the members of the Police Service. It informs members of the public on progress and status of implementation of police reform initiatives to demonstrate its commitment and dedication towards ensuring accountability and transparency in the police service. To this end, the report highlights how the Commission was formed, its organizational structure, mandate and functions.

The report also provides an outline of the policies and regulations developed to govern the recruitment, appointment, promotion, transfers and discipline of members of the service and the status of their implementation. The first Commissioners’ scorecard includes achievement of the vetting rollout, appointments, rationalization of new ranking structure, development of policies and regulations, approval of the revised NPS training curricula, approval of the NPS performance appraisal tools, development of career progression guidelines, and automation of the vetting process. The report details the milestones made in delivery of vetting process, giving an account of the officers vetted so far, explaining the methodology applied in vetting, and providing a roadmap for the new vetting model that has been developed by the Commission. A detailed complaint management strategy has been spelt out in the report and how complaints filed by members of the public, police officers and institutions are handled.

Finally, the report has elucidated the challenges, recommendations and mitigation strategies to facilitate smooth handover and seamless transition of the new Commissioners. The key challenges highlighted include a slow process of delinking of members of the NPS from PSC; misinterpretation of the mandate of the Commission by some stakeholders, leading to litigation; high number of cases which impact on the Commission's decisions and processes and impair crucial activities from taking place; limited financial and human resources; delay in recommendation of improved salaries for the police; and governance challenges.
Among the main recommendations include the need to implement the developed 2018-2022 strategic plan especially to hasten the vetting process by adopting the proposed new vetting model; establishment of regional offices to allow decentralization of the services of the NPSC; improving and building the brand and image of the Commission as perceived by members of the public and the police; expanding resource mobilization and securing alternative sources of funding from other partners including bilateral and multi-sectoral stakeholders in addition to the funds from Treasury; and proactive sensitization and dissemination of the mandate, policies and procedures of the Commission to members of the public and the police service.
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<tr>
<td>AIA</td>
<td>Appropriation in Aid</td>
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<td>APS</td>
<td>Administration Police Service</td>
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<td>CEO</td>
<td>Chief Executive Officer</td>
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<td>CIPEV</td>
<td>Commission of Inquiry into Post-Election Violence</td>
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<td>CPSB</td>
<td>County Public Service Board</td>
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<td>CSR</td>
<td>Corporate Social Responsibility</td>
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<td>DCI</td>
<td>Director of Criminal Investigations</td>
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<td>DIG</td>
<td>Deputy Inspector General</td>
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<td>EACC</td>
<td>Ethics and Anti-Corruption Commission</td>
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<td>EBS</td>
<td>Elder of Order of the Burning Spear</td>
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<td>GAV</td>
<td>General Account Vote</td>
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<td>GJLOS</td>
<td>Governance, Justice, Law and Order Sector</td>
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<td>HSC</td>
<td>Head of State Commendation</td>
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<td>HTC</td>
<td>Higher Training Course</td>
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<td>IAU</td>
<td>Internal Affairs Unit</td>
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<td>ICJ (K)</td>
<td>International Commission of Jurists (Kenya)</td>
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<td>ICT</td>
<td>Information and Communication Technology</td>
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<td>ICTJ</td>
<td>International Centre for Transitional Justice</td>
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<td>IEC</td>
<td>Information, Educational and Communication</td>
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<td>IFMIS</td>
<td>Integrated Financial Management Information System</td>
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<td>IG</td>
<td>Inspector General</td>
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<td>IMLU</td>
<td>Independent Medico Legal Unit</td>
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<td>IPOA</td>
<td>Independent Policing Oversight Authority</td>
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<td>IPPD</td>
<td>Integrated Personnel Payroll Database</td>
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<td>JTA</td>
<td>Job Task Analysis</td>
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<td>KHRC</td>
<td>Kenya Human Rights Commission</td>
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<td>Acronym</td>
<td>Description</td>
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<tr>
<td>KNCHR</td>
<td>Kenya National Commission on Human Rights</td>
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<td>KPS</td>
<td>Kenya Police Service</td>
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<td>LSK</td>
<td>Law Society of Kenya</td>
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<td>MBS</td>
<td>Moran of the Burning Spear</td>
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<td>MOICNG</td>
<td>Ministry of Interior and Coordination of National Government</td>
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<td>NGEC</td>
<td>National Gender and Equality Commission</td>
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<td>NIS</td>
<td>National Intelligence Service</td>
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<td>NPS</td>
<td>National Police Service</td>
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<td>National Police Service Commission</td>
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<td>PRSC</td>
<td>Police Reforms Steering Committee</td>
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<td>PRWG</td>
<td>Police Reforms Working Group</td>
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<td>PSC</td>
<td>Public Service Commission</td>
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<td>SAIG</td>
<td>Senior Assistant Inspectors General</td>
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<td>SGI</td>
<td>Security Governance Initiative</td>
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<td>SOIP</td>
<td>Subordinate Officer to Inspectorate Course</td>
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<td>SRC</td>
<td>Salaries and Remuneration Commission</td>
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<td>TI</td>
<td>Transparency International</td>
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<td>TSC</td>
<td>Teachers’ Service Commission</td>
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<td>UNODC</td>
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1.1 Commission Background and Mandate

The establishment of the National Police Service Commission (NPSC) has its roots in the constitutional reforms in Kenya dating back to the 1980s. Further, between 2003 and 2007, the Governance, Justice, Law and Order Sector (GJLOS) reforms programme implemented under the auspices of the Ministry of Justice and Constitutional Affairs, as it was known then, had underlined the centrality of accountability in the police service.

The reports of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya chaired by Justice A. M. Akiwumi in 1998, the Commission of Inquiry into Post-Election Violence chaired by Judge Philip Waki in 2008, the report of the National Taskforce on Police Reforms submitted by the chairperson Justice (Rtd) Philip Ransley in 2009, and the report on Extrajudicial, Summary or Arbitrary Executions by the United Nations Special Rapporteur, Mr. Philip Alston pointed out that one of the critical areas that has led to a dysfunctional police service in Kenya is the manner in which police officers exercise their powers and responsibilities, and therefore the need for proper human resource management of police officers.

Specifically, the National Taskforce on Police Reforms analyzed the operational environment, policies and legal framework within which the police in Kenya worked and recommended reforms which could enhance the transformation of the police force into a modern police service accountable to the public.

Among the recommendations of the Police Reforms Taskforce was the delinking of the police from the Public Service Commission and the establishment of a Police Service Commission dedicated to overseeing the human resource function of the Police Service. In 2010, the Constitution of Kenya was promulgated, which ushered in new principles and values of governance in Kenya, including the creation of two key institutions to safeguard the transformation of the police and deal with the historical problems of policing in Kenya. The two institutions, the National Police Service Commission (NPSC) and National Police Service (NPS) would be complemented by an independent oversight mechanism, Independent Policing Oversight Authority (IPOA), established through an Act of Parliament.

The National Police Service Commission (NPSC) is one of the independent commissions established under Chapter Fifteen of the Constitution of Kenya 2010. The Commission is established under Article 246 of the Constitution. It essentially takes over, among other functions, the human resource management of the National Police Service (NPS) that was previously being handled by the Public Service Commission.
Article 246(1) of the Constitution establishes the National Police Service Commission to perform the following functions:

1. **The recruitment and appointment of persons to hold or act in offices in the service, confirm appointments, and determine promotions and transfers within the National Police Service;**
2. **Observing due process, exercise disciplinary control over and remove persons holding or acting in offices within the Service, and;**
3. **Perform any other function prescribed by the national legislation.**

The establishment of the Commission to specifically oversee the human resource functions of the Service is not only anchored in the Constitution but is also a culmination of findings and recommendations by various taskforces appointed by the Government on the role of the police in providing security and maintaining law and order.

The principle guiding the creation of NPSC was to prevent patronage and nepotism in Police Service appointments to ensure that merit is the main criterion for recruitment and advancement and to protect police from unwarranted political interference. It was also created out of realization that policing is a unique public service that requires a different management outfit for its effective performance.

### 1.2 Structure of the Commission

The Constitution of Kenya 2010 at Article 246 establishes the National Police Service Commission and provides for its composition as follows:
Article 246 (2)
(a) the following persons each appointed by the President:

1. A person qualified to be a High Court Judge
2. Two retired senior police officers
3. Three persons of integrity who have served the public with distinction;

(b) the Inspector General of the National Police Service;
(c) both the Deputy Inspectors General of the National Police Service.

The Commission became operational on 5th October 2012 after the appointment into office of six Commissioners through Gazette Notice No. 95 of 3rd October 2012.

The membership of the Commission is as follows:

1. Commissioner Murshid Mohamed is an Advocate of the High Court appointed to fulfill the category of a person qualified to be a High Court Judge;
2. Commissioner Mary Owuor is a retired police officer who served in the Kenya Police Force;
3. Commissioner Major (Rtd) Shadrack Muiu is a retired officer who served in the Administration Police Force;
4. The Chairman, Mr. Johnston Kavuludi, Commissioner Ronald Musengi and the late Commissioner Esther Chui-Colombini fulfilled the category of three persons of integrity who served the public with distinction;
5. The Inspector General of the National Police Service Mr. David Kimaiyo (2012–2014) and Mr. Joseph Boinnet (2014–to date);
6. The Deputy Inspectors-General of the National Police Service from the Kenya Police Service Ms Grace Kaindi (2012–2015), Mr. Joel Mboya Kitili (2015–2017) and Mr. Edward Njoroge Mbogua (2018–to date), and the Administration Police Service Mr. Samuel Arachi (2010–2017) and Mr. Noor Y. Gabow (2018–to date).

At the time of publishing this Exit Report, the office of the Vice Chairperson which fell vacant following the demise of Mrs. Esther Chui-Colombini in November 2013 had not yet been filled.

The Inspector General and the two Deputies are Commissioners of the National Police Service Commission by virtue of the offices they hold as the heads of the National Police Service.

The Commission was established to specifically take over functions of human resource management oversight over the National Police Service which comprises the Kenya Police, the Administration Police and the Directorate of Criminal Investigations.
### 1.3 Functions of the Commission

Section 10 of the NPSC Act spells out the following functions of the Commission:

| 1. | On the recommendation of the Inspector General develop and keep under review all matters relating to human resources policies of members of the service. |
| 2. | With the advice of the Salaries and Remuneration Commission, determine the appropriate remuneration and benefits of the service and staff of the Commission; |
| 3. | Approve application for engagement by police officers in trade and other business, in accordance with the law relating to matters of leadership and integrity under Article 80 of the Constitution; |
| 4. | Co-operate with other State agencies, departments or commissions on any matter that the Commission considers necessary; |
| 5. | Provide for the terms and conditions of service and the procedure for recruitment and disciplinary measures for civilian members of the Service; |
| 6. | Develop fair and clear disciplinary procedures in accordance with Article 47 of the Constitution; |
| 7. | Investigate and summon witnesses to assist for the purposes of its investigations; |
| 8. | Exercise disciplinary control over persons holding or acting in office in the Service; |
| 9. | Promote the values and principles referred to in Articles 10 and 232 of the Constitution throughout the Service; |
| 10. | Hear and determine appeals from the members of the Service; |
| 11. | Develop policies and provide oversight over training in the Service; |
| 12. | Approve training curricula and oversee their implementation; |
| 13. | Investigate, monitor and evaluate the personnel practices of the Service; |
| 14. | Receive and refer civilian complaints to the Independent Policing Oversight Authority, the Kenya National Commission on Human Rights, the Director of Public Prosecutions or the Ethics and Anti-Corruption Commission, as the case may be, where necessary; |
| 15. | Review and make recommendations to the national government in respect of conditions of service, code of conduct and qualifications of officers in the Service; |
| 16. | Evaluate and report to the President and the National Assembly on the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the Service; |
| 17. | Receive complaints and recommendations from police associations registered in accordance with the applicable law; |
| 18. | Perform such other functions as are provided for by the Constitution, this Act or any written law. |
Section 124 of the NPS Act requires the Commission to develop the following regulations:

1. Regulating the hours of duty for police officers and the keeping and signing of records of attendance;
2. Regulating and coordinating duties to be performed by police officers;
3. Regulating the granting of leave to police officers;
4. Prescribing arrangements and procedures for providing, assisting in or coordinating staff development programmes; and
5. The employment of civilian staff within the Service.

1.4 Powers of the Commission – Section 11 of the NPSC Act

The powers of the Commission are provided under Section 11 of the NPSC Act, and include the powers to:

1. Gather, by any means it considers appropriate, any information and compel the production of such information as and when necessary;
2. Interview persons for purposes of filling vacancies in the Service taking into consideration gender, county and ethnic balancing;
3. Manage and safeguard the assets of the Commission;
4. Hold disciplinary hearing proceedings for the purposes of performing its functions under this Act on matters relating to its mandate as provided for under Article 246(3) of the Constitution;
5. Require the Inspector-General to report on the implementation of the policies and procedures within the mandate on the Commission;
6. Conduct investigations on any matters within its mandate;
7. Make recommendations to the Government on any matter relating to the Service and report on the action taken by the Government on the recommendation;
8. Conduct public inquiries and publish the outcome of such inquiries on matters relating to its mandate as provided for under Article 246(3) of the Constitution;
9. Issue summons to witnesses; and
10. Take lawful disciplinary action on any officer under its control.
1.5 Institutional Capacity and Governance Structure

1.5.1 Humble Beginnings

The National Police Service Commission (NPSC) was established on 5th October 2012 after the appointment into office of six Commissioners through Gazette Notice No. 95 of 3rd October 2012.

The Commission is established under Article 246 (3) of the Constitution and has the status and powers of a Commission established under Chapter 15 of the Constitution. The primary mandate of the Commission is to recruit and appoint persons to hold or act in offices in the Service, confirm appointments and determine promotions and transfers within the service; observing due process, exercise disciplinary control over and remove persons holding or acting in offices within the service; and perform any other functions prescribed by national legislation.

The first offices of the Commission were on the 13th Floor of Bruce House Muindi Mbingu Street in the Nairobi Central Business District from 5th October 2012 to 28th February 2013. The office was inadequate as it comprised one office which housed all the Commissioners. The Commission then moved to a space in Luther Plaza (Aviators Business Park) on Nyerere Road in Nairobi from 1st March 2013 to 31st August 2013. From 1st September 2013, the Commission offices were established in the 2nd to 5th floors of Sky Park Plaza in Westlands, Nairobi. The new premises have ensured stability and a conducive working environment for the Commission and Secretariat.

1.5.2 Strategic Planning

The Commission embarked on the development of its first strategic plan in 2013. However, it was not until early 2015 that the strategic plan was finalized and published. The theme of the four-year strategic plan covering the period 2014-2018 is “Together we transform the police for effective service delivery”. The Commission has finalized the development of the second strategic plan for 2018-2022.

1.5.3 Human Resource Capacity and Development

During its first year of operation, the Commission determined its staff establishment to be 135. Out of these, 97 staff were in post in 2012/2013. However, about 80% of them had been seconded to the Commission from the Central Government. The current staffing level stands at 172 members of staff, most of them on permanent and pensionable terms. The Commission has ensured that staff welfare is enhanced, and has put in place a staff pension scheme, and a medical insurance scheme for all staff.
His Excellency President Uhuru Kenyatta holding a meeting with NSC Commissioners and NSC Leadership
1.5.4 Financial Resources

As stipulated in Part III (18) of the NPSC Act 2011, funds of the Commission consist of monies appropriated by Parliament for purposes of the Commission and all monies from any other source provided or donated or loaned to the Commission. The Commission is one of the sub-sectors in the Governance, Justice and Law and Order Sector (GJLOS) and actively participates in the annual budget preparation process.

The National Treasury has incrementally allocated financial resources to the Commission to carry out its mandate. This has been done to the extent possible despite constraints in budgetary allocation facing all Government Ministries, Departments and Agencies.

During the period 2012/13–2017/18, the Commission’s allocation has grown by 87.53% from Ksh 292 million in 2012/13 to Ksh 547 million in 2017/18 as shown in the Table 1.1 below.

Table 1.1: Approved allocations to the NPSC from 2012/13 to 2017/18

<table>
<thead>
<tr>
<th>Economic Classification</th>
<th>Approved Allocation in Ksh millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel emolument</td>
<td>17.00</td>
</tr>
<tr>
<td>Operations and maintenance</td>
<td>275.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>292.00</strong></td>
</tr>
</tbody>
</table>

As shown in the table above, the personnel emolument budget has grown steadily over the period whereas growth of the operations and maintenance budget has been fluctuating. This is mainly due to budgetary cuts and expenditure rationalization.

In the financial year 2018/19, the Commission has an approved budget of Ksh 530.56 million. The Commission has continued to engage the National Treasury and the National Assembly Committee on Administration and National Security to ensure that the Commission receives adequate funding for its operations.

In addition to the funds allocated through the National Treasury, the Commission has received donor support from United Nations Office on Drugs and Crime (UNODC), Coffey International, and International Centre for Transitional Justice (ICTJ). The support areas include development of the 2014-18 strategic plan, and funding of workshops for policy development. The Commission has not received any cash grants from donors or development partners.

Due to the strained budget ceiling from the Government, the Commission is in the process of developing a resource mobilization strategy that will explore wider funding options from donors and development partners.
1.5.5 Infrastructure Development

Since inception, the Commission has invested significantly in information and communication technology. All staff have access to state of the art information and communication technology to enable them carry out their functions.

A Local Area Network (LAN) supports the ability of staff to connect and communicate internally, and with external stakeholders.

In January 2014, the Commission received support from the Kenyan Section of the International Commission of Jurists (ICJ) towards the development of the Commission’s website. This has greatly improved the network of communication within and outside the commission. The website (www.npsc.go.ke) is rich in content that is informative and educative. During police recruitment, it is the main hub for dissemination of information to the public, and especially the potential recruits. Other important resources on the site include Regulations, Acts, and Forms such as those for registering complaints. Police officers undergoing vetting access the personal assessment forms and wealth declaration forms that form part of the vetting process. The website also contains newsletter articles to keep the public informed on current issues and activities of the Commission.

The Commission in 2015 installed an IP-PABX machine which has greatly facilitated internal and external communication. It has a capacity of 60 channels (30 incoming lines and 30 outgoing lines) and is connected to the internal LAN network and accesses the Network resources just like an ordinary PC in the LAN.

In the past, most HR activities have been carried out manually. The ICT team has developed modules for a Human Capital Management (HCM) System to be used by the Commission as the Commission’s core mandate is the HR function of the National Police Service (NPS). The new HCM system will go a long way towards digitizing and automating HR activities. For example, the Recruitment module will help the Commission in capturing candidates’ information such as names and credentials and creating shortlists of potential recruits from the database of applicants. The Promotion module will help in short listing officers for promotion to higher ranks once they have been vetted and cleared for duty. This HCM system will transition into a fully-fledged Enterprise Content Management (ECM) System courtesy of a partnership between the Commission and the US Department of State through the Security Governance Initiative (SGI).

Other assets of the Commission include vehicles, assorted office equipment, office furniture, printers and photocopiers, computers, communication equipment and fixtures and fittings.
1.5.6 Governance Structure

The Commission has developed a clear organizational structure to ensure accountability, effectiveness, efficiency and productivity.

The National Police Service Commission comprises the Commissioners headed by the Chairperson, and the Secretariat headed by the Chief Executive Officer. The Commissioners serve on a full-time basis as provided in Section 4(2) of the National Police Service Commission Act.

**Commission Secretary**

The Commission Secretariat is headed by the Chief Executive Officer, who is also the Commission Secretary. Section 15 (3) (7) of the National Police Service Commission Act clearly stipulates the roles of the Commission Secretary. The Commission Secretary is the Chief Executive Officer and the accounting officer of the Commission. He/she acts on the decisions of the Commission and implements the functions of the Commission. Other functions include: formulation and development of an efficient administration; organization, control and management of the members of staff of the Commission; day-to-day administration and management of the affairs of the Commission; and performance of such other duties as may be assigned by the Commission.

The Commission Secretariat is structured into four (4) Directorates: Corporate Services; Strategy, Research and Vetting; Human Capital Development; and Communication and Outreach.

**Directorate of Corporate Services**

This Directorate is the internal administration arm of the Commission Secretariat. It supports the Commission programmes and activities through the following sections: Corporate Services, Procurement, Accounts, Finance and Legal Services. It develops, implements and coordinates budgets, policies and procedures to support the achievement of the Commission’s objectives and strategies. It ensures implementation of legal and governance policies, systems and procedures to ensure the achievement of the Commission’s strategic plan; monitors current and emerging policy, trends, technology, procedural and legislative developments with direct impact on the mandate of the Commission; and maintains relations with both internal and external stakeholders to lobby for support necessary for the achievement of the overall institutional strategy.

**Directorate of Strategy, Research and Vetting**

This Directorate is in-charge of strategic planning, development and roll out of research on emerging issues facing the Service and coordinates implementation of the vetting function of the Commission. It provides expertise by assisting in the formulation, development, and implementation of strategies and policies that will enable the Commission achieve its objectives. It contributes to the effective planning and implementation of the Commission’s
mandate and strategically designing the Commission to accomplish its strategic plan and annual work plans. In addition, the Directorate advises the Commission regarding research, planning and budgeting by producing policy direction reports and initiatives required in the establishment and management of the strategic reunification processes, including planning, governance and performance management; develops vetting strategies and policies that align to the overall mandate of the Commission; undertakes planning of the activities of the Vetting Secretariat and ensures implementation of work plans to maintain compliance of work standards; and conducts regular monitoring and evaluation of vetting strategies and processes to identify areas of possible interventions by the Commission.

