

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION - 2011

REPORT OF THE
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY ON THE NATIONAL POLICE SERVICE BILL,
2011, THE NATIONAL POLICE SERVICE COMMISSION BILL, 2011
AND THE INDEPENDENT POLICING OVERSIGHT AUTHORITY
BILL, 2011

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

AUGUST, 2011

1000 10/20/11
Speaker
Deputy Speaker
Clerk N. A.
D/Clerk
P. C. A.

Hon F. Kaparo

PARLIAMENT
OF KENYA
LIBRARY

PREFACE

Mr. Speaker, Sir,

Mandate

The Parliamentary Departmental Committee on Administration and National Security was constituted pursuant to the provisions of Standing Order No. 198 of the National Assembly and has executed its mandate in accordance with the provisions of the said Standing Order 198 (3), which mandates the Committee Members to, inter alia;

(i) study and review all legislation referred to it;

(ii) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

Mr. Speaker,

Subjects

The Committee, according to Schedule II of the Standing Orders, examines the following subjects:

- i) Public Administration
- ii) National security
- iii) Internal Security
- iv) Immigration
- v) Prisons Service
- vi) National Youth Service, and;
- vii) Natural disasters

The Committee oversees the following Ministries and Departments:

- (i) Office of the President (Cabinet Office & State House)
- (ii) Office of the Vice President and Ministry for Home Affairs

- (iii) Ministry of Provincial Administration & Internal Security
- (iv) Office of the Prime Minister
- (v) Ministry of State for Public Service
- (vi) The Public Service Commission
- (vii) Ministry of State for Immigration & Registration of Persons

Mr. Speaker, Sir,

Committee Membership

The following are the Members of the Committee:

- The Hon. Fred Kapondi Chesebe, MP (Chairman)
- The Hon. Peter Kiilu, MP (Vice Chairman)
- The Hon. Cyprian Omollo, MP
- The Hon. Danson Mungatana, MP
- The Hon. Raphael Letimalo, MP
- The Hon. Pollyins Ochieng', MP
- The Hon. Mohammed Hussein Ali, MP
- The Hon. Joseph Kiuna, MP
- The Hon. Maison Leshoomo, MP
- The Hon. Nkoidila ole Lankas, MP
- * The Hon. Clement Kung'u Waibara, MP

*(The Member whose name is marked with an asterix * has never participated in any Committee deliberations and so he is not part of the observations, findings, conclusions and recommendations contained in this report).*

Mr. Speaker,

Committee Sitzings

The National Police Service Bill, 2011, The National Police Service Commission Bill 2011 and the Independent Police Oversight Authority Bill, 2011 underwent the First Reading on Thursday 18th August, 2011 and were effectively committed to the Committee on

Administration and National Security as per the requirements of Standing order 111. The Committee held a total of four meetings; three on Monday 22nd August 2011 and one on Tuesday 23rd August 2011.

Mr. Speaker, Sir,

Stakeholders

The Committee held meetings with several stakeholders during the scrutiny of the Bills. Some of the stakeholders included;

- i) The Ministry of Provincial Administration and Internal Security
- ii) The Police Commissioner's representatives
- iii) The Administration Police Commandant
- iv) Kenya National Commission on Human Rights (KNCHR),
- v) Kenya Private Sector Alliance (KEPSA), and;
- vi) Usalama Reforms Forum.

Mr. Speaker,

The Constitution

There have been great expectations from Kenyans to see the Police undergo surgical reforms. The establishment of the National Task Force on Police Reforms in 2009 was the beginning of a roadmap towards changing the face of our Police forces. The promulgation of the new Constitution in August 27th 2010 was the hallmark of this transition with article 243 of the Constitution establishing a National Police Service.

Mr. Speaker, Sir,

Following the procedural motion reducing the number of days of the publication of Bills from fourteen to six, pursuant to Standing Order

107, the Committee had very limited time to scrutinize the three Police Bills. Despite this limitation the Committee was able to file a report within the stipulated time.

Mr. Speaker,

Forums on Police reforms

It is important to mention here that the Committee had a session with Philip Ransley's National Task Force on Police Reforms on Tuesday 11th August 2009 where Police reforms were discussed at length. Also the Committee attended a workshop in Mombasa on the three Bills organized by Titus Naikuni and his Police Reforms Implementation Committee, between 18th and 20th November, 2010. The Committee received presentations and memoranda from Usalama Reforms Forum on Tuesday 7th December, 2010. The Committee is therefore well versed with the proposals in the Bills and was generally in agreement with the proposed clauses in the final drafts of the Bills.

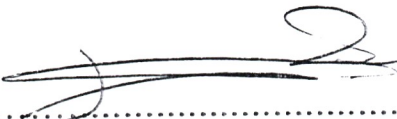
Mr. Speaker, Sir,

Acknowledgements

The Committee takes this early opportunity to thank the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to the Committee during its Sittings. The Committee wishes to thank all the stakeholders for their participation and meticulous scrutiny of the Bills during the forum with the Committee on Monday 22 August, 2011. Lastly, the Committee is grateful to the Ministry of State for Provincial Administration and Internal Security for initiating, drafting and publishing these Bills whose importance cannot be gainsaid.

Mr. Speaker, Sir,

On behalf of the Committee, and pursuant to Standing Order 111 (2), it is my pleasant duty to table in the House the Report of the Departmental Committee on Administration and National Security on the Police Service Bill, 2011, the Police Service Commission Bill 2011 and the Independent Police Oversight Authority Bill, 2011.

Signed.......... Date.....23/08/011.....

Hon. Fred Kapondi, MP

Chairman, Departmental Committee on Administration and National
Security

THE COMMITTEE'S DELIBERATION ON THE NATIONAL POLICE SERVICE BILL, 2011

The Committee deliberated on the Bill as follows;

- Clause 1 - Agreed to
- Clause 2 - Proposed amendment
- Clause 3 - Clause 9 - Agreed to
- Clause 10 - Proposed amendment
- Clause 11 - Agreed to
- Clause 12 - Clause 13 - Proposed amendment
- Clause 14 - Clause 15 - Agreed to
- Clause 16 - Proposed amendment
- Clause 17 - Clause 23 - Agreed to
- Clause 24 - Proposed amendment
- Clause 25 - Agreed to
- Clause 26 - Proposed amendment
- Clause 27 - Clause 28 - Agreed to
- Clause 29 - Clause 30 - Proposed amendment
- Clause 31 - Clause 40 - Agreed to
- Clause 41 - Proposed amendment
- Clause 42 - Clause 122 - Agreed to
- Clause 123 - Proposed amendment
- Clause 124 - Clause 132 - Agreed to

FIRST SCHEDULE - Agreed to

SECOND SCHEDULE - Agreed to

THIRD SCHEDULE – Proposed amendment

FOURTH SCHEDULE - Agreed to

FIFTH SCHEDULE - Agreed to

SIXTH SCHEDULE - Agreed to

SEVENTH SCHEDULE - Agreed to

EIGHTH SCHEDULE - Agreed to

PROPOSED AMENDMENTS

The Committee proposes the following amendments to the Police Service Bill, 2011;

PART I – PRELIMINARY

1. Clause 2

THAT Clause 2 is amended by inserting “Kenya Police Service” - means the service established under section 22.

PART II – COMPOSITION, FUNCTIONS AND POWERS OF THE SERVICE

2. Clause 10

THAT Clause 10 (1) (m) is amended by deleting the words “including arranging to pay compensation to victims of police misconduct”.

3. Clause 11

THAT Clause 11(2)(b) be amended to read “holds a degree from a University recognized in Kenya or equivalent qualifications”.

4. Clause 12

THAT Clause 12 is amended by deleting sub-clause (5).

THAT Sub-clause (1) and (13) are amended by deleting the words “Deputy Inspector-General” wherever it appears.

5. Clause 13

THAT Sub-clause (7) of clause 13 is amended by inserting the following words immediately after the word “apply”: “except that provisions requiring approval by Parliament shall not apply to the appointment of the Deputy-Inspector General.”

6. Clause 16

THAT Clause 16 is amended by deleting the words “not exceeding twenty eight days” and replacing therefor “three months”.

**PART III – CONSTITUTION, ADMINISTRATION, FUNCTIONS AND
POWERS OF THE KENYA POLICE SERVICE**

7. Clause 24

THAT Clause 24 is amended by deleting Sub-clause (h).