**Directorate of Human Capital Management**

This Directorate is in-charge of the overall management of the human capital of the Commission and the Service. In executing its mandate, the Directorate is divided into the following units: Recruitment and Appointments Unit; Discipline and Transfer Unit; Appeals Unit; and the Compliance and Audit Unit. The Directorate develops the human capital policies, regulations and strategies that ensure that the Commission is transformed, has optimal staffing levels, and that the human capital is fully engaged and capable of delivery of current and future goals of the Commission. It develops and implements the human capital budget to ensure efficient allocation of resources necessary for quality implementation of the human capital strategy and monitors the implementation to ensure efficiency in use of resources that support the Commission objectives on cost management. The Directorate is also in charge of administration of staff salary and benefits in line with the Commission policies and procedures and best practice to ensure the delivery of the overall commission performance objectives. It conducts periodical human resource audits to ascertain the level of compliance to the existing human resource policies and regulations and conducts employee surveys to be at par with the emerging human resource issues and policy formulation.

**Directorate of Communication and Outreach**

This Directorate spearheads the communication and outreach programmes of the Commission and coordinates the ICT and records management of the Commission. In a bid to develop comprehensive communications and public relations strategies and policies to support the implementation of the Commission’s mandate, it conducts regular reviews and updates of the Commission’s communications policies, guidelines, manuals and strategies to ensure effective internal and external communication; and implements the Commission’s communication strategies to ensure effective social marketing and management of the Commission’s brand and reputation and spearheads multi-media public campaigns designed to create awareness on the Commission’s mandate.

**Commissions’ Committees**

The Commission operates under six (6) committees, namely: Executive; Operations; Professional Development, Welfare and Human Resource Audit; Policy, Programmes,
Legal Affairs and Appeals; Recruitment, Appointment and Promotions; and Discipline and Transfers.

1. Executive Committee

The Committee receives reports and briefs from other Committees for purposes of giving policy direction and making final recommendations to the Commission’s Board. In addition, it oversees administration and management of NPSC; approves job descriptions/specifications for NPSC staff; approves the NPSC code of conduct and operations manuals for internal NPSC procedures; provides leadership in development and approval of performance management systems; and oversees implementation of the NPSC strategic plan.

2. Operations Committee

The Committee coordinates the main internal and operational secretariat functions of the Commission. In addition, it coordinates resource mobilization; coordinates stakeholder engagement; coordinates budget making and oversees its implementation; implements overall communication and ICT strategies; monitors and evaluates the implementation of strategic plans; develops job descriptions/specifications for NPSC staff; develops and operationalizes the NPSC Staff welfare scheme; and develops and coordinates implementation of the NPSC code of conduct and operations manuals for internal NPSC procedures.

3. Professional Development, Welfare and Human Resource Audit Committee:

The Committee develops, manages, monitors and evaluates the training programmes for NPS and NPSC staff. In addition, it develops and reviews schemes of service for the NPS and NPSC; develops terms and conditions of service for NPS and NPSC staff, including pay and benefits; develops guidelines for formation and recognition of police associations; develops and operationalizes the NPS Staff welfare scheme, insurance, medical scheme, etc; approves applications for engagement by police officers in trade and other businesses; conducts periodic audit and report on the HR actions taken by the NPSC, including on emerging trends and recommendations; conducts audit on implementation of the Commission’s decisions by the NPS; conducts audit on operations of the civilians in NPS, and audit of the NPSC Secretariat operations and structures; oversees data management of the Commission; and conducts public enquiries and publishes the outcomes of such inquiries on matters related to the mandate of the Commission.

4. Policy, Programmes, Legal Affairs and Appeals Committee

The Committee coordinates undertaking of various research and surveys as stipulated in the strategic plan; develops and reviews policies and procedures to mainstream cross cutting issues; provides leadership on complaints management, case management and
litigation involving the NPS and NPSC; and develops appropriate guidelines for formation and recognition of police associations. It also provides leadership in development and implementation of performance and change management systems and measures. The Committee is responsible for development, management, monitoring and evaluation of training programmes for NPS; and develops terms and conditions of service for NPS staff, including pay and benefits.

This committee develops and reviews the vetting strategy and oversees its implementation; develops and implements the policy and procedures for appeals to the NPSC; recommends the treatment of an appeal from an aggrieved officer; implements the policy and procedures for appeals to the NPSC; develops guidelines; and monitors and evaluates all complaints received in the Commission. It operationalizes the IAU of the NPS and develops the NPSC complaints management system; provides leadership on case management and litigation involving the NPS and NPSC; and liaises with development partners involved in supporting police reforms.

5. Recruitment, Appointment and Promotions Committee

The Committee coordinates the overall recruitment process of NPS members, including civilian staff of the NPS; evaluates the baseline surveys on the gender, ethnic distribution and stagnation of officers in various ranks in the NPS with a view to making the necessary recommendations; provides leadership in management and coordination of recruitment appointments and promotions in the NPS; coordinates the implementation of the NPS recruitment, promotions policies and regulations; reviews job descriptions and Schemes of Service within NPS; and provides reports on the implementation of the NPSC recruitment and appointment and promotions regulations.

6. Discipline and Transfers Committee

The Committee implements and reviews the policies, regulations, guidelines and procedures on disciplinary matters and appeals in the NPS; conducts public enquiries and publishes the outcome of such inquiries on matters related to the Commission’s mandate; promotes compliance with the disciplinary procedures in the Service; develops the schedule of penalties for the offences against discipline in the NPS; and reviews and recommends confirmation of disciplinary sanctions under section 89 (6) of the NPS Act. It also recommends disciplinary action against an officer who commits a criminal offence.

The Committee provides leadership in management and coordination of transfers in the NPS; coordinates the implementation of the NPS transfer and deployment policies and regulations; coordinates the development of a skills inventory in the NPS; and recommends transfers of the NPS staff in the Service, formations and across the country. It also oversees and provides reports on the implementation of the NPSC discipline and transfer and deployment regulations.
NPSC Chairperson Johnston Kavuludi (4th Left) with other Chairpersons of Constitutional Commissions and Independent Offices during the 6th Annual Conference of the Forum of Chairpersons of Constitutional Commissions and Holders of Independent Offices.
1.6 Profiles of the Commissioners, Commission Secretary, Directors and Former Commissioners, Former Chief Executive Officers

1.6.1 Current Commissioners

JOHNSTON KAVULUDI, EBS, HSC
CHAIRPERSON

Mr. Johnston Mafenyi Kavuludi, a career Educationist, holds a Bachelor of Education (B.Ed,Hons.) Degree in English, Literature and Geography from the University of Nairobi. He started his career as a teacher in 1976; taught in several High Schools and Teachers’ Colleges prior to his appointment into Education Administration and Management. He has served as District Education Officer, Provincial Director of Education, Senior Deputy Director of Education, Director of Manpower Planning and Development, Commissioner of Labour and also served as a Liaison Officer, co-coordinating the Africa Region at the International Labour Organization (ILO) where he chaired the Credentials Committee, prior to his retirement from the Civil Service in 2007.

Mr. Kavuludi was admitted to the University of Leeds for post graduate studies (Dip. Ed/M.Ed) in Education Administration and Management - 1983/84. He also holds Post Graduate Diplomas and Certificates in International Labour Standards (International Training Centre of the International Labour Organization (ILO), Turin, Italy); Strategic Management (University of Witwatersrand, South Africa); Management of Public Employment Services (National University of Singapore and Alternative Pedagogical Strategies (Manizales, Columbia and Coban-Guatamala).

He has key competencies in the areas of Administration and Management of Education, management of the Training Function, Human Resource Planning and Utilization, Public and Labour Administration, and Performance-Based Management. Prior to his appointment as Chairperson to the National Police Service Commission, he was a consultant in Public Sector Management, focusing on the achievement of outstanding performance in the Public Service.
**COMMISSIONER MARY AUMA OWUOR, MSc, FSyl, DC0**

She is a holder of a Master of Science degree in Risk and Disaster Management from Leicester University (UK). She has attended several courses both locally and abroad.

She joined the Kenya Police Service in 1969 as a direct entry Cadet Inspector and rose through the ranks. She served in various capacities including Provincial Criminal Investigations Officer in Charge of Nyanza Province, Chief Instructor CID Training School, Deputy Commandant and Commandant CID Training School, Staff Officer Assistant Commissioner of Police, Nairobi Area and the 1st Staff Officer in Charge of Training for the Criminal Investigations Department.

After her retirement in 2001 she worked with Safaricom Ltd between 2001-2005 as the Network Security Manager where she oversaw Fraud and Security Analysis. Between 2005 and 2012 she served as the Managing Director of Metro Consultants and Guardian Ltd, a firm which provides security guards as well as running courses for the security industry.

Mrs. Owuor joined the National Police Service Commission as a Commissioner on 3rd October 2012 where she has also served as the Chairperson of the Committee on Human Resource Management which deals with promotions, discipline, transfers and training. She also Chairs the Committee on Police Reforms and Operations Audit which visits police stations countrywide to assess their operations, records and suitability.

**COMMISSIONER MURSHID MOHAMED**

Commissioner Murshid Mohamed holds a LLM (Constitutional Law), LLB and B.A. in political science all from M.S. University of Baroda in India. He is an Advocate of the High Court of Kenya, Law Society of Kenya, International Commission of Jurists, and a member of the Institute of Chartered Public Secretaries of Kenya.

He previously worked at the Mitchell Cotts Shipping and Safmarine lines in Mombasa and lectured at the Bandari College, Mombasa.

COMMISSIONER RONALD LEPoso MUSENGI

Commissioner Musengi holds a Masters in International Business Studies from Australia Institute of Technology, Postgraduate Diploma in Project Planning and Management from the University of Nairobi, a B.A. in Economics from Brocks University, and a Diploma in Civil Engineering from Mohawk College both in Ontario Canada. He also holds a Diploma in Building and Construction from Kenya Polytechnic. He is a fellow of the American Academy of Financial Management and an Associate member of the Ontario Association of certified engineering technician and technology. He previously worked in Kenya Commercial Bank, in charge of correspondent banking in Africa and the Middle East and served as an Assistant Manager with Niko Bank in the UK. He is experienced in the areas of credit appraisals, establishment of correspondent relationship with foreign banks, and reciprocal business, among others.

1.6.2 Commissioners Who Exited

THE LATE VICE CHAIRPERSON
ESTHER CHUI-COLOMBINI, MBS

The late Esther Chui - Colombini was a holder of a Master of Science in Law from Thomas Jefferson School of Law, San Diego California (USA) and a Bachelor of Art Degree in Sociology and Theology from the University of Nairobi. She has also attended several courses in the United States of America.

She began her career in Kenya at Bawan Ltd as the Executive Secretary in 1995 and later moved to Secure Property Consultants in the same capacity from 1997 to 2002. In 2004 -2005, she worked in Century 21 Alliance, Santa Rosa, California, USA and later in the Institute for African Development, Democracy and Sovereignty (USA) as the Operations Director.

She got an award, the Moran of the Burning Spear awarded by former President Mwai Kibaki for her efforts in housing internally displaced persons affected by the post-election violence of 2007/2008.

The late Chui-Colombini joined the Commission as the Vice-Chair person in October 2012. She was the Chairperson of the then Commission’s Welfare and Professional Development Committee, the Budget Committee and the Police Reforms Committee on Housing, Stalled Projects and Police Welfare Audit. She died on 25th November 2013 after a short illness.
FORMER COMMISSIONER
MAJOR (RTD) SHADRACK MUTIA MUIU

Dr. Major Shadrack Mutia Muiu was born on 7th April 1941. He attended various Kenyan schools before enlisting in the Kings Africa Rifles as a cadet officer from 1958-1961. In 1962, he trained in Great Britain as a Cadet and undertook subsequent local courses in intelligence (1964), Transport Management Course (1965) and Captain’s Course (Lanet) in 1966.

He attended a Communications Course in South Hampton (1967) and the long staff course Land Forces and Command Staff College, Fort Frontenac, Ontario Canada from 1972 to 1973.

He also holds other qualifications as follows: Bachelor of Science in Business Administration from the United States International University (1988-1992), a Post Graduate Diploma in Theology from Caribbean International College, USA and PhD from the University of International Faith Seminary in Washington USA.

Between 1974 and 1978, Major Muiu served as Staff Officer responsible for operations and training at the Armed Forces Training College, Lanet. He subsequently served as Brigade Major at Gilgil Garrison. In January 1978, Major Muiu was appointed the Commandant of the Administration Police Service.

1.6.3 Commissioners From the National Police Service

INSPECTOR GENERAL JOSEPH KIPCHIRCHIR BOINNET, MGH, NSC (AU)

Joseph Kipchirchir Boinnet is the inspector General of the National Police Service. He joined the Police Service in 1984 and rose to the rank of Senior Superintendent of Police. He was transferred to National Intelligence Service in 1999 where he rose to the rank of Assistant Director.

He holds two Masters Degrees from the National University of Australia on National Security Management.
DEPUTY INSPECTOR GENERAL EDWARD NJOROGE MBUGUA, MBS, OGW, NDC (K)

Edward Njoroge is the current Deputy Inspector General of the Kenya Police Service. He was enlisted in the Police Service in May 1978. Prior to the position, he served as the Commandant, Presidential Escort Unit.

He holds a Diploma in International Studies from the University of Nairobi and has forty (40) years’ experience.

DEPUTY INSPECTOR GENERAL NOOR Y. GABOW, EBS, OGW

Mr. Gabow is the current Deputy Inspector General – Administration Police Service, having served as the Commandant of the Kenya Police College before this position.

He holds a Master of Governance, Peace and Security Studies and a Bachelor of Arts in Criminology and Penology. He was enlisted in 1989 and moved through the ranks up to Assistant Inspector General before his appointment as the Deputy Inspector General of the Administration Police Service.

The Commission has co-opted the Director of the Directorate of Criminal Investigations (DCI) into the meetings of the Commission due to the technical nature of the Directorate’s functions and to provide technical expertise in matters being discussed by the Commission in relation to the Directorate. By law, the Director of the DCI is a State Officer appointed by the President to serve in the National Police Service.

DIRECTOR OF CRIMINAL INVESTIGATIONS, GEORGE KINOTI

He is currently the Director - Directorate of Criminal Investigations. Mr. Kinoti holds a Master’s Degree in Security Management and Undergraduate in Sociology and Geography option. Mr. Kinoti is along serving and outstanding police officer having served in various ranks and stations since his enlistment in 1992.

Before his appointment to the Director of DCI he was the Director of communications/ spokesman of the National Police Service and earlier Head of Security and Investigation Services at Central Bank of Kenya.
FORMER DIRECTOR OF CRIMINAL INVESTIGATIONS, FRANCIS NDEGWA MUHORO

Served between 2010 and 2018

Mr. Muhoro is a holder of Masters Degree in International Relations (2009) and a Bachelors Degree in Arts (1990) from University of Nairobi.

He is a career police officer having served in various ranks and stations since his enlistment in 1991. He has also served as Commandant of the Kenya Police Staff College (2008-2010) and served as the Director DCI from 2010 to 2018.

1.6.4 Former Commissioners from the National Police Service

FORMER INSPECTOR GENERAL, DAVID MWOLE KIMAIYO, MGH, CBS

Served between 2012 and 2015

He was the first Inspector General of the National Police Service, a position created by the 2010 Kenyan Constitution to replace the position of Police Commissioner.

He holds a PhD in Criminology and Social Order from the University of Nairobi, a Bachelor of Arts Degree in Criminology and Criminal Administration and a Master of Science in Criminology and Criminal Justice from University of South Africa (UNISA) and University of Leicester, respectively. He also holds a Bachelor of Theology and a Master of Theology both from the Beacon University.

He applied for the position of Inspector General in 2012 and was interviewed by the National Police Service Commission. He was then appointed by President Mwai Kibaki and was subsequently approved by Parliament and took his oath of office administered by former Chief Justice Willy Mutunga on 24th December 2012.

Mr. Kimaiyo served as the Inspector General and a Commissioner of the NPSC from 2012 to 2015.
FORMER DEPUTY INSPECTOR GENERAL, GRACE SYOMBUA KAINDI, MBS, HSC

Served between 2013 and 2015

Ms Grace Kaindi was the first Deputy Inspector General of the Kenya Police Service and a Commissioner of the National Police Service Commission upon her swearing in, in 2013, and she served until September 2015.

She is a holder of a M.A. Degree in International Relations from University of Nairobi and MSc in Risk, Crisis and Disaster Management from University of Leicester, UK.

She has vast experience in the police service where she has served in various ranks since her enlistment in 1975. She has been Commandant of the CID training School (2005), Provincial Police Commandant, Nyanza (2006-2008) and Director of Complaints at police headquarters (2008-2012) prior to appointment as DIG (KP) in 2013.

FORMER DEPUTY INSPECTOR GENERAL, JOEL MBONYA KITILI, MBS

Served between 2016 and 2018

He was the GSU Commandant until his nomination to the position of Deputy Inspector General of the Kenya Police Service in 2016, a position he served until January 2018. Prior to his position as the GSU Commandant, he worked as the Regional Coordinator, Rift Valley, from 2013.

He also worked in the Armourers Training School, GSU Training School and the Presidential Escort Unit.

FORMER DEPUTY INSPECTOR GENERAL SAMUEL MWONGERA ARACHI, EBS, OGW

Served between 2012 and 2018

He is a career civil servant who started as an Assistant Secretary in 1989 and rose through the ranks to the position of District Commissioner in 1993 and was later promoted to the position of Senior AP Commandant 1 in 2012 prior to his appointment as the first Deputy Inspector General of the Administration Police in 2012 where he served until
January 2018. He holds a Masters Degree in International Relations, a Bachelors of Arts Degree and a Postgraduate Diploma in International Relations (1992), all from the University of Nairobi.

1.6.5 Commission Secretary/CEO

JOSEPH VINCENT ONYANGO, COMMISSION SECRETARY / CEO

As Secretary to the Commission, The CS/CEO is responsible for; acting on the decisions of the Commission; the implementation of the functions of the Commission; the formulation and development of an efficient administration; the organization, control and management of the members of staff of the Commission; day-to-day administration and management of the affairs of the Commission; the performance of such other duties as may be assigned by the Commission.

Mr. Onyango holds a Masters Degree in Strategic Development, a Higher Diploma in Human Resources and an Undergraduate in Sociology. Mr. Onyango has a comprehensive industry experience in Organizational Development, Leadership and Strategic Management. Before joining the Commission, he was the Director, Establishment and Management Consultancy Services at the Public Service Commission.

1.6.6 NPSC Directors

CHRISTINE ROTICH
DIRECTOR, HUMAN CAPITAL MANAGEMENT

Mrs. Rotich holds an Executive MBA from Jomo Kenyatta University of Agriculture and Technology (JKUAT), a Higher National Diploma in Human Resource Management and a BA (History and Government) from University of Nairobi. She has over 27 years’ experience in the public service and has served in various capacities at the Office of the President, Ministry of Health, Cabinet Affairs Office and the Judges and Magistrate Vetting Board.

She has a wealth of experience in mainstreaming concerns in the public service, strategic human resource planning, performance management concept, counseling skills and ethical presentation skills for senior managers. Before joining the Commission, she worked at the Executive Office of the President, Cabinet Affairs as an Acting Assistant Director, Human Resource Management and Development.
JONAM KINAMA
DIRECTOR - CORPORATE SERVICES

Mr. Kinama holds an Executive Master of Business Administration (EMBA) from Jomo Kenyatta University of Agriculture and Technology (JKUAT) and a Bachelor of Arts Anthropology from the University of Nairobi.

He has over 25 years’ experience in the civil service and previously served in State Law Office as Under Secretary; in the Ministry of Interior as Under Secretary and Senior Deputy Secretary; and in the Ethics and Anti Corruption Commission as Deputy Director – Administration before his appointment as the Director, Corporate Services at National Police Service Commission.

LONGINUS MULONDO
DIRECTOR - STRATEGY, RESEARCH AND VETTING

Mr. Mulondo holds a Bachelors degree in Security Management from Egerton University, a Diploma in Security and Strategic Studies from University of Nairobi, and Diploma in Communication and Media from Multimedia University.

He has over twenty-eight (28) years of experience in public service in management of security operations and strategic planning.

PATRICK ODONGO
DIRECTOR - COMMUNICATIONS AND OUTREACH

Mr. Odongo holds a Masters Degree in Communication Studies and Bachelors Degree (Hons) in Journalism and Media Studies both from University of Nairobi. He also holds a Diploma in Journalism from the Kenya Institute of Mass Communication. He has over 26 years’ experience in the civil service and previously served in Kericho, Embu, Teso and Mt Elgon Districts in various capacities.

He had served as Manager/Communications at NPSC before his appointment as Director, Communications and Outreach.
1.6.7 Former Commission Secretary/CEOs

JAMES MUHORO, OGW

Served between 2012 and 2013

He holds a Bachelors degree in Literature, Political Science and Philosophy from University of Nairobi. He joined the Civil Service (Provincial Administration) in 1978.

He served as Senior Deputy Secretary in Central Bank of Kenya. Between 1999 and 2000, he served as Ag. Director of Kenya Marine and Fisheries Research Institute (KMFRI), Mombasa.

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DR ELIJAH ACHOCH
COMMISSION SECRETARY / CEO

Served in 2013

He holds a Bachelor of Arts degree (B.A (Hons)) from University of Nairobi, Master of Science (MSc) in Human Resource Management and Development from Victoria University of Manchester, Britain, and Doctor of Philosophy in Human Resource Management from Jomo Kenyatta University of Agriculture and Technology in Kenya.

He is a Certified Public Secretary (CPS-K) and a Certified Ethics Officer. He served the Commission in the year 2013.

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MR JAIRUS OJANGO
COMMISSION SECRETARY / CEO

Served between 2013 and 2017

Mr. Ojango has wide experience in Public Sector Administration and Management in the public service.

He holds a Bachelor of Arts degree in Governance and a Master of Business Administration degree both from the University of Nairobi. Mr. Ojango is a member of the Kenya Chapter of African Association for Public Administration and Management (AAFAM).
2.1 Introduction

This chapter provides a summary of the policies and regulations that lay the foundation for the vetting, recruitment, appointment, promotion, transfer and discipline of members of the National Police Service.