PART IV – CONSTITUTION, ADMINISTRATION, POWERS AND FUNCTIONS OF THE ADMINISTRATION POLICE SERVICE

8. Clause 26

THAT Sub-clause (f) of clause 26 is amended by deleting the following words “to the Independent Police Oversight Authority”.

PART V – THE DIRECTORATE OF CRIMINAL INVESTIGATION

9. Clause 29

THAT Sub-clause (2) of clause 29 is amended by deleting it and replacing therewith: “The Commission shall set the term of office for the Director.”

THAT Clause 29 is amended by deleting Sub-clause (8) (b).

10. Clause 30

THAT Sub-clause (7) of clause 30 is amended by inserting the following words immediately after the word “apply”: “except that provisions requiring approval by Parliament shall not apply to the appointment of the Director of Criminal Investigations.”

11. PART VI

THAT a new part VI is inserted immediately before clause 40 with the heading “Police Stations”.

THAT Part VI is amended by renumbering it part VII and moving it to come immediately before clause 41. The rest of the parts are renumbered accordingly.

12. Clause 41

THAT Sub-clause (1) of clause 41 is amended by deleting all words appearing after the words “National Police Service” and inserting a new paragraph immediately after (b) to read: “the heads of the National Intelligence Service and the Director of Criminal Investigations at the County level.”

THAT Sub-clause (3) is amended by deleting the words “County Assembly for vetting” and replacing therewith the words “County Security Committee for vetting and subsequent thereto, to the County Assembly for approval”.

13. Clause 123

THAT Sub-clause (3) is amended by deleting the words “Eighth Schedule” and substituting therefor the words “Fifth Schedule”.

14. THIRD SCHEDULE

THAT Clause 5 to 11 of the third schedule are amended by deleting the words “Deputy Inspector-General” wherever it appears.

COMMITTEE’S DELIBERATION ON THE NATIONAL POLICE SERVICE COMMISSION BILL, 2011

The Committee deliberated on the Police Service Commission Bill 2011, as follows;

Clause 1- Clause 30 - Agreed to

FIRST SCHEDULE - Agreed to

SECOND SCHEDULE - Agreed to

COMMITTEE'S DELIBERATION ON THE INDEPENDENT POLICING OVERSIGHT AUTHORITY BILL, 2011

The Committee deliberated on the Independent Policing Oversight Authority Bill, 2011 as follows;

Clause 1 - Clause 8 - Agreed to

Clause 9 - Proposed amendment

Clause 10 - Clause 28 - Agreed to

Clause 29 - Proposed amendment

Clause 30 - Clause 39 - Agreed to

PROPOSED AMENDMENTS

The Committee proposes the following amendments to the Independent Policing Oversight Authority Bill, 2011;

PART II – COMPOSITION AND ADMINISTRATION

1. Clause 9

THAT Sub-clause 1 (b) is amended by deleting the word “fifteen” and substituting therefor the word “ten”.

PART IV – MISCELLANEOUS PROVISIONS

2. Clause 29

THAT Clause 29 is amended by deleting Sub-clauses (2) and (5).

MINUTES OF THE 87TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON MONDAY 22ND AUGUST, 2011 IN THE MAIN CONFERENCE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS AT 10 AM.

PRESENT

The Hon. Fred Kapondi Chesebe, MP – (Chairman)
The Hon. Peter Kiilu, MP – (Vice Chair)
The Hon. Maison Leshoomo, MP
The Hon. Danson Mungatana, MP
The Hon. Pollyins Ochieng', MP
The Hon. Raphael Letimalo, MP

ABSENT WITH APOLOGIES

The Hon. Mohammed Hussein Ali, MP
The Hon. Joseph Kiuna, MP
The Hon. Cyprian Omollo, MP

ABSENT

The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE - KENYA NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Ahmad Kadhi - Third Clerk Assistant
Mr. Dennis Abisai - Legal Counsel
Mr. Martin Mugambi- Parliamentary Intern

IN ATTENDANCE

Hon. Prof. George Saitoti, EGH, MP – Minister, Provincial Administration & Internal Security
V. G. Okioma – Secretary, Provincial Administration
K. Mbugua – AP Commandant
Fred M. Mwei - AP Reforms Head
Andrew Ndirangu - AP
Temko Christine - AP
Eric Kiraithe - Police Spokesman
Charles Owino Wahomio - Kenya Police
Titus Naikuni - Chairman, PRIC
Macharia Njeru - Member, PRIC