Upon the establishment of the Commission, it undertook a process of understanding how the Public Service Commission used to handle the human resource processes for the police force, as it was then, with a view to transitioning from the PSC to the NPSC.

The Commission also studied the issues highlighted in various reforms documents including the Police Reforms Implementation Committee (PRIC) Report and the report from the Taskforce for Police Reforms (“Ransley” report) which highlighted the various ills in the police and made significant recommendations on how to resolve the highlighted problems.

The Commission also engaged serving members of the police service at various levels to get their views and input into the proposed human resource processes that were a significant change from how things were being done before, and the new reforms dispensation brought about by the Commission.

With support from experts and practitioners, the Commission embarked on development of policies and regulations to guide the human resource management of the police service.

A “Policy” is a course or principle of action adopted or proposed by an organization or individual while a “Regulation” is a rule or directive made and maintained by an authority. The Commission therefore developed a working policy on human resource management of the police service. This document detailed the policy direction on matters under the key mandate of the Commission, including recruitment, promotions, transfers, disciplinary mechanisms and training.

The policy document became the basis upon which regulations were developed to guide the processes of recruitment and appointment, promotions, transfers and deployment in the Service, and the disciplinary processes to be undertaken against officers accused of committing offences during their period of service.

This chapter therefore provides an in-depth look into the methodology of developing the regulations, including stakeholder engagements and the implementation guidelines for the regulations.
2.2 Process of Developing the Regulations

Upon appointment in 2012, the six inaugural Commissioners embarked on development of policies and regulations to guide the implementation of the key mandate of the Commission. With the initial support of UNODC through appointment of expert local and international consultants, the Commission developed the human resource policy on Recruitment and Appointment in the Service, Promotions, Transfers, Training and Disciplinary Procedures. The policy gave way to the drafting of regulations on the same mandate areas for implementation.

The policy was developed as the framework upon which the regulations would be based on and it anchored the basis of the regulations. The reforms were largely based on the information arising during vetting exercises, which led the Commissioners to understand the human resource management of the police. The Commissioners had to unpack the issues and challenges affecting the police, based on the information gleaned during the vetting exercise.

The process of developing regulations was funded by the National Treasury, and support given to the Commission by development partners in the form of expert consultants in different fields. Facilitation for crucial conferences and workshops came from various stakeholders who were brought together to input into the documents. The Commission received support from UNODC, Coffey International, Jamii Thabiti Programme, and the United States Embassy Bureau of International Narcotics and Law Enforcement Affairs (INL) programmes.
At the onset, the Commission put together a joint committee with representation from the Service and the Commission and co-opted members with expertise supported through UNODC. The technical committee held several drafting sessions to put together draft regulations before approval by the Commission.

The draft regulations received further input from the Commissioners who approved the drafts for stakeholder engagement. The Commission conducted widespread stakeholder engagement in several phases to ensure that the regulations had the support, views and ideas from different stakeholders including the National Police Service, the Ministry of Interior and Coordination of National Government, IPOA and the Law Society of Kenya who worked with the Commission in formulation and development of the regulations. The regulations were done as per the specifications of what Parliament expected them to do up until Gazettement.

The Commission engaged with the civil society members of the Police Reforms Working Group, with membership drawn from human rights groups. Civil Society Organizations including the Kenyan Section of the International Commission of Jurists, the International Center for Truth and Justice, the International Justice Mission, the Independent Medico-Legal Unit, the Kenya Human Rights Commission, Transparency International–Kenya, the Katiba Institute, Haki Africa, MUHURI and many others that deal with police accountability across the country were also consulted extensively. Their contributions were instrumental in the finalization of the draft policies and regulations. These stakeholder engagement forums were also supported by the Police Reforms Working Group in form of mobilization of participants and funding for the conference facilities used for the forums. These forums also drew participation from Constitutional Commissions and Independent Offices such as the Commission on Implementation of the Constitution, the Office of the Attorney General, the National Gender and Equality Commission, the Kenya National Commission on Human Rights, and the Independent Policing Oversight Authority. Input from the forums was incorporated in the draft regulations and circulated for members of the Service to validate the input.

The Commission engaged with the Parliamentary Committee on Administration and National Security who went through the draft regulations with the Commission and made input into the contents. This was necessary because Parliament is a key representative of the Kenyan people, and Article 10 of the Constitution lays emphasis on public participation in decision making in Government. This Committee is instrumental in security matters and policy development and, as such, the buy in from this Committee was crucial for the acceptance of the new regulations for the Service.

Specifically, the procedure detailed in the Statutory Instruments Act was followed to the letter. The Commission conducted stakeholder engagement and presented explanatory memorandum on the rationale behind each document to the Parliamentary Committee on Delegated Legislation, and thereafter submitted the draft regulations to the Office of the Attorney General for confirmation that no Kenyan laws had been contravened by any section in the regulations. The Office of the Attorney General also offered expert drafting support before submission of the regulations to the Government Printer for
Gazettement and Publication. The Statutory Instruments Act required that the published laws developed under delegated powers from the National Assembly be submitted to Parliament for approval. The Commission adhered to this provision by submitting copies of the gazette regulations to Parliament for approval within the stipulated period. The Commission thereafter received approvals from Parliament for the regulations to take effect.

As mentioned previously, during the drafting of the regulations, the Commission was duly guided by the provisions of the Statutory Instruments Act that provides for the procedure and requirements that institutions with delegated powers should follow in developing subsidiary legislation. Towards this end, the Commission engaged the National Assembly Committee on Delegated Legislation with a view to taking the members through the provisions of the draft regulations and obtaining input and views for the enrichment of the documents. The Commission developed the required Explanatory Memorandum on each regulation; these memoranda provided the specific changes that the regulations were providing as solutions in the Service. The members also provided the Commission with guidance on areas of the draft regulations that required publicity to ensure members of the public were fully aware of the relevant procedures pertaining to the Service.

Following extensive stakeholder engagements and finalization of the drafts, the Commission engaged a legislative drafter and the Office of the Attorney General to assist in the legal drafting of the sections to ensure the documents met the drafting language and standards.

The Commission on Implementation of the Constitution (CIC) also assisted in providing technical guidance and input to the Commission as any legislation that was proposed had to be reviewed by the CIC.
The Commission thereafter forwarded the final regulations to the Office of the Attorney General and the Government Printer for publication. The regulations were thereafter published in the Kenya Gazette in 2013 for the NPS Vetting Regulations and in 2015 for the Recruitment, Transfer, Promotions and Discipline Regulations for implementation. In fulfillment of the requirements of the Statutory Instruments Act, the Commission thereafter forwarded the published regulations to the National Assembly as required by law, for their approval or rejection. The Parliament approved the regulations as published. In addition to the publication of the Commission Regulations, the Commission developed manuals to detail the implementation of the regulations.

The Commission also participated in the development of the National Police Service Standing Orders with a focus on mainstreaming the provisions of the regulations and manuals in the relevant chapters of the Service Standing Orders (SSOs). The relevant chapters of the SSOs were anchored on the Regulations, and the Commission ensured the provisions of the Service Standing Orders especially with regard to the human resource processes were in consonance with the regulations and policies developed by the Commission.

### 2.3 National Police Service (Vetting) Regulations 2013

Section 7 of the NPS Act provides that all officers shall undergo vetting by the Commission to assess their suitability and competence. The Commission shall discontinue the service of any police officer who fails in the vetting. These Regulations therefore provide the principles, criteria and modalities of the vetting function of the Commission provided under section 7 of the NPS Act.

The vetting undertaken by the Commission for members of the Police Service in Kenya was the first of its kind in the world and, as such, was a ground-breaking process. Nowhere else in the world have members of a disciplined service been vetted in the same manner that police officers in Kenya were vetted by this Commission.

The Commission prepared a Cabinet Memorandum which was approved by Cabinet to vet, and there was an approved budget. However, budgetary constraints led to prolonging of the period of vetting which was initially expected to take eighteen (18) months.

### 2.4 National Police Service Commission (Recruitment and Appointment) Regulations 2015

These regulations provide for the criteria and procedure for recruitment and appointment of members of the National Police Service, civilians and uniformed officers.

The report of the Taskforce on Police Reforms detailed the challenges in the recruitment process as it was carried out before when the function of recruitment was under the PSC and delegated to the Commissioner of Police. The report also made recommendations on the reforms needed in the recruitment process. These included the need to professionalize
the Service by providing minimum academic qualifications that potential recruits must possess for consideration for recruitment. It was noted that, for example, the height and weight specifications provided were discriminatory and could not apply uniformly across different tribes and regions in Kenya, and the one-day process applied then was prone to abuse, corruption and nepotism.

The Commission also noted that the only laid down procedure that existed for recruitment was the provisions of the Force Standing Orders (FSO), and these only applied to recruitment into the Kenya Police. The process in the FSO was a guideline applied and its application relied heavily on the discretion of the Commissioner of Police. The process for recruitment into the Administration Police was more fluidly applied by the Administration Officers in the regions they manned, or at complete discretion of the Commandant of the Administration Police.

The recruitment and appointment regulations developed by the Commission therefore provide a uniform process for recruitment into the Service. The regulations makes a provision for academic qualifications prescribed by the Commission, the removal/reduction of discretion by recruiting officers thus providing fairness and transparency in the recruitment process, and a process for handling of complaints to deal with issues of abuse, corruption and unfairness in a timely manner.

To elevate the professionalism in the recruitment process, the regulations provide for a three-stage process for the recruitment. The process starts with advertisement by the Commission calling for candidates to express interest in being recruited, the candidates are then expected to apply for the vacancies, the Commission then conducts a short listing process to identify the candidates that meet the prescribed criteria for recruitment and thereafter shortlisted candidates present themselves at recruitment venues for the verification of documents and assessment of physical and medical fitness. The Commission thereafter, through recruitment panels, shortlists the candidates who are physically and
medically fit and have their academic documents in good order. The successful recruits are therefore selected taking into consideration regional, ethnic and gender balance across the country to ensure representation of the country’s diversity in the selected recruits. The successful recruits are then issued with admission numbers with instructions on the police training institutions they are required to join.

This process is well documented in the regulations and ensures transparency and professionalism is maintained in the entire process.

In 2014, the Commission was taken to Court on the flaws identified in the recruitment process in that year. The court was of the view that the Commission had delegated its recruitment powers to individuals that the Commission had no powers over, i.e. the recruitment panels then headed by Deputy County Commissioners. This was before the regulations were in place.

Therefore, the regulations also drew lessons from the court judgment and ensured that the recruitment panels are led by police officers, who are by law under the human resource management of the Commission, and operational command of the Inspector General.

Table 2.1 provides a summary of the implementation of the recommended reforms in the recruitment process. The Regulations turned into law the recommendations that the various Reports (such as the Ransley and Kriegler Reports) had proposed.

### Table 2.1: An overview of implementation of recommended reforms in the recruitment process

<table>
<thead>
<tr>
<th>RECOMMENDED REFORMS IN RECRUITMENT AND APPOINTMENT</th>
<th>REGULATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic qualifications: Need to professionalize the Service</td>
<td>Possess a minimum grade as determined by the NPSC from time to time</td>
</tr>
<tr>
<td>Physical attributes: Height and weight specifications</td>
<td>Removed the height and weight requirements, but physical fitness is checked at second phase</td>
</tr>
<tr>
<td>Process: The one-day process was prone to abuse, corruption, nepotism, etc</td>
<td>The regulations have adopted a three-month process (Regulation 18)</td>
</tr>
</tbody>
</table>
| Proposals have been made to adopt the processes in Botswana, UK and Sweden | The recruitment process will have the following phases:  
  - Application and short listing phase  
  - Assessment of physical fitness, aptitude, medical examination and verification of documents phase  
  - Training phase  
  - Appointment stage |
2.5 National Police Service Commission (Promotions) Regulations 2015

These regulations provide for the procedure for promotion of police officers in the National Police Service. Promotions of uniformed police officers are done based on merit. The Ransley report cited ills in the promotions processes in the police and provided recommendations for improvement. The Commission also acquired substantial knowledge from the vetting process that it began in 2013.

Some of the ills cited in the Ransley report included the lack of clear criteria for promotion. Police officers felt that promotions were unfair and had resulted in stagnation in the same rank for several years. In the vetting process, the Commission noted that many officers had served in the same rank for many years yet some of their colleagues had been promoted very frequently. This led to lack of morale among officers who felt that they needed to “know someone in the senior ranks” to obtain a promotion, or to some extent there were reports of bribery to obtain promotion or to be selected for promotion courses.

The Ransley report recommended the need for monitoring and continuous audit of the promotion boards in the Service. The promotion boards were the boards that would sit and interview officers and select the officers to be sent for training and recommended for promotion. It was these Boards that officers felt were not carrying out fair promotions. The Commission also noted during the vetting that the processes for promotion in the Kenya Police and the Administration Police were not uniform, as each Service had their own procedures and examinations/courses that officers were required to attend to be promoted.

The Commission therefore developed the Promotions Regulations in a bid to provide uniform standards for promotion for the entire Service. In the regulations, the Commission provided for clear criteria for an officer to be recommended for promotion. Specifically, the regulations provide that promotions shall be determined by the existence of appropriate vacancies, and criteria for promotion or a promotional course and that promotions shall only be given upon successfully undergoing the training required for that promotion in question. The Commission also placed emphasis on Constitutionalism by providing that the process shall be guided by the values set out in Articles 10 and 232 of the Constitution, i.e. competitiveness, fairness and inclusivity.

To ensure the correct application of the mandate of the Commission, the process for promotions provides that the Inspector General is required to make recommendations for promotion to the Commission for determination. The Commission thereafter convenes the Recruitment Appointment and Promotions Committee to deliberate the recommendations and check that the criteria and career progression guidelines have been adhered to. The committee then presents the recommendations to the Board meeting for approval. It is only after the approval by the Board meeting that the Inspector General is authorized to implement the promotion.
Before the Inspector General commences the promotion selection process through the Service Promotion Boards, the Inspector General is required to table at the Commission Board meeting the existence of vacancies in certain ranks for approval of the commencement of the selection process. This notification and approval provides an opportunity for the Commission to conduct continuous monitoring of the selection boards, and ensures transparency is mainstreamed.

Table 2.2 provides a summary of implementation of the recommended reforms in the promotion process.

**Table 2.2: An overview of implementation of recommended reforms in the promotion process**

<table>
<thead>
<tr>
<th>REFORM RECOMMENDATIONS IN PROMOTIONS</th>
<th>REGULATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criteria for promotion</td>
<td>Subject to established policies on affirmative action, all staff shall be accorded equal opportunities for promotion.</td>
</tr>
<tr>
<td></td>
<td>1. Determined by the existence of appropriate vacancies, and criteria for promotion or a promotional course;</td>
</tr>
<tr>
<td></td>
<td>2. Only be given upon successfully undergoing the training required for that promotion in question;</td>
</tr>
<tr>
<td></td>
<td>3. Guided by the values set out in Articles 10 and 232 of the Constitution.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Promotion Boards should be audited by the Commission</th>
<th>Regulation 15:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Inspector General shall establish boards to be known as Promotion Boards to advise the Commission on issues relating to promotions.</td>
</tr>
<tr>
<td></td>
<td>The board set up under sub-regulation (1) shall comprise a senior staff member of the human resources department.</td>
</tr>
<tr>
<td></td>
<td>The Commission shall determine the membership and procedure of the Promotion boards (SSO Chapter 33)</td>
</tr>
</tbody>
</table>

**2.5.1 Career Progression Guidelines**

The development of a clear career progression path whose requirements are known by all police officers was one of the recommendations made by the National Taskforce on Police Reforms. The absence of such a structure meant that promotions were open to manipulation, which was manifested in stagnation of officers, and accelerated promotions for some officers. A scheme of service is critical to career progression as it spells out the requirements for promotion from one rank to another. Features of a scheme of service include job description, specifications and qualifications required, training that is
necessary, salary structure and job grade. To cure this problem which has been a source of despondency in the Service, the Commission initiated the process of developing a Scheme of Service for the NPS, in consultation with the Inspector General (IG). The Commission participated in the development of the Career Progression Guidelines for the National Police Service Uniformed Personnel which were subsequently approved by the Commission in 2016 and officially launched by His Excellency the President Uhuru Kenyatta in February 2018. The Guidelines are aimed at providing a well-defined career structure with clearly defined job descriptions and specifications, delineation of duties and responsibilities at all levels, the standards for recruitment, training and advancement within the career structure based on professional qualifications, knowledge of the job, experience, competence, merit and ability as reflected in work performance and results, and appropriate career planning and succession management.

2.6 National Police Service Commission (Discipline) Regulations 2015

These regulations provide for the disciplinary procedures that must be adhered to while taking disciplinary action against police officers for offences against discipline. Section 10 (4) of the NPSC Act provides that the ‘disciplinary control’ envisaged under Article 246 (3) of the Constitution shall mean:

1. The development and prescription of fair and clear disciplinary procedures and mechanisms in accordance with Article 47 of the Constitution;
2. Ensuring compliance with the prescribed disciplinary procedures and guidelines formulated by the Inspector-General;
3. Ensuring compliance with the due process in disciplining members of the Service;
4. Receiving of regular reports from the Inspector-General on disciplinary matters handled by the Service;
5. Reviewing or ratifying of disciplinary actions taken by the Inspector-General;
6. Hearing and determining appeals from the members of the Service; and
7. Observing due process, removing persons holding or acting in offices within the Service.

The Discipline regulations provide clear disciplinary procedures to ensure that officers who commit offences are taken through fair administrative action.

Prior to the establishment of the Commission when the police were under the PSC, the Kenya Police were disciplined through procedures in the FSO Chapter 20 while the Administration Police were disciplined using the PSC Code of Regulations. The first task the Commission had to ensure therefore was a uniform disciplinary process.

Further, under the FSO regime, it was felt that the senior officers, the gazette officers, were ‘above discipline’, a term to mean they were not to be taken through disciplinary proceedings. This was because their disciplinary processes were handled entirely by the PSC which was largely dependent on reference of discipline matters to the PSC by the Commissioner of Police for the PSC to take disciplinary action. There was therefore a
perception that the senior officers were not under full command of the Police and could therefore face little or no consequences unless upon the discretion of the Commissioner of Police. For the Administration Police, they were under civilian administration officials who they felt would grossly abuse their powers by ordering officer to do non-police work, failure to which would attract disciplinary processes.

Another issue regarding discipline was that before the 2010 Constitution, the PSC had delegated powers to the Commissioner of Police to dismiss officers in lower ranks. The officers in charge of regions could also dismiss officers in certain ranks. It was therefore felt that the absolute power was prone to abuse, with senior officers using the discipline process to settle personal scores or even to threaten officers into carrying out certain duties contrary to the rules and regulations.

The NPS Act placed the function to determine dismissals as a non-delegatable function of the Commission.

Therefore, the discipline regulations seek to ensure that the disciplinary procedures are fair, provide an appeal or review opportunity, and curb discretion that was previously abused by senior officers.

Table 2.3 provides a summary of implementation of recommended reforms in the disciplinary process.

Table 2.3: An overview of implementation of recommended reforms in the disciplinary process

<table>
<thead>
<tr>
<th>RECOMMENDED REFORMS IN DISCIPLINE PROCEDURES</th>
<th>REGULATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commencement of disciplinary proceedings</td>
<td>Disciplinary proceedings against an officer may commence on occurrence of any of the following: 1. A complaint from a member of the public; 2. A complaint from a member of the Police Service; 3. An officer caught in the act committing a disciplinary offence by the officer’s supervisor; 4. Intelligence report from a Government investigative body; 5. Anonymous witness statement or other statement made for another investigation not necessarily commenced for purposes of Police Service matters; 6. Adverse mention in a report of a parliamentary committee, committee of inquiry or any other official inquiry or investigation; or 7. Repeated warnings from a supervisor or other authorized officer; 8. Any other lawful ground as the Commission may determine.</td>
</tr>
</tbody>
</table>
Need for fair administrative action

- An officer shall be notified of a disciplinary hearing against him, in writing.
- Disciplinary hearings shall be conducted in an expeditious and fair manner.
- All disciplinary actions conducted by the Inspector-General under the delegated disciplinary functions shall be reported and recorded with the Commission.
- Officers aggrieved by the disciplinary action taken may appeal to the Commission.

2.7 National Police Service Commission (Transfer and Deployment Regulations 2015)

These regulations provide the process for the transfer and deployment of officers in the National Police Service. The regulations distinctly provide that “transfer” means the relocation of an officer to a new duty station and the officer from then onwards falls under the new posting and respective pay point, while “deployment” means temporary movement of an officer from one station to another station to undertake a specific assignment for a period not exceeding three (3) months and in which the pay point remains at the original station in which the officer was initially posted prior to the deployment.

In the previous dispensation, transfers were a function of the Commissioner of Police for the Kenya Police and the Commandant for the Administration Police.

In the Ransley report, police officers expressed that transfers were a source of frustration and an assault on the welfare of police officers. Officers felt that the process was abused in that transfers were too frequent, sometimes several times in a year and officers affected were unable to settle with their families. Transfers were used as a discipline measure with officers perceived to have discipline issues being transferred to hardship areas and officers seeking reward or soliciting for transfers to perceived ‘lucrative’ areas.

The criteria and justification for frequent movement of officers was not clear and, in many instances, officers were not paid their transfer allowances – which is an allowance paid to officers going on transfer to enable them to make the move and settle in the new duty station.

Due to the many ills in the transfer process, the NPSC Act that was enacted provided that the function of determining transfers was solely a function of the Commission and could not be delegated.

The transfer and deployment regulations sought to clarify the procedures for transfers to be determined by the Commission.
The Commission requires the Inspector General to submit recommendations for transfer to the Commission for determination, before transfers are effected. The Commission has made specific provisions that before transfers are effected, the Inspector General must give the Commission the justification for the transfer, and the assurance that transfer allowances and arrangement for the seamless transfer of the officer are availed. The Commission also requires the Inspector General to adhere to the requirement that before an officer is eligible for transfer, the officer must have served at the station he is to be transferred from for a minimum of one year or a maximum of three years. This provision was put in place to address the frequency of transfers.

To address the uniqueness of the Service, the Commission considered and adopted the element of ‘deployments’ in the Service to give an opportunity for the Inspector General to address operational occurrences that require emergency movement of officers to other stations to conduct certain tasks for a short time and return to their original stations. The purpose of the elaborate transfer and deployment regulations is to provide officers with a conducive work environment without fear of victimization through frequent or inconsiderate transfers.

Table 2.4 provides a summary of implementation of recommended reforms in the transfer process.

**Table 2.4: An overview of implementation of recommended reforms in the transfer process**

<table>
<thead>
<tr>
<th>RECOMMENDED REFORMS IN TRANSFERS</th>
<th>REGULATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer allowances (Regulation 4)</td>
<td>When considering a recommendation for transfer of an officer from the Inspector General, the Commission shall take into consideration factors including:</td>
</tr>
<tr>
<td></td>
<td>1. The justification given for the transfer</td>
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<td></td>
<td>2. The proposed transfer does not disrupt police work</td>
</tr>
<tr>
<td></td>
<td>3. Confirmation that funds are available to pay the officer(s) transfer allowance</td>
</tr>
<tr>
<td></td>
<td>4. Due regard is given to Articles 10 and 232 (1) (h) and (i) of the Constitution</td>
</tr>
<tr>
<td>Frequency of transfers (Regulation 5)</td>
<td>1. To be considered for transfer, an officer shall serve in a duty station continuously for a minimum period of one (1) year and a maximum period of three (3) years.</td>
</tr>
<tr>
<td></td>
<td>2. Transfers will, as much as is practicable, be made in a manner as to take effect in the month of December. Where due to unforeseen factors transfers are made at any other time of the year, considerations shall be accorded to the officer to ensure smooth movement.</td>
</tr>
<tr>
<td></td>
<td>3. Officers shall be notified of transfers in writing. An officer’s notification of transfer shall disclose the officer’s new posting, the date of assumption of duties and details of the officer’s facilitation of transfer.</td>
</tr>
</tbody>
</table>
2.8 Amendments to the Laws

The National Police Service Commission Act and the National Police Service Act have undergone amendments in 2014, 2015 and 2016 on various issues impacting on the mandate of the Commission.

2.8.1 Amendments to the NPSC Act

The amendments in 2014 to the NPSC Act related to membership of the Commission, the functions of the Commission, the powers of the Commission, and the conduct of business and affairs of the Commission, specifically on quorum and meetings of the Commission.

Membership of the Commission to serve on a full-time basis

The NPSC Act was amended to provide that all members of the Commission, including the Inspector-General and the two Deputy Inspectors-Generals, serve on a full-time basis. Prior to this, the Act provided that the Chairperson and members of the Commission other than the ex-officio members (the Inspector General of the National Police Service and the two Deputy Inspectors-General of the Kenya Police Service and the Administration Police Service) were to serve on a full-time basis, scrapping the exception to the ex-officio members.

Quorum and conduct of meetings of the Commission

Initially, the Act provided that the quorum of meetings of the Commission was five members, including two members appointed under Article 246 (2) (a) (i) and (iii). It also provided that the same quorum would exclude the ex-officio members of the Commission appointed under Article 246 (b) and (c); that is, the Service Commanders. In 2014, this was amended and now reads that the quorum of the meetings of the Commission shall be six (6) members, who shall include the four (4) members appointed under Article 246 (2) (a) (i) and (iii) of the Constitution and any two (2) of the members appointed under Article 246 (2) (b) and (c) of the Constitution. These amendments did away with the interpretation that the Service Commanders are ex-officio members of the Commission and affirm that the Inspector-General and the Deputies were and are members of the Commission with voting rights. At least two Service Commanders must be present for there to be quorum.

Further, the Act introduced that the Commission is to hold a minimum of six (6) meetings in every financial year and it is a requirement for a minimum of four (4) days’ notice to be issued to members by the Chairperson before any meeting of the Commission.

Functions of the Commission

The amendments to the Act on functions of the Commission were to provide clarity and specificity on the functions of the Commission.
Initially, Section 10 (a) provided that the Commission would keep under review all matters relating to standards or qualifications required of members of the Service. The sub-section now provides that the Commission shall, on the recommendation of the Inspector-General, develop and keep under review all matters relating to human resources policies of members of the Service.

Sub-section 10 (g) of the Act, prior to the amendment, provided that the Commission would investigate and summon witnesses to assist for the purposes of its investigations. The amendment clarified that the Commission would not undertake investigations on criminal matters and where, during disciplinary investigations, the Commission identifies violation of any written law, whether civil or criminal in nature, the Commission shall recommend the prosecution of the offender in accordance with the law. The sub-section provides further that the proceedings will not be affected by any criminal or civil action commenced.

In addition, Section 10 (k) provides that the Commission has the function of hearing and determining appeals from members of the Service on disciplinary matters relating to transfers, promotions and appointments.

**Powers of the Commission**

The Act was amended to provide that the Commission may delegate to the concerned Inspector-General the recruitment, appointment and promotion of police officers under the rank of Superintendent (Annex on Delegated Instruments).

The Act, at Section 10 (4), provides that disciplinary control entails, among others, the development and prescription of fair and clear disciplinary procedures in accordance with Article 47 of the Constitution.

In addition, the Act under Section 11 is specific that while the Commission has powers to hold disciplinary hearing proceedings, to conduct public inquiries and to publish the outcome of such inquiries, the Commission is mandated to do so only on matters relating to its mandate as provided for under Article 246(3) of the Constitution.
2.8.2 Amendments to the NPS Act

Some amendments to the NPS Act in 2014, 2015 and 2016 had an implication on the mandate of the Commission. The major amendments to the law with an impact on the mandate of the Commission included:

1. The appointment of the Inspector-General, the Deputy Inspectors-General and the Director of the Directorate of Criminal Investigations: This function was relocated from being a function of the Commission to a function of the President.

2. The appointment of special police officers: The Act was amended to provide the procedure for the appointment of special police officers in the Service.

3. The establishment of the Service Examination Board: The amended Act provided for the establishment of the Service Examination Board to set and maintain examination standards of the Service and evaluation and certification of examinations in the Service. The establishment of this Board is yet to be done.
3.1 Establishment of Commission Offices

The inaugural Commissioners started their work in the Lobby of the Crowne Plaza Hotel, then proceeded to two rooms at 13th Floor Bruce House where one room acted as an office for the Chairperson and the other as a board room for all Commissioners and the rest of the staff. Due to operational difficulties, the Commission relocated to Luther House which was fraught with security challenges and an environment unconducive to the performance of the work of a constitutional commission. This led to the need to scout for better office accommodation and the space of Sky Park Plaza.

The Commission proceeded to carry out procurement of partitioning and refurbishment works for the space at Sky Park Plaza. Upon completion, there was still the challenge of furniture, plant and equipment including ICT infrastructure all of which have since been made available. Some of the physical acquisitions include official motor vehicles for official use of the Commission and Commission staff, including utility vehicles albeit the inadequacy.

The Commission considered the need to have its own permanent abode and requested the Ministry of Lands to identify and allocate a parcel of Land for the Commission. Land was identified in Upper Hill Nairobi but the process of concluding ownership to the Commission is incomplete.

3.2 Establishment of the Secretariat

At inception, the National Police Service Commission had one seconded staff who acted as the Secretary to the Chairperson of the Commission and immediately embarked on assembling additional staff all of whom were seconded and deployed from various line ministries to help set up the structures and systems of the Commission. Most of the seconded and deployed staff have since been absorbed by the Commission on permanent and pensionable terms through a competitive recruitment process and others returned to their parent Ministries. By the time of this report, the Commission had 172 members of staff.

Even with a staff complement of 172, it was still found prudent to have some staff on secondment and others on deployment, especially security officers. The Commission’s optimal staffing level is yet to be realized due to budgetary constraints and inadequate funding.

The Commission has leased and partitioned modern offices accommodating all the staff in a conducive working environment. In addition, the Commission Secretariat staff is
well equipped with modern ICT infrastructure to implement their mandate efficiently and effectively. The Commission has also ensured that staff welfare is enhanced, and has put in place a staff pension scheme, and a medical insurance scheme for all staff.

The Commission interviewed and appointed various Commission Secretaries to lead the Commission Secretariat during its tenure. The first three Commission Secretaries were seconded from mainstream Government Ministries. The first substantive Commission Secretary is Mr. Joseph Vincent Onyango.

The following are the former Commission Secretaries:

- Mr. James Maina Muhoro, OGW (2012–2013)
- Dr Elijah Ochieng’ Achoch, PhD, CPS (K) (2013)
- Mr. Jairus Ojango Omumu (2013–2017)

### 3.3 Managing the Human Resource of the National Police Service

#### Recruitment and Appointment

With the government moratorium on recruitment, the ratio gap between civilians to police officers increased, thus hampering service delivery. The Commission as per the advice of the National Security Council and authorization from the Commander in Chief had to embark on massive recruitment of police constables which was truncated into batches of 10,000 recruits spread throughout its first tenure as indicated in Table 3.1.
Table 3.1: Recruitment of police constables

<table>
<thead>
<tr>
<th>S/NO.</th>
<th>Year</th>
<th>No. of recruits</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2013</td>
<td>7,412</td>
</tr>
<tr>
<td>2.</td>
<td>2015</td>
<td>10,224</td>
</tr>
<tr>
<td>3.</td>
<td>2016</td>
<td>10,205</td>
</tr>
<tr>
<td>4.</td>
<td>2017</td>
<td>10,107</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>37,948</strong></td>
</tr>
</tbody>
</table>

The NPSC Recruitment and Appointment Regulations 2015 and recruitment delegation tools were developed and implemented to ensure that transparency, accountability and equity were observed in all recruitment processes.

To conform to gender sensitivity, the Commission in its first recruitment exercise increased the number of women recruited. However, the need to recruit more women into the Service proved to be challenging owing to the nature of work in the Police Service, the terrain of the country, the increased threat of terrorism and espionage. The National Security Council advised that it may not be suitable to send women to certain areas and certain assignments and therefore the numbers of women in subsequent recruitments were reduced.

Despite limited recruitment slots per region, regional and ethnic balance was strictly adhered to, ensuring that minority communities who meet the requisite requirements were given equal opportunity. This has given the Service the face of Kenya.

**Challenges in the Recruitment Process**

Having successfully carried out recruitment in 2013, the IPOA flagged out anomalies with the recruitment exercise of 2014. The Commission corrected the anomalies but unfortunately the court nullified the exercise and there was no recruitment carried out that year.

The nullification of the recruitment was an opportunity for the Commission to make some changes in the recruitment processes, especially in the composition of the recruiting committees to ensure that outsiders do not compromise the process. These changes led to success in the subsequent recruitment exercises which have seen the recruitment of 30,536 police officers.

**New Ranking Structure**

The National Police Service Act in its First Schedule provides the ranking structure of the National Police Service. The ranks are a departure from the previous ranks in the Kenya Police Force and the Administration Police Force (Table 3.2). The Commission operationalized the ranking structure by appointing officers who were suitable, qualified
and who had passed the vetting of police process and appointed. The Commission also populated the new ranking structure from below the rank of Deputy IG by appointing suitable persons to the rank of Senior Assistant Inspector General (SAIG), Assistant Inspector General (AIG) and Commissioner of Police.

Table 3.2: The old and new ranking structures of the National Police Service

<table>
<thead>
<tr>
<th>Old Ranking Structure</th>
<th>New Ranking Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Commissioner of Police</td>
<td>1. Inspector General</td>
</tr>
<tr>
<td>2. Senior Deputy Commissioner of Police I</td>
<td>2. Deputy Inspector General</td>
</tr>
<tr>
<td>3. Senior Deputy Commissioner of Police II</td>
<td>3. Senior Assistant Inspector General</td>
</tr>
<tr>
<td>5. Senior Assistant Commissioner of Police</td>
<td>5. Commissioner of Police</td>
</tr>
<tr>
<td>6. Assistant Commissioner of Police</td>
<td>6. Senior Superintendent</td>
</tr>
<tr>
<td>7. Senior Superintendent</td>
<td>7. Superintendent</td>
</tr>
<tr>
<td>8. Superintendent</td>
<td>8. Assistant Superintendent</td>
</tr>
<tr>
<td>10. Inspector</td>
<td>10. Inspector</td>
</tr>
<tr>
<td>11. Senior Sergeant</td>
<td>11. Senior Sergeant</td>
</tr>
<tr>
<td>12. Sergeant</td>
<td>12. Sergeant</td>
</tr>
<tr>
<td>13. Corporal</td>
<td>13. Corporal</td>
</tr>
</tbody>
</table>

Appointment of Senior officers into the new ranks

Pursuant to the Commission’s mandate under article 246 (3), the Commission made appointment of officers into the new rank in conformity to first schedule of the NPS Act, 2011 as follows:

Table 3.3: Appointment of Officers in the rank of Senior Assistant Inspector General (SAIG)

<table>
<thead>
<tr>
<th>SUMMARY BY SERVICE GENDER AND ETHNICITY</th>
<th>KENYA POLICE SERVICE (KPS)</th>
<th>ADMINISTRATION POLICE SERVICE (APS)</th>
<th>DIRECTORATE OF CID</th>
<th>INSPECTOR GENERAL’S OFFICE</th>
<th>SUB- TOTAL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MALE</td>
<td>FEMALE</td>
<td>MALE</td>
<td>FEMALE</td>
<td>MALE</td>
<td>FEMALE</td>
</tr>
<tr>
<td>1. Meru</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2. Luhya</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3. Kamba</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>4. Luo</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>
### Table 3.4: Appointment to the Rank of Assistant Inspector General (AIG)

<table>
<thead>
<tr>
<th>SUMMARY BY SERVICE GENDER AND ETHNICITY</th>
<th>KENYA POLICE SERVICE (KPS)</th>
<th>ADMINISTRATION POLICE SERVICE (APS)</th>
<th>DIRECTORATE OF CID</th>
<th>INSPECTOR GENERAL’S OFFICE</th>
<th>SUB-TOTAL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MALE</td>
<td>FEMALE</td>
<td>MALE</td>
<td>FEMALE</td>
<td>MALE</td>
<td>FEMALE</td>
</tr>
<tr>
<td>1. Embu</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>2. Kalenjin</td>
<td>4</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>3. Kamba</td>
<td>-</td>
<td>-</td>
<td>4</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>4. Kikuyu</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5. Kisii</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>6. Luo</td>
<td>2</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>7. Luo</td>
<td>2</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>8. M/kena</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>9. Masaa</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>10. Meru</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>11. Njemps</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>12. Somali</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>13. Turkana</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>TOTAL</td>
<td>16</td>
<td>1</td>
<td>13</td>
<td>-</td>
<td>13</td>
<td>1</td>
</tr>
</tbody>
</table>

### Table 3.5: Appointment to the rank of Commissioner of Police (CP)

<table>
<thead>
<tr>
<th>SUMMARY BY SERVICE GENDER AND ETHNICITY</th>
<th>KENYA POLICE SERVICE (KPS)</th>
<th>ADMINISTRATION POLICE SERVICE (APS)</th>
<th>DIRECTORATE OF CID</th>
<th>SUB-TOTAL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MALE</td>
<td>FEMALE</td>
<td>MALE</td>
<td>FEMALE</td>
<td>MALE</td>
</tr>
<tr>
<td>1. Embu</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>2. Kalenjin</td>
<td>12</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>3. Kamba</td>
<td>11</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>4. Kikuyu</td>
<td>7</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>5. Luo</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>6. Luo</td>
<td>6</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>7. M/kena</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>8. Meru</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>9. Somali</td>
<td>4</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>10. Teso</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>11. Samburu</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>12. Burji</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>16</td>
<td>1</td>
<td>13</td>
<td>-</td>
<td>13</td>
</tr>
</tbody>
</table>
Challenges with the new Ranking Structure

In developing appointing officers in the new ranking structure, the Commission found it necessary to use the vetting tool not only for determining the suitability and competence of officers for retention but also for purposes of determining the appointment of the officers to the newly created ranks. As a result, they populated the new ranking structure by appointing suitable, competent and qualified officers.

This created harmonious progression as opposed to the previous one which had gaps and provided for higher job groups thereby lifting most of the officers to higher earnings and salaries. Whereas they did this, the Inspector General is not equivalent to Commissioner of Police as the Inspector General is markedly higher. It also placed the new ranking structures on a higher remunerative pedestal.

Confirmations in Appointments, Promotions and Renewal of Contracts

To streamline the promotional function of the Service, the Commission established promotional regulations to direct the procedures of the promotional boards and committees.

The Service previously had neither a scheme of service nor promotion regulations. This promoted stagnation, inequity in promotions, demoralization, increased corruption related to promotions, and poor service delivery.

The Commission developed and launched Career Progression Guidelines to address the officers’ career progression, redress problems of stagnation and conduct training needs. The vetting process identified persons who had stagnated, persons who had incorrect placement, and persons who had special skills. The Commission compiled a skills inventory that aids in the promotional processes, placement and to correct historical ills that were related to promotions.

Gender and regional balance coupled with the performance of the officers were some of the parameters that the Commission strictly adhered to when approving promotion. The Commission equally took cognizance to the adherence to promotional procedures, staff establishment and succession planning. This has seen more transparent promotional processes that are pegged on merit and performance, thus translating to better service delivery and high morale.

Due to inadequacy of specialized skills in the Service, the Commission found it necessary to renew contracts for specialized personnel such as pilots to ensure seamless transfer of necessary skills and for continued service delivery.
Below is a summary of the promotions and confirmations conducted from 2013 to date.

**Table 3.6: Summary of promotions and confirmation since 2013**

<table>
<thead>
<tr>
<th>Period</th>
<th>Description</th>
<th>No. of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>July 2013–June 2014</strong></td>
<td>1. Promotions</td>
<td>2,530</td>
</tr>
<tr>
<td></td>
<td>2. HTC Promotion</td>
<td>117</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td>2,647</td>
</tr>
<tr>
<td><strong>July 2014–June 2015</strong></td>
<td>1. Promotions</td>
<td>68</td>
</tr>
<tr>
<td></td>
<td>2. Confirmation in Appointments</td>
<td>93</td>
</tr>
<tr>
<td></td>
<td>3. Posthumous Confirmation</td>
<td>263</td>
</tr>
<tr>
<td></td>
<td>4. HTC Promotion</td>
<td>61</td>
</tr>
<tr>
<td></td>
<td>5. Confirmation of Cadet Inspectors</td>
<td>479</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td>964</td>
</tr>
<tr>
<td></td>
<td>2. Promotion on Merit of Various Ranks</td>
<td>120</td>
</tr>
<tr>
<td></td>
<td>3. Posthumous Confirmation</td>
<td>78</td>
</tr>
<tr>
<td></td>
<td>4. Renewal of Contracts for Pilots</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>5. Promotion to Inspectors (After attending Special Stations Commanders Course and SOIP)</td>
<td>133</td>
</tr>
<tr>
<td></td>
<td>6. HTC Promotions</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td>434</td>
</tr>
<tr>
<td><strong>July 2016–June 2017</strong></td>
<td>1. Promotion on Merit</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>2. Confirmation in Appointments</td>
<td>515</td>
</tr>
<tr>
<td></td>
<td>3. Posthumous Confirmation</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>4. Promotions to Various Ranks</td>
<td>1,475</td>
</tr>
<tr>
<td></td>
<td>5. HTC Promotions</td>
<td>254</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td>2,393</td>
</tr>
<tr>
<td><strong>July 2017 to date</strong></td>
<td>1. Promotion on Merit</td>
<td>331</td>
</tr>
<tr>
<td></td>
<td>2. Promotions to Various ranks</td>
<td>1,964</td>
</tr>
<tr>
<td></td>
<td>3. Posthumous Confirmation</td>
<td>92</td>
</tr>
<tr>
<td></td>
<td>4. Renewal of Contracts for Pilots</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>5. Retirement for NPS</td>
<td>145</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td>2,534</td>
</tr>
</tbody>
</table>

**Total Cases Handled**: 8,972
Transfer Management

The Ransley Report flagged out transfer and deployment as one of the most abused functions because is often improperly used as a disciplinary tool and reward tool. This saw an increase in litigation cases against the Service, increase in appeals on transfers, increase in corruption relating to transfer leading to dissatisfaction, desertion from the service and a disgruntled police service.

To guard against improper transfers, the new regulations stipulate that transfers shall not be used as a disciplinary sanction or reward measure and where this happens, the Commission shall revoke the transfer and act against any officer established to have participated in the transfer. Officers are free to appeal to the Commission against transfers if they have sufficient grounds to do so. In addition, an officer may request for a transfer or raise an objection to an intended transfer on medical or compassionate grounds for consideration by the Commission.

However, upon joining the Service, officers make a commitment that they shall serve in any part of the country. Transfers are inevitable for various reasons, chief among them being effective and efficient delivery of services. They are an administrative issue and the regulations provide a mechanism for appeals. The best practice is that internal mechanisms for solving transfer disputes are exhausted before going to Court.

In discharging this key mandate, the Commission in collaboration with the office of the Inspector General of Police has processed transfers of officers to various stations based on operational needs and personnel requirements and as envisaged under Article 246 (3) of the Constitution and as outlined in the NPSC Transfer and Deployment Regulations 2015. Below is a summary of the transfers made from 2013 to date (Table 3.7).