Justus Osoro	- Member, PRIC
Samuel C. Matano	- PRIC / KEPSA
Jack Muchira	- KEPSA
Wafula Nabutola	- KEPSA
Catherine Chegero	- Usalama Forum
Linda Omanyia	- Usalama Forum
Elijah G.A Agevi	- Usalama Forum
Hassan Omar	- KNCHR
Suzanne Chivusia	- KNCHR
Omudi Samson	- KNCHR

PRELIMINARY

The Chairman called the meeting to order and welcomed the various stakeholders who had responded swiftly to the invitation. Prayers were said followed by brief introductions. The Chair then invited the Stakeholders to make their presentations.

MIN. NO. 266 /2011 – MEETING WITH STAKEHOLDERS ON THE NATIONAL POLICE SERVICE BILL, 2011

PRESENTATION BY THE MINISTER OF STATE FOR PROVINCIAL ADMINISTRATION AND INTERNAL SECURITY.

The Minister concurred with the opening statement of the Chairman that they had several forums which the ministry had engaged several players, including the Committee, on the proposed Bills.

The Bills had undergone several processes including examination by the Constitution Implementation Committee, the Office of the Attorney General as well as the Cabinet and amendments done, published and thereafter tabled in Parliament.

The following amendments were proposed by the Minister;

- That s. 2, on Interpretation, The Kenya Police Service, be defined therein.
- That s. 10, (1) (m), Responsibility was already covered in Article 50(9) of the Constitution.
- That s. 12, subsequent appointments of Inspector General be done by the National Police Service Commission.
- That s. 13, provisions under the 3rd schedule, paragraphs 5 to 11 should not apply to appointment of Deputy Inspector General.

- That s. 16, an extension to 3 months be provided for the temporary absence of the Inspector General.
- That s. 23 (d) and s. 26 (f) be harmonised to read the same in respect of reporting to the Independent Police Oversight Authority.
- That s. 24 (h) be deleted as it was a function of the Administration Police.
- That s. 29(2), the provision for the term of office of Director, Department of Criminal Investigations be removed.
- That s. 29, the accounting officer should be appointed pursuant to article 226(2) of the Constitution.
- That s. 30, the procedure for appointment of the DCI not be subjected to Parliamentary approval.
- That s. 40 and 41, the headings read “Police Stations, Outposts, Units and County Policing Authority”.
- that s. 41 (b) on Membership to County Policing Authority include a separate clause for the National Intelligence Service member. while removing the provision of the Inspector General to make appointment to the National Police Service.
- That s. 41 (3) allow for vetting of the County Police Authority by the County Security Committee and approval by the County Assembly.

The Chair of the PRIC agreed with the Minister on the proposed amendments. Other officers from the Ministry concurred with the comments by the Minister. The Members were concerned that police welfare such as matters of medical schemes, insurance cover for police on duty, injuries and compensation had not been addressed.

COMMENTS BY THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

They informed the Committee that there had been wide consultations in drafting the Bills. However, the Office of the Deputy Inspector General required public participation to fill, thus the office should be vetted, as per article 239 of the Constitution that requires organs to have civilian monitoring. Further, the following amendments were proposed:

Section 34 (d) should provide that the Director should not evaluate himself.

Section 53 allows for the issuing of Bond.

Section 103 is too harsh and open for abuse thus should be checked.

COMMENTS BY THE USALAMA FORUM

They had the following proposed amendments:

- Subsection 10(1)(f) be redrafted to read, “The Cabinet secretary for the time being responsible for internal security may, in consultation with the County Executive and the Inspector-General of Police determine the establishment and maintenance of police stations, posts, outposts, units or unit bases in the county and determine the boundaries of the police stations, outposts or unit bases, duly keeping in view the population, the area, the crime situation, the workload in terms of law and order and the distances to be traversed by the inhabitants to reach the Police Station.
- That subsection 23(e) and 26(d) be deleted from the Bill. That the task of monitoring and evaluating the police service be placed with the National Police Service Commission.
- That a further subsection be included in section 29 as per below:
29(2): No person shall be qualified for appointment as the Director of Criminal Investigation if the person –
 - a) Is a member of parliament or county assembly, is a governor or a deputy governor;*
 - b) Has served as a member of Parliament, county assembly, trade union or held an office in a political party in Kenya in the preceding five years;*
 - c) Has previously been convicted of any offence including a disciplinary offence;*
 - d) Has violated the Constitution; or*
 - e) Is an un-discharged bankrupt.*
- Establish a new Part VII on: Police Stations. Move the entire section 40 to this new part. Introduce a new subsection (4) to provide that. “the Station Commander shall be responsible for effective expending and executing Station budgets and Plans”
- Introduce a new subsection 41(10) to provide that, “in the performance of its function, the County Policing Authority shall consult and collaborate with the Independent Police Oversight Authority and/or the Kenya National Human Rights and Equality Commission
- That s.52(3) and (4) be re-drafted to be. “52 (3) A person is not required to answer any question under this section if the question tends to expose the person to a criminal charge, or to a penalty or forfeiture. *A police officer who intends to question a person under this section must inform that person, in a language that they understand, that they are not required to answer any questions that may tend to expose them to a criminal charge/s prior to commencing any questioning*
- That subsection 53(1) be edited to read; A police officer investigating an offense (not being an offense against discipline) may produce any person before a judicial officer for execution of a bond in such a sum and in such a form as may be

required, subject to the condition that the person shall duly attend court if and when required to do so.

- That the definition of “obstruction” be included in the bill.
- That section 66(1) redrafted to read: “(a) No matter or thing done by a member of the Service, employee or agent of the Service shall, if the matter or thing is done in good faith for the performance and execution of the functions, powers or duties of the Service, *and in the course of the official discharge of duty*, render the officer, employee or agent personally liable to any action, claim or demand whatsoever. (b) *Notwithstanding subsection (a), every instance whereby death, grievous bodily harm or sexual assault occurs at the hands of police, as a result of the actions of a police officer/s, or is alleged to have occurred at the hands of police or as a result of the actions of a police officer/s, is to be automatically and immediately subject to an inquiry by the Independent Police Oversight Authority.*”

MIN. NO. 267/2011: ADJOURNMENT

The meeting was adjourned at fifty five minutes past eleven o'clock, to the next sitting in the afternoon.

Signed:



Chairman.....Hon. Fred Kapondi, MP.....Date.....23/08/011.....

MINUTES OF THE 88TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY HELD ON MONDAY 22ND AUGUST,
2011 IN THE MAIN CONFERENCE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS
AT 12.30 PM.

PRESENT

The Hon. Fred Kapondi Chesebe, MP – (Chairman)
The Hon. Peter Kiilu, MP – (Vice Chair)
The Hon. Maison Leshoomo, MP
The Hon. Pollyins Ochieng', MP
The Hon. Raphael Letimalo, MP
The Hon. Danson Mungatana, MP

ABSENT WITH APOLOGIES

The Hon. Mohamed Hussein Ali, MP
The Hon. Joseph Kiuna, MP
The Hon. Cyprian Omollo, MP

ABSENT

The Hon. Nkoidila Ole Lankas, MP

<u>IN ATTENDANCE</u>	-	<u>KENYA NATIONAL ASSEMBLY</u>
Mr. Daniel Mutunga	-	Second Clerk Assistant
Mr. Ahmad Kadhi	-	Third Clerk Assistant
Mr. Dennis Abisai	-	Legal Counsel
Mr. Martin Mugambi-	-	Parliamentary Intern

IN ATTENDANCE

Hon. Prof. George Saitoti, EGH, MP	-	Minister, Provincial Administration & Internal Security
V. G. Okioma	-	Secretary Provincial Administration
K. Mbugua	-	AP Commandant
Fred M. Mwei	-	AP Reforms Head
Andrew Ndirangu	-	AP
Temko Christine	-	AP
Eric Kiraithe	-	Police Spokesman
Charles Owino Wahomio	-	Kenya Police
Titus Naikuni	-	Chairman, PRIC
Macharia Njeru	-	Member, PRIC

Justus Osoro	- Member, PRIC
Samuel C. Matano	- PRIC / KEPSA
Jack Muchira	- KEPSA
Wafula Nabutola	- KEPSA
Catherine Chegero	- Usalama Forum
Linda Omanywa	- Usalama Forum
Elijah G.A Agevi	- Usalama Forum
Hassan Omar	- KNCHR
Suzanne Chivusia	- KNCHR
Omudi Samson	- KNCHR

PRELIMINARY

The Meeting was called to order and the Members as well as stakeholders were welcomed back to the second session.

MIN. NO. 268 /2011 – MEETING WITH STAKEHOLDERS ON THE INDEPENDENT POLICING OVERSIGHT AUTHORITY BILL, 2011 AND THE NATIONAL POLICE SERVICE COMMISSION BILL, 2011.

The stakeholders informed the Committee that they were in agreement with the proposals in the two Bills which had relatively little content and were fairly well drafted. Further stakeholders concurred with the originator of the Bill that there was an all inclusive consultative process on the subject matter.

However the following proposals were made on The Independent Policing Oversight Authority Bill, 2011;

- Section 29 (2) be deleted.
- Section 9. (1). (b) that qualification of Board Members be reduced to seven years.
- Section 9. (1). (c) that it be corrected in all the Bills to reflect the current state of play that is the divergence of the Commissions into three. Thus this be reserved for the KNCHR.
- Section 24 should specify that Commissioners serve on full time basis as Police Oversight is a continuous process.
- Section 2 of the bill should define the terms “investigation and inquiry” which are repeatedly used in the act.
- Whether as per section 8 (c) it was wise to have the body receiving grants, than being fully funded by the Government, to avoid compromising the independence of the Authority.

- Members also sought to know how the Authority would offer services to wananchi in the counties.
- Whether it was wise to have the Board investigating the Police without the Force being represented.
- What reporting mechanisms were there to ensure the Board would be checked. It was proposed that it reports to Parliament.

After deliberations it was agreed that having the Board report to Parliament or having the Police represented in an Authority that investigates them would negate the spirit of Independence, which all bodies enjoy, universally. Further that the grants to be received would have to be sanctioned by the Cabinet Secretary. This would protect the Board from being compromised.

On the National Police Service Commission Bill, 2011, the Committee invited views from the stakeholders who did not seek any changes to the proposed law, but rather agreed that the proposals were good especially in providing for the welfare of the Police.

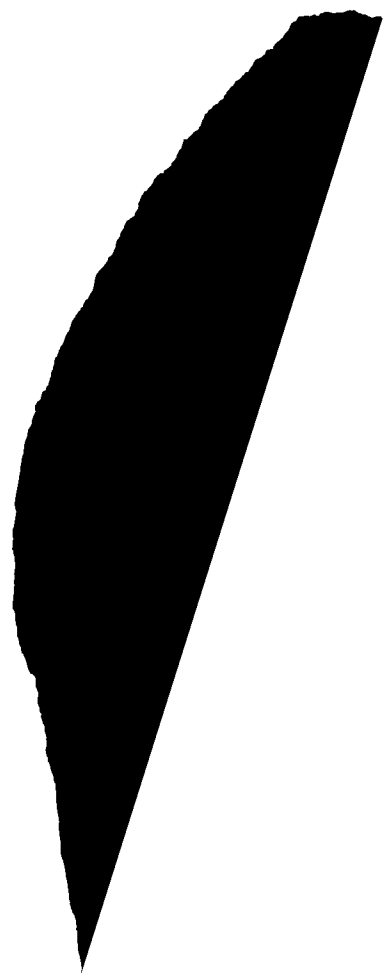
MIN. NO. 269 /2011: ADJOURNMENT

The Chairman encouraged the debate on the Bills which would improve on their quality. The meeting was adjourned at nine minutes past two o'clock.

Signed:



Chairman... Hon Fred Kapenda, MP Date... 23/05/011



MINUTES OF THE 89th SITTING OF THE DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY HELD ON MONDAY 22nd AUGUST,
2011 IN THE MAIN COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL BUILDING,
PARLIAMENT BUILDINGS AT 3.30 PM.