Table 3.7: Transfer cases

<table>
<thead>
<tr>
<th>Period</th>
<th>Total number of cases concluded</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 2013 – June 2014</td>
<td>1,574</td>
</tr>
<tr>
<td>July 2014 – June 2015</td>
<td>8,071</td>
</tr>
<tr>
<td>July 2015 – June 2016</td>
<td>1,204</td>
</tr>
<tr>
<td>July 2016 – June 2017</td>
<td>335</td>
</tr>
<tr>
<td>July 2017 to date</td>
<td>523</td>
</tr>
<tr>
<td>Total number of cases</td>
<td>11,707</td>
</tr>
</tbody>
</table>

The transfer process has not been devoid of challenges. Due to lack of an automated human resource system, it was difficult to authenticate and track the transfers of officers and therefore the Commission had to rely fully on the information given by the Service. The other major challenges were the lack of control of the payroll of the Service, which made it difficult to audit board directions and implementation. The Service conveniently
interchanged transfers with deployments and thus transferred officers in disguise of deployments.

Secondments and Transfer of Service

Various public institutions request for secondment of police officers to their institutions to offer security services for a period of three years, renewable once. Officers in other circumstances may wish to permanently move to other government institutions on transfer of service. For such secondments and transfer of service cases to be considered valid, all recommended cases are forwarded to the Commission for consideration and approval.

Each case is considered on its own merit and the Commission’s decision is communicated to the Service. The seconded officer remains dormant for the secondment period and the new employer is advised to remit 31% of their current civil service basic pay to the Director of Pension for the duration of their secondment. Officers on transfer of service are deleted from the payroll and their years of service prior to the transfer of service are preserved for purpose of claiming pension once they attain retirement age.

The secondments have mainly been to the following institutions, among others: Kenya Revenue Authority (KRA), Independent Police Oversight Authority (IPOA), Ethics and Anti-Corruption Commission (EACC), County Assemblies, Kenya Airports Authority, Office of the President, Interpol and others.

Table 3.8: Secondment and transfer of service

<table>
<thead>
<tr>
<th>Period</th>
<th>Description</th>
<th>No. of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. Transfer of Service</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>27</strong></td>
</tr>
<tr>
<td></td>
<td>2. Transfer of Service</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>59</strong></td>
</tr>
<tr>
<td></td>
<td>2. Transfer of Service</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>99</strong></td>
</tr>
<tr>
<td></td>
<td>2. Transfer of Service</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>90</strong></td>
</tr>
<tr>
<td>July 2016–June 2017</td>
<td>1. Secondment</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Transfer of Service</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>86</strong></td>
</tr>
<tr>
<td>July 2017 to Date</td>
<td>1. Secondment</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Transfer of Service</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>39</strong></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>400</strong></td>
</tr>
</tbody>
</table>
The Commission is aware of secondments by the National Police Service that are yet to be brought to the Commission for approval, and this poses a challenge to officers upon their retirement for lack of authorization from the Commission which is mandated to process and approve secondments. Going forward, it is important that all secondments be brought to the Commission for its approval as failing to follow this process risks disadvantaging such officers upon their exit because they risk losing their retirement perks.

**Disciplinary Cases**

Being a disciplined Service, the Commission takes cognizance of the importance of implementing its mandate to exercise disciplinary control and ensure parity and prompt and procedural handling of discipline cases in the Service.

Discipline, like transfer, was one of the human resource functions that were subject to abuse thus leading to an increase in litigation cases and dissatisfaction from the unfairly dismissed officers and serving officers as per the Ransley report.

The Commission through the Constitution, NPSC Discipline and Appeals Regulations 2015, the Service Standing Orders and other regulations emphasized the adherence of disciplinary procedures and fair administrative justice for officers. Cases of dismissal, reduction in rank and reinstatements are subjected to thorough scrutiny from the Commission’s Discipline and Transfer Committee before they are forwarded to the Commission board for final determination. This process has seen a reduction in number of officers unprocedurally dismissed and subsequent reduction in number of discipline related litigation cases.

The Commission has been able to make determinations on officers’ discipline cases as indicated in the table below.

**Table 3.9: Discipline cases**

<table>
<thead>
<tr>
<th>Period</th>
<th>Description</th>
<th>No. of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 2013–June 2014</td>
<td>1. Discipline cases</td>
<td>325</td>
</tr>
<tr>
<td></td>
<td>2. Reinstatement Cases</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>3. Posthumous Reinstatement</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>346</strong></td>
</tr>
<tr>
<td>July 2014–June 2015</td>
<td>1. Discipline cases</td>
<td>215</td>
</tr>
<tr>
<td></td>
<td>2. Reduction in rank</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>3. Reinstatements</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>266</strong></td>
</tr>
<tr>
<td>July 2015–June 2016</td>
<td>1. Disciplinary cases</td>
<td>191</td>
</tr>
<tr>
<td></td>
<td>2. Reduction in rank</td>
<td>3</td>
</tr>
</tbody>
</table>
3. Posthumous Reinstatement: 3 cases

4. EACC Cases: 130 cases

**Total number of cases:** 327

### July 2016–June 2017

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dismissal</td>
<td>206</td>
</tr>
<tr>
<td>Reduction in rank</td>
<td>12</td>
</tr>
<tr>
<td>Posthumous reinstatement</td>
<td>5</td>
</tr>
<tr>
<td>Disciplinary cases</td>
<td>52</td>
</tr>
<tr>
<td>Reinstatement</td>
<td>5</td>
</tr>
</tbody>
</table>

**Total number of cases:** 280

### July 2017 to Date

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disciplinary Cases</td>
<td>362</td>
</tr>
<tr>
<td>Posthumous Reinstatement</td>
<td>4</td>
</tr>
<tr>
<td>Reinstatement</td>
<td>7</td>
</tr>
<tr>
<td>Retirement under public interest</td>
<td>1</td>
</tr>
</tbody>
</table>

**Total number of cases:** 374

**TOTAL:** 1,593

The main challenges that the Commission faced were establishing mechanisms to authenticate the information received from the Service and the delay in forwarding the cases to the Commission for determination. Despite the challenges, the Commission managed to task its investigation team to carry out investigations on various cases. However, due to the huge numbers of discipline cases, not all cases were subjected to investigations. Nevertheless, all cases forwarded to the Commission were subjected to thorough audit and determined on merit basis.

**Appeals**

The Commission being the appellant body of the Service on all matters related to Human Resource analyzed all appeal cases ranging from promotion, transfer, dismissal, reduction in rank and other human resource-related matters. All appeals cases are subjected to thorough scrutiny that involves investigation reports, reports from the Inspector General, the officers’ personal file and facts from the officers’ appeal letter.

The Commission has so far received approximately 2,235 cases of which most were forwarded to the Inspector General for more information and others forwarded to the Commission board for determination.
### Table 3.10: Cases forwarded to the Board policy programmes, legal and appeals committee

<table>
<thead>
<tr>
<th>Period</th>
<th>Total number of cases concluded</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 2014 – June 2015</td>
<td>33</td>
</tr>
<tr>
<td>July 2015 – June 2016</td>
<td>65</td>
</tr>
<tr>
<td>July 2016 – June 2017</td>
<td>50</td>
</tr>
<tr>
<td>July 2017 to date</td>
<td>193</td>
</tr>
<tr>
<td><strong>Total number of cases</strong></td>
<td><strong>341</strong></td>
</tr>
<tr>
<td>Appeal cases rejected</td>
<td>235</td>
</tr>
<tr>
<td>Appeal cases approved</td>
<td>106</td>
</tr>
</tbody>
</table>

With the inception of the Commission, appeal cases dating decades back were forwarded to the Commission. The lack of proper documentation and record keeping by the Service made it difficult for the Commission to conclusively determine some of the cases. Other cases had been procedurally handled and concluded by either the Public Service Commission or the Commissioner of Police and thus such cases were not revisited by the Commission.

However, with the laid down regulations and clear-cut procedures, the number of appeals is reducing as proper procedures are often adhered to and the officers feel protected as they have an independent body to which they can vent their concerns and seek administrative justice.

### Early Retirement

As per Section 76 (1) of the NPS Act, a Police officer below the rank of Deputy Inspector-General shall retire from the Service on attaining the age of 60 years but may, with the approval of the Commission, be permitted to retire on attaining the age of 50 years. Part (3) further states that an officer below the rank of sergeant may voluntarily retire from the service upon completion of twelve or twenty years of service.

Early retirement was often used as an exit channel for officers who had found greener pastures and wished to leave the Service without losing their benefits. On the other hand, it was an exit for officers who were frustrated and disgruntled and were being forced to exit the Service either because of the working conditions or to avoid victimization.

In view of the above, and in conformity with the laid down regulations and as a requirement by the Pensions Department, the Commission received, processed and approved early retirement requests from the Service to ensure that officers retiring on their own will process their final dues.
Table 3.11: Early retirement cases processes

<table>
<thead>
<tr>
<th>Period</th>
<th>No. of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 2014–June 2015</td>
<td>32</td>
</tr>
<tr>
<td>July 2015–June 2016</td>
<td>108</td>
</tr>
<tr>
<td>July 2016–June 2017</td>
<td>166</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>306</strong></td>
</tr>
</tbody>
</table>

Failure or delay in forwarding the officers’ cases to the Commission for approval has seen officers pension benefits delayed. The Commission, therefore, advised and sensitized officers on the need to follow up their cases from the Service in good time to ensure timely approval.

**NPSC and NPS Civilian Cases**

The NPS comprises both the uniformed and civilian officers. In the execution of its mandate, the Commission has been able to receive and make determination on human resource-related matters for members of the NPSC civilian staff through the NPS Human Resource Advisory Committee.

Section 10 of the NPSC Act 2011 also proffers the Commission with the function to carry out appointments and promotions for its own Secretariat.

Table 3.12: Handling of NPSC and NPS civilian cases

<table>
<thead>
<tr>
<th>Period</th>
<th>Description</th>
<th>No. of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 2014–June 2015</td>
<td>1.Promotion</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>2</strong></td>
</tr>
<tr>
<td>July 2015–June 2016</td>
<td>1.Promotion</td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>2.Re-designation</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>73</strong></td>
</tr>
<tr>
<td>July 2016–June 2017</td>
<td>1.Promotion</td>
<td>293</td>
</tr>
<tr>
<td></td>
<td>2.Appointment/Re-designation</td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>3.Retirement under 50Years Rule</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>4.Posthumous Confirmation</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>441</strong></td>
</tr>
<tr>
<td>July 2017 to date</td>
<td>1.Appointment/ Re-designation</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>2.Retirement under 50Years rule</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>3.Special Duty Allowance</td>
<td>129</td>
</tr>
<tr>
<td></td>
<td>4.Posthumous Confirmation</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>5.Promotion</td>
<td>246</td>
</tr>
<tr>
<td></td>
<td>6.Contract Renewal</td>
<td>1</td>
</tr>
<tr>
<td>Period</td>
<td>Description</td>
<td>No. of cases</td>
</tr>
<tr>
<td>------------------------</td>
<td>------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>July 2013–June 2014</td>
<td>1. Disciplinary</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>2. Appointment/Re-designation</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>3. Promotion</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>4. Confirmation in Appointment</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>5. Review of Salary Scale</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>16</strong></td>
</tr>
<tr>
<td>July 2014–June 2015</td>
<td>1. Promotion</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>2. Appointment/Re-designation</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>3. Contract Renewal</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>4. Disciplinary</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>5. Acting Appointment</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>6. Special Duty Allowance</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>7. Salary Adjustment</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>83</strong></td>
</tr>
<tr>
<td></td>
<td>2. Promotion</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>3. Contract Renewal</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>4. Salary Adjustment</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>5. Appointment/Re-designation</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>74</strong></td>
</tr>
<tr>
<td></td>
<td>2. Promotion</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>3. Re-designation</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>4. Salary Adjustment</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>70</strong></td>
</tr>
<tr>
<td>July 2017 to date</td>
<td>1. Promotion</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of cases</strong></td>
<td><strong>13</strong></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>256</strong></td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td></td>
<td><strong>1240</strong></td>
</tr>
</tbody>
</table>
**Audits Conducted**

**i) Persons Living with Disability (PWDs) Audit**

The Commission in collaboration with the National Police Service (NPS) and the National Council for the Persons Living with Disability (NCPWD) carried out an Audit throughout the country on status of persons with disability in the Service (uniformed and civilians). The audit was able to establish the actual number of officers living with disability in the Service, the officers who were registered with the National Council for Persons Living with Disability and were tax exempted among other benefits and officers who are yet to be registered. The audit also determined the nature of disability for purposes of payroll cleansing, career progression and placement of the officers.

**ii) Certification of Graduate Police Constables and members of the NCOs Audit.**

The Commission in a bid to provide policy direction on the treatment of police officers who attain university degrees when they are already in service, and the treatment of police officers who had university degrees at the time of entry into the Service undertook an audit in collaboration with the National Police Service (NPS), the Commission on University Education, Ministry of Education – Directorate of Higher Education, and Kenya National Quantification Authority throughout the country on certification of graduate police constables and NCOs in the Service.

The audit was able to establish the number of graduates with their respective specialization that will inform policy development and proper selection and placement of police officers in the Service.

**3.4 Developing Vetting Tools and Regulations**

The Commission developed and published regulations on vetting in November 2013 and subsequently launched the vetting roll out on 25th November 2013. The Commission conducted extensive stakeholder engagement in the roll out of the vetting process in the initial phases to meet the requirements of public participation. It is notable the vetting of Police officers at the scale envisaged has never been concluded anywhere else in the world.

**3.5 Regulations and Policies Developed by the Commission**

The Commission has developed regulations on recruitment and appointment, transfers and deployment, promotions and disciplinary control in the National Police Service in fulfillment of the core mandate of the Commission.
The Commission has also developed Policies to facilitate the welfare of members of the Service. The Policies include:

- Training
- Housing
- Chaplaincy
- Counseling
- Engagement in Business
- Conflict of Interest

### 3.6 Approval of the Revised NPS Training Curricula

The Commission is geared towards ensuring that appropriate training opportunities and facilities are provided to assist serving police officers to acquire the necessary additional qualifications, experience, skills for efficient service delivery. Section 79 of the NPS Act provides that the Commission shall approve the Training Curricula of the NPS and oversee implementation.

To achieve the above, the Commission approved one (1) proposed training curriculum for the General National Police Service and four (4) training curricula specific to the Directorate of Criminal Investigations as indicated below, which are also part of what was officially launched by His Excellency President Uhuru Kenyatta:
3.7 NPS Performance Appraisal Tools

The Commission approved the NPS performance appraisal tools that enable uniform standards in the evaluation of the performance of members of the Service. These appraisal tools are important as it is the legal position as per the SRC Regulations for salary increments to be based on appraisals.

3.8 Career Progression Guidelines

Unlike all the sectors of the public service, members of the Police Service did not have Career progression guidelines to inform promotions. To provide a well-defined career structure which will attract and retain professional police officers, the Commission in conjunction with the Service and other stakeholders developed Career Progression Guidelines which clearly define job descriptions and specifications for different ranks for proper deployment and career progression.

The Guidelines establish the standards for recruitment, training and advancement within the National Police Service. This is intended to cure the glaring stagnation and lack of merit in career progression, and will promote performance, career planning and succession management in the Service.

The Career Progression Guidelines were finalized and presented to the Service in October 2016 and launched by H.E. the President Uhuru Kenyatta on 2nd February 2018.

3.9 Automation

The Commission recognizes that for efficient services, the records and processes of the Commission need to be automated.

Information technology has become a key enabler in all government processes. While the ICT infrastructure of the Commission is advanced, there is still room for improvement that requires adequate funding since ICT infrastructure is a capital-intensive venture. Other challenges include training needs to competently handle technology-based assignments, change management and the ever-changing technological advancements in the world of ICT.
The Commission developed and launched a digital system for the vetting process – VETPOL. This vetting module of the system was implemented and is in use in the Commission. Through this system, the Commission has been able to populate data on police officers to form a centralized data base.

The Commission also developed an ICT-based module for implementation of the promotions mandate of the Commission. The module is an automated process of sieving the police officers recommended for promotion by applying the objective criteria determined by the Commission.

Collectively, the Ministry of Interior and Coordination of National Government brought together the ICT team and the human capital representatives from the Service to develop a Management Information System in collaboration with the National Intelligence Service. The system is meant to handle all aspects of human capital management in the Service, which includes recruitment, transfers, discipline, staff establishment, management of police duty rosters, performance management, promotions, among other supportive modules.

3.10 Stakeholder Engagement and Strategic Linkages

3.10.1 Public Participation

Public participation which is a national value and principle of governance refers to a process whereby those affected or interested in a decision are involved in the decision-making process. Public participation can be direct or indirect through representation. The Commission in all its activities has ensured public participation, for example in the development of its regulations, while undertaking the vetting, and in development of its policies.

The main challenge to achieving a higher level of visibility has been funding. Nevertheless, the Commission has endeavoured to optimise the resources at its disposal to attain the highest possible level of public participation.

The most prominent form of direct participation in the vetting process is the submission of complaints or compliments to the Commission. Before the vetting of each cohort, the Commission places an advertisement containing the names and ranks of officers to be vetted in two newspapers with national circulation and invites the public to submit complaints/compliments to facilitate the vetting of the officers. To ensure maximum publicity, this information is uploaded on the websites of the Commission, the Police Reforms Working Group (PRWG) and other stakeholders. In addition to using social media platforms to reinforce the message, efforts are also made to reach the public through radio and television to educate them on their role in vetting. Complaints by members of the public are investigated and the results are considered during decision-making.

Attending vetting sessions is another way that members of the public participate directly
in the vetting process. Experiencing first-hand how the sessions are conducted is important as it creates confidence in the vetting process. This has, however, not always been possible because the Commission lacks the resources to hire venues big enough to accommodate members of the public.

Indirect participation involves representation by elected Members of Parliament, civil society groups and other stakeholders. This has been achieved by involving Members of Parliament and PRWG in the development of the vetting regulations and vetting tools; incorporating stakeholders other than Commissioners of the NPSC in the vetting panels; monitoring and evaluation of the vetting process by PRWG; and coverage of the vetting process by the media.

In addition, the Commission has continued to engage and create partnerships with civil society groups and other stakeholders to enhance public participation and to gain support for the vetting process. For example, in preparation for the vetting of traffic police, managers of police stations - the OCS and their deputies, and officers from the Directorate of Criminal Investigations - the Commission held a series of stakeholder meetings across the country with, among others, human rights groups and actors in the transport sector. A key finding during these stakeholder meetings was that members of the public were apprehensive about filing complaints because of the threat of reprisals. To overcome this problem, it was agreed that the complaints could be channelled to the Commission through human rights groups and other citizen formations.

The Commission is cognizant that public participation is fundamental to the success of the vetting process whose primary objective is to restore public confidence in the police. It will continue to review its strategies and to build the necessary partnerships with the goal of ensuring that more and more citizens participate in this important process.

### 3.10.2 Police Reforms Steering Committee

The Commission is part of the Police Reforms Steering Committee (PRSC) under the chairmanship of the Minister for Interior and Coordination of National Government. The PRSC members include the Ministry, the Service, the Commission, IPOA and development partners from the USA, UK, Sweden, Germany, Netherlands and the EU.

The PRSC was mandated with the oversight of implementation of the police reforms programme whose implementation period ran from 2010-2013. The previous programme document is undergoing review, with the next document set to run from 2015–2018 targeting the completion of priority reform areas with the support of the Government of Kenya and development partners.
3.10.3 Security Governance Initiative

The Governments of Kenya and the United States of America entered into an agreement termed the ‘Security Governance Initiative’ (SGI) with a view to supporting Kenya in the areas of police human resource management, border security and administration of justice. This initiative is spearheaded under the Kenya Ministry of Interior and Coordination of National Government, with the target institutions being supported in the focus areas being the National Police Service Commission, the National Police Service on the area of police human resource management, the Kenya Defence Forces, Kenya Revenue Authority, and the Department of Immigration on the issue of border security, and the Directorate of Public Prosecutions on the aspect of administrative justice.

The Police Human Resource Management focus area identified the main activities to be Job Task Analysis on the duties performed by police officers of the rank below Inspector of Police, and the development of a human resource management software system integrated between the Service and the Commission.

In October 2016, the Job Task Analysis (JTA) was conducted targeting officers of the ranks below Inspector of Police. The aim of the JTA was to analyze the ‘general’ duties carried out by officers who form the majority in the Service, with a view to finding out and analyzing the tasks carried out by police officers, the difficulty, importance and frequency of each task, and identifying the gaps in training, tooling and kitting. The validated analysis would thereafter provide a solid and objective basis for planning, missions and review and other decisions related to general policing duties. The JTA was
also to assist the Commission identify the tasks performed by most officers to inform future human resource-related processes and decisions.

The JTA successfully collected views from over 607 officers spread across the Administration Police Service, the Kenya Police Service and the Directorate of Criminal Investigations and drew from officers from the ranks of Chief Inspector to Constable.

The report on the JTA was submitted to the National Police Service Commission and the National Police Service in December 2016. The report highlighted 12 recommendations for consideration by the Commission and the Service, including the need to improve the pay and benefits for its officers and to improve the transparency of the promotion and transfer process. These issues were clearly and frequently stated as barriers to performance. Many police officers stated that they are police officers because they want to serve and protect, but corruption, real or perceived discrimination, and a lack of transparency in key processes is preventing them from serving to the best of their ability. In addition, lack of resources, training, and information are also barriers to performance.

3.10.4 Support from UNODC

During the period, the United Nations Office on Drugs and Crime (UNODC) provided technical support and facilitation to the Commission on several areas, among them:

1. Formulation of the NPSC Strategic Plan by providing a consultant for technical support and the facilitation of NPSC workshops that were necessary to conclude the document.
2. Provision of logistical support to the Commission during some crucial stakeholder sessions seeking input into the draft NPSC Regulations, now completed.
3. The facilitation for an engagement between the Commission and stakeholders on the vetting process. The Commission is reviewing the vetting model to fast-track vetting while ensuring the effectiveness of the process. The UNODC also facilitated the attendance and support of a consultant to provide technical assistance to the vetting process.

3.10.5 Support from Other Agencies

The Commission has maintained a cordial and supportive relationship with key agencies including the National Intelligence Service, Kenya Bankers Association, Ethics and Anti-Corruption Commission and senior administration officials in the Ministry of Interior and Coordination of National Government, among others.

The Commission received support from Civil Society Organizations including the International Center for Transitional Justice (ICTJ) and the Kenya Human Rights Commission (KHRC). The ICTJ and KHRC facilitated three (3) consultation forums aimed at seeking input and validation of the NPSC Regulations. The consultations were held
The ICTJ also engaged the Commission to support further initiatives, including drafting of a communication strategy for the vetting process, consultations on the review of the vetting model and tools, and the need for incorporation of attention to gender violence issues into the vetting and other processes of the Commission.

3.11 Benchmarking

3.11.1 Introduction

In view of the police reforms envisaged in the Kenya Constitution 2010, the National Police Service Act and the National Police Service Commission Act, different ways of looking at professionalism of the Kenya Police Service had to be suggested, looked at and conceptualized. This included benchmarking visits by the Commissioners to borrow a leaf on what has worked in other countries and especially developed countries where police services have been professionalized for many decades. Among the countries visited included the European countries that naturally would be a choice for many developing countries and especially African countries because of their historical and colonial ties to Africa. These countries and especially the UK have been involved in police training in Africa and especially post-colonial Kenya over the last 50 years. Some of the vestiges of colonial policing practices were therefore embedded in the police training over the same number of years thereby making policing an extension of the colonial legacy without due consideration of the needs to those receiving police services.

However, since European countries are monolithic and therefore the level of police training is geared towards monolithic culture that does not exist in Africa, there was also need to look at the USA as a model to study and benchmark because of its high level of multiculturalism and the professional nature of the police service in many American
cities and States. Ethnicity, diversity and multiculturalism found in the USA are to some extent similar to that found in Kenya apart from the skin colors of the population.

As such, San Diego, California was also chosen as a city to learn from and benchmark because of its cultural diversity, proximity to Mexico which has unique policing issues, high level of community policing which was a national model in the USA, and the experience of the then Chief of Police who had been Police Chief in many different cities in the USA that were ethnically diverse and his willingness to work with and help in the training and professionalization of the Kenya Police Service. The issue of community policing and professionalizing the police service was also emphasized from the Sweden visit.

Other countries visited included Germany where the members learnt about decentralization of the policing function which was later emulated in Kenya through appointments of County Commanders and high profile senior officers to manage the police service at the counties.

The African countries visited include South Africa and Botswana. In South Africa, the team learnt about the police private sector collaboration in the management of security which is part of what is being introduced in Kenya where private security is to be armed and to take care of private security needs to free the police to take care of the security needs of Kenya.
Commissioners having a discussion session during their benchmarking tour in Germany

At the Police Control Center, NPSC Commissioners being taken through the operations procedures at a Police Control Center in the United Kingdom (UK)

NPSC Vice Chairperson Esther Chui-Colombini (Late) in white with a team from NPSC during the South Africa Benchmarking Mission
3.11.2 Lessons Learnt from the Benchmarking Visits

1. Government’s commitment is crucial to the proper implementation of the principal objectives of police reforms. Police operations should be allowed to function in an environment free from external interference and influence.

2. Creating new institutions and providing physical facilities alone will not produce the desired results. Ensuring the quality of police service is very important. Intensive training should be imparted to the police personnel following recruitment; orientation regarding rules and procedures, code of ethics, motivation regarding responsibility and importance of service to the people should be addressed and emphasized during the training programme.

3. There is significant public demand for greater police accountability. There should be effective monitoring mechanisms to make the police service more transparent and accountable. Salaries and remuneration of the police should be competitive with other services.

4. The budget for the police should be increased since a technically efficient and well-governed police service is an investment for development and economic growth. The police service should receive adequate allocations from the development budget.

5. There is widespread support for a significant increase in the number of women police. More women should be inducted in police service, with need-based physical/residential facilities at duty stations. All police actions relating to women victims and suspects should be conducted by women police or at least jointly with a male counterpart.

6. Modern police should have modern equipment for investigation, surveillance and monitoring. Close networks/collaboration between police and NGOs should be established to nurture police victim support units. Most importantly, police should be provided with better transportation facilities to increase mobility and to ensure timely response.

7. NPSC should be able to meet not only the needs of police services for the country, but also create a professional police service whose one and only purpose is to serve and protect the community.

8. Community policing can localize and embed policing in the local communities thereby increasing the reach, breadth, depth, and vigour of serving and protecting communities.

9. The use of technology to enhance training and policing was another area the NPSC needed to focus on during benchmarking, to adopt what is appropriate for our circumstances. If something is successful elsewhere, there is surely no need to re-invent the wheel.
3.12 Reporting

The Commission in fulfillment of the requirement of Section 26 of the NPSC Act has prepared in each financial year an annual report and submitted the same to the President and the National Assembly. The report contains the following:

1. The financial statements of the Commission;
2. A description of the activities of the Commission;
3. Statistical information the Commission considered appropriate relating to its functions;
4. Recommendations made to the Inspector-General, State Department or any person and the action taken;
5. The impact of the exercise of any of its mandate or function;
6. The progress and the welfare of the members of the Service, including matters relating to housing, insurance, safety, equipment and the conditions of service;
7. Any impediments to the achievements of the objects and functions under the Constitution, this Act or any written law;
8. The evaluation of the administration of the National Police Service;
9. The gender, county regional and ethnic diversity in the Service; and
10. Any other information relating to its functions that the Commission considers necessary.

The Commission engaged Parliament on several matters including:

1. Reporting on the 2014 and 2015 police recruitment exercises to the National Assembly Committee on Administration and National Security and to the Joint Committee on National Cohesion and Equal Opportunity.
2. Consultations on the NPSC Regulations with the Committee on Administration and National Security and with the Committee on Delegated Legislation.
3. Presentation to the Public Accounts Committee on audit queries raised against the Commission and how they were addressed with the Auditor General.
4. Presentation of the NPSC budgetary needs for each financial year to the Budget and Appropriations Committee.
NPSC Commissioners benchmarking visit in Botswana
This chapter presents the methodology, output and lessons learnt in the vetting process of police officers. It details how the outcomes of vetting informed human resource processes in the National Police Service, including reorganization, appointments and placements.

4.1 Background

The vetting of police officers in Kenya was introduced following recommendations from a series of inquiries in Kenya that considered various conflict situations, the causes and role of the police in managing crisis.

On 1st July 1998\(^1\), the Commission of Inquiry into Tribal Clashes was appointed, chaired by Justice A. M. Akiwumi, to investigate the tribal clashes that had occurred in various parts of Kenya since 1991 and to determine the causes of the clashes and the actions taken by the police and other law enforcement agencies.

The Commission was also tasked with examining the level of preparedness and the effectiveness of law enforcement agencies in controlling tribal clashes and in preventing the occurrence of such tribal clashes in future.

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\(^1\) Its term was extended several times up to 31st July 1999 when it completed its report and subsequently submitted it on 19th August 1999 to then President Daniel Arap Moi.
The Commission of Inquiry into Post-Election Violence (CIPEV)\(^2\) chaired by Justice Philip Waki was established on 4th March 2008 to investigate the facts and circumstances related to acts of violence that followed the 2007 presidential election and specifically to investigate the actions or omissions of state security agencies during the violence and make recommendations as necessary, including measures of a legal, political and administrative nature, as appropriate.

The Commission in its report released on 15th October 2008 recorded 3,561 injuries, 117,216 instances of property destruction, and 1,133 deaths because of the post-election violence. The report largely indicted the police service on how it handled the clashes. Among the recommendations proposed for comprehensive police reforms included the integration of the politicized Administration Police into the more independent Kenya Police Force; the creation of an expert, independent Police Reform Group, reporting to the Minister of Justice, with a six-month mandate to oversee the reform process; the creation of a permanent political oversight body for the police (“Police Service Commission”) and an investigative/disciplinary body (“Independent Police Conduct Authority”).

On 26th August 2009, the Judge Ransley-led Taskforce presented to President Mwai Kibaki a report which reviewed existing policies and structures of Kenya’s police services and made recommendations for appropriate institutional arrangements to oversee comprehensive police reforms. The terms of reference were largely in line with the recommendations of the report of the Commission of Inquiry into Post-election Violence (CIPEV) and special emphasis was placed on operationalizing an Independent Police Oversight Authority.

The United Nations Special Rapporteur, Mr. Philip Alston (August 2004–July 2010) was tasked to ascertain the types and causes of unlawful killings; to investigate whether those responsible for such killings were held to account; and to propose constructive measures to reduce incidences of killings and impunity. The focus was on killings by the police, violence in the Mt Elgon District, and killings in the post-election period.

He presented to the UN Human Rights Council and the General Assembly that police in Kenya frequently execute individuals, that a climate of impunity prevails, and that there is existence of police death squads operating on the orders of senior police officials and charged with eliminating suspected leaders and members of criminal organizations.

The reports made observations on the conduct of police officers and cited their conduct as brutal, corrupt, unaccountable and vulnerable to patronage by the political class.

Following the 2007/2008 post-election crisis, the Kenya National Dialogue and Reconciliation Accord steered by the Panel of Eminent African Personalities recommended four main agenda items to resolve the crisis:

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\(^2\) This was the outcome of the Kenya National Dialogue and Reconciliation Accord of 28thFebruary 2008, negotiated by Kofi Annan and the Panel of Eminent African Personalities, and the Agenda Item 4agreement of 4th March 2008 which called for the establishment of several bodies of inquiry to address justice and accountability and longer-term issues of governance and the rule of law.
1. Immediate action to stop the violence and restore fundamental rights and liberties;
2. Immediate measures to address the humanitarian crisis, promote reconciliation, healing and restoration;
3. How to overcome the current political crisis; and
4. Long term measures and solutions (constitutional, institutional and legal reforms, land reforms, poverty and inequity, unemployment particularly among the youth, consolidating national cohesion and unity and transparency, accountability and addressing impunity.)

Under Agenda 4, one of the institutions earmarked for reforms was the police force, with the goal of transforming the police into an institution that is service-oriented and people centered.

The National Police Service was established in the 2010 Constitution under Article 245. The Service comprises of the Kenya Police Service and the Administration Police Service, ostensibly a combination of the previously separate forces – the Kenya Police Force and the Administration Police Force.

The National Police Service Act was thereafter published to give full effect to Article 245 of the Constitution. Section 7 of the National Police Service Act requires the National Police Service Commission to conduct vetting of police officers to determine their suitability and competence of the officers to remain in the Service.

The Section provides as follows:

**Members of the Service**

1. All persons who were immediately before the commencement of this Act officers or employees of the Kenya Police Force and the Administration Police Force, established under the Police Act [Cap.84.] and the Administration Police Act [Cap.85.], respectively, including officers working with the Criminal Investigations Department shall, upon commencement of this Act, become members of the Service in accordance with the Constitution and this Act.
2. Not with standing sub-section (1), all officers shall undergo vetting by the Commission to assess their suitability and competence.
3. The Commission shall discontinue the service of any police officer who fails in the vetting referred to under subsection (2).
4. The Commission shall, in consultation with the Cabinet Secretary, develop criteria and regulation to guide the exercise of vetting of officers under subsection (1).

Therefore, it was envisioned that for the police officers serving in the Forces to transit into the National Police Service, all the officers who were serving in the forces ought to undergo vetting by the Commission.
4.2 Introduction on Vetting of Police Officers by the Commission
In November 2013, the Commission published the National Police Service (Vetting) Regulations 2013 to provide for the principles and procedures to be followed in the police vetting process.

Police officers in the senior most ranks were required to submit the documents relevant to their vetting process including the self-assessment forms, their bank statements and those of their spouse(s), wealth declaration forms and any other documents required for the process. Before the submission of documents, the Commission ensured that the NPS (Vetting) Regulations were published in time for the commencement of the process. The Commission also endeavored to sensitize police officers and ensure public participation in the process through publication of the names of the police officers scheduled for interviews to allow members of the public to send information to the Commission which would be useful in the process.

After submission of documents and information, the Commission collected, collated and analyzed the data in the documents submitted which enabled preparation of tools to guide the vetting interview; that is, pen pictures of the police officers detailing entry qualifications, stations where they had worked, ranks they had held up to the dates of vetting interviews, and information on their conduct including disciplinary record.

The vetting of Police Officers was launched on Monday 25th November 2013 and the Commission commenced the vetting process which has been ongoing to date.

4.3 Objectives of Vetting

The Commission identified the primary and secondary objectives of vetting as follows:

4.3.1 Primary Objectives

1. To restore public confidence in the Service;
2. To assess individuals who served in the Kenya Police Force and Administration Police Force to ensure that they are suitable and competent to continue serving in the National Police Service;
3. To ensure that individuals serving in the Service will uphold and deliver on the values and principles as enshrined in the Constitution; and
4. To ensure accountability for gross human rights violations, serious crimes, corruption and professional misconduct committed by officers.

4.3.2 Secondary Objectives

1. To build an effective database for human resource management purposes;
2. To interrogate gender, ethnic and regional balance within the NPS;
3. To enhance professionalism in the police service;
4. To assess the competencies within the Service, to ensure staff is rightly positioned; and
5. To effect the new rank structure.
4.4 Values and Principles of the Vetting

The Commission further identified the values and principles within which the vetting will be done:

1. In a manner that is meaningful and in line with the objectives;
2. In a manner that is acceptable and meaningful to all stakeholders;
3. All officers shall undergo vetting, individually, unless an officer ‘opts out’ and decides to voluntarily retire from the Service before they are vetted;
4. Vetting shall be done expeditiously and fairly;
5. Vetting shall be done consistently and uniformly for all;
   In accordance with the values and principles as they are captured in Articles 10; 27; 47; 50 and 238;
6. There would be public participation in the vetting exercise;
7. Guided by the principles and standards of impartiality, natural justice and international best practice;
8. Vetting is an administrative process – the burden of proof is ‘balance of probabilities’;
9. Vetting shall be done in a transparent manner allowing for the officer to know and assess the information that has been collected and analyzed by the Commission and seeking the officer’s response before the interview; and
10. Review of the decision would be provided.

4.5 Vetting Standards and Criteria for “Competence” and “Suitability”

The Commission set the criteria that define “competence” and “suitability” to have clear categories to guide the vetting. The criteria are as follows:

1. Entry requirements

The Commission considered the qualifications the officer held at the time of his/her entry into the Service vis-a-vis the qualifications that were required during the time of the officer’s recruitment.

2. Training requirements

The Commission verified whether the officer attended the initial police training required at the entry into the Police Force at the time.

3. Professional conduct and discipline

The Commission checked the officer’s records held at the human resource/personnel offices to ascertain the officers work record, conduct and record of discipline issues, if any.
4. Integrity

The Commission relied on information submitted by stakeholders and members of the public and police officers regarding the officer being vetted. This is in form of complaints received and processed by the Commission prior to the officer’s vetting interview, and investigation into the allegations raised.

5. Financial probity

The Commission required the officers to submit their self-assessment forms that describe their assets and liabilities and their financial statements for analysis. The Commission would thereafter undertake an analysis process to ascertain the officer’s financial probity.

6. Respect for human rights

The Commission analyzed complaints received against police officers and categorized the complaints that are violations of human rights. These were also used in the officer’s vetting as a major criterion in the officer’s vetting process.

It is worth noting that the criteria of Integrity and Respect for Human Rights were Zero Tolerance areas in the vetting process. Officers found culpable under these criteria were removed from the Service.

4.6 Vetting Process

The process is captured in the NPSC (Vetting) Regulations, as follows:

1. The officers submit their vetting documents to the NPSC offices for preparation of files and analysis
2. Data capture of the officers’ information into the VETPOL system
3. Names of the officers to be vetted are placed on the website and advert published inviting members of the public to submit information regarding the officers to be vetted
4. Analysis of the officers’ financial statements – Bank and M-Pesa statements
5. Processing of complaints – summarizing, sending to officers and receiving their responses to the allegations
6. Printing and developing panelists’ files for the vetting interviews
7. Briefing and training of the panelists
8. Officers are invited to appear for vetting at the county venues identified
9. Vetting interviews conducted in the counties
10. Presentation of the panels’ reports to the Commissioners at NPSC offices
11. Drafting of decisions on the officers determined for removal
12. Issuing of decisions
13. Processing of review applications
14. Issuing decisions after review process

4.7 Documents Submitted by Officers for the Vetting

1. A self-assessment form as prescribed by the Commission

This form outlines the officer’s personal information, his or her spouse’s details including whether they are also employed by the Service, the officer’s academic background and training acquired and professional qualifications and skills attained during the officer’s employment.

The form also requires the officer to explain what achievements they have been able to accomplish during their work period, any commendations attained and whether they have ever been subjected to disciplinary proceedings, criminal or civil action.

The form requires the officer to supply this information truthfully, in line with Regulation 18 of the NPS (Vetting) Regulations and Section 25 of the NPSC Act.

2. A duly completed declaration of income, assets and liabilities

This form gives information on the officer’s financial standing: the sources of income he or she has including from salary, business, dividends and such; the officer’s assets, both movable and immovable property and finally the liabilities of the officer.

The form clarifies the net worth of officers and is compared to the financial statements submitted by the officers. The same is in line with Regulation 18 of the NPS (Vetting) Regulations and Section 25 of the NPSC Act and the officer is expected to declare fully and truthfully.

3. A copy of the officer’s national identity card

This is to confirm the identity of the police officer and his or her age and is usually compared to the original national identity card presented during the vetting interview. This also gives an indication of the police officer’s ethnic and regional background.

4. A copy of the officer’s certificate of appointment

This is the officer’s official certification issued upon the officer’s completion of training and enlistment into the Service. It is the confirmation that the officer possesses the powers of a police officer.
5. Copies of the officer’s academic and professional certificates

These documents are used to ascertain whether the officer met the entry requirements at the time of his or her recruitment, if any, and whether the officer has risen through the ranks based on his academics and/or professional training.

The copies are compared with the original documents during the vetting interviews to verify that the same are genuine.

6. Original financial statements of all bank and/or mobile-money accounts (personal and business), that the officer, his or her spouse and dependants under the age of eighteen have maintained from the year 2012 to the date the officer completes his self-assessment form

These financial statements are analyzed and a report generated based on the cash inflows and outflows noted in the statements. The analyzed reports inform the Commission of the interactions of the officer and determine if the officer is involved in corruption activities.

7. A copy of the officer’s certificate of tax compliance

The tax compliance certificate issued by the Kenya Revenue Authority provides evidence that the officer is a tax paying citizen and has complied with the law requiring filing of tax returns.

8. Any other or such document that the Commission may deem fit and necessary for the furtherance of the vetting process:

Other documents that may be required by the Commission, on a case by case basis, include:

1. Documents proving ownership of an asset, for example title deeds, logbooks
2. Documents of any disciplinary proceedings and/or court proceedings, whether of criminal or civil nature
3. Affidavits of divorce/separation in a situation where the officer has not submitted documents of a spouse
4. Documents that may further assist the Commission in assessing the officer’s suitability and competence
4.8 Processing of Complaints Submitted against Officers for the Vetting

Step 1: Receipt of Complaints

1. The complaint is received either in writing – a written letter (by an individual, institution or email) – or orally through a walk-in complainant.

1a. If in writing: the office of the CEO stamps ‘received’ and the CEO marks it to the department for processing complaints, for classification and summarization.

1b. If it is a walk-in complainant, the reception takes the details of the person and directs the person to the department for processing complaints for intake of the complaint in writing.

Step 2: Data capture of complaints

1. A summary of the complaint is captured in the format below for purposes of serializing and keeping a database of all complaints received at the Commission.

Serial number allocated to the complaint | Name of complainant | If police officer F/No., P/No. & ID | If civilian: ID | County if police, include station | Contact details as provided | Indicate the Nature/Type of issue raised in the complaint.
--- | --- | --- | --- | --- | --- | ---
 | | | | | | | Abuse of office
Misconduct
Inaction
Death
Injury
Appeal against
Dismissal,

Transfer
HR Complaint
e.g.,
Leadership,
Harassment,
Promotion,
Retirement,
Transfer,
Domestic,
Housing etc

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<td></td>
<td></td>
</tr>
</tbody>
</table>
Step 3: Processing of the Complaints

After data capture, the complaints are processed by way of categorizing them for purposes of directing them to the correct department of the Commission. This includes the Vetting Secretariat for purposes of cross-referencing with the cohort of officers being vetted at the time.

Majority of the complaints received in the Commission are related to human resource matters. However, some matters require investigation, some matters require legal advice while others require some action to be taken by the Service or the IAU for further information or recommendation and implementation of specific recommendations or investigations by the Commission, respectively. Some issues require a notification to relevant committees of the Commission for deliberation and decision making by the Board.

The processing step, therefore, entails a professional approach towards categorization of the complaint and where necessary an inter-departmental approach (Committee) to determining the way the complaint should be handled. Ideally, the convening of the committee should be prompted by the complaints section.

The categories for the complaints relevant to the vetting process is as follows:

1. Complaints touching on the professional conduct of the police officers;
2. Complaints touching on the integrity of police officers;
3. Complaints regarding human rights violations by police officers; and
4. Complaints regarding the financial probity of a police officer.
Step 4: Handling of complaints by the Vetting Secretariat

After categorization of the complaints, the Complaints section releases the complaints to the Vetting department for handling.

The Vetting Secretariat undertakes the following steps:

1. The Secretariat summarizes the complaint for onward transmission to the officer to respond to the allegations raised. The summary of the complaint is forwarded to the officer seeking for written response within seven (7) days of receipt of the inquiry.
2. The officer’s response to the allegations is received at the Commission and summarized for the officer’s file and records.
3. The Vetting Secretariat then generates areas of inquiry for the officer’s vetting interview.
4. Where necessary, the Vetting Secretariat’s Investigation Unit then carries out investigations into the allegations raised in the complaint and the officer’s response to ascertain the facts and guide the Vetting Panel.

4.9 Vetting Panels and Decision making by the Commission

Following the preparation of vetting files and analysis of the officer’s records, the Commission schedules interviews of the officers. The interviews are conducted by panels co-chaired by Commissioners of the Commission.
Composition of the Commission Vetting Panels:

1. A Commissioner of the Commission as the chairperson
2. Police officers not below the rank of Assistant Inspector General
3. Representative of the Law Society of Kenya
4. Representative of the National Gender and Equality Commission
5. Representative of the Kenya National Commission on Human Rights
6. Representative of County Public Service Board not below the designation of a Director
7. Representatives from the public sector

All panelists are required to review every officer’s vetting file and familiarize with the vetting tools. During the interview, the panelists are guided by the issues as captured and elicit responses from the vettee on the same. Matters arising from the interview may be investigated further and, where necessary, a vettee is recalled for clarification.

After the interviews, the Secretariat staff picks all responses of the vettee as captured in the Hansard, summarizes them and posts the responses against each section in the vetting tool, indicating references in the Hansard and input the information in the score card.

Thereafter, panelists validate (on Hansard) the information captured in the score card. Commissioners analyze the score cards and make the finding at a full Board meeting to determine whether the vettee is competent and suitable to continue in the Service. Detailed decisions are then drafted disclosing reasons for discontinuing an officer from serving. The decisions on each officer determined to have failed the vetting are thereafter signed by the Commissioners. The relevant Hansard pages are issued to the vettee, together with the reasoned findings.

Officers found competent and suitable to continue serving are issued with a confirmation of appointment.

4.10 Vetting Reviews

Any officer can request for a review of the Commission’s decision within seven (7) days of being informed of the decision.

The grounds considered in the processing of reviews are provided in Regulation 33 of the NPS Vetting Regulations as follows:

1. On the discovery of a new and important matter which was not within the knowledge of, or could not be produced by the officer at the time of his interview;
2. On some mistake or error apparent on the face of the record;
3. On any reason the Commission deems just and proper.
A request for review shall act as a stay of the decision of the Commission, but the officer in question shall proceed on leave for the duration of the review.

The Commission, upon review, may confirm or reverse the earlier decision.

4.11 Vetting Automation (VETPOL)

This is a computer software programme developed as a homegrown application as an information management system and partly a decision support system in the vetting process. The main modules of VETPOL include:

1. **Records module**

   This is used to capture initial information of the officer as they are registered. Information is drawn from officer’s personal assessment form filled by police officers.

2. **Legal module**

   This module is used to capture and categorize complaints touching on human rights violations, integrity, financial probity, and professional conduct.

3. **Investigations module**

   This module provides a text field through which investigators post investigation progress reports, analysis of cases and the findings. The cases are handled based on the recommendations from the legal module.

4. **Research module**

   The module is used to generate interview guides and score cards. Details of new issues raised during vetting are added in this module for final compilation.

5. **Financial module**

   This module is used for financial analysis. Bank and M-Pesa statement entries are analyzed. Officers are flagged and questions relating to financials are raised for further posting into the interview guide.

6. **Reports module**

   This module generates custom reports about the officers and process.

7. **Administration module**

   This module provides access to VETPOL, creation of VETPOL users, audit trails and access control.
4.12 Vetting Statistics

The Commission has so far vetted 5,993 officers in line with section 7 (2) and (3) of the National Police Service Act as shown in Table 4.1.

Table 4.1: Vetting statistics

<table>
<thead>
<tr>
<th>Rank</th>
<th>No. Vetted</th>
<th>Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>S/DCP I &amp; II</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>DCP</td>
<td>23</td>
<td>2</td>
</tr>
<tr>
<td>S/ACP &amp; ACP</td>
<td>190</td>
<td>12</td>
</tr>
<tr>
<td>SSP/SP/ASP/IAU</td>
<td>1,467</td>
<td>72</td>
</tr>
<tr>
<td>Traffic Officers</td>
<td>2,640</td>
<td>318</td>
</tr>
<tr>
<td>Chief Inspectors</td>
<td>1,666</td>
<td>38</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5,993</strong></td>
<td><strong>445</strong></td>
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</tbody>
</table>

4.13 Litigation Outcomes and Lessons Learnt

The Commission has faced several cases in the High Court of Kenya following the vetting decisions removing officers from the Service. Below is a summary of precedent-setting cases that have been handled by the Litigation Department:


Legal Analysis

1. In arriving at the above decision, the court was convinced that the officer was not given fair administrative action as required under Article 47 of the Constitution.

2. The court further stated that the grounds for review provided in Regulation 33 of the Vetting Regulations cannot be a basis for determining if a request for review is to be admitted for hearing and that the said provisions do not provide for summary dismissal of the request for review.

3. The court then stated that the purpose of the procedure for review is to afford a person aggrieved by the decision made on his/her vetting an opportunity to challenge the same and to stop that intention by blocking a person’s grievance because the request for review is not merited amounts to thwarting statutory or legislative intent and purpose. The judge added that the right for review can only be meaningfully enjoyed if the party requesting for review is heard before the decision is made.
4. The court stated that the statement that the review application was not merited cannot also constitute the reasons for the decision, hence the Commission violated Article 47(2) of the Constitution and Section 4(3) (d) of the Fair Administrative Act.

Relevance of the Precedent on Commission’s Vetting Exercise

1. Pursuant to the judgment and the reasons thereto, the Commission reviewed the handling of applications for vetting reviews. It has been admitting all review applications and hearing them on merit before making decisions on the same.
2. The Commission also, to avert unnecessary legal costs, pursued out of court settlement on matters that had already been filed on similar grounds and recalled the affected officers for the hearing of their cases on merit.

2. Nairobi High Court Constitutional Petition No. 409 of 2016

Legal Analysis

1. The court after considering submissions by both parties identified the key issues for determination as being whether the officer’s constitutional rights to fair administrative action and fair hearing were violated.
2. The court in its judgment disregarded the assertion by the officer that he was never supplied with a complaint summary sheet, holding that there was clear evidence that the officer was first supplied with a summary of all charges against him prior to his initial vetting and even though he was to be re-vetted, it was once again the same charges levied against him. It was thus the position of the court that even if the same charges were supplied it would have made no difference.
3. However, on the issue of being denied an opportunity to cross examine witnesses called by the Commission, the court concluded that the procedure of converting an investigatory interview into a hearing of the accusations against the officer in the absence of the officer and applying such evidence towards a decision was irrational and procedurally unfair. It further observed that the Commission should have given the officer the opportunity to question any aspect of the clarifications that the Commission had obtained from witnesses it summoned.
4. The court also faulted the Commission regarding the constitution of the vetting panel and the signing of the ultimate decision. The court while quoting with approval the decision of Eusebius Karuti Laibuta V NPSC held that where a decision maker is a panel then procedural fairness and propriety demands that its composition is consistent. It further noted that a member of a tribunal who has not heard all the parties or all the evidence should not participate in the tribunal’s decision.
5. The court therefore concluded that the officer’s rights were violated since the vetting process was flawed and directed the commission to vet him afresh.
Relevance of the Precedent to the Vetting Exercise

1. Pursuant to various court rulings including this petition faulting the Commission for allowing Commissioners who never consistently participated in the vetting process to sign the resultant decisions, the Commission adopted an approach whereby only Commissioners who participated in the vetting sign the decision which is then adopted by the Commission’s Board.

2. The decision also informed the Commission on the need to allow an officer undergoing vetting to cross-examine his/her accusers or witnesses where he/she so wishes whenever the Commission decides to summon such complainants or witnesses to give oral clarifications during the vetting.


Legal Analysis

1. The court considered whether the Commission conducted the proceedings at vetting and at the review hearing in a fair manner?

2. The court held that the applicant was denied a fair hearing and, as such, his prayer for ‘certiorari’ was merited. The court found that the Commission did not give the applicant sufficient notice and ample time to respond to the various allegations against him. It noted that the applicant was served with the complaint summary sheet on the 4th March 2015 just few days to the deadline of 6th March 2015. It further observed that the allegations against the applicant were too generalized yet at the vetting he was not given an opportunity to confront his accusers with questions to determine their credibility.

3. It thus gave an order quashing the commission’s decision made on 5th May 2015 to remove the applicant from the National Police Service. It further issued an order compelling the commission to reinstate the ‘ex parte’ applicant to his duties as Superintendent and directed the Commission to carry out its statutory mandate of re-vetting the applicant, following the laid down procedure.

Relevance of the Precedent

The precedent informed the Commission on the need to supply officers with complaints within sufficient time. The complaints should be drafted with specificity to enable officers respond effectively. There is also need to investigate adverse complaints against officers to verify the authenticity of the same.
4. Nairobi High Court JR Application No. 224 of 2016

Legal Analysis

1. The court after considering submissions by both parties held that the officer was majorly attempting to challenge the merits of the Commission’s decision which had been properly and extensively dealt with in the review and therefore opted to inquire into the alleged procedural impropriety.

2. The court in its judgment faulted the Commission for allowing a Commissioner who never participated in the hearing to sign the decision removing the officer. The court further noted that during a review, the vetting panel exercises powers of administrative review requiring that those who sit in the first panel do also sit in the review panel. The court concluded that in so far as review as opposed to an appeal entails re-hearing, it ought not to be treated as merely a matter of record perusal to justify the view that those who make the determination may be different from those who heard the review.

3. Regarding the allegation that the Commission unlawfully constituted the vetting panel, the court held that the incorporation of other persons other than Commissioners during the vetting process did not amount to delegation of its power if the minimum number of Commissioners are present during the vetting and they do not vote on the deliberations.

4. In view of the foregoing, the court ultimately held that it was not satisfied that the officer’s vetting process met the standards of fairness since it was marred with irregularities and issued an order of ‘mandamus’ compelling the Commission to reinstate the officer to his duties as a police officer unless and until otherwise lawfully removed. It also issued an order of ‘mandamus’ compelling the Commission to commence the vetting of the officer ‘de novo’ in accordance with the relevant laws.

Relevance of the Precedent

1. The court in its judgment extensively addressed the distinction between appeal and review, maintaining that the same are not synonymous since review involves reconsideration of the facts and issues through a fresh hearing by the same panel that heard and determined the matter initially, which is not the case with an appeal.

2. In view of this clarification, the Commission should consider mandating the same panel that heard the vetting interviews to participate in the review hearing and determination to avoid instances when officers may challenge review decisions on such grounds.

3. The court also clarified that the incorporation of other persons other than Commissioners during the vetting process did not amount to delegation of its power as long as the minimum number of Commissioners are present during the vetting and the incorporated persons do not vote on the deliberations.
4.14 Public Participation in the Vetting Process

The Commission worked together with state and non-state actors and civil society groups with proven expertise and experience in vetting to participate in various stages of the vetting. The stakeholders participated in various phases, including:

1. Development of the Vetting Regulations
2. Validating the vetting tool by stakeholders and NPS
3. Development of avenue for the public to provide information relating to the officers under scrutiny
4. Participation as vetting panelists
5. Outreach on the vetting process for information sharing and sensitization

The Commission has engaged the following stakeholders in the vetting process so far:

1. Judges and Magistrates Vetting Board
2. Law Society of Kenya
3. Ethics and Anti-Corruption Commission
4. Office of the Attorney-General
5. Office of the Director of Public Prosecutions
6. Public Complaints Standing Committee
7. Kenya National Human Rights Commission
8. Commission on Administrative Justice
9. Independent Policing Oversight Authority
10. National Gender and Equality Commission
11. National Intelligence Service
12. National Police Service
13. Commission of Inquiry appointed under the Commissions of Inquiry Act or Parliament
14. Public and other citizen formations

4.15 Milestones of the Vetting Process

The main objective of the vetting process was to restore public confidence in the police service. The Commission has vetted 5,993 officers and has completed vetting of police officers in the senior ranks.

4.15.1 Accountability in the Service

The vetting process resulted in change and recognition that the police service must change, and it was no longer business as usual. The vetting process brought about the need to change the National Police Service, with police officers taking note that they will be held accountable for any actions or inactions that contravene human rights and police procedures.
4.15.2 New Ranks and Appointments

The vetting process assisted in the appointment of senior officers into the new ranks. The vetting enabled the Commission to identify the strengths and attributes of the officers and inform the placement into the new ranks.

The first Senior Assistant Inspectors General (SAIG) appointed into the new rank of SAIG were as follows:

1. Fred Mbithi Mwei
2. Gideon Muoki Kimilu
3. Joel Mboya Kitili
4. Joseph Henry Ashimala
5. Julius Kibaara Kanampiu
6. Omar Abdi Shurie
7. Patrick John Owino
8. William Atswenje Saiya

The vetting process also resulted in the placement of the officers in the appropriate positions and duty stations in line with their training and experience.

4.15.3 Reorganization of the Traffic Department

The vetting process resulted in the reorganization of the Traffic Department. During the vetting of the traffic cohort, it emerged that there was systemic corruption and inadequate supervision of the officers. This resulted in the decision of the Commission and the Service to reorganize the Traffic Department by placing the officers under the supervision and control of the Police Division.

4.16 Lessons Learnt from Vetting Process

The vetting of police officers started in December 2013 amid a mood of great expectation and cautious optimism. Many factors contributed to this atmosphere. First, a long history of corruption, brutality and impunity had led many Kenyans to view the police as untouchable. That the police could therefore be called to account for their wealth and conduct in an open and transparent process was, to most people, inconceivable.

Second, police vetting was a new concept in Kenya, meaning that there were no templates and best practices to learn from and the Commission had to develop vetting tools from scratch. The greatest task for the Commission was to come up with instruments and a process that could deliver decisions that were fair, credible and acceptable to both officers and the public.

Third, there was considerable disquiet in certain quarters about the police vetting process. This found expression in diverse forms, the most notable being a bizarre incident
where a box containing a human head was dumped at the Commission’s offices with a threatening note.

The vetting started with the top seven officers who held the former ranks of Senior Deputy Commissioner of Police I & II. This was partly to debunk the myth that senior officers were untouchable and to send a clear message that the law would be adhered to and that all police officers employed on or before 30th August 2011 would, irrespective of rank, undergo vetting to assess their suitability and competence.

In addition, it made more sense to start at the top because of the pyramid structure of the National Police Service. The Service has a numerical strength of over 80,000 the bulk of the officers being in the middle and lower strata of the organizational structure. Starting at the bottom would have meant that it would take a considerably long time to get to the top, a situation that would have serious ramifications on the command and control of the Service as senior officers still waiting to be vetted would have inhibitions asserting authority.

The announcement of the results, which saw 3 out of 7 officers fail the vetting, opened the floodgates of complaints and accusations by the public. Human rights groups concerned by the level of public participation accused the Commission of not doing enough to raise public awareness about the vetting process; they faulted the Commission for ‘focusing on the wealth of officers at the expense of human rights issues’ and for allegedly disregarding some complaints by members of the public.

The Commission allows members of the public to participate in the vetting process by sending complaints and compliments which assist to determine the suitability of an officer. To facilitate the submission of complaints and compliments, the names of officers to be vetted, including details of rank and current station are published in two leading newspapers and the Commission’s website. Other websites where this information is posted include the National Police Service and mygov.go.ke. This information is also shared with the Police Reforms Working Group (PRWG).

Complaints can either be sent by post, through email or taken to the Commission offices at Sky Park Plaza, Westlands. A provision to file a complaint online also exists. During the vetting of the first seven officers, the Commission was overwhelmed by complaints, an indication that the public was aware of the vetting process. Allegations of poor public participation therefore came as a total surprise. In addition, there were no clear criteria for assessing public participation, a situation that makes it difficult to validate claims by stakeholders that the level was wanting.

It must also be noted that public awareness does not guarantee public participation. There are other factors such as apathy and fear of reprisals that impact negatively on public participation. Also, not all police officers are tainted so it would be wrong to assume that there is a problem if an officer does not attract a barrage of complaints.

In many occasions, investigations on human rights complaints hit a snag because
complainants refused to give written statements and sworn affidavits to support allegations, thus leaving the Commission with no option but to drop the complaints. This led to the perception that the Commission had deliberately ignored some complaints. The Service has over the years gained notoriety for being consistently at the top of the Transparency International (TI) Corruption Perceptions Index (CPI). The CPI points to the fact that corruption is a big problem in the Service and any genuine efforts to reform or redeem the image of the police must target corruption.

In the vetting process, corruption is addressed under the financial probity criterion which entails looking at the wealth declaration form of an officer; the income from salary, allowances and other investments; bank statements of both officer and spouse; and mobile money statements. An analysis of these documents helps to establish whether an officer is living within his or her means.

During the period that vetting has been going on, the Commission has acquired invaluable experience which has prepared it to anticipate situations and to be more detailed and precise in planning and making projections. Many lessons have been learnt and misconceptions exposed. Vetting has revealed that most police officers are hardworking people and it is only a small fraction that taints the name of the police. In addition, contrary to common perception that police officers are uneducated, there are many professionals and graduates in the Service and the number is set to spiral as officers continue to enroll for diploma and degree classes.

In view of the above, the following are some of the lessons the Commission would like to share with stakeholders, and especially the next cohort of Commissioners.

1. **Public Participation:**
   Members of the public want action to be taken against errant police officers but shy from filing complaints or swearing affidavits when called upon to do so, thus undermining the vetting process.

2. **Vetting timelines:**
   It is not possible to predict with precision when vetting will be completed because it depends on many variables such as availability of funds, volume of cases to be investigated and the security situation in the country.

3. **Support for the vetting:**
   The Government supports vetting but there are some elements who are fiercely opposed to it and who have been trying to undermine the process.

4. **Vetting decisions:**
   No matter how transparent the process is, allegations of unfairness and corruption will always persist.

5. **Court appeals:**
   In exercise of their constitutional rights, some of the officers who were removed for failing the vetting have appealed to courts of law and the cases have dragged for long, making the vetting appear inconclusive.
4.17 Vetting: Next Steps

The following are the proposals towards enhancing the vetting process:

1. Engage the Office of the Attorney General for opinions and advisory to find a way forward in the vetting process – discussing the advisory issued by the Attorney General.

2. Amend the vetting regulations (in consultation with the Cabinet Secretary) to cater for issue-based model of vetting.

3. Engage public and stakeholders on the proposed decentralized model for vetting.

4. Consider filing appeals in court in clear cases where vetting has been challenged, to set precedent for application.

5. Introduce a performance-based management strategy of the vetting which would allow for devolution of the process. When operationalizing PMT, there should be a constant and regular lifestyle audit component as per the annual performance appraisal tool. Though vetting was a one-off affair, it will now be an annual affair as it is now part of the performance appraisal tool. The Annual appraisal/annual assessment will take into consideration the performance management and will not be a one-off affair but will be conducted annually.
CHALLENGES 2012-2018

5.1 Administrative Challenges

The Commission has faced various administrative challenges that center on the ability of the Commission to effectively implement its mandate.

**Difficulty in securing suitable office space**

Although the Commission became functional after they were sworn in on 3rd October 2012, the six Commissioners started their work in the lobby of the Crowne Plaza Hotel as they were initially not allocated office space. They then proceeded to two rooms at the 13th Floor of Bruce House. Due to operational difficulties, the Commission relocated to Luther House which was fraught with security challenges and an environment unconducive to the performance of the work of a constitutional commission. This led to the need to scout for better office accommodation and at the request of the Commission, the Ministry of Public Works identified, inspected, carried out valuation and approved the suitability of the space of Sky Park Plaza, Westlands. The Commission went through a complex and tedious process of partitioning the office space with insufficient allocation of resources from the National Treasury. The lack of a conducive work environment in the early days inhibited the Commission from efficiently executing its mandate. The space at Sky Park Plaza is still not optimal in terms of security of documents and personnel as it also hosts banks, hence the need for the Commission to establish stand-alone offices. An offer of office space at NHIF in Upper hill was sought before moving offices to Sky Park Plaza, Westlands and is still ongoing at the Ministry of Lands.

**Appointment (replacement) of two Commissioners**

In February 2013, one of the Commissioners, Major Rtd Shadrack Muiu, fell ill and became indisposed while on a benchmarking tour to the United Kingdom. The Commissioner became indisposed for the entire remaining period of his term. In November 2013, the Vice Chairperson, Mrs. Esther Chui-Colombini passed away while seeking treatment, leaving the Commission without a Vice Chairperson. The two Commissioners were not replaced for the entire term.

The two vacant positions affected the ability of the Commission to effectively and efficiently deliver on its mandate. It affected the quorum requirements of a meeting of the Commission in that all civilian Commissioners must be present at meetings for quorum to be met. Moreover, the two positions are critical in the efficient implementation of the functions of the committees of the Commission to ensure each Commissioner has a mandate and issue they spearhead.
Delinking of members of the NPS from PSC

The delinking process envisions a situation where the police and civilians in the Service are under the Human Resource supervision and control of the National Police Service Commission. The Commission has the mandate to undertake the human resource management of the Service. This function was taken over from the Public Service Commission where the Service was previously managed. The Commission has, however, faced a challenge where the Ministry of Interior and Coordination of National Government still manages certain functions that should be handled by the Commission, for example the management of civilians in the Service, the payroll for members of the Service and the accounting officer for the Service. This has affected efficient and effective human resource management of the National Police Service by the Commission.

Payroll migration

The Commission does not handle the payroll for members of the Service. This has been a major challenge because implementation of human resource management includes management of the payroll for employees. The implementation of decisions of the Commission is also hinged on the payroll, because key human resource decisions including promotions, transfers and some disciplinary sanctions are effected and controlled through the monitoring the payroll.

5.2 Legal Challenges

Quorum for the Commission’s Meetings

The Act has set the quorum to hold plenary meetings at 6 out of 9 members. This poses the following challenges:-

a) This threshold is too high (it implies that three-quarters of the Members must be present for any meeting to take place).

b) Quorum ought to have odd numbers to avoid a tie where voting on an issue becomes necessary.

c) 3 of the Commissioners - Inspector General (I.G) and the 2 Deputy Inspectors General (DIG’s) may be tied up with operational exigencies as to make them unavailable for the meetings.

High number of Court Cases

In the initial six years of the Commission’s functioning, there have been a high number of court cases on various matters touching on Recruitment and Appointment, Transfer and Deployment, Promotions and Discipline.
This is due to a number of factors:

a) Slow transition period for the Service to fully effect the Regulations placed by the Commission since training for the new procedures had to be done.
b) The Judiciary should not admit a petition for members of the Service, unless the Petitioner has exhausted the dispute resolution mechanisms (review and appeal) put in place by the Regulations.

Pending policies

The Commission has made great strides in coming up with rules, regulations and manuals which are the principal mandate of the Commission. The reason why some are not fully operational is due to inadequate sensitization of officers charged with implementation. Due to resource challenges, the Commission has not managed to conclude all the policies earmarked for development under the law and in fulfilment of public and police service expectations, key among them the following:

**NPSC Act**

1. Anti-discrimination
2. Affirmative action
3. Monitoring and evaluation of personnel practices
4. Discipline of civilians in the NPS
5. Employment vetting

**NPS Act**

1. Oversight on the implementation of the training curriculum
2. Establishment of the Service Examination Board
3. Retirement from the NPS
4. Appointment of special police officers
5. Recruitment of police reserves
6. Duties of police officers
7. Hours of duty and leave for police officers
5.3 Resource Challenges

*Inadequate resource envelope*

The Commission receives financial resources from the national treasury for all its programmes and activities. While the resources from government have increased the same have remained inadequate in the face of increased demands occasioned by the Commissions programmes and activities.

*Inadequate human resource*

The Commission was affected by the freeze on employment into the public service. This was despite the Commission not having sufficient numbers to undertake its programmes and activities considering that a large number were on secondment and deployment from other ministries, and on temporary terms that were time bound. The insufficient number resulted in a workforce that was largely overwhelmed by the urgent and numerous activities that required conclusion within tight deadlines.

*Lack of automation of NPSC and NPS processes*

The Commission handles the human resource matters of approximately 105,000 members of the Service, and all the records are kept in manual files at the Service. This results in tedious and time-consuming work to constantly retrieve and peruse files to obtain information on individual officers for decision making. This affects both the Commission and the Service.

5.4 High Public Expectations

The establishment of the Commission came with immense expectation from the public, who expected immediate transformation of the Service, while members of the Service expected a transformed Service that would cater for their welfare.

Members of the public expected the Commission to implement accountability in the Service through removals following the vetting process and in some cases expectations of prosecutions and convictions of members of the Service complained against for various violations.

Kenyans also expected the establishment of a clearly structured National Police Service but, with the inception of the Service and the Commission, there also emerged a continued distinction of the two Services under the command of the IG, on the ground has led to confusion and frustration within the Service itself as to the distinct roles of the two Services. This reflected in the organization structure.

The Commission faced the challenge of deliberation and consensus with the Salaries and Remuneration Commission (SRC) which has the mandate to recommend the salaries of public officers, recommendations which the courts held are binding on public institutions.
Despite the Commission’s intention to improve police remuneration, the SRC mandate and procedure included the conduct of a job evaluation exercise which took a long time to complete for the police officers, leading to a delay in recommendation of improved salaries for the police.
RECOMMENDATIONS AND WAY FORWARD

1. Enhance monitoring of amendments to the NPSC and NPS Acts

The Commission needs to take a proactive role in monitoring the processes in Parliament regarding the introduction of amendments to security laws. A close working relationship with the Office of the Attorney General will enable the Commission obtain real time information on amendments being contemplated on the relevant laws.

2. Expand resource mobilization from Parliament, National Treasury and development partners

The Commission needs to finalize the resource mobilization strategy and adopt a policy of seeking resources from other partners in addition to funds from the National Treasury. The Commission ought to identify bilateral and multi-sectoral stakeholders with whom joint activities can be implemented with minimal utilization of funds.

3. Build Commission staff capacity through training on specific skills

The Commission is a human resource management institution, and human resource processes are technical in nature. There is need to continuously upgrade the skills of staff of the Commission on emerging trends and best practices in human resource management. This will ensure that the Police Service is managed in a professional manner. The Commission will also need to proactively reach out to the Police Service and undertake targeted capacity building of members of the Service to undertake professional human resource management procedures. This is because members of the Service also have roles to play in day to day human resource management of the police.

4. Conduct baseline surveys on skills gaps and training needs analysis for the National Police Service

The Commission needs to conduct regular baseline surveys and training needs analysis for members of the Service. These surveys will form a basis for regular review of policies and decisions made by the Commission on matters affecting the Service. The information and recommendations will also reveal trends and new issues that require to be addressed through processes such as relevant training and placement.

5. Improve welfare of the members of Service

The Commission is in regular consultation with the Salaries and Remuneration Commission to regularly revise pay scales. Police officers are among the lowest paid public servants. Ordinarily, public servants are not meant to engage in any other...
economically gainful activity. Improved welfare would therefore probably reduce the low morale and susceptibility to engage in corrupt activities as seen among police officers. However, improved welfare alone will not solve the problem since a salary can never fully solve financial problems. The members of Service also ought to readily access mortgage, insurance and such welfare provisions to improve efficiency.

6. Develop monitoring and evaluation framework

The Commission needs to put in place a monitoring and evaluation framework for the Commission. The framework will be the instrument that ensures continuous evaluation of the impact of the Commission in reforms, and implementation of its mandate. Continuous evaluation will also inform variations in the procedures of the Commission where applicable.

7. Upscale outreach and sensitization on the mandate of the Commission

The mandate, policies and procedures of the Commission will need to be proactively disseminated to members of the public and the Police Service. This will go a long way in improving the relationship between the police and the Commission in terms of accessibility and an understanding of the role of the Commission. The Commission will need to conduct continuous sensitization on the procedures developed by the Commission for implementation by the Service. This will improve compliance levels of the Service.

8. Provide awareness and education on ethics and integrity

Police officer training should be continuous with emphasis on training on ethics and integrity. This training should not be limited to the police but should also extend to members of the public. The trainings and sensitization should incorporate the effects or dangers of vices such as corruption, which include deaths and injuries brought about because of bribing traffic officers, and infiltration of the society by terrorists who end up harming from within.

9. Finalize priority policies

The Commission needs to conclude the pending policies outlined in the NPSC and NPS Acts for implementation by the Service. The policies are key to the development of complete human resource policies for the Service. The policies include those on affirmative action, anti-discrimination, conflict of interest, among others.

10. Adopt a new vetting strategy

The Commission has been conducting vetting of police officers as described in Chapter Four (4) of this report. The main reason for recommending adoption of a new vetting strategy is because the strategy adopted by the first Commission has been time consuming, resource intensive and if continued in the same manner, the vetting exercise of the
remaining officers will take a long time to be concluded. It is worth noting that vetting of police officers was supposed to be transitional in nature.

The Commission needs to consider using a performance-based approach for vetting the remainder of police officers not yet vetted, which will ensure efficiency of the process and speedy conclusion of the exercise.

11. Undertake image building and branding

The Commission needs to undertake an audit of the brand and image of the Commission as perceived by members of the public and the police. Following the outcome of the audit, the Commission will need to undertake a proactive exercise of image building of the Commission to improve any negative perceptions of the institution.

12. Enhancing compliance with laws and regulations

The Commission needs to strengthen the Audit Committee of the Commission and the Compliance Department within the Human Capital Directorate. Improved compliance with the human resource procedures will also avert the numerous court cases challenging decisions of the Service and the Commission.

13. The Commission should lobby for amendments on the following key issues

   i. Quorum

To amend the quorum to five Members amongst whom should be at least the IG or DIG as part of the quorum.

The NPSC Act indicates that the Inspector General (IG) and 2 Deputy Inspector General (DIG’s) are full-time members of the Commission. The Constitution states that a State Officer shall not hold more than 1 full time State position at the same time.

   ii. Mandate

The Inspector General and Deputy Inspector General’s (DIG’s) should be stated as “Ex-Officio” Members of the Commission: not as “full time” Members of the Commission.

14. Implement the 2018–2022 Strategic Plan

The Commission has developed the second Strategic Plan that has identified the key strategic issues that will guide the institution in service delivery within the next four years. The Strategic Plan highlights the flagship projects that will achieve major milestones for the Commission and will go a long way in progressing the reforms envisioned for the National Police Service.
15. Establish regional offices for the Commission

The Commission will need to establish regional offices across the country to take the services of the Commission closer to the members of the Service for ease of access. The offices established should be manned by human resource practitioners to ensure high levels of professionalism and uniformity of standards in the management of police officers across the country.

16. Establish a Metropolitan Police

A Metropolitan Police should be established in all major towns and cities within the country. The Metropolitan Police Service ought to provide quick responses when required. Under Article 66 (2) of the Constitution, there is contemplation of further devolved units such as municipalities and townships. These could make good use of the metropolitan system.

17. Introduce rewards to encourage performance

This is a standard practice in the developed world. It is important to recognize officers whose adherence to the law is well known in public service through an award and honour system. Police officers with a no-nonsense approach to work are very well respected by members of the public. Formalising the awards would discourage wayward behaviour by officers.

18. Leverage on technology

Technology can be used to monitor efficiency of the members of the Service. For example, automating the Occurrence Book (OB) reporting and cash bail processing would drastically reduce processes, time taken and corruption while still serving justice to offenders. This would greatly reduce the number of complaints received and processed by the Commission against members of the Service. For example, payment and refunds of bail can be made through mobile money to ensure accountability. Routine messages sent through mobile phones can be used to inform members of the public on changes in the law.
As Chairman of the Commission am glad to report the achievements the Commission has made in defining the processes and procedures in the development of human resource functions as part of the processes of deepening ongoing reforms in the National Police Service (NPS).

Another highlight has been the vetting of police officers to determine their suitability and competence for retention or removal from the Service.

The results of the vetting process also forms the basis upon which critical human capital management decisions were made especially on the promotions of officers to higher ranks and their suitable placements.

In conclusion let me take this opportunity, to thank very sincerely His Excellency the President of the Republic of Kenya, President Uhuru Kenyatta, for giving us the opportunity to serve in his government, giving us the encouragement and support and the motivation to continue serving the National Police Service.

**CHAIRMAN JOHNSTON KAVULUDI** EBS, HSC

I have had a number of high moments during my tenure at the Commission.

Firstly the day Parliament unanimously declared that I should be appointed because I was suitable, competent and therefore eligible to be appointed as the Chairman of the National Police Service Commission, I was elated.

The second high moment is when I was sworn in by the Chief Justice to be the Chairman of the National Police Service Commission. I do recall that was on the 5th of October in the year 2012. One other high moment is when his Excellency the President publicly while addressing Police Officers in one of the highly publicized ceremonies said he had a lot of confidence in the National Police Service Commission and the work of the Commission and he commended me personally; that, suddenly, was a high moment because it is not normal to be singled out by the Head of State
and, therefore, this to me was a great honour.

I arrive in the office when I am very energised by about 6-30 in the morning and I do not leave until I feel that I have completed what I need to do, and this is in addition to going outside to attend meetings, functions and other events that are planned by government, the Commission or the Service.

I will tell you that there have been some very, very low moments as I performed. For example, there is the time when we all as Commissioners plus other Constitutional Commissioners in the Coast Province in 2013, I believe it was about September or thereabout August September and at about 7.30, I got a call from my Secretary and she asked ‘Chairman do you know what has happened?’ I said no, I don’t know’

“Somebody unknown to us has delivered a human head in a carton, freshly cut from what is believed to have been a live human being, the hands have also been severed and they have been placed in a carton in that kind of position and the human head and the hands are still dripping of blood.”

I was told the Police had come in and they were in the process of managing the scene and carrying out preliminary investigations into how that human head was delivered to our offices in the first place. But what shocked me and this is really what gave me the scare was that it was addressed to me and inside it was written, ‘Kavuludi you are next.’ What this meant to me was that I was the next person whose head would be severed and placed in that kind of position.

In conclusion let me take this opportunity, to thank very sincerely His Excellency the President of the Republic of Kenya, President Uhuru Kenyatta, for giving us the opportunity to serve in his government, giving us the encouragement and support and the motivation to continue serving the National Police Service.

That motivation has ensured that, without fear or favour, we continue to discharge our duties and we really would wish to say that may the President continue to guide the National Police Service Commission to even greater heights and levels of performance because that is what the Commission requires. Thanks also to Cabinet Secretary for Interior Dr. Fred Matiang’i, both the National Assembly and the Senate, My fellow Commissioners, the National Police Service, members of the Commission Secretariat and many of our stakeholders all well wishers.

Anything good that we all encounter comes to an end. We were appointed as Commissioners in 2012, and have now come to the end of our term. As His Excellency the President appoints a new team of Commissioners, I take this opportunity to welcome them into the Commission and wish them well.
I was enlisted in the Kenya Police Force on the 11th of July 1969 as a Cadet Assistant Inspector of Police. I passed out on the 30th of January 1970 and my first posting was at Kenya Police Headquarters. I served for a total of 32 years in the force before retiring in August 2001.

I applied and was employed as one of the first commissioners of the NPSC on the 3rd of October 2012.

The journey over the last six years as a Commissioner of the National Police Service Commission has had numerous ups and downs, starting with a rigorous interview before an interviewing panel, and culminating with a final interview session before the Parliamentary Committee on Security. It took almost eight months between the time we were interviewed and the time that we were finally employed. I did not meet my colleague commissioners until the final interview before the Parliamentarian Committee on the 3rd of October 2012.

The Commission hit the ground running in spite of having no officers, with a resolve to give Kenyans a new Inspector General, his two Deputies and the Director of the Criminal Investigation Department, before the elections of March 2013. The interviews were held live on national TV at The KICC. This was a first of its kind in Kenya and I felt very happy that I was taking part in this historic event in the life of the Kenya Police Service.

I was puzzled at the resistance that we met from the police officers who in spite of their wish to have their own Commission to run their affairs now seemed not to want to work with the Commission. The disagreements became so bad especially as they realized that the Commission was to vet all officers to assess their suitability and competence, and remove from service those found to be unsuitable. During the period before we started vetting police officers, the Chair of the Commission received the head of a dead person with a message that he was the next. This was a threat towards any vetting taking place. It took a pronouncement from the president to open the way for vetting.

As I leave the commission, I am very happy with the achievements that we made during the short period of time despite the challenges that we faced. We leave a strong secretariat that will guide the incoming commissioners. We also leave behind regulations and policies that will work towards guiding the work of the police officers.

**COMMISSIONER MARY AUMA OWUOR MSc, FSyl, DC0**

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The Commission hit the ground running in spite of having no officers, with a resolve to give Kenyans a new Inspector General, his two Deputies and the Director of the Criminal Investigation Department, before the elections of March 2013. The interviews were held live on national TV at The KICC. This was a first of its kind in Kenya and I felt very happy that I was taking part in this historic event in the life of the Kenya Police Service.

I was puzzled at the resistance that we met from the police officers who in spite of their wish to have their own Commission to run their affairs now seemed not to want to work with the Commission. The disagreements became so bad especially as they realized that the Commission was to vet all officers to assess their suitability and competence, and remove from service those found to be unsuitable. During the period before we started vetting police officers, the Chair of the Commission received the head of a dead person with a message that he was the next. This was a threat towards any vetting taking place. It took a pronouncement from the president to open the way for vetting.
During my tour of duty I have met many people of good will who are willing to work with us towards the fulfillment of police reforms. As we vetted police officers of various ranks across the country, we were joined by Kenyans of good will who gave us support and very useful information about the officers whom we were vetting. Personally I have had very many high moments this being my second chance to work in the Police Service. I was able to meet many officers who had worked with me before my retirement from the force. I was also able to visit many police stations that I had not been able to visit during my service.

One of my personal mantras that strengthened me through the years is readily acknowledging that ‘sometimes you have to make an omelet without eggs.” I am guided by the principle of being focused in whatever I do, and I go beyond having just a Plan A, to having a Plan B, C and even D. Police work is unpredictable as can be evidenced in the lack of adequate facilities and equipment, and one should be in a position to adapt and adjust to situations accordingly.

As a career police officer, I am grateful for the officers who embraced and appreciated the Commission, even after we began the vetting. Many times the police women joined us, and we worked cordially in writing regulations and policies that will be used going forward. An open door policy also had officers even from the level of constable coming to the Commission directly to seek assistance with their issues, or to present their ideas to us.

As I leave the commission, I am very happy with the achievements that we made during the short period of time despite the challenges that we faced. We leave a strong secretariat that will guide the incoming commissioners. We also leave behind regulations and policies that will work towards guiding the work of the police officers. I am happy that we were also able to launch the Career Progression Guidelines for the police which was a first since the creation of the policing in this country. I am glad to have served as one of the first Commissioners of the National Police Service Commission.
COMMISSIONER MURSHID MOHAMED

The highest moment in my service to the Commission is very difficult to isolate. I would consider throughout the tenure, we were serving a very high moment trying to bring reforms to a very critical area which is the base of the life of the Nation in terms of its political stability and economic stability, and that is internal security and the need to reform a very old system.

The biggest moment for me was when we managed to prepare the ground for the vetting of police officers. This is something that had not been done anywhere else in the world and we worked very hard to have the policies in place.

Quite naturally, there was a lot of resistance from officers because they didn’t know what this animal called vetting could lead to. There was a great moment of anxiety even though the way we conceived vetting was to even get the necessary information which will make us be able to formulate policies and regulations that would change the Service for the better of the Service men and women. It was not very easy to make the Service understand that this was going to be good for them.

The other high moment was when his Excellency the President made an announcement in public. I remember very well at KICC that the vetting is on, urging the Commissioners to conduct the vetting exercise. That sort of broke all the resistance that there was. This was about five years ago and it is quite telling today that high moment has transformed itself to another high moment for the entire Republic where vetting is slowly becoming a fact of our life in the Government.

The lowest moment was not necessarily because of the personal threat that it posed to me and my life, but it was the lack of understanding of the overall objective of the vetting exercise that it was fair, it was transparent and it was multipronged in the sense that it was not just geared towards removing errant officers. It had a lot of cautioning within it to consider due process but at the same time, because of our intimate interaction with what goes on in the Service, we were to have a ring side view as to where the problems were in terms of the human resource Management.
For the first time again in the Service, we managed to put up a Scheme of Service. The Police Service strangely enough was the only public entity without a Scheme of Service. The Scheme of Service helped to be attached to the manner in which promotions are done. We even went deeper and generated policies and manuals that would guide the Service in selecting personnel for promotional courses.

You don’t get promoted in the Service without first having done a promotional course. It was also important to turn the spotlight on how promotions or selection for promotional course was done in the Service. We were guided mainly by two main philosophies and that is the philosophy of the Constitution. How do we make governance transparent and how do we make governance accountable.

These twin issues of transparency and accountability is what we managed to embed in all our policies and in all our regulations. For example, if we had somebody to go for a promotional course. The process was to be transparent. The process must be accountable. My advice to the incoming Commissioners is to take up their positions with a lot of dignity and a lot of weight as to what is expected of them. As the initial Commission, we had our storming moments. It is public knowledge that we had differences with the Inspector General in terms of roles and terms of functions. It was nothing personal. It was in terms of how we further un-package the mandate.

We managed to get the mix right with the intervention of several offices in the public service, including the highest office in the Republic. We managed to stabilize and carry our work forward. For the new commissioners as they come in, they should learn from what we managed to achieve and the mistakes that we had committed along the way. They don’t have to storm again.

I think our successors would have to take up where we left, to do some of the regulations that we couldn’t do because of the time factor and (limited) resources but by and large they would actually come in and fly with the structures and what we have managed to achieve so far. I am positive that they have all the tools and the entire structure to move the Commission and the Service to the next level.
COMMISSIONER RONALD MUSENGI

According to the Constitution, the Board is supposed to have nine Commissioners. Six of them are civilian and three of them are the service commanders from the National Police Service – that is the Inspector General and the two deputies.

The background of National Police Service is that there had never been a Commission before. This was the first Commission, which was appointed to manage the human capital management issues of the National Police Service. There before, these issues related to the human capital management were dealt with by the Public Service Commission.

The rigidity within the Service was very high in the beginning. The Inspector General and the two deputies had never before witnessed the determination by the Commission in the day-to-day operations during the transfers, the promotions. There before, there used to be solely done by the Commissioner of Police.

What I can say is that those were just teething issues, which lasted for about one year. After that, we started working. We were able to come up with several regulations to guide our operations. We came up with regulations on vetting, recruitment, promotion and transfers among many others.

Finally, my hope and my prayer is that as we leave the office and the new Commissioners come in, they will be in a position to implement all these policies. I believe the new policies on training and housing, counseling and chaplaincy which we have just finalized will help change the lives of Police officers.
REFERENCES

1. Constitution of Kenya 2010
2. Independent Policing Oversight Authority (IPOA) End-Term Board Report 2012 - 2018
4. National Police Service Act
5. National Police Service Commission Act
6. National Police Service Commission Regulations
7. NPSC (2013), South Africa Benchmarking Mission June 2013 Report
15. The NPSC Bulletin Issue No. 013

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## Annex 2: Summary of the NPSC Assets as at 2018

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<th>Asset Category</th>
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<td>Assorted Office Equipment</td>
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<td>Office Furniture</td>
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<td>Printers and Photocopiers</td>
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<td>Computers</td>
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<tr>
<td>Communication equipment</td>
<td>54</td>
</tr>
<tr>
<td>Fixtures and Fittings</td>
<td>Various</td>
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Annex 3: NPSC Delegation Instruments
Annex 4: Vetting Tools – Officer’s Self-assessment and Wealth Declaration
Annex 5: Sample Interview Guide
Annex 6: Sample Financial Analysis (Form 1A, 1B, 1C, 1D)
Annex 7: Sample Decision
Annex 8: Vetting Regulations
Annex 9: Organogram