PRESENT

The Hon. Fred Kapondi Chesebe, MP – (Chairman)
The Hon. Peter Kiilu, MP – (Vice Chair)
The Hon. Maison Leshoomo, MP
The Hon. Pollyins Ochieng', MP
The Hon. Raphael Letimalo, MP

ABSENT WITH APOLOGIES

The Hon. Danson Mungatana, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Joseph Kiuna, MP
The Hon. Cyprian Omollo, MP

ABSENT

The Hon. Nkoidila Ole Lankas, MP

<u>IN ATTENDANCE</u>	-	<u>KENYA NATIONAL ASSEMBLY</u>
Mr. Daniel Mutunga	-	Second Clerk Assistant
Mr. Ahmad Kadhi	-	Third Clerk Assistant
Mr. Dennis Abisai	-	Legal Counsel
Mr. Martin Mugambi	-	Parliamentary Intern

PRELIMINARY

The Meeting was called to order. The Chair informed the Committee that the Report on the three Police Bills should be ready for tabling the following day.

MIN. NO. 270 /2011 – MEETING TO DELIBERATE ON THE PROPOSED
AMENDMENTS ON THE NATIONAL POLICE SERVICE BILL, 2011 THE INDEPENDENT
POLICING OVERSIGHT AUTHORITY BILL, 2011 AND THE NATIONAL POLICE SERVICE
COMMISSION BILL, 2011.

Members went through the proposed amendments, and deliberated at length on the following:

- Section 6. (4) (e) & (f) compared to section 11 (4) (e) & (f) and resolved to seek clarity from the Minister on the inconsistency.
- Compensation to Police Officers (including KWS, Prison wardens) who suffer risk in the face of duty as well as how to protect officers from such harm.

Thereafter the Committee resolved;

- That the experience of having 15 years qualification of members to serve on the boards and authorities was archaic, experience should be of 7 years for ordinary members and 10 years for Chairpersons.
- Penalties of those officers found guilty police torture be reduced to 5 years.
- The proposed visits as regards police reforms should be undertaken with speed so as to enrich the Bills at hand as well as formulate new legislation to ensure that Administration and National Security is priority to Kenya.
- The following must be approved by Parliament before appointment: Deputy Inspector General of Police, Director of Criminal Investigations and the Administration Police Commandant.

MIN. NO. 271 /2011: ADJOURNMENT

The meeting was adjourned at forty one minutes past four o'clock to Tuesday 23rd August 2011 at 10 am.

Signed:



Chairman.....

Hon Fred Wapendaji, MP Date 23/08/011

MINUTES OF THE 90TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY HELD ON TUESDAY 23RD AUGUST,
2011 IN THE OLD CHAMBER, PARLIAMENT BUILDINGS AT 10 AM.

PRESENT

The Hon. Peter Kiilu, MP – (Vice Chair - Chairing)
The Hon. Fred Kapondi Chesebe, MP – (Chairman)
The Hon. Maison Leshoomo, MP
The Hon. Pollyins Ochieng', MP
The Hon. Danson Mungatana, MP
The Hon. Raphael Letimalo, MP
The Hon. Joseph Kiuna, MP
The Hon. Nkoidila Ole Lankas, MP

ABSENT WITH APOLOGIES

The Hon. Mohamed Hussein Ali, MP
The Hon. Cyprian Omollo, MP

<u>IN ATTENDANCE</u>	-	<u>KENYA NATIONAL ASSEMBLY</u>
Mr. Daniel Mutunga	-	Second Clerk Assistant
Mr. Ahmad Kadhi	-	Third Clerk Assistant
Mr. Dennis Abisai	-	Legal Counsel
Mr. Martin Mugambi-	-	Parliamentary Intern

PRELIMINARY

The Meeting was called to order. The Ag. Chair read the agenda of the day which was adopted as the true business for the day.

MIN. NO. 272/2011 – ADOPTION OF THE COMMITTEE REPORT ON THE
NATIONAL POLICE SERVICE BILL, 2011, THE INDEPENDENT POLICING OVERSIGHT
AUTHORITY BILL, 2011 AND THE NATIONAL POLICE SERVICE COMMISSION BILL,
2011.

The Members read through the draft report and agreed that all the proposals by the Minister of State FOR Provincial Administration and Internal Security had been captured accordingly. The Members thereafter adopted the report as presented.

MIN. NO. 273 /2011: ADJOURNMENT

There being no other business, the meeting was adjourned at eleven o'clock.



Signed:

Chairman... Hon Fred Kapondi, MP Date 23/08/